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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 17 NOVEMBER 2022 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

Councillor Guest (Chairman)	Councillor Douris
Councillor C Wyatt-Lowe	Councillor Williams
Councillor Beauchamp (Vice-Chairman)	Councillor Hollinghurst
Councillor Durrant	Councillor Stevens
Councillor Hobson	Councillor Tindall
Councillor Maddern	Councillor Riddick
Councillor McDowell	

For further information, please contact Corporate and Democratic Support or 01442 228209

## **AGENDA**

**8. ADDENDUM** (Pages 2 - 15)

# Agenda Item 8



## DEVELOPMENT MANAGEMENT COMMITTEE

17th November 2022

### ADDENDUM SHEET

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#### Item 5a

**21/01018/MFA Construction of a Class E limited assortment discount foodstore with associated car parking, access, landscaping and engineering works.**

**Land North Of Jarman Centre Jarman Way Hemel Hempstead Hertfordshire**

1. Updated Energy and Sustainability Statement (Issue 3) received.

The updated statement reveals a 192.83% carbon dioxide saving and a 215.31% energy saving, when assessed against Part L2 2021 Building Regulations and accounting for the proposed passive, active and LZC strategies.

2. Response from Hertfordshire Fire and Rescue regarding fire hydrants.

*'We have a hydrant on Jarman way which covers the proposed work here, so from a hydrant perspective we have no requirements.'*

3. Drainage.

Updated micro-drainage model submitted.

4. Further response from the Environment Agency.

*'I have managed to ascertain from someone in our permitting team that the site does not have a permit however there are certain requirements that need to be met for any development on site:*

- *Treatment and recovery and disposal of any excavated waste must comply with waste legislation, and be sent off site as a waste.*
- *If they propose to retain any excavated material, they will require an environmental permit before development starts, this will take over 12 months to secure due to the backlog at NPS.*

- *They cannot use contaminated land legislation or DoWCoP to import or redeposit material back on the site (original site derived top soil would have been the only exception, but they cannot prove it any that is left was site derived due to the history).*
- *As no import of soils would be acceptable as part of the redevelopment, they cannot raise the site levels to make a development platform.*
- *Piling would be a concern as they could create pathways to the underlying chalk aquifer. All works must comply with our position statements found online.*
- *No soakaways on site would be acceptable as this could mobilise contaminants in the waste.'*

5. List of relevant documents.

The list of background papers can be found by searching for the planning reference number through the council's website:

<https://planning.dacorum.gov.uk/publicaccess/>

6. Response from Environmental and Community Protect regarding opening hours and construction hours conditions.

*'We would have no concerns with this.'*

7. Objection from MRPP on behalf of Tesco Stores (ref: 2995/MR/LT20221111).

*'As you will be aware, we act on behalf of Tesco Stores Limited. We made representations to the above application in our letter of 8th September 2021. We have now had the opportunity of reviewing the Officer's Report on the application to Planning Committee. This draws on the advice of various internal and external consultees including from Nexus on retail matters.*

*The following submissions arise from our review of the Officer's Report.*

- *Weight should not be placed on there being any capacity for further retail floorspace since the focus to accommodate that must be on suitable town centre sites,*
- *The failure to correctly apply the sequential test as it relates to the future town centre opportunity presented by the Market Square site,*
- *The applicant's failure to apply the sequential test to identify preferable out-of-centre opportunities and their related error in asserting that the application site is "...in accordance with an up-to-date plan",*
- *The failure to meet the NPPF's requirement for "a visually attractive development in terms of design and landscaping",*
- *The risk arising from the lack of resolution concerning drainage considerations, and;*
- *The need to impose a condition limiting the amount of sales floorspace devoted to convenience goods to reflect the development's assessment*

*Any capacity for further retail floorspace should be prioritised for future town centre schemes*

*The Officer's Report refers to "capacity for a substantial increase in convenience floorspace in Dacorum" (paragraph 9.19). The evidence base suggests the prospect of this being from*

9,100sqm (net) at 2026 (Table 6p of the Council's Further Dacorum Retail Study (June 020)). However, national and local policy no longer requires there to be a demonstration of quantitative or qualitative need to justify the grant of planning permission.

