
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

9 APRIL 2015

Present

MEMBERS:

Councillor G Sutton (Chairman); Councillors Mrs G Chapman, Clark, Collins, Conway, Guest, Hearn, R Hollinghurst, Killen, Macdonald, Whitman and C Wyatt-Lowe.

Councillor Harden also attended

OFFICERS:

J Doe (Assistant Director of Planning, Development and Regeneration), S Clark (the Interim Group Manager of Development Management and Planning, B Curtain, N Gibbs, A Parrish, P Stanley, N Weeks and P Bowles.

The meeting began at 7.00 pm

199. INTRODUCTIONS

Councillor G Sutton (Chairman) introduced himself and the officers present and went through the fire safety procedure. Councillor G Sutton asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application. He also reminded the members and public about the rules regarding public participation.

Councillor G Sutton announced that he would change the order of the applications being considered. The applications are minuted in the order they were considered.

An addendum to the agenda was circulated before the meeting. A copy of the addendum can be found on the DBC website on the following link:

<http://www.dacorum.gov.uk/home/council-democracy/meetings-minutes-and-agendas/events/2015/04/09/development-control-committee/development-control-committee>

200. MINUTES

The minutes of the meeting held on 19 March 2015 were confirmed by the Members present and were then signed by the Chairman

201. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Reay and Rance.

Councillor Hearn substituted for Councillor Reay.

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202. PLANNING APPLICATIONS

The Committee considered applications for planning permission as set out below and reached the decisions therein.

203. PLAN NO. 4/03624/14/MOA - RESIDENTIAL DEVELOPMENT (UP TO 207 UNITS) AND ANCILLARY RETAIL UNIT (UP TO 375 SQM) - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR THE STRATEGIC ACCESS ONTO COMBE STREET LAND OFF DACORUM WAY BETWEEN MARLOWES, COMBE STREET AND RIVER GADE HEMEL HEMPSTEAD, HP1 1HL APPLICANT: GADE ZONE DEVELOPMENTS LTD

Stacey Rawlings, the applicants' agent, made a statement in support of the application.

Summary

The application is recommended for approval subject to the completion of an s106 planning obligation.

The scheme has its basis in the plans put forward by Dacorum Borough Council for the ongoing regeneration of Hemel Hempstead Town Centre through both the Hemel Hempstead Town Centre Masterplan and the 'Hemel Evolution' regeneration programme.

Members are aware that in 2014, the Council carried out an extensive procurement exercise through a competitive dialogue process to appoint a development partner to regenerate key parts of the town centre in the ownership of the Council or its public sector partners. The developments included this application proposal, delivery of a new Public Service Quarter, regeneration of the Market Square/Bus Station for a commercial leisure development and proposals for the reuse or redevelopment of 39/41 Marlowes (former Gazette/Marlowes Business Centre).

During 2014, through both the procurement process, and pre-application advice, Officers had extensive input with the selected developer to shape the design, layout and content of the application proposals.

RG Carter/Endurance Estates were appointed through this process and a binding development agreement was signed between them and the Council in early 2015. The appointment of the developers has been approved by Full Council. The applicant, Gade Zone Developments Ltd, is a special purpose vehicle set up by the developers to implement the proposals.

The proposal supports important regeneration objectives and delivery of new housing. It is sited within Hemel Hempstead Town Centre where, in policy terms, the principle of residential development and retail uses is supported in accordance with the constructing a Public Service Quarter (PSQ) is supported adopted Hemel Hempstead Town Centre Masterplan.

The Highway Authority has confirmed that the principal means of access to the site from Combe Street is acceptable in highway terms.

Indicative land uses and other building parameters are shown on the submitted plans and indicated within the Design and Access Statement. This generally indicates a high quality scheme in terms of the architectural appearance, accommodation of car parking unobtrusively within undercroft areas, provision of landscaped amenity space, a high quality public realm to

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the internal access roads and provision of a landscaped riverside walk and cycleway.

The proposal would include 35% affordable housing and public leisure space within the development together with a riverside walk and cycleway. These will need to be secured by a legal agreement. In order to mitigate the impacts of the development, it is also considered that s106 planning obligations are necessary to offset the impacts of the development in accordance with saved Policy 13 of the Borough Plan and Policies CS23 and CS35 relating to infrastructure and developer contributions.

