

**4/02048/16/MOA - PROPOSED DEVELOPMENT OF 12 SEMI-DETACHED HOUSES AND REUSE OF APPROVED ACCESS ROAD.  
89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA.  
APPLICANT: E. J. WATERHOUSE AND SONS.**

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[Case Officer - Andrew Parrish]

## **Summary**

The application is recommended for approval. The application proposes the construction of 12 semi-detached houses to the rear of 71 to 87A Sunnyhill Road with access and layout for determination. The development will utilise the existing access that was allowed on appeal in 2012 to serve a development of 13 dwellings behind 89 Sunnyhill Road. All of the on and off-site safety improvements, including the under-carriageway heating and back-up generators / management company, that were part of that scheme will be incorporated into the current proposal.

The application follows a dismissed appeal earlier this year for the comprehensive development of the site for 25 dwellings. Noting that the Inspector on the 2013 appeal found no harm in respect of the capacity of the new junction or vehicular and pedestrian safety, she did not raise any concerns regarding the capacity or safety of this junction to accommodate the traffic from 25 dwellings. However, the Inspector agreed with the Council that the proposal would have been an overdevelopment of the site. She also found that the proposal would cause the potential for overspill parking, and that the increased traffic would be likely to result in increased congestion during peak times in Sunnyhill Road at times when there is only one running lane. They supported her overall concerns about overdevelopment but she noted were not sufficient in themselves to warrant dismissal in the absence of the other concerns on overdevelopment.

The current proposal relates to the southern part of the 25 dwelling appeal site. Compared with the equivalent area from that scheme, it has been redesigned with a reduced number of dwellings, a lower density, greater separation from the trees on the western boundary and deeper front gardens, thereby allowing more scope for soft landscaping, retention of trees and space in the development. In addition, there is now an oversupply of parking to serve the development when assessed against maximum parking standards in Appendix 5, thereby limiting the potential for overspill parking in Sunnyhill Road. With regards to traffic generation, based on parking standards, there is an indicated 25% reduction in traffic generation overall on the combined (current and extant) scheme compared with the appeal proposal. Whilst the overall density of the combined scheme will remain the same as the appeal proposal, given the flats that form part of the extant scheme, the reduction in size of dwellings overall, and the reduced floorspace and dwelling numbers on the application site, a comparison in purely numerical terms is misleading.

The Highway Authority raises no objections to the proposal. The proposal is considered acceptable in layout and access terms and will accord with parking standards. The potential harm to boundary trees / vegetation has been reduced. There would be no material harm to adjoining residential occupiers. The revised layout is considered to fully address the Inspector's concerns regarding overdevelopment. Subject to further details, the proposal would meet the sustainability principles of the Core Strategy. The proposal provides satisfactory evidence that there will be no harm to European Protected Species and the applicants are willing to complete a s106

unilateral undertaking securing contributions to affordable housing, Highway maintenance, fire hydrants and, subject to further confirmation, sustainable transport.

## **Site Description**

The site is rectangular in shape and extends to 0.43 hectares, with a pan-handle of land providing access from Sunnyhill Road via the approved access serving 13 dwellings allowed on appeal in 2012 (4/00552/12/MOA). The majority of the site lies behind Nos. 71 to 87A. It is sited approximately 0.5 km to the west of the town centre on the western side of Sunnyhill Road, close to a sharp bend with Melsted Road, in the Hammerfield North area of the town.

The site is located adjacent to open space known as Gravelhill Spring that consists of a densely wooded area to the north, allotments to the west and an element of recreational space. A public right of way runs along the northern boundary of the proposed access road between Sunnyhill Road and Warners End within the aforementioned wooded area, which is also a designated nature reserve.

The part of the site occupied by the proposed access road comprises a large 1930s detached, two-storey, property fronting Sunnyhill Road. It is served by a very large residential curtilage to the rear with significant trees to its northern and western boundaries. These trees are subject to a Tree Preservation Order. Land levels across this part of the site drop approximately 10 metres between the Sunnyhill Road frontage and the rear (western) boundary with the allotments. The majority of the site to be developed for housing comprises garden land to the rear of Nos. 71 to 87A Sunnyhill Road, the western boundaries of which are defined by mature hedges and trees. This is the flatter part of the site contained within the valley floor where levels vary by approximately 3 to 4 metres.

## **Proposal**

Outline permission is sought for the demolition of No. 89 Sunnyhill Road and the erection of 12 semi-detached residential units (6 x 2 bed and 6 x 3 bed) together with associated gardens, landscaping, car parking, garages and access road from Sunnyhill Road. All matters are reserved apart from access and layout.

The details submitted in respect of access which relate to that part of the site comprising No. 89 Sunnyhill Road are identical to those submitted under the allowed appeal 4/00522/12/MOA and include proposals for under carriageway heating and back up generators.

Following the recent dismissed appeal 4/01679/15/MOA in June 2016, the details of layout relating to that part of the site behind Nos. 71 to 87A Sunnyhill Road have been amended to take into account the Inspector's concerns. The proposals now incorporate longer rear gardens, more parking provision, more generous landscaping and fewer dwellings than before.

In addition to a location plan, site survey, layout plan and section drawings, the application is supported by a Design & Access Statement, a Tree Survey and Arboricultural Impact Plan, a Bat Survey, an Extended Phase 1 Ecological Habitat Survey Report, an Affordable Housing Viability Report, a Health and Safety Review, a Development Access Design Report, a Road Performance in Wet Conditions

Assessment Report, an email from Abington Consulting Engineers concerning a specification for skid resistance, a report from Strada regarding the under carriageway heating, and a Development Access plan (12002/101 Rev D).

### Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Janice Marshall.

### Planning History

- 4/01679/15/MOA PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 25 HOUSES (4 X 4 BED 10 X 3 BED AND 11 X 2 BED) WITH GARAGING, PARKING AND NEW ESTATE ROAD - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT LAYOUT AND ACCESS.  
Refused  
22/12/2015  
Appeal dismissed June 2016
- 4/00529/16/RES SUBMISSION OF RESERVED MATTERS, CONDITION 6 (APPROVAL OF THE DETAILS OF THE HARD AND SOFT LANDSCAPING, MEANS OF ENCLOSURE, LEVELS, CYCLE STORAGE, BACK-UP GENERATOR, HANDRAIL, REFUSE LIGHTING AND SIGNS, SERVICES AND BIODIVERSITY) TO OUTLINE PLANNING PERMISSION 4/00552/12/MOA - (CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME))  
Granted  
29/04/2016
- 4/00611/14/FUL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO THREE- BED DWELLINGS  
Withdrawn  
16/05/2014
- 4/00552/12/MOA CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME)  
Refused  
27/11/2012  
Appeal allowed March 2013
- 4/00542/11/MOA CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME)  
Refused  
14/09/2011
- 4/00561/10/MOA CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD  
Refused  
30/06/2010
- 4/00403/07/PRE RESIDENTIAL DEVELOPMENT  
Unknown  
25/04/2013
- 4/00984/92/4 TWO DETACHED DWELLINGS

Refused  
11/03/1993

4/00827/91/4 TWO DETACHED DWELLINGS AND ACCESS DRIVE (OUTLINE)  
Refused  
09/08/1991

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Circular 1/2006, 05/2005  
Manual for Streets

### Hertfordshire Highway Authority

Roads in Hertfordshire, A Guide for New developments, June 2011

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS19 - Affordable Housing  
CS23 - Social Infrastructure  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 51, 54, 58, 61, 62, 63, 99, 100, 102, 111, 129  
Appendices 1 (*to be updated through the Sustainability Development Advice Note*), 3,  
5 and 6

### Supplementary Planning Guidance/Documents

Environmental Guidelines  
Residential Character Area HCA9: Hammerfield North  
Accessibility Zones for the Application of Car Parking Standards July 2002  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Planning Obligations SPD April 2011  
Affordable Housing SPD 2013

### Advice Notes

Sustainable Development Advice Note (March 2011) Note: *This is in the process of being updated to reflect changes in Government Policy*

Refuse Storage Guidance Note February 2015

### **Summary of Representations**

#### Strategic Planning and Regeneration

No comment

#### Strategic Housing

##### *Response to the viability report:*

Any comments received will be reported at the meeting.

##### *Initial comments (in summary)*

To meet the affordable housing policy requirements 35% of the dwellings should be agreed for affordable housing. We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership in line with our Affordable housing SPD.

#### Conservation and Design

The layout and design for these look OK although the 2 semi-detached houses on the east side are positioned somewhat awkwardly and are likely to present bland side elevations to houses on the other side of the road.

#### Hertfordshire Highways (in summary)

Raises no objection subject to conditions covering:

1 i) Roads, footways, and on-site water drainage, ii) Access arrangements in accordance with those shown in principle on approved plan 12002/101 Rev D, iii) Parking provision in accordance with adopted standard and iv) Turning areas.

2) Visibility splays.

3) Stage 2 Road Safety Audit for the proposed highway improvements and access junction.