*It is important to understand how the Council envisages that available capacity for additional floorspace should be applied. The relevant evidence base for the emerging Local Plan i.e., the Further Dacorum Retail Study (June 2020), identifies locations where this floorspace would best be accommodated. This is well put in the emerging plan – which is the document that responds to the evidence base – where it states “Although there is capacity for a substantial increase in convenience shopping floorspace, the 2020 study is cautious about translating this into provision on the ground, given the structural changes underway to the way we shop. Furthermore, over half the identified convenience capacity is to address 'over-trading' in existing foodstores. The study advised that out of centre retail schemes which are harmful to designated centres should be resisted, irrespective of the capacity identified. However, appropriate retail schemes that would increase the vitality and viability of existing centres should be permitted, even if there is no capacity identified.” (our emphasis) (paragraph 9.7).*

*The Council will continue to rely upon the NPPF in its Local Plan preparation. This requires planning policies to “...support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation” (paragraph 86 of the NPPF). This then expects planning policies to “allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least 10 years ahead” (see paragraph (d)) (our emphasis).*

*Arising out of this, the emerging Local Plan explains “...that national guidance and our evidence base point to new retail floorspace being located as far as possible in the town, district and local centres, in accordance with the hierarchy. Where it is not met in these centres, any additional retail provision should be directed mainly to the larger strategic sites. Given the uncertainties in retailing mentioned above, we will reconsider retail floorspace needs before the next stage of the Local Plan is published” (paragraph 9.11).*

*As a consequence of this approach the Plan concludes that “...rather than set a floorspace target for convenience floorspace, it is better to concentrate on meeting the main identified needs in our towns” (paragraph 9.12). This is then complemented by the explanation that whilst “There are few realistic opportunities available for retail development in our town centres, but the evidence shows that the most appropriate sites are located at Market Square in Hemel Hempstead and...”. The plan cautions that retail development on these sites “still needs to be fully tested and it is uncertain whether such development will be delivered. If not we consider that no alternative provision is needed in Hemel Hempstead, given recent and proposed future supermarket development elsewhere in the town” (paragraph 9.14).*

*Town centre opportunities are, by their very nature, complex. Relevant issues can include assembling sites that are in a number of different ownerships, the need for relocations of existing uses and the provision of enabling infrastructure. Such sites have longer lead-in times than less complex opportunities but which likely have less planning benefit (e.g., because they are located out-of-centre). The NPPF therefore conditions how applicants should look at the ‘suitability’ of opportunities with the words “...expected to become available within a reasonable period” (paragraph 87). The NPPG provides guidance on the*

*issues informing what such a period might be. It helpfully explains that “When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge-of-centre sites should be taken into account”. In the consideration of other town centre locations involving discounter retailers (including Lidl), engaged in more complex town centre redevelopment schemes, it has been held that a period of between 3-4 years “...presents a reasonable timeframe, and the suggested timeline, for development by Lidl in terms of the application, development and delivery process would also all appear to be reasonable” (paragraph 10 of Planning Appeal Decision APP/Q4245/W/21/3267048).*

*The adopted Core Strategy (2013) identifies out-of-centre retail locations in Hemel Hempstead. It advises that “Significant new retail development or changes to the types of goods that are currently sold will not be allowed at these locations in order to support the retail hierarchy” (paragraph 13.17). The retail hierarchy is headed by Hemel Hempstead as a Principal Town Centre (Table 5).*

*Jarman Fields is specifically referred to as a “...location where significant new retail development above that already permitted will be resisted. The future of this area will be closely linked to the planned regeneration of Hemel Hempstead town centre” (paragraph 13.8).*

*Whilst the emerging Local Plan recognises that “...it would be prudent to retain the vacant land at Jarman Park, Hemel Hempstead as a Retail Growth Area, with potential for convenience and comparison floorspace...” this is caveated with the explanation that “...the position should be reviewed through the next Local Plan”. Thus, the reference to the vacant land, which includes the application site, is couched as something for consideration at a later time. That sits wholly consistently with the function and purpose of the sequential approach as set out in the NPPF and recorded above i.e., the expectation that Councils “allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least 10 years ahead” (see paragraph (d)) (our emphasis).*