It was proposed by Councillor Whitman and seconded by Councillor Hearn to grant the application for the reasons set out above and subject to the following conditions:

Voting:

Unanimously agreed

Whereupon it was:

Resolved:

1. That the application is delegated to the Group Manager - Development Management & 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 and the draft list of conditions below (minor amendment to condition 28).
2. That the following Heads of Terms for the planning obligation be agreed, subject to final agreement with HCC Highways and HCC Planning Obligations Officer in respect of their specific projects, including satisfactory supporting justification:
 - The provision of a minimum of 35% affordable housing for rent (75%) and shared ownership (25%).
 - A scheme for the provision of the River Gade walk and cycleway (including adjacent landscaped corridor) and street planting in Coombe Street, including a commuted sum towards the ongoing maintenance of that provision.
 - Provision of a phasing plan for construction of the development.
 - Financial contributions in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 " as follows:
 - Primary Education - To be secured towards expansion of South Hill School
 - Secondary Education - To be secured towards expansion of the Hemel Hempstead School
 - Youth Facilities - To be secured towards the improvement of the Bennetts End Youth Club and Outreach facilities
 - Libraries - To be secured towards the provision of facilities for under 5's at the Hemel Hempstead library
 - Pooled 'second strand' financial contribution of £114,000, , in accordance with the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 "to be used as a contribution towards the following scheme and measures:
 - Improvements to the junction of the A4146 Leighton Buzzard Rd and Combe St
 - Improvements to the junction of the A4146 Leighton Buzzard Rd and Queensway

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- Pedestrian environment improvements on Queensway, Combe Street and Marlowes
- Cycle route and parking improvements on Queensway, Combe Street and Marlowes
- A Travel Plan in accordance with the HCC Travel Plan Guidance.
- Provision of fire hydrants.

1 Approval of the details of the secondary accesses, appearance, landscaping, layout and scale of the development (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 The details of appearance and layout to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:

- internal access roads, car parking, servicing and turning areas;
- details of bin storage provision including recycling facilities;
- details of secure cycle storage;
- provision of functional amenity space to serve the dwellings;
- provision of toddlers play space;
- provision of outdoor clothes drying areas for the flats;
- open space / leisure areas;
- provision of at least 10 % of the dwellings as Lifetime Homes;
- physical infrastructure associated with any renewable energy measures;
- Physical infrastructure associated with any sustainable urban drainage scheme.

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.

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- 5 **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 roof 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.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **external lighting;**
- **layout of a children's play area and any associated equipment;**
- **minor artefacts and structures (e.g. furniture, storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines), indicating lines, manholes, supports etc;**
- **arrangements for the long term management and maintenance of the on-site (private) open spaces, tree planting, play area(s), equipment, 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 saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

- 7 **No development shall take place until samples of the materials to be used for the external surfaces 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.

- 8 **No development shall take place until a scheme for the protection of the existing trees within and adjoining the site (as agreed to be retained on any Reserved Matters application), shall have been submitted to and approved in**

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writing by the local planning authority. The approved scheme of protection shall be installed in accordance with the details approved and shall be maintained in place during the whole period of site demolition, excavation and construction (including any excavation for the purposes of archaeological assessment).

Reason: In order to ensure that damage does not occur to the trees / hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 **No development shall take place until an online Sustainability Statement and an Energy Statement via C-Plan shall have been submitted to and approved in writing by the local planning authority. The statements 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 March 2011.

- 10 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and**

- **The programme and methodology of site investigation and recording**
 1. **The programme for post investigation assessment**
 2. **Provision to be made for analysis of the site investigation and recording**
 3. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 4. **Provision to be made for archive deposition of the analysis and records of the site investigation**
 5. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Demolition/development shall take place in accordance with the approved Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition under points 3, 4 and 5 above has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Policy CS27 of the Dacorum Core Strategy September 2013 and saved Policy 118 of the Dacorum Borough Local Plan 1991-2011.

- 11 **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**

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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;
 - (e) ecological systems;
 - (f) archaeological 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 (including Principal Aquifer within Source Protection Zone 1), 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 **Unless not required as a result of the contamination assessment referred to in Condition 11 to this permission, 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 also include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. 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 (including Principal Aquifer within Source Protection Zone 1), 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 **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**

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authority for its written approval. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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 (including Principal Aquifer within Source Protection Zone 1), 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.