- 4) Street Lighting scheme.
- 5) Construction Management Plan
- 6) Scheme for the parking of bicycles.

Informatives covering:

Storage of materials within the site, construction standards for works within the highway, road deposits and mud.

S106 agreement to secure financial contributions towards sustainable transport initiatives, bus stop upgrades and traffic regulation order.

S278 Agreement to secure works within the highway boundary.

Based on the proposed scale of the development, the level of assessment is considered to be appropriate and is consistent with Roads in Hertfordshire and the National Planning Policy Framework (NPPF).

Access: Sunnyhill Road has a gradient of approximately 1 in 50 in the vicinity of the site frontage and Melsted Road is approximately 1 in 7.

The proposed access road is designed to adoptable standards with a turning head at the end of the cul-de-sac. It is not intended that the access road will be adopted.

HCC raised issues associated with the severe longitudinal gradient of the proposed access road during previous applications for the site. The Planning Inspectorate Appeal Decision (APP/A1910/A/11/2160924) accepted that under-carriageway heating provides an adequate solution for both vehicle and pedestrian access. As stated in our response to the previous application (4/00552/12/MOA), HCC accepts that under-carriageway heating will mitigate any issues with the severe longitudinal gradient of the proposed access road.

Visibility: splay of 2.4 x 43 m are required. This is considered appropriate for a 30mph road and due to the right-hand bend and the steep gradient of Melsted Road, vehicle speeds are likely to be below 30mph in the vicinity of the site.

The applicant will need to provide a visibility splay drawing illustrating the existing highway boundary (including any existing fences and structures) to demonstrate that the proposed visibility is achievable. This should be secured via a condition.

Highway Improvements: As part of providing the proposed access junction, the following improvements to the local highway are proposed by the applicant: • High friction surfacing on Melsted Road; • Additional gullies along the steep section of Melsted Road; • Additional gullies on Sunnyhill Road between the proposed access and Melsted Road; • Improvements to the existing allotment access with increased turning radii and deflection from the main carriageway; • Additional pedestrian space and guardrails to the north of the existing allotment access; • Bollards to the north of the proposed access to deflect vehicles; • Tactile pavers and drop kerbs across the proposed access and the existing allotment access; and • Improved road markings along Sunnyhill Road and Melsted Road including double yellow lines. These will need to be secured through a s278 agreement.

Impact on Highway Network: The number of vehicle trips generated by the whole site (including approved scheme) is unlikely to have a significant impact on the local highway network. As a result, a full analysis of the impact of trips generated by the proposed development is not required.

Road Safety Collision data held by HCC indicate there have been no recorded collisions on Sunnyhill Road or Melsted Road within the last 5 years.

Road Safety Audit: An independent Road Safety Audit (RSA) was carried out by TMS Consultancy on behalf of the applicant in February 2012. The initial detailed design for the new access junction was submitted to TMS Consultancy along with the Planning Inspector's appeal decision. The RSA noted the following problems / issues:

Item 2.1 – Melsted Road/ Sunnyhill Road - Potential loss of control type vehicle conflicts. High friction anti-skid surfacing will be provided on the bend of Melsted Road and Sunnyhill Road and this will be continued up to the crest of Melsted Road opposite number 36. High friction anti-skid surfacing will also be provided along the proposed development access to provide additional skid resistance during wet weather conditions.

Item 2.2 - Development Access Junction onto Sunnyhill Road - Potential hazard for vehicles. The proposed ramp near the junction of the access road with Sunnyhill Road has been omitted from the design so that it does not provide an additional obstacle for vehicles on the steep up-hill access road.

Item 2.3 – Development Access (Footway) - Potential hazard to pedestrians. The proposed footway on the south side of the development access road will also feature a gradient of 1:7, which may be inaccessible to pedestrians with visual and mobility impairments. Handrails will be provided along the footways within the development. The footway on the northern side of the access will terminate at the pedestrian crossing point.

Item 2.4 – Development Junction and Allotment Access - Potential hazard to pedestrians. Pedestrian crossing points at the development access and across the allotment access are designed to ensure gradients of the tactile paving do not exceed 1 in 12 and are laid flush where they meet the kerb line.

Item 2.5 – Development Junction and Allotment Access - Potential hazard to vehicles. Skid resistant lids to service chambers will be provided within the bellmouth entrances of both the proposed development access and the allotment access.

Item 2.6 – Development Access Road - Potential hazard to pedestrians / drivers. The proposed generator of the under carriageway heating will be located outside of the footway and any visibility splay. The generator should also be located where a maintenance vehicle can park without causing an obstruction to passing vehicles.

Item 2.7 (number not used)

Item 2.8 – Development Junction onto Sunnyhill Road - Darkness related hazards to all road users. A detailed street lighting scheme will be provided to ensure the junction is correctly illuminated.

All the recommendations of the RSA have been accepted and included within the improved detailed design.

Interim Safety Audit: In 2012, HCC Safety Audit Team carried out an Interim Safety Audit (ISA). This is not a formal RSA but a review of the applicant's proposed design and the RSA carried out by TMS.

The ISA noted the following responses to the problems/ issues raised in the RSA: • Item 2.1 - The problems identified are an existing problem with the current local highway network. The proposed high-friction surfacing is welcomed but may become a maintenance issue due to the unusually severe road geometry. • Item 2.2 - Agree with RSA comments. • Item 2.3 - Agree with RSA comments. Surface texture is required to provide additional grip for pedestrians on the steep footway. • Item 2.4 - Agree with RSA comments. Pedestrian crossings should be installed in accordance with DfT Guidance. • Item 2.5 - Agree with RSA comments. • Item 2.6 - Agree with RSA comments. • Item 2.8 - Agree with RSA comments.

The following additional problems / issues were identified in the ISA:

Item 3.1 - Junction of Access Road with Sunnyhill Road - Potential Vehicle conflicts. The ISA noted that the introduction of a new side road junction at this location would aggravate traffic movements on the existing poor road geometry on Sunnyhill Road/ Melsted Road. The ISA noted that there are limited mitigating measures that could be incorporated into the new road layout to reduce the risk of collisions as a result of the additional turning movements to and from the new development access.

The ISA recommended that double yellow lines are provided on the access road junction, and on Sunnyhill Road and Melsted Road to improve visibility and reduce potential conflicts. Double yellow lines have been incorporated into the submitted plan (12002/101 Rev C). The double yellow lines will require a Traffic Regulation Order (TRO) and should be included within the s106 agreement.

Item 3.2 - Junction of Allotment Access Road with Sunnyhill Road - Safety Fence. The ISA recommended the use of bollards rather than a pedestrian safety fence. This has been incorporated into the submitted plans (12002/101).

The problems/ issues identified in the RSA and the ISA have been resolved or included in the revised highway and access design. The ISA noted that the majority of the problems/ issues were Stage 1 RSA comments and an approved Stage 2 RSA is required. As a result, a Stage 2 RSA should be secured as a condition.

Parking: The application form states there will be 26 parking spaces for the 12 semi-detached houses. This is a ratio just over two car parking spaces per unit. This is consistent with the maximum parking standards for residential developments required by DBC. The revised plan shows 27 parking spaces (including 2 unassigned visitor spaces).

The proposal does not outline any cycle parking that will be provided within the site. A scheme for cycle parking within the site should be secured via a condition.

Accessibility: The site is approximately 1600m from the centre of Hemel Hempstead



(Marlowes), but the topography of the adjacent area may discourage some residents from walking and cycling. The DAS states that residents of this development will be reliant on private vehicle transport to get to and from shops and services. There are also several schools in the vicinity and the footpath link through to Warners End Road reduces the walking distance.

The nearest bus stops are located approximately 120m away on Warners End Road and are accessible via a footpath link where at the Sunnyhill Road/ Melsted Road junction. The eastbound bus stop is a half layby design while the westbound bus stop consists of a flagpole but no bus cage road markings. Neither of the stops have easy access kerbs or shelters.

The proposed development will generate additional trips via public transport. The applicant acknowledges that there is limited scope for improvement to the walking and cycling network. However measures to encourage the use of sustainable transport options are required to ensure the development is sustainable. As a result, the eastbound and westbound stops on Warners End Road should be upgraded with easy access kerbs. £8,000 was requested on the appeal proposal for 25 dwellings. A pro-rata contribution of £3,840 would be appropriate for these works. The extant approval (4/00552/12/MOA) for 13 dwellings secures circa £13,000 for sustainable transport under the toolkit, some of which could be targeted at the bus stops.

Travel Plan: Based on the proposed number of residential dwellings, a Travel Plan is not required.

Construction: The submitted documents do not provide any details about the construction of the proposed residential units. Due to noted issues with the gradient of the proposed access road, and the substandard geometry of the local highway, a Construction Management Plan (CMP) is required to identify the most appropriate route for construction vehicles, ensure construction vehicles parked on-street do not obstruct the visibility of motorists, or damage the highway during construction.