*It is important to recognise that the sequential approach has a temporal dimension in that less sequentially preferable sites should not be developed before more appropriate town centre sites have been able to come forward, notwithstanding longer lead-in times associated with their “scale and complexity”, as explained in the NPPG. This reflects the need for investment in town centres to have the opportunity to come forward without adverse risks arising as a consequence of potential out of centre development.*

*Taking all of the above into account, we now consider the applicant’s approach to sequential assessment.*

#### *The Failure to Correctly Apply the Sequential Test to the Market Square Opportunity*

*We have explained above the significance of the sequential test to national and local planning policy. It seeks to ensure that the Government’s policy principle of “town centre first” is achieved. It is vitally important that available town centre sites are developed before available edge-of-centre sites and equally important that available edge-of-centre sites come forward before available out-of-centre sites. That is because if proposals come forward out of sequence, if less sustainable locations are developed for retail first, there is a risk that the sequentially preferred sites might not then come forward at all, with the retail*

competition from the out-of-centre development having already taken the available market spend in the local catchment area. The only way to avoid this risk is for the sequentially preferred sites to come forward in the sequentially preferred order, so that they have the first opportunity to satisfy available market demand. And in the context of the timelines applicable to development within town centres, this is not a matter that can be expected to occur in the short term.

The development plan's basis for the sequential approach is set out by Policy CS16. This includes that "New retail floorspace will only be permitted outside of defined centres if the proposal complies with the sequential approach...". The supporting text sets out the order of preference with out-of-centre sites being the last. In the assessment of such sites, the Core Strategy's approach is to give preference to "...sites which are or will be served by a choice of means of transport and which are closest to the centre and have a higher likelihood of forming links with the centre" (paragraph 13.9). This is consistent with the approach promoted by the NPPF.

Further advice is given on the expectation of how the demonstration of 'flexibility' is to be accommodated within schemes in terms that include:

- i i. scale: reducing the floorspace of their development;
- ii ii. format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprint;
- iii iii. car parking provision: reduced or reconfigured car parking areas.

The Officer's Report refers to the two key town centre sites that have been considered. Nexus have advised the Council that there are reasons why the West Herts College site is likely not to be suitable or available. However, the Officer's Report summarily rejects the Market Square site solely on the basis of it not being available "within a reasonable period". However, there is no analysis in terms of the development plan's approach to ensuring that town centre sites have the opportunity of coming forward in the context of a timeline that relates to their 'scale and complexity'. There is no suggestion that the site is not "suitable". The emerging Local Plan refers to it as being one of the 'most appropriate sites available for retail development' (paragraph 9.14) and the evidence base (the 2020 Retail Study) – which the Officer's Report refers to as being "...of most relevance" (paragraph 9.19) – concludes that "There is opportunity to accommodate both convenience and comparison retail as part of the redevelopment of the wider site... to increase footfall and activity in this area of the Town Centre" (page 38).

In light of all of the above, particularly in terms of the appropriate timescale that should be applied to a complex town centre opportunity that is firmly identified in the most relevant evidence base, there is a need to apply the temporal basis of the sequential test. There has been no regard to this requirement and thus the sequential test is failed. As a consequence planning permission cannot be granted as per Policy CS16 and "should be refused" as advocated by paragraph 91 of the NPPF.

#### *Failure to Apply the Sequential Test to Identify Preferable Out-Of-Centre Opportunities*

There is a further failure of the sequential test. The Officer's Report correctly identifies this at paragraph 9.29. The Council's expert advises that the applicant has "...too narrowly interpreted guidance on the sequential test (and that) other out-of-centre sites should be

considered where they might be more accessible or better connected". Furthermore, the Officer's Report refers to the Council's expert's advice disagreeing with the applicant's agent's assertion that the application proposals are "In accordance with an up-to-date plan" and cannot therefore avoid a more comprehensive sequential assessment. However, it is not good enough for the officer to merely report that "Nexus consider that the Applicant should have carried out a sequential test" of other out-of-centre sites (paragraph 9.29 and 9.31).

Without any understanding of whether there are suitable and available out-of-centre opportunities that may, compared with the application site, "...be well served by a choice of means of transport and which are closest to the centre and have a higher likelihood of forming links with the centre", the requirements of the sequential test have not been met. This is a further failure against the development plan (Policy CS16 and paragraph 13.12) justifying the refusal of planning permission.