- 14 **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 11, 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 12. 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 13.**

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 (including Principal Aquifer within Source Protection Zone 1), 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.

- 15 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- the parking of vehicles of site operatives, contractors and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- timing and routes to be employed by construction vehicles;
- construction access arrangements;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 16 **No development shall take place until a Phasing Plan (including proposals for access during the construction and any occupation of that phase) shall have been submitted to and approved in writing by the local planning authority.**

Reason: For the avoidance of doubt and to ensure that adequate access is provided throughout the development in the interests of highway safety and the free and safe flow of traffic in accordance with saved Policy 51 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 17 **No development within an agreed Phase (under Condition 16) shall take place until details of the disposal of surface water from the new access and parking areas shall have been submitted to and approved in writing by the Local Planning Authority. The access shall not be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users in accordance with saved Policy 51 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 18 **No development shall take place until details of the materials to be used for hard surfaced areas within the site, including roads, driveways and car parking areas, shall have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure that the internal roads and other layouts are built to required / adoptable standards in accordance with saved Policy 54 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 19 **No part of the development within an agreed Phase (under Condition 16) shall be occupied until the site access points, car parking and turning areas approved under Condition (1) above relating to that phase shall have been constructed and completed to finished surface level. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate access and parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing and proposed residences in accordance with saved Policy 51 and 58 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 20 **No development shall take place until details of how the use of any secondary access onto Marlowes shall be controlled and managed to prevent its use by general vehicular traffic.**

Reason: In the interests of highway safety and the free and safe flow of traffic in accordance with saved Policy 51 of the adopted Dacorum Borough Local Plan 1991

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- 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

21 **No development shall take place until a scheme for the protection of, and improvement to, the River Gade corridor has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:**

- **plans showing the buildings set back a minimum of 8 metres from the river**
- **details of any proposed footpaths, fencing, lighting etc.**
- **details to show no increase in shading from the development to the river or if this cannot be achieved, suitable mitigation for this**
- **details of any river bank regrading, removal of historic hard bank protection, in channel enhancements**
- **details of any native planting scheme along the river corridor**
- **details demonstrating how the River Gade corridor will be protected during development and managed/maintained over the longer term, including adequate financial provision, named body responsible for management plus detailed management plan**

Reason: Development alongside rivers has the potential to have a negative effect on their ecological value. This land is valuable for plants and wildlife and must be protected and opportunities taken to enhance this stretch of river in accordance with Policies CS26 and 31 of the Dacorum Core Strategy September 2013 and the Thames River Basin Management Plan.

22 **The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) prepared by AECOM Rev O dated November 2014 has been submitted to and approved in writing by the local planning authority. The drainage strategy shall be a Sustainable Urban Drainage System (SUDS) and shall include a restriction in run-off and surface water storage on site as outlined in the FRA, using the most beneficial options within the design. 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.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy CS31 of the Dacorum Core Strategy September 2013 Plan.

23 **Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To protect the water environment, including groundwater in accordance with Policy CS31 of the Dacorum Core Strategy September 2013. Part of the site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

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- 24 **No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.**

Reason: To protect the water environment, including groundwater in accordance with Policy CS31 of the Dacorum Core Strategy September 2013. Part of the site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 25 **No development shall take place until details of measures to be incorporated into the design of the development to ensure a secure development and minimise opportunities for crime shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the measures approved and shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Best Practice and Secured by Design principles and Policy CS12 of the Dacorum Core Strategy (September 2013).

- 26 **Six months prior to the first occupation of an agreed Phase (under Condition 16) of the development, a Travel Plan in relation to that Phase shall be submitted to the local planning authority for its approval in writing. The Travel Plan shall provide details of measures for reducing the numbers of residents travelling to / from the development by private car, shall include details of a nominated Travel Plan Coordinator and details of proposals to monitor the effectiveness of the Travel Plan. The approved Travel Plan shall then be implemented in accordance with the approved details within 3 months of the date of its approval in writing by the local planning authority. The Travel Plan shall then be operated and retained thereafter from the date of its implementation unless otherwise approved in writing by the local planning authority. Every year following first date of occupation until the fifth year, results of the annual Travel Plan monitoring survey and a report on any necessary corrective actions shall be reported to the local planning authority and the highway authority.**

Reason: In accordance with the sustainable transportation policies of the development plan and to promote sustainable transport measures to the development in accordance with Policy CS8 of the Dacorum Core Strategy September 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 27 **No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), 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.