Summary: Hertfordshire County Council (HCC), as Highways authority, has no objection to the principle of the development, subject to the conditions / contributions detailed within the response.

#### HCC Property Services (in summary)

Does not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions.

#### Trees and Woodlands

I have not identified any amendments that could affect trees or landscaping on this site. Please see my previous comments. I have no further comments.

#### Previous comments

Of those trees it is intended to remove the vast majority are cat C and U. It's not sensible to try to retain trees of this poor quality. Four cat B trees are due for removal due to their position. The only cat. A trees are to be retained.

Minor cutting back of tree growth to facilitate development is acceptable.

The use of 'no-dig' techniques within the RPAs of trees 7, 8 and 9 is welcomed, as is the siting of the services trench away from established vegetation.

The shorter-term retention of tree 58, a Chestnut, to provide established canopy cover within the site is acceptable, with subsequent pruning or removal agreed due to condition as necessary.

Tree planting location proposals are acceptable. Detail of species, planting size and specification, and maintenance should be submitted for assessment.

#### Public Rights of Way Officer

The site, as shown on the definitive map, appears to include Public Footpath Hemel Hempstead 24 along its northern boundary. Having consulted with Hertfordshire County Council's Rights of Way section we are advised that there is some doubt as to the location of the path as shown on the definitive map and that it may, legally speaking, be partially located within the development site. If this is the case it will be necessary to 'divert' the path, presumably to the line we recognise as the public footpath. The development would require a footpath diversion to be completed before works commence.

The impact of 13 dwellings replacing number 89 Sunnyhill Road is likely to be detrimental to users of Gravelhill Spring and the allotment site, i.e. noise, additional traffic, visual. Currently the site is relatively peaceful, particularly considering its location (residential properties, Warners End Road etc.).

A barrier, in keeping with the location, with no private access from the estate would be desirable from the point of view of helping to prevent erosion of the hedgebank in Gravelhill Spring, waste being dumped (particularly garden waste) in the wood/on the footpath.

#### Hertfordshire Ecology

Two previously approved applications affect this site; the potential for bats in relation to the demolition of the property at 89 have been considered previously. The recommendations outlined within that 2011 report and our previous comments are still pertinent to the implementation of the development itself.

2. A new ecological survey (2015) has been undertaken of the garden areas affected by the proposals. The house was also inspected again for bats given this application will still require its removal to enable the access road to be provided. Its conclusions were the same as previously found. I have no reason to consider the surveys unacceptable and so it is reasonable to consider that bats are not likely to be present. No presence / absence surveys are proposed to confirm this, although the absence of likely access opportunities for bats has been considered as a reason for the building to have little or no potential. I have no evidence to disagree with this view.

3. The 2015 Phase surveys identified no fundamental ecological constraints and I have no reason to dispute this view. The relevant recommendations outlined in both reports

should be followed if the proposals are approved.

4. The recent report recognised the ecological value of the boundary trees to the local environment and implied that the northern and western boundaries will be protected. I support this, which should be secured by an Informative or Condition if appropriate.

5. On this basis, I do not consider there to be any fundamental ecological constraints on the proposals. However, there would appear to be a locally significant loss of trees from within the garden environments required to accommodate the proposals, at least in comparison with the aerial photos of 2010. I consider this loss – which cannot reasonably be considered a reason for refusal – should be compensated for in some way as it will clearly lead to a net loss of habitat resource locally from the urban environment. A commuted sum to provide for additional tree planting elsewhere locally may provide sufficient offsetting to achieve this, if such an approach is appropriate.

#### HCC Crime Prevention Advisor (in summary)

Recommends an informative regarding achieving the Secured by Design (SBD) award which would also meet Approved Document Q (ADQ) under the Building Regulations.

#### HCC Minerals and Waste (in summary)

Recommends a condition(s) re Site Waste Management.

#### Affinity Water

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

Refers to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### Contaminated Land Officer (in summary)

The site is located within the vicinity of potentially contaminative former land uses. Recommends that the standard contamination condition be applied if permission is granted.

#### HCC Fire & Rescue (in summary)

Seeks the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

## Thames Water

Notes that there are public sewers crossing or close to your development.

Recommends informative regarding the need for separate approvals from Thames Water with regards to foul and surface water drainage.

## HMWT

Any comments received will be reported at the meeting.

## Environmental Health

Any comments received will be reported at the meeting.

## Response to Neighbour Notification / Site Notice / Newspaper Advertisement (in summary)

### Ward Councillor, 12 Wrensfield - Objects:

History: Regard has to be made to the permission of planning application 4/00552/12 and the refusal of 4/01679/15. The 2012 application was for the development of 89 Sunnyhill Road. The 2015 application was for the development of 89 Sunnyhill Road and of the land to the rear of 87a-71 Sunnyhill Road. This new application is for the development of the land to the rear of 87a-71 Sunnyhill Road, taking into account the permission of the 2012 application. This new application cannot therefore be divorced from the 2012 application, the two applications together resulting in a development of 25 units. The 2015 application covering the same site was also for 25 units and was refused by the Development Control Committee, with their decision upheld by the Planning Inspector. Some of the Planning Inspector's comments are relevant to this new application and, in particular, she supported the Council's view that, in view of the character of the immediate area, a lower density is appropriate.

(a) Highway related issues: As you know, the issue of the site opening out onto the very difficult and steep corner at the junction of Sunnyhill Road and Melsted Road caused immense difficulties with the previous applications. To recap, cars have difficulty in negotiating the slope and junction, especially in inclement weather, and there have been incidents where vehicles have slipped down Melsted Road, crossed Sunnyhill Road and crashed into the fence of 89 Sunnyhill Road. In addition, the sight lines are poor and there is a service road serving Pinewood Gardens and the east side of Sunnyhill Road, leading onto Melsted Road, close to this junction.

In addition, adjoining the site is the access road to the allotments leading onto this difficult junction.

Sunnyhill Road, particularly at the location of the applicant's site, has a heavy footfall as Sunnyhill Road continues as a pedestrian access only, onto Warners End Road and Cavendish School, a secondary school.

As a result of this difficulty, a number of highway safety matters were included as conditions to the granting of the permission for 4/00552/12. That permission was

for the construction of 13 dwellings only totalling 30 bedrooms. This new application, taken with the 2012 application, more than doubles the number of dwellings and totals 60 bedrooms. I raise doubts as to the adequacy of the junction onto Sunnyhill Road in view of the considerable increase in units (and therefore the number of car-owning residents using this access road and negotiating the junction with Sunnyhill Road). This concern was clearly shared by the Planning Inspector in her decision refusing the 2015 application.

(b) Internal Road and Parking: The internal road is of modest width and I question whether there is sufficient space for manoeuvring and passing. It needs to be recognised that the access road for this application continues behind 89 Sunnyhill Road to serve the 2012 application development, exiting onto what is, at the very least, a very awkward junction. Whilst noting the application form states 26 parking spaces are to be provided, there will inevitably be parking pressures arising from the development resulting in greater pressure of parking in Sunnyhill Road and Melsted Road. Sunnyhill Road in particular has already a parking problem as many of the houses do not have off-street parking.

(c) Density and layout: The proposed development is out of keeping with the locality and too cramped. It is at variance to the housing styles and densities of the immediate neighbourhood. Whilst Sunnyhill Road and Melsted Road comprise a variance of housing styles and densities ranging from detached to linked family houses, all the properties, including the linked houses, have gardens of a size which give an air of spaciousness. That is not the case with this development and it appears that some of the gardens are less than 11.5m in depth. It is noteworthy that the principal reason for the Planning Inspector upholding the Council's refusal was overdevelopment in the context of the character of the area.

Should permission be granted, it is essential that none of the road safety provisions relating to the junction of Sunnyhill Road and Melsted Road, which were conditions of the planning permission for 4/00552/12 (construction of 13 dwellings at 89 Sunnyhill Road, Hemel Hempstead) be diluted.

34, 51, 61, 67, 74, 80, 81, 69, 63, 83, 87A, 21 Sunnyhill Road - Object:

#### Traffic / access

- Traffic volume would remain the same overall as the dismissed appeal
- Increased traffic along Sunnyhill and Melsted Roads
- Danger to pedestrians and road users
- The new junction will increase hazard
- Inadequate parking
- 26 spaces is not a generous supply of parking for 12 houses
- Increased pressure on existing inadequate car parking from overspill parking
- Access not been thought through for emergency vehicles

#### Layout and character

- Near identical proposal to the last dismissed appeal
- Significantly larger than the extant approval for 13 dwellings
- Scheme still essentially an application for 25 dwellings
- 25 dwellings still unsuited to the area

- Would make a different pattern behind Sunnyhill Road
- Would not fit in with existing development
- Would encroach into views along valley
- Would dominate area
- Loss of greenery and open space
- Cramped
- Overdevelopment
- Same impact on character and appearance of area
- Contravenes HCA9
- Density still the same overall as before
- Scale still the same as before
- Character and appearance of Sunnyhill Road would be spoilt

#### Residential amenities

- Loss of privacy
- Loss of view
- Loss of privacy to No. 67
- Loss of view to No. 67
- Noise pollution
- Light pollution

#### Other matters

- Extra pressure on services
- Will destroy an ecologically important site
- There are bats, toads and badgers in the gardens
- Part of land was acquired by adverse possession and should not be developed
- Health & safety impact
- Loss of vegetation
- Issues not considered by Inspector are still valid

### **Considerations**

#### Policy and Principle

The site is located within the urban area of Hemel Hempstead wherein, under Policies CS1 and CS4 of the Core Strategy residential development is acceptable in principle subject to complying with all other relevant policy criteria. In accordance with the Character Appraisal (HCA9) plot amalgamation may be appropriate on the western side of Sunnyhill Road where rear gardens to houses fronting the road are of sufficient length to allow housing that meets the requirements of the Development Principles to be achieved.