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

**21218-01-AR-10-103A
21218-01-AR-10-102D
21218-01-AR-10-101A (Routes and Access only)
Figure 4.2 of the Transport assessment**

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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:

Highway access

1) Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the construction of the new roads; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

2) Works to be undertaken on the adjoining Highway will require an Agreement with the highway authority. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway are constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

Bats

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

Potable water

The site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply

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comprising a number of chalk boreholes operated by Affinity Water Ltd.

It is recommended that 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.

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

River Gade

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the River Gade, designated a 'main river'. This is irrespective of any planning permission granted.

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>

ADVICE ON CONDITIONS:

Shading to River Gade

We are concerned about the impact of increased shading on aquatic and marginal vegetation and the knock on impact this will have to many other aspects of the river ecology e.g. fish and invertebrates. Where shading is an issue, further set back may be necessary. The '[River Wye Advice Note](#)' which offers advice to developers of sites adjacent to chalk streams states that 'large buildings should not be closer to the river than their height'.

Surface Water

In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

b) Confirmation of the critical storm duration.

c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.

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e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the 'Planning Practice Guidance: Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Contamination

The desk study indicates the potential presence of contamination from the previous uses. We agree with the recommendation for an intrusive ground investigation. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination:

- BS 5930: 1999 A2:2010 Code of practice for site investigations;
- BS 10175:2011 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site.

Should the level of contamination at the site exceed the Generic Risk Assessments, a detailed Quantitative Risk Assessment should be carried out in accordance with our [Remedial Targets Methodology](#) (2006). A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out.

In the absence of any applicable on site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment. GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary Aquifers is 50m. Following the DQRA, a Remediation Options Appraisal should be carried out in accordance with CRL11 to determine the Remediation Strategy.

We recommend that you should:

1) Follow the risk management framework provided in CLR11, '[Model Procedures for the Management of Land Contamination](#)', when dealing with land affected by contamination.

2) Refer to our '[Guiding Principles for land contamination](#)' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

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Verification Report

The verification report should be undertaken in accordance with our guidance '[Verification of remediation of land contamination](#)'. The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. For example, monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.

SUDS

Infiltration sustainable drainage systems (SuDs) such as soakaways through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution. Clean roof drainage through clean ground is acceptable in SPZ1.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. The first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Piling

Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment should be submitted with consideration of the EA guidance '[Piling into contaminated sites](#)'.

**204. PLAN NO. 4/01052/14/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO FOUR-BEDROOM DWELLINGS, TRIPLE GARAGE AND ASSOCIATED LANDSCAPING
10 COPPER BEECH CLOSE, HEMEL HEMPSTEAD, HP3 0DG
APPLICANT: MR D DOWIE**

Councillor Mrs G Chapman declared a personal interest in this application. She is the Ward Councillor for Bovington, Flaunden and Chipperfield and made a site visit, but no views had been expressed with regard to the application. Councillor Mrs G Chapman reserved her right to speak and vote thereon.

Andy Alderson and Caroline Johnson, both local residents, made statements of objection to the application.

Philip Ridley, the applicants' agent, made a statement in support of the application.

It was proposed by Councillor C Wyatt-Lowe, seconded by Councillor Macdonald to refuse the application contrary to the officer's recommendation to approve.

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Voting:

11 for and 1 abstention

Whereupon it was:

Resolved

That planning permission be refused for the reason set out below:

The combined effect of both proposed dwellings represents a cramped form of development, the design of which would be incompatible with the adjoining dwellings at New Pastures and 4 Aspens Place. This is due to the relatively restricted amount of spacing between the proposed buildings and these existing dwellings which would be significantly exaggerated by the difference in levels, with a resultant visually intrusive and overbearing impact upon New Pastures and 4 Aspens Place. The proposal is therefore contrary to criteria (c) and (g) of Policy CS12 (Quality of Design) of the Dacorum Core Strategy

**205. PLAN NO. 4/00280/15/FUL - CONSTRUCTION OF FOUR 3 BEDROOM SEMI-DETACHED HOUSES
REAR OF 52 AND 54 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TJ
APPLICANT: Mr R Wittrick**

Brian Hunt, a local resident spoke in objection to the application on behalf of local residents.

Councillor Harden, Ward Councillor for Boxmoor made a statement of objection to the application.

It was proposed by Councillor Collins, seconded by Councillor Whitman to defer the application for the reason set out below.

Voting:

11 for and 1 abstention

Whereupon it was:

Resolved

That the application be deferred for the receipt of additional information on the planning history of the site, including an alleged refusal on this site.

Chairman

**206. PLAN NO. 4/01889/14/FUL - RELOCATION OF MARKET FROM EAST/WEST RUNWAY TO NORTH-WEST/SOUTH-EAST RUNWAY, RECONFIGURATION OF ASSOCIATED CAR PARKING AREAS, INSTALLATION OF OFFICE AND TOILETS, AND FORMATION OF LANDSCAPING (INCLUDING NEW BUND) BOVINGDON AIRFIELD, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD
APPLICANT: WENDY FAIR MARKETS**

Summary

The application is recommended for approval.

The proposed relocation of Bovingdon Market is considered to have an acceptable impact in terms of the openness of the Green Belt and the visual amenity of the wider landscape. Importantly, the application seeks to take the opportunity to improve the appearance of the airfield site, through the creation of large, new soft landscaped areas. Measures will be put in place to control the issue of litter being spread around and outside the site, while there would be no significant harm caused to the amenities of surrounding residential proposals arising from this relocation. It is considered that the proposed access and egress arrangements would have no negative consequences on the safe and free flow of traffic in the locality, including that proposed under local allocation housing site LA6.

It is noted that this application has raised no objections from the Environment Agency, Hertfordshire Highways, and the Council's Environmental Health, Trees & Woodlands and Public Rights of Way Officers.

It was proposed by Councillor Whitman and seconded by Councillor Conway to grant the application for the reasons set out above and subject to the following conditions:

Voting:

11 for and 1 abstention;

whereupon it was:

Resolved:

That planning permission be granted for the reasons referred to above and subject to the following conditions:

- 1 Only the area outlined in blue on approved plan '4308' shall be used for market trading.**

Reason: In order to minimise the impact of the development upon traffic and the amenity of residents in the vicinity and for the avoidance of doubt in accordance with Policy CS12 of the Dacorum Borough Core Strategy (September 2013) and Saved Policy 51 of the Dacorum Borough Local Plan (1991-2011).

- 2 Only the area hatched in red, hatched in brown or outlined in pink, as shown on approved plan '4308', shall be used for the parking of vehicles associated with the use hereby permitted.**

Reason: In order to minimise the impact of the development upon traffic and the

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amenity of residents in the vicinity and for the avoidance of doubt in accordance with Policy CS12 of the Dacorum Borough Core Strategy (September 2013) and Saved Policy 51 of the Dacorum Borough Local Plan (1991-2011).

- 3 **The use hereby permitted shall only take place on one day per week and between the hours of 9.00 a.m. and 4.00 p.m. and there shall be four clear days between any two consecutive market days with the exception of Bank Holiday Mondays when trading shall also be permitted between the hours of 9 a.m. and 4.00 p.m.**

Reason: In order to minimise the impact of the development upon traffic and the amenity of residents in the vicinity and for the avoidance of doubt in accordance with Policy CS12 of the Dacorum Borough Core Strategy (September 2013) and Saved Policy 51 of the Dacorum Borough Local Plan (1991-2011).