Outline permission was granted on appeal for residential development comprising 13 dwellings to the rear of 89 Sunnyhill Road in March 2013. This is still extant as reserved matters were secured in April this year. The current application site relates to adjoining land to the rear of 71 to 87A Sunnyhill Road. If permitted it would, with the above approval, result in a larger comprehensive development site of 25 dwellings.

Policy CS17 encourages the development of housing to meet the district housing allocation. Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011

encourages the use of urban land to be optimised.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in all development proposals. These are relevant to any residential development of this site.

Members may recall that an application last year (4/01679/15/MOA) for comprehensive development of the land to the rear of 71 to 89 Sunnyhill Road for 25 dwellings was refused by the committee and subsequently dismissed on appeal.

Noting the Inspector's reasons for dismissing the appeal, the key issues in this case relate to the impact of the proposals on highway safety and the acceptability of the development in terms of the character of the area.

#### Highway and Access Considerations

The application is in outline with access and layout for determination at this stage.

The previous application for 25 dwellings (4/01679/15/MOA) was refused by the Development Control Committee, against officer recommendation, for the following principal reason:

*"The proposed development of 25 dwellings would constitute overdevelopment of the site and give rise to an intensification of traffic over the extant approval 4/00552/12/MOA onto a dangerous junction and onto a sub-standard gradient of access road. The proposal would therefore be harmful to the character of the area and to the safety of the public / private highway contrary to Policies CS11 and CS12 of the Dacorum Core Strategy September 2013, saved Policy 51 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Residential Character Appraisal HCA9: Hammerfield North of the Area Based Policies SPG 2004."*

Appeal decision - At the subsequent appeal, the Inspector considered the main issue to be the effect of the development on the character and appearance of the area; and the efficient and safe operation of the highway, with particular regard to the access road junction and on-street parking demand.

With regards to the highway concerns, the Inspector noted that the effects of the development on the efficient and safe operation of the highway would be the potential increase in vehicle movements along Sunnyhill and Melsted Roads, and the demand for on-street parking. She noted that the Inspector on the 2013 appeal found no harm in respect of the capacity of the new junction or vehicular and pedestrian safety. However, notwithstanding that there is no objection from the highways authority with regard to network capacity, she appreciated the concerns of residents that even a modest increase in traffic volume along Sunnyhill Road would increase congestion at times when there is only one running lane. She gave some weight to the fact that there is a significant history of non-personal injury, vehicle to vehicle, significant enough to report to the police. The Inspector also noted that there would be a small deficit of parking provision (56 shown but 59 required) and that the tandem parking layout for most plots would mean it was impractical and inconvenient to park both vehicles within the curtilages. Therefore she was not persuaded that there would not be an increased demand for on-street parking in Sunnyhill Road, whilst the increased traffic would be

likely to cause increased congestion during peak times. Whilst not sufficient in themselves to warrant dismissal, they supported her overall concerns about overdevelopment.

Discussion - With regards to the impact on traffic generation, there are several points to note.

The inspector in para 22 concluded that 59 spaces on the 25 unit scheme were required. Adopting the 100% parking standard from Appendix 5 of the Local Plan the current application in combination with the extant permission for 13 dwellings, requires 44.5 spaces. This indicates a 25% reduction in traffic that would be generated compared with the appeal proposal and as such is considered to address the Inspector's concerns regarding traffic volume, particularly as in para 22 of her report she concluded in respect of increased congestion on Sunnyhill Road *"that I would not necessarily consider these concerns sufficient to warrant dismissal of the appeal in the absence of other considerations"*.

In terms of parking provision, the Design and Access Statement confirms that the current development would comprise 6 x 2 bed and 6 x 3 bed houses. This generates a requirement at 100% standard for 22.5 spaces compared with the 27 that are shown to be provided on the latest revised plan. This oversupply is considered to go a long way to addressing the Inspector's concerns in para 22 of her report relating to increased demand for on street parking along Sunnyhill Road. Overall parking provision would be 4.5 spaces above the maximum standard.

The potential for overspill parking onto Sunnyhill and Melsted Roads is further reduced by the assignment of 2 of the spaces as visitor spaces within the layout. Furthermore, there remains the availability of on-street parking within the development and in this respect it is highly unlikely that residents or visitors would choose to park in Sunnyhill or Melsted Roads in preference to a more convenient location in close proximity to the address at which they are residing / visiting. There would be at least 4 additional spaces that could be used in this way within the proposed development.

With regards to the extant permission for 13 dwellings, at 22 spaces, this accords with the maximum parking standards set out in Appendix 5 for this development. Given that there is the further availability of on-street parking in the access road, the potential for overspill parking in Sunnyhill or Melsted Roads is considered minimal from this development.

Overall, the proposed development of 12 dwellings, together with the extant approval for 13 dwellings, is not considered to result in any significant overspill parking issues, or to result in any material harm that could reasonably be defended at appeal now by reason of the increased volume of traffic and any associated congestion in Sunnyhill Road.

With regards to the access road, the Inspector did not raise any concerns regarding the capacity or safety of this junction to accommodate the traffic from 25 dwellings.

All of the design principles that were fundamental to the eventual acceptability of the previous appeal decision (4/00522//12/MOA) have been incorporated into the current scheme and include the following:



- Offsite highway improvements to Melsted and Sunnyhill Roads comprising high friction surfacing, additional gullies, improvements to the allotment access with increased turning radii and deflection from the main carriageway, additional pedestrian space and guardrails to the north of the allotment access, bollards to the north of the proposed access to deflect vehicles, tactile pavers and drop kerbs across the proposed access and allotment access, and improved road markings along Sunnyhill Road and Melsted Road including double yellow lines.
- Shared surface access road designed to adoptable standards
- Gradient of access road slightly improved due to proposed diversion of sewer
- Under carriageway heating with two tier back up provision and standby generator
- Anti-skid road surface
- Separate pavement with handrail

The Highway Authority, as before, raises no objection on highway grounds, subject to conditions and informative. It accepts that under-carriageway heating will mitigate any issues with the severe longitudinal gradient of the proposed access road. It has advised that the number of vehicle trips generated by the proposed 12 dwellings together with the extant approval for 13 dwellings is unlikely to have a significant impact on the local highway network. It has noted that all the recommendations of the Road Safety Audit (RSA) have been accepted and included within the improved detailed design. It has noted that all the problems / issues identified in the RSA and Interim Safety Audit (ISA) have been resolved or included in the revised highway and access design. The ISA noted that the majority of the problems/ issues were Stage 1 RSA comments and an approved Stage 2 RSA is required. As a result, the HA has recommended that a Stage 2 RSA should be secured by condition. It has also noted that the offsite highway improvements will need to be secured by a s278 agreement with the Highway Authority. A Grampian condition is recommended with regards to these off-site works.

With regards to visibility, the submitted plan (12002/101 Rev D) indicates that visibility splays of 2.4m x 43m are achievable within highway land (to the south). The HA considers this appropriate for a 30mph road and due to the right-hand bend and the steep gradient of Melsted Road, vehicle speeds are likely to be below 30mph in the vicinity of the site. However, as the extent of the highway boundary on the eastern side of Sunnyhill Road is not shown the HA has recommended that the submission of a visibility splay drawing is secured by condition.

The Highway Authority has requested that measures to encourage the use of sustainable transport options are required to ensure the development is sustainable and improvements to the eastbound and westbound bus stops on Warners End Road are identified for upgrading with easy access kerbs.

Subject to the above, the proposal is considered to accord with Policies CS8, 12 and saved Policies 51 and 58.

### Parking

Parking provision should accord with parking standards as assessed against saved Policy 58 and Appendix 5 of the Borough Plan. Amended plans increase parking by one space and assign two of the spaces for visitors. As mentioned above, the

provision more than satisfies the maximum standards set down in Appendix 5. Nine of the dwellings would rely upon garaging to satisfy part of their parking requirement. However, the applicant has confirmed that the garages would meet an internal width of 2.7 metres and furthermore, all car parking would be on-plot or reasonably sited in relation to the dwellings they would serve. The internal width is considered reasonable to ensure that garages can be used for parking, although it would not be possible to militate against their use for domestic storage. However, conditions would be expedient to ensure that the parking provision meets minimum dimensions and is at all times retained for this purpose and not converted to living accommodation.

The Inspector's reference to tandem parking contributing to the potential for on-street parking is noted. However, the tandem format of spaces is a commonly adopted layout in new development and is not easy to design out without seriously compromising other aspects of the layout such as landscaping and front gardens. That said, two of the 3-bed dwellings include side by side hardstandings in their layout which will help reduce the potential for on-street parking.

The layout, as before, provides access for parking to the rear of 87 Sunnyhill Road via the new estate road which will help alleviate on-street parking on Sunnyhill Road.

As garages are proposed for most of the houses, this is considered sufficient for cycle storage in accordance with Appendix 5. However, further details of cycle storage will need to be provided by condition in relation to dwellings without garaging.

Subject to the above, the proposal is considered to accord with Policies 12 and saved Policy 58.

#### Layout and character of area

Layout is a matter for determination at this stage.

Appeal decision - In considering the recent appeal proposal, the Inspector gave little weight to the applicant's submission that consideration of character and appearance was inappropriate given that it was not an issue for the allowed appeal in 2013 for 13 dwellings. The Inspector took this view for the reasons that it covered less than half the site, included flats, was further from the western boundary and the overall coverage appeared less dense with a more spacious relationship with the allotments and housing on Sunnyhill Road.

The Inspector considered in relation to the 25 dwelling scheme that it would have front and rear gardens of limited depth, with only four dwellings having a footway between their frontage and the access road, and seven dwellings lacking vehicular hardstanding beside the dwellings themselves. These factors indicated overdevelopment. The Inspector felt that the short lines of terraces stepping up the slope, across the valley, with separate garage blocks was piecemeal and would not reflect the prevailing grain of development, and would disrupt views along the valley. As such she felt it would appear cramped and fail to relate to the more spacious context of the existing gardens. She concurred with the Council that a lower density was appropriate.

Although noting few trees are worthy of particular retention, the Inspector felt that the scrubby hedge lines do contribute to the area's verdant character and , despite the

Tree Officer's view that the tree planting locations are acceptable, she agreed with the Council that the limited garden depths on the western boundary would put retained and new tree planting under pressure from occupiers wishing to minimise shading. She felt that this pressure would not be relieved by the plot widths of 8-10 metres whilst the line of the dwellings would cause shading from the east, adding to pressure to remove obstacles to direct sunlight. She also noted that the layout plan showed the tree canopies at a significantly reduced size and the RPAs (Root Protection Areas) impractically close to some dwellings. In addition the limited frontages would limit areas for new tree planting. Accordingly she took the view that the verdant character of the site would be significantly affected and represents overdevelopment.

The Inspector gave the appellant's argument that the proposal would represent optimal development little weight as the relevant policies (21) and NPPF (para 58) also say that development should not be permitted where the amenity or character of the area would be harmed.

### Discussion

It is difficult to make direct comparisons between the dismissed 25 dwelling scheme and the current application for 12 dwellings, not least because the site areas are different. The current application relates to only half the site. It utilises the extant 13 dwelling scheme by extending the access through to the rear gardens of Nos. 71 to 87 Sunnyhill Road. The approved development at 89 Sunnyhill Road for 13 dwellings remains unchanged as this scheme was considered acceptable on appeal in March 2013, whilst the last appeal inspector also agreed that it appeared less dense and has a more spacious relationship with the allotments and housing on Sunnyhill Road.

The applicant has sought to address the findings of the recent appeal Inspector with the following design and layout changes incorporated into the proposal.

- The density of the development has been reduced from 37 dph to 32 dph, looking at the two sites overall. Comparing the equivalent part of the 25 dwelling scheme with the current proposal, it is clear that the overall number of dwellings has been reduced from 14.5 on the appeal proposal to 12 on the current application. This represents a reduction from 39.1 dph to 32.4 dph and is now within the density range advocated by both saved local plan policies and HCA9 which advocates density in the range 30-35 dph.
- The proposed footprints of the dwellings and garages have been relocated further from the south western boundary to improve the separation distance from existing retained landscaping. Garden depths to this boundary have been increased from around 9 to 12 metres on the appeal scheme to 12 to 17 metres on the current proposal. The proposed layout retains the majority of mature boundary tree vegetation which will be reinforced with new planting along the full length of the site boundary with the allotments.
- Ridge heights proposed under the approved 13 dwelling scheme have been respected with the illustrative sections showing conventional two storey dwellings under traditional pitched or hipped tiled roofs which would also accord with the general character of Sunnyhill Road. Details would be the subject of reserved matters.

- The general character of the approved development at 89 Sunnyhill Road (with the exception of the flats) has been continued.
- An oversupply of parking for the development has been provided to minimize any possibility of future residents of the development parking on Sunnyhill Road (see previous section).
- Remote garaging has been eliminated with the one garage block sited in close proximity to or adjacent to the dwellings it would serve.
- Increased frontage areas have been designed into the scheme to allow for deeper front gardens and more scope for soft planting in the street scene. The originally proposed footpath at the frontage has been omitted at the request of the case officer to allow for greater soft planting and the addition of a visitor parking bay. Details of landscaping would be the subject of a reserved matters application.

The above changes are considered to address the concerns of overdevelopment noted by the appeal Inspector. The reduction in the number of dwellings and the associated density for this part of the site, together with the longer back gardens, would significantly improve the relationship with boundary planting and also provide a more spacious and open appearance to the street scene, with more opportunity for soft planting to the frontage and a less crowded / built up streetscape overall. The over-provision of car parking would also mitigate any potential for overspill parking in Sunnyhill Road which the Inspector noted as supporting her concerns regarding overdevelopment of the site.

Although the separation between dwellings along the western boundary (which the Inspector considered acceptable) would not markedly change from the appeal scheme, there would be a significant increase in front to side separation with the dwellings perpendicular to Sunnyhill Road (Plots 9 to 12). This would increase from 10 to 16 metres. In turn, the change from lines of terraces to semi-detached dwellings is considered to address the Inspector's concerns that the layout would not reflect the prevailing grain of development in the area and would significantly encroach into views along the valley. The reduction in the length of these blocks through the introduction of a semi-detached form with hipped roofs (details to be considered under reserved matters) would appear significantly less disruptive to the prevailing grain of development in Sunnyhill Road and the remainder of the site. Whilst the proposal would still terminate the cul de sac with a garage block, given that this would be single storey with a suggested hipped roof design, it is not considered that this would significantly encroach into views along the valley as it would still allow the backdrop of trees to the south to feature in vistas along the estate road as well as oblique views across the valley to the allotments between Plot 8 and the garage block.

A number of residents have raised concerns that the overall density of this and the extant approval for 13 dwellings remains the same as the appeal proposal at 25 dwellings. Although it is acknowledged that in overall terms the number of dwellings remains at 25, the flatted part of the extant approval referenced by the last inspector in Para 8 of her report and containing 6 of the dwellings, renders comparisons in purely numerical terms misleading. As a block combining 6 dwellings into one building, it is contended that the extant scheme does not appear as dense a development as if

those dwellings were separated out into 6 individual houses with separate front doors, parking areas and accesses. The harm to the character of the area is therefore less evident with a block of flats. Furthermore, it should be noted that the appeal scheme had larger bedroom units than the current combined scheme which substitutes 1 and 2 bedroom units for the 4 bedroom units in the appeal proposal. In terms of site coverage the current scheme also represents a 24% reduction in floor space and a 2.5 unit reduction in the number of dwellings compared with the same element of the 25 unit scheme. On balance, it is considered that there would be a net improvement overall to the open character of the area compared with the appeal scheme.

It should be noted that gardens on the western side of Sunnyhill Road are identified within the Policy Statement for the Hammersmith North Character Appraisal (HCA9) as appropriate for residential development comprising plot amalgamation where rear gardens are of sufficient length to allow housing that meets the requirements of the Development Principles. The existing gardens to properties comprised in the application site are roughly 65 to 75 metres deep and therefore considered to have good potential for backland development.

The Residential Character Appraisal Hammerfield (HCA 9) notes that the area has a medium density consisting of a variety of architectural ages and designs, possessing little unifying character throughout. The Character Appraisal notes the following development principles:

- Design: No special requirements.
- Type: All types are acceptable, although the resultant scale and mass of new proposals should respect that of adjoining and nearby development.
- Height: Should not normally exceed two storeys in height, except for cases where the proposal will adjoin three storey development and the character and appearance of the area is not harmed.
- Size: Small to medium sized dwellings are acceptable and appropriate.
- Layout: Variety in layout is acceptable. Where a clear building line exists, then this should be followed. Spacing should be provided at least within the medium range (2m - 5m).
- Density: Development should be provided in the medium density range (30 - 35 dwellings/ha).