- 4 **The only structures which shall be brought onto the site shall be market stalls, toilets, traffic lane markers and the market office.**

Reason: To minimise the visual impact of the proposed development on the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 5 **The market stalls shall be stripped of boards, awnings and covers at the close of each market and their boards, awnings and covers shall be removed from the site until the morning of the next market.**

Reason: To protect the visual appearance of the area / openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 6 **The only structures which may be left on the site between market days are the frames of the market stalls which shall be stored within the area outlined in blue on the approved plan '4308', and the office building and toilets located adjacent to the market area.**

Reason: To protect the visual appearance of the area / openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 7 **If the market ceases to operate all stalls and other structures shall be removed from the site within 28 days.**

Reason: To minimise the visual impact of the proposed development on the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 8 **Within two months of the date of this decision full details of soft landscape works for the areas outlined in green on approved drawing '4308' shall have been submitted to the local planning authority. These details shall include:**

- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with tree, plant and grass establishment); schedules of plants, noting species, tree and other plant sizes and proposed numbers/densities where appropriate;**

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- proposed finished levels or contours;
- means of enclosure.

The approved landscape works shall be shall then be implemented in full within 12 months of the date these details are approved.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS5 and CS25 of the Dacorum Borough Core Strategy (September 2013).

- 9 **Within two months of the date of this decision a Litter Management Plan shall have been submitted to the Local Planning Authority. The Litter Management Plan shall include full details of measures to capture litter within the site, the timeframes for the clearance of litter from the site, and the timetable for implementing the measures proposed. The approved Litter Management Plan shall then be implemented fully in accordance with the approved timetable.**

Reason: To avoid the spread of litter within and outside of the site in accordance with Policy CS25 of the Dacorum Borough Core Strategy (September 2013).

- 10 **No public address, amplification or broadcast system shall be used at any time in connection with the conducting of the market.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Borough Core Strategy (September 2013).

- 11 **Access to the site in connection with the use hereby permitted shall not be other than via the entrance at the south-western end of the north-east / south-west runway as shown on approved drawing '4308'.**

Reason: In the interests of highways safety in accordance with Policy CS9 of the Dacorum Borough Core Strategy (September 2013).

- 12 **Egress from the market, other than for market staff and market traders, shall not be other than via the access opposite Whelpley Ash Farm as shown on approved drawing '4308'.**

Reason: In the interests of highways safety in accordance with Policy CS9 of the Dacorum Borough Core Strategy (September 2013).

- 13 **Within two months of the date of this decision a Molyneaux Avenue Traffic Management Plan shall have been submitted to the Local Planning Authority. The Molyneaux Avenue Traffic Management Plan shall include full details of measures to prevent all visitors to the site, other than market staff and market traders, from using the Molyneaux Avenue egress and the timeframes for implementing the measures proposed. The approved Molyneaux Avenue Traffic Management Plan shall then be implemented fully in accordance with the approved timeframe.**

Reason: In the interests of highways safety in accordance with Policy CS9 of the Dacorum Borough Core Strategy (September 2013).

- 14 **No market traders or associated traffic shall arrive at the site prior to 6.00 am on the day of the market.**

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Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Policy CS12 of the Dacorum Borough Core Strategy (September 2013).

- 15 **All market traders and associated traffic shall leave the site by 6.00 pm on the day of the market.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Policy CS12 of the Dacorum Borough Core Strategy (September 2013).

- 16 **Notwithstanding the provisions of Part 4, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 there shall be no temporary use of the land other than those specifically granted by the Local Planning Authority.**

Reason: To minimise the visual impact of the proposed development on the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (September 2013).

- 17 **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: The site is located in Source Protection Zone 3, indicating that groundwater beneath the site ultimately feeds into the public water supply. The previous uses of the site, and nearby uses, may have led to contamination of the ground, which would need to be remediated to ensure the protection of sensitive groundwater resources.

- 18 **No external lighting shall be installed or erected in association with the use hereby permitted unless full details of the external lighting shall have been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS5 and CS25 of the Dacorum Borough Core Strategy (September 2013).

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

4308.

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

ARTICLE 31 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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and

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187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**207. PLAN NO. 4/03031/14/FUL - CHANGE OF USE FROM SINGLE DWELLING (C3) TO SEVEN DWELLINGS WITH CAR PARKING, CYCLE STORAGE AND AMENITY SPACE
13 SHRUBLANDS ROAD, BERKHAMSTED, HP4 3HY
APPLICANT: MRS D PRASAD**

This application was deferred by Members at their meeting on 26th February 2015 for investigations to be undertaken in relation to parking. (Full details are included in the agenda report).