The proposal adopts a layout that generally has a direct relationship with the street, which promotes safety, security and a more vibrant public realm and street face. The layout avoids a continuous block of 2-storey development along the boundary with the allotments by incorporating garages with lower roofscapes between the dwellings which will also help retain views of the allotments and hillside beyond. Spacing at first floors would accord with the Development Principles. Height is not for consideration at this stage but the illustrative street scenes indicate that two storey heights will accord with the Development Principles. The scheme provides a mix of two and three bed dwelling sizes which accord with the development principles that small to medium sized dwellings are appropriate.

The proposed density at 32 dph accords with the expected density of 30 - 35 dph in the Development Principles and the size of rear gardens (as discussed above) are not only more sympathetic to the open, verdant character of the area, but would also more than comply with the minimum 11.5 metre standard in Appendix 3.

As regards the relationship to trees, the Tree Officer has raised no concerns regarding the layout and, indeed, this amended scheme would improve the relationship to existing and proposed trees along the western boundary with longer rear gardens. The above said, it would be expedient to ensure control over future extensions for those plots backing onto the allotments in the interests of maintaining a good spacing with trees on that boundary and the best chance for their future survival and retention.

The layout is considered acceptable for approval and would comply with Policies CS10, 11, 12 and 13.

### Design and Appearance

Design and appearance form part of the reserved matters. However, information has been provided in the form of a layout plan, some illustrative sections and through discussion in the Design and Access Statement whereby design can be considered to a limited degree.

The site is located within Hammerfield North (HCA9) which is described in the Residential Character Appraisal (RCA) as a medium density residential area featuring a variety of architectural ages and designs but possessing little unifying character throughout. In terms of height the RCA points out that the area is predominately two-storey but with numerous three-storey examples, such as at Glendale, Glenview Road and Greenhills Court. Size is in the medium range, which is also the case for density, being 25 - 35 dwellings per hectare throughout.

As described above, the existing street is mixed in character of varying architectural forms and merit from traditional street terraces, early to mid C20 detached properties, later semi-detached properties and infill development from all periods. The street has a generally suburban quality being characterised by buildings with traditional proportions, two storey in height, set within landscaped gardens and having a close to medium setback from the road.

The proposed scheme is stated to be traditional in appearance with conventional housing frontages designed in accordance with CABE recommendations. In general terms, bearing in mind that the new estate road will largely not be seen in the context of Sunnyhill or Melsted Roads, the architectural form adopted in the illustrative drawings is considered to be an acceptable approach with the use of traditional detailing and proportions associated with the older houses in the immediate context. Importantly, positive articulation is shown with the introduction of traditional gable roof-pitches, bay windows, chimneys, projecting front gables and vertical fenestration. The introduction of hips on the dwellings perpendicular to Sunnyhill Road would help soften the visual form in views from both the estate road and existing dwellings in Sunnyhill Road.

Overall, it is considered that a scheme for the design and appearance of the proposal would be likely to integrate with the wider context successfully.

### Land Optimisation and Density

The extended site, enabling development of a number of gardens, would comply with saved Policy 10 that seeks a coordinated and comprehensive approach to

development by ensuring that opportunities for development in the immediate area are not missed.

Saved Policy 10 of the Local Plan seeks to secure the optimum use of land in the long-term by requiring all development to meet a number of criteria. Inter alia, general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan and, in particular, building development should make optimum use of the land available, whether in terms of site coverage or height.

Saved Policy 21 of the Local Plan states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare but higher densities will generally be encouraged in accessible locations within the town centre. However, the national indicative minimum density of 30 dwellings per hectare was deleted from paragraph 47 of the now superseded PPS3, and NPPF no longer refers to a minimum. Therefore, there is no requirement to ensure that developments meet minimum density threshold as stipulated under Policy 21. Consequently, the issue is more focussed towards considering whether the density is compatible with the surrounding context. The Character Appraisal HCA 9 notes that new development should adopt a density between 30-35 dwellings per hectare. The proposal has 32 dwellings per hectare which would meet with the above guidance and is not considered to result in any material harm to the character of the area or other interests of acknowledged importance. Therefore, the proposal is considered to optimise the use of land in accordance with Policy 10.

#### Affordable Housing

Under Policy CS19 the threshold for providing affordable housing on site is 10 dwellings or 0.3 hectares. The proposal, at 25 dwellings, would therefore require the provision of affordable housing in kind at 35% of the dwellings, or 4 units. However, the applicant has submitted a financial viability case and it is understood that the Council's Strategic Housing team has accepted a commuted sum offer of £72,267 (a pro-rata reduction from the amount agreed on the appeal scheme) in this case on the basis that there are substantial additional costs to the development of the site on the basis of the under-carriageway heating system and the topography of the site, both of which add substantially to construction costs. Any comments from Strategic Housing will be provided at the meeting.

#### Impact on Trees and Landscaping

The landscaping of the site is reserved. However, the impact on existing trees needs to be considered as part of this application given that layout is for determination.

Information has been provided in the form of the layout plan and illustrative sections whereby the impact on trees and landscaping can be considered to a limited degree. An arboricultural survey and implications assessment has been submitted which allows consideration of existing trees.

There are a great number of trees throughout the site and boundaries of varying maturity and condition. Across the combined site, 91 individual trees and 22 groups of trees were surveyed of which some 41 individual trees and 12 groups are proposed to be removed to facilitate the development or for sound arboricultural management. On

the site itself (excluding the access road), there are some 48 individual trees and 14 groups of trees of which some 17 individual trees and 9 groups of trees would be removed.

The proposed layout retains the majority of mature boundary tree vegetation which will be reinforced with new planting where necessary.

The Tree Officer has raised no objection to the layout subject to details of a landscaping scheme being submitted for approval. There are no category A trees on the site. Only 3 category B trees or groups are to be removed. The vast majority of trees to be removed are category C and U which the Tree Officer has advised is not sensible to retain.

In terms of landscaping the proposal offers an excellent opportunity for a high level of planting, details of which would be sought under a reserved matters application. The indicated tree planting locations on the layout plan are considered generally acceptable. Details should include proposals for tree protection fencing.

Subject to the above, the landscaping proposals would comply with Policy CS12 and saved Policies 99 and 100.

### Impact on Neighbours

The impact on residential amenities needs to be considered as part of this application given that layout is for determination. The impact of height, scale, window locations needs to be anticipated to some extent as appearance is a reserved matter. As well as layout, information has been provided in the form of illustrative sections and through comments in the Design and Access Statement whereby residential amenity can be considered to a degree.

A number of objectors raise concerns with regards to loss of privacy, visual intrusion, noise and light pollution.

It is not considered that there would be any significant issues of overlooking caused by the development. Plots 9, 10, 11 and 12 which are closest to adjoining residential properties in Sunnyhill Road are set at right angles to the backs of Nos. 71 to 87A and therefore any overlooking would be at a very oblique angle. Any windows in the development can be designed out of the flank walls of Plots 10 and 11 at reserved matters stage. With regards to No. 67 Sunnyhill Road, given the back to back distance of over 30 metres with Plot 10, the proposal would more than satisfy minimum 23 metre standards in Appendix 3.

Whilst noting concerns raised about visual impact, given the minimum separation distance of some 19 metres from the backs of properties in Sunnyhill Road to the flank walls of Plots 10 and 11 and the topography whereby these plots would be set at a level substantially lower than the affected dwellings, it is not considered that a refusal could be substantiated on grounds of overbearing appearance or visual intrusion. Soft landscaping and appropriate boundary treatment will help mitigate any overlooking and visual impact.

There would be no infringement of the 25-degree line taken from any nearest facing windows of neighbouring residential properties. It is also considered that given the



circumstances of the site, an appropriate roof form, height and scale of residential buildings can be designed such that the development would not affect any light reaching any windows serving neighbouring residential properties.

Noise and disturbance from construction works will be controlled under other legislation.

The potential for light pollution is noted and it is recommended that details of lighting (including any street lighting as required by the Highway Authority) be required under the landscaping details.

#### Crime Prevention and Safer Places

This is a material planning consideration, although no details have been provided with the application. That said, the perimeter block layout would comply with recognised good practice urban design in terms of limiting opportunities for crime by ensuring public areas are well overlooked and private areas are secure and not easily breached by following the principle of public fronts and private backs. The Police Crime Prevention Officer has not raised any objections to the application but has recommended an informative regarding achieving the Secured by Design (SBD) award.

Subject to this the scheme would comply with Policy CS12.

#### Sustainability

Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy.

The application should be accompanied by a Sustainability Statement and Energy Statement as required by Para 18.22 of the Core Strategy and Policy CS29.

The principal sustainability credential of this proposal is that it is re-developing an existing site and making more efficient use of land for housing in a sustainable location. Whilst accepting that the introduction of under-road heating is not sustainable per se, this should be considered in the context of its use on a limited number of days in any one year, and balanced against the safety improvements that enable the land to be developed for much needed housing in a sustainable urban location that would otherwise have to take place in the countryside thereby encouraging more car journeys.

Given that the proposal is new build, there are many sustainability measures that can be introduced. A brief sustainability statement is contained within the submitted Design and Access Statement which indicates that the proposal will look to target Level 3 (plus 5% CO<sub>2</sub> reductions) of the Code for Sustainable Homes and that solar panels will be installed on south facing roof slopes in association with conventional condensing boilers. It is also stated that low levels of water use will be achieved, materials will be sourced locally, timber will be from renewable sources, surface water will be cambered to allow runoff into the ground and a site waste management plan (SWMP) will be produced.

The above measures are welcomed as far as they go but are somewhat sketchy and

do not cover all aspects of sustainability set out in Policy CS29. Furthermore, with regards to the Code for Sustainable Homes as referred to in Table 10 of the Core Strategy, the planning department is revising its requirements through a revised Sustainable Development Advice Note. Basically, it is now just encouraging applicants to reduce carbon emissions over and above that required under the Building Regulations following the Housing Standards Review and withdrawal by the Government of the Code for Sustainable Homes in March 2015. The revised note is still in draft at this stage and, noting that there are no detailed house plans for each dwelling, it is recommended that completion of a statement to satisfy the updated criteria in Policy CS29 be sought by condition together with details of SUDS, solar panels and a Site Waste Management Plan.

### Impact on Ecology and Wildlife

It is noted that several concerns have been expressed covering the impact on the local ecology. Hertfordshire Ecology has noted that it has evidence of bats in this area of Hemel Hempstead. An internal and external bat inspection of the property was conducted in June 2011 by Skilled Ecology Consultancy Ltd and no signs or evidence of bats was observed. An updated survey in October 2015 found no change in the situation affecting 89 Sunnyhill Road and Hertfordshire Ecology has said it has no reason to disagree with the survey results.

An extended phase 1 ecological habitat survey was conducted by Hone Ecology on 14th October 2015. The survey results indicate that the mature trees have the potential to support nesting birds and therefore works to remove trees should be undertaken outside the nesting season. A single fruit tree trunk was identified with potential to support roosting bats but none were in evidence at time of survey. Therefore, a watching brief during felling is recommended. The dwelling to be demolished had no features suitable for bats. The site has a low potential for amphibians, reptiles and hazel dormice and no evidence of badger activity or setts was found. Domestic dogs contribute to a lack of mammal activity. Tree protection is recommended along the northern and western boundaries to prevent damage to trees. Enhancements across the site should include replacement native trees and plants and placement of bat roost boxes on one of the many trees to be retained.

Hertfordshire Ecology has confirmed that it has no reason to dispute the findings in the 2015 Phase 1 report that there are no fundamental ecological constraints to development provided the recommendations in the reports are followed. However, it has advised that the locally significant loss of trees from the site should be compensated for by a commuted sum to secure additional tree planting elsewhere. However, this request is new and was not suggested last time. As there is now more scope for replacement planting in the development, it is considered that satisfactory compensatory tree planting can be provided on site and will sufficiently offset the loss of habitat. It is recommended in this respect that a proportion of suitable fruiting trees and shrubs should form part of the landscaping proposals that will form part of the reserved matters. This would comply with Policies CS10, 12 and 29.

The site access is located adjacent to a Local Wildlife Site, Gravel Hill Spring Wood, and a number of residents on the previous application mentioned the possible impact on badgers, slow worms and other fauna and flora protected under the Wildlife and Countryside Act 1981. However, the proposals will not directly impact on the LWS and there is no evidence of badger setts or slow worms actually inhabiting the site.

Hertfordshire Ecology advised on a previous application that if badgers are actually on the site, a consultant may be required to advise but if they are simply using the area for foraging then precautions re on-site works may be required. In any event badgers are not European Protected Species (EPS) so any surveys can be done after determination by condition. Otherwise an informative that reminds the applicants that badgers may be in the area, are protected and that precautions may be required to avoid disturbance or harm, would be advisable.

Appropriate conditions and informatives are recommended to cover the above.

### Social and Physical Infrastructure

The proposal for 25 dwellings would generate additional social and physical infrastructure requirements and therefore, in accordance with saved Policy 13 of the Local Plan and Policies CS23 and 35 of the Core Strategy, the Council can seek financial contributions towards the reasonable public facilities, services and infrastructure that the development would generate. These should be sought through an s106 planning obligation.

A number of discussions have taken place previously with the applicants on financial contributions towards social and physical infrastructure. However, since then CIL has been introduced, and therefore the majority of these financial contributions fall away. The only contributions that can legitimately be requested under s106 are the highway contributions to the skid resistant surfacing on the adopted highway in Melsted Road, sustainable transport contribution to the upgrading of bus stops in Warners End Road, the affordable housing commuted sum and the provision of fire hydrants. The applicant agreed these contributions in relation to the recently dismissed scheme. A signed s106 unilateral undertaking has been submitted in relation to the current application. However, this excludes the previously agreed bus stops contribution for no apparent reason. We have asked for this to be added to the unilateral undertaking and resigned.

Until this is received and accepted the recommendation is to delegate with a view to approval subject to the completion of a s106 planning obligation.

### Other Material Planning Considerations

The Footpaths Officer has advised that Hemel Hempstead Footpath 24 which runs along the northern boundary of the site appears to lie within the application site according to the definitive map. He therefore advises that a footpath diversion order will be required. In practical terms, the actual footpath used will not change. An informative is recommended should planning permission be granted.

The matter of access to the footpath and dumping of garden waste is recommended to be controlled by appropriate means of enclosure as part of the reserved matters/landscaping details.

The Scientific Officer recommends the standard contamination condition be applied to this development should permission be granted.

The Minerals and Waste Team has recommended conditions covering construction waste recycling.

## RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:
  - Financial contribution of £72,267 to be used by Dacorum Borough Council for the provision of affordable housing within its district.
  - Financial contribution of £3,840 towards the upgrading of the eastbound and westbound bus stops on Warners End Road.
  - Financial contribution towards the maintenance of the skid-resistant surfacing on the adopted highway of £12,000.
  - Provision of fire hydrants.
3. That the following draft conditions be agreed:

- 1 **Approval of the details of the appearance and scale of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **No development shall take place until samples of the materials proposed to be used on the external walls and roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the**

## **implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 5 **The details of appearance to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include the physical infrastructure associated with any renewable energy measures. The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance and functioning of the development in accordance with saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS11, CS12, CS26 and CS29 of the Dacorum Core Strategy September 2013 and saved Policy 18 of the Dacorum Borough Local Plan 1991-2011.

- 6 **The details to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **hard surfacing materials, which shall include the footpath and carriageway;**
- **means of enclosure, which shall include native hedgerows with gaps to maintain the badger commuting route as recommended in the report by Hone Ecology (Ref No. E1450 141215) dated 14th December 2015;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate;**
- **measures for biodiversity enhancement, including swift and bat boxes, and trees / shrubs bearing berries / fruits;**
- **programme of management for the soft planting;**
- **proposed finished levels or contours;**
- **external lighting;**
- **secure cycle storage facilities for those dwellings without garages;**
- **back-up generator;**
- **pedestrian handrail;**
- **minor artefacts and structures (e.g. furniture, refuse or other storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS10, 11, 12, 13 and saved Policy 100 of the Dacorum Borough Local Plan 1991-2011.

- 7 Prior to the commencement of the development (including demolition works), the trees shown for retention on the approved Arboricultural Impact Plan contained within the Tree Survey Report & Arboricultural Impact Plan, 20th July 2016, prepared by Patrick Stileman Ltd shall be protected during the whole period of site demolition, excavation and construction in accordance with details to be submitted to and approved in writing by the local planning authority. The details of protection shall include a no-dig cellular confinement road construction detail and the siting of any service trenches on the side of the access road furthest from trees bordering the site's northern boundary.**

Reason: In order to ensure that damage does not occur to the trees during demolition works and building operations in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, demolition and buildings works would potentially result in harm to the health and survival of trees to the detriment of the visual amenities of the development and area.

- 8 The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 Notwithstanding any details submitted with the application, no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - (a) human health;
  - (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - (c) adjoining land;
  - (d) groundwater and surface waters; and,
  - (e) ecological systems.
  - (f) archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 10 **No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 11 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 12 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 9, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 10. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 11.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 13 **Notwithstanding any details submitted, no development shall take place until a detailed sustainability statement that demonstrates how the criteria in Policy CS29 (as may be updated by the Council's Sustainable Development Advice Note) shall have been submitted to and approved in writing by the local planning authority. The Statement shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby limiting the available options for designing in sustainability



measures.

- 15 **No development shall take place until plans and details of the measures for sustainable drainage and water conservation, and of sustainable materials sourcing shall have been submitted to and approved in writing by the local planning authority. The details shall include clear arrangements for the ongoing maintenance of the SUDS over the lifetime of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note and to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policies CS29 and 31 of the Dacorum Core Strategy September 2013 Plan. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials and measures potentially ordered and used, thereby limiting the available options for designing in sustainability measures.