The application is recommended for approval subject to the conditions outlined in the original committee report (indexed in agenda report).

It was proposed by Councillor Conway and seconded by Councillor Killen to grant the application for the reasons set out above and subject to the following amended conditions:

Voting:

8 for, 1 against and 3 abstentions;

whereupon it was:

Resolved:

That planning permission be granted for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be constructed in accordance with the materials/ details specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development.

Reason: In the interests of the visual amenities of the Conservation Area.

- 3 The Refuse storage facilities illustrated on Drawing No. 200 Rev C shall be provided before the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To accord with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 4 This permission does not extend to the replacement of any external windows or doors.**

Reason: To ensure a satisfactory appearance to the development and to safeguard

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the character and appearance of the building and this part of the Berkhamsted Conservation Area.

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

OS Map Rev A

100

101

102

103

110 Rev A

111 Rev C

201 Rev a

202 Rev F

204 Rev A

205

206

206 Rev A

Design & Access Statement/Heritage Statement

Bat Survey

Transport Statement

Sustainability Statement and Energy Report

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

Additional Condition

The area identified for car parking on the approved plan must be retained for car parking to serve the premises and for no other use.

Reason: To ensure that the car parking is available for use at all times.

Article 31

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

INFORMATIVE 1

The applicant is advised that:

- Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk
- If demolition occurs in the bird breeding season between March and September inclusive, then prior to demolition the loft space should be searched by a suitably qualified ecologist for signs of active birds nests, which if present are protected and should not be disturbed. Appropriate

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advice should be provided accordingly.

INFORMATIVE 2

The applicant is advised that the property is built within the vicinity of potentially contaminative land uses. There exists the slight possibility that this activity may be affected by the proposal. The developer is advised to keep a watching brief.

- 208. PLAN NO. 4/00438/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) AND 5 (ROOFLIGHTS, CILL HEIGHTS) OF APPEAL REFERENCE APP/A1910/A/14/2221190 ATTACHED TO PLANNING PERMISSION 4/00024/14/FUL (CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES) LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG
APPLICANT: BrayBeech Homes Limited - Mr S Booth**

Councillor Hearn declared a prejudicial interest in application 4/00438/15/ROC. Councillor Hearn attended a meeting of residents where this application was discussed. Councillor Hearn left the meeting at 9pm and took no part in the discussion or voting thereon.

Nigel Ozier, the applicants' agent, made a statement in support of the application.

Voting:

1. It was proposed by Councillor Whitman and seconded by Councillor Clark to grant the application in line with the officer's recommendation.

3 for, 6 against and 2 abstentions;
2. It was proposed by Councillor Guest and seconded by Councillor R Hollinghurst to refuse the application contrary to the officer's recommendation for the reason set out below.

6 for, 1 against and 4 abstentions.

Whereupon it was:

Resolved:

That the application be refused for the following reason:

The proposed gables and lower cill heights of the roof lights would be overbearing features and cause overlooking to adjoining dwellings, contrary to criteria (c) and (f) of Policy CS 12 (Quality of Design) of the Dacorum Core Strategy

Councillor Hearn returned to the meeting at 9.25pm

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**209. PLAN NO. 4/00365/15/FUL - CONSTRUCTION OF TWO SEMI-DETACHED HOUSES
LAND TO THE REAR OF 17 STATION ROAD, TRING, HP235NG
APPLICANT: BRAYBEECH HOMES LTD - MR S BOOTH**

Nigel Ozier, the applicants' agent, made a statement in support of the application.

Voting:

1. It was proposed by Councillor Whitman and seconded by Councillor Killen to grant the application in line with the officer's recommendation.

3 for, 5 against and 4 abstentions;

2. It was proposed by Councillor Macdonald and seconded by Councillor Hearn to refuse the application contrary to the officer's recommendation for the reason set out below.

6 for, 1 against and 5 abstentions.

Whereupon it was:

Resolved:

That the application be refused for the following reason:

The proposed dwellings would be an overbearing feature in relation to the adjoining bungalow, contrary to criterium (g) of Policy CS 12 (Quality of Design) of the Dacorum Core Strategy.

210. APPEALS

Noted the following reports:

1. Appeals Lodged;
2. Decisions on Appeals

The meeting ended at 10.00 pm

Chairman