- 16 **No development / demolition shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the plans and measures will already have been agreed and finalised, and the works commenced, thereby limiting the available options for designing in sustainable waste management.

- 18 **No development shall take place until a Stage 2 Road Safety Audit for the proposed highway improvements and access junction shall have been completed and submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and recommendations therein.**

Reason: In the interests of highway safety in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, the materials ordered and works potentially carried out, thereby limiting the available options for designing a safe access and public highway.

- 19 **No part of the development shall be occupied until the off-site highway**

**works identified in the approved Development Access Design Report by Abington Consulting Engineers and shown on Drg. No. 12002/101D shall have been completed. This condition shall not be considered discharged until written confirmation of the completion of the works has been submitted to and approved by the local planning authority.**

Reason: To ensure the adequate and satisfactory provision of a safe access and approaches to the access prior to first occupation of the development in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The works are required before commencement of development on site to ensure certainty that the works will be completed.

- 20 **The development hereby permitted shall not be occupied until the skid-resistant surface shown on Drg. No. 12002/101D shall have been provided in accordance with a PSV (Polished Stone Value) of 75 and a target SRV (Skid Resistant Value) of 80 as set out in the email from Ian Brazier (Abington Consulting Engineers) dated 15/10/12.**

Reason: To ensure the adequate and satisfactory provision of a safe access and egress to the site in wet conditions in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 21 **No development shall take place until full details (in the form of engineering specification scaled drawings and / or written specifications) shall have been submitted to and approved in writing by the local planning authority to illustrate the following:**

- i) Roads, footways, and associated surface water drainage;**
- ii) Access arrangements in accordance with those shown in principle on approved plan 12002/101 Rev D;**
- iii) Turning areas;**
- iv) Street lighting scheme;**
- v) Visibility splays at the junction with the highway.**

**The development shall be carried out in accordance with the approved details.**

Reason: In the interest of highway safety and to ensure that the junction of Sunnyhill Road / Melsted Road and the proposed access junction are correctly illuminated in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials and works potentially carried out, thereby limiting the available options for designing a safe access and public highway.

- 22 **All car parking spaces shall be a minimum of 2.4 metres wide x 4.8 metres deep, and all garages shall have an internal width of at least 2.7**

**metres and an internal depth of at least 4.8 metres.**

Reason: For the avoidance of doubt and to ensure the satisfactory provision for car parking in accordance with Policy CS12 of the Dacorum Core Strategy September 2015 and saved Policy 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

- 23 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking (including garages) and circulation together with the access road shown on Drawing Nos. SRH/0010 rev C and 12002/101D and the details of electric under carriageway heating shown on Drawing No. SRH/03 rev A shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of a safe access and off-street vehicle parking facilities in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 24 **The development hereby permitted shall not be occupied until visibility splays measuring 2.4 x 43 metres shall have been provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction (on land within the applicant's control) between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 25 **The development (including demolition) hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include details of:**

- a. **Construction vehicle numbers, type, routing;**
- b. **Traffic management requirements;**
- c. **Construction and storage compounds (including areas designated for car parking);**
- d. **Siting and details of wheel washing facilities;**
- e. **Cleaning of site entrances, site tracks and the adjacent public highway;**
- f. **Timing of construction activities to avoid school pick up/drop off times;**
- g. **The management of crossings of the public highway and other public rights of way;**
- h. **Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in compliance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before

commencement of development because the measures are required to be put in place to control activities from the start of works on site.

- 26 **Before any new access or crossover hereby permitted is first brought into use any existing access / crossover not incorporated into the development hereby permitted shall be stopped up and closed by removing the vehicle access / crossover, raising the kerb and reinstating the footway surface to the same line, level and detail as the adjoining footway verge and highway boundary**

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 27 **No part of the development shall be occupied until details of a management company (to oversee the management and running of the communal parts of the development, including the under-carriageway and footway heating and the skid-resistant surfacing) together with a full list of objectives and the standards to be achieved, shall have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for the inspection and replacement / maintenance of the skid-resistant surfacing and under-carriageway / footway heating. The development shall be maintained in accordance with the objectives and specifications approved and the company shall be permanently retained to manage the estate.**

Reason: To ensure appropriate means are in place for the long term maintenance of the communal areas and facilities in accordance with Policies CS8 and 12 of the Dacorum Core Strategy September 2013 and saved Policies 51, 54 and 100 of the Dacorum Borough Local Plan 1991-2011.

- 28 **The development shall be carried out in accordance with the recommendations contained within the approved Extended Phase 1 Ecological Habitat Survey Report and additional letter report dated 14th December 2015 (Ref No. E1450 141215) by Hone Ecology. Prior to development (including demolition) the protective reptile fencing shown on Figure 1 within the latter report shall be erected and maintained for the whole period of site works).**

Reason: To minimise impacts on biodiversity and incorporate positive measures to support wildlife in accordance with Policy CS29 of the Dacorum Core Strategy September 2013.

- 29 **If piling is considered the most appropriate method of foundation construction, no development shall take place until a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.**

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with Policy CS12 of the Dacorum Core Strategy

September 2013.

- 30 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no external lighting shall be installed on the site or affixed to any buildings on the site and no development falling within the following classes shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1, Classes A and E**

Reason: To enable the local planning authority to retain control over the development in the interests of limiting the impact of extensions and buildings on trees and light pollution on ecology interests in accordance with Policy CS10, 12 and 13 of the Dacorum Core Strategy September 2013 and saved Policies 99 and 102 of the Dacorum Borough Local Plan 1991-2011 and NPPF guidance.

- 31 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**A43-15 - Site Survey  
SHR/0010 rev D  
12002/101 rev D  
SRH/03 rev A**

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

INFORMATIVES:

Physical Security

In October 2015, Approved Document Q (ADQ) came into force that requires under Building Regulations dwellings are built to "Prevent Unauthorised Access". This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

1. Into a dwelling from outside
2. Into parts of a building containing flats from outside
3. Into a flat from the common parts of the building

Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award.

Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

### European Protected Species Licence

Bats and their roosts remain protected at all times under National and European law. If bats or any evidence for them is discovered during the course of any works, all works must stop immediately and advice sought as to how to proceed from one of the following:

- A bat consultant;
- The UK Bat Helpline: 0845 1300 228;
- Natural England: 0845 6014523 or
- Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

The applicant is advised that should the presence of bats within trees or buildings on the development site become apparent, Natural England will need to be consulted and a European Protected Species licence obtained prior to any re/commencement of work. The licence application will need to include a *Method Statement* with the *results of the surveys*, a *Mitigation Strategy and Works Schedule* stating how it is proposed to accommodate each species of bat within the development.

All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to intentionally or recklessly kill, injure or take any individuals or to deliberately capture or disturb individuals. It is an offence to intentionally or recklessly damage or destroy a roost, to obstruct a roost, and to disturb an individual whilst occupying the roost.

### Ways to achieve biodiversity gain

- Features identified in ecological surveys as of particular value for wildlife, such as mature tree lines, hedgerows or ponds, should be retained, protected and enhanced where possible;
- Opportunities for wildlife can be integrated into new buildings, through the installation of bird and bat boxes or bat lofts, or the creation of high quality green roofs;
- Landscaping can be designed to benefit wildlife, through creating structural and habitat diversity and use of native, wildlife-friendly plant species. Including fruit, seed and nut bearing species and nectar source plants will help attract insects and birds. Creation of ponds, dead wood habitats and loggeries provides further habitat diversity, enhancing the potential to support amphibians, invertebrates and small mammals.
- Retained, enhanced and newly created habitats and habitat features should be appropriately managed in the long term so as to maintain and

improve their ecological value. Habitat management plans should be used where required.

- Sustainable Drainage Systems (SuDS) should be considered as part of the new development. The sustainable drainage scheme should be designed, wherever practicable, to encourage wildlife and contribute to biodiversity enhancement.

### Drainage

Thames Water advise that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

### Contamination

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

### Access and Facilities

4. Access for fire fighting vehicles should be in accordance with Section 5 of The Building Regulations 2000 Approved Document B (ADB).
5. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
6. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

### Water Supplies

7. Water supplies should be provided in accordance with BS 9999.

8. The Fire Service would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
- Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with Section 5 of Approved Document B.

9. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 8m of the hard standing facility provided for the fire service pumping appliance.

#### Hemel Hempstead Public Footpath 24

Hertfordshire County Council Officers have in the past assessed the legal line of this path and it was found to be obstructed by fencing from number 89 Sunnyhill Road. A diversion will be required unless adequate provision can be found to accommodate the legal extent of this path.

#### Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. Best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

#### Construction of hours of working – plant & machinery

In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays.

#### Dust

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised



to consider the control of dust and emissions from construction and demolition Best Practice Guidance, Produced in partnership by the Greater London Authority and London Councils.

### Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of by following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested wood should burning be permitted.

### Ground Water Source Protection

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".