#### *Failure to Provide a Visually Attractive Development in terms of Design and Landscaping*

The Officer's Report does not consider that the proposed development is visually attractive or exhibits a high quality of design. There are no such references in the Report. Instead the design is described as "not considered particularly innovative" (paragraph 9.52), is only "considered acceptable" (paragraph 2.4) and the Conservation and Design Officer refers to "the building is fairly unarticulated when compared with some of the neighbouring buildings within the context of the retail park. For instance Tesco, which uses local redbrick materials and articulates the façade up into smaller bays..." (Appendix A).

However, the Officer prefaces the Report by reference to paragraph 130 (b) of the NPPF which is reported as stating that "...developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping" (paragraph 9.49). Paragraph 130 also provides that planning decisions "...should ensure that developments establish or maintain a strong sense of place, using the arrangement of street, spaces, building types and materials to create attractive, welcoming and distinct places to live, work and visit" (criterion (d)). The Officer's Report refers to "The application site has a prominent frontage onto St Albans Road and the gateway into the retail/leisure park" (paragraph 9.51). The Report lists Policy CS10 as a "Main Policy". This includes that "...development should deliver landmark buildings at movement and pedestrian gateways and enhance focal points with high quality architecture" (criterion e). There is no doubt that this site is located at a 'movement gateway' and thus the opportunity should not be lost of delivering a "landmark building" instead of one that is "...not considered particularly innovative and matches Lidl's standard building style (and) would have limited architectural features" (paragraph 9.52).

The Officer's Report, in considering the limited extent of landscaping proposed, refers to only "Four trees would be planted along the east elevation facing St Albans Road (and that) Lidl were pushed for additional planting in-line with the Council's sustainability objective (Policy CS29) and three additional trees were added to the north of the building". However, the Officer fails to refer to the relevant policy in the NPPF at paragraph 131 that emphasises that "Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change... (and) that opportunities are taken to incorporate trees elsewhere in developments".

*Planning permission should therefore be refused due to the failure to provide a development which is “visually attractive as a result of good architecture, layout and appropriate and effective landscaping” (NPPF paragraph 130 (b)).*

#### *The Risk Arising from the Lack of Resolution Concerning Drainage Considerations*

*The Officer’s Report seeks to address Flood Risk and Drainage from paragraph 9.132. However, these fundamental issues have not yet been resolved. The Officer advises that “Final technical details have been provided by the Applicant and the LPA is awaiting JBA’s (the Council’s expert) confirmation that these details are appropriate”. The Officer’s Report appends 23 pages detailing the far from satisfactory engagement between the applicant’s representative, and the Lead Local Flood Authority (HCC) together with the Council’s expert (JBA).*

*Without satisfactory resolution we are concerned, on behalf of our client as a neighbour to this development proposition, that the Officer has, “...considered that, when the mitigation work details are taken into account, the proposed drainage strategy is deemed acceptable and no significant issues are identified (in) relation to water resources or flood risk. Therefore the proposal is considered acceptable in relation Policy CS31 and Section 14 of the Framework” (paragraph 9.139). However, as far as we can understand from the 23 pages of consultee engagement with Lidl’s representatives, the “mitigation work details” have not yet been accepted. Because of the obvious importance of this issue, it seems incumbent that it be resolved before the application is put to the Committee.*

*In these circumstances, without there being “confirmation that these details are appropriate” (paragraph 9.138), the imposition of a condition requiring the submission of details relating to the implementation, maintenance and management of a sustainable drainage system is a wholly inappropriate proposition (see suggested Condition 16).*

#### *The Need for a Condition Limiting the Extent of Convenience Goods Floorspace*

*Retail impact assessment of the proposal has been undertaken on the basis of the stated sales areas within the proposed development. These are set out in the various reports. However, proposed Condition 2 does not limit the amount of floorspace to be used for the sale of food and convenience goods.*

*An addition to Condition 2 is therefore necessary, reasonable, and relevant to the development being permitted and should be provided if permission were to be granted.*

#### *Conclusions*

*Our review of the Officer’s Report and related material has demonstrated failings against national and local policy including in respect of:*

- Weight should not be placed on there being any capacity for further retail floorspace since the focus to accommodate that must be on suitable town centre sites.*
- The failure to correctly apply the sequential test as it relates to the future town centre opportunity presented by the Market Square site.*



- *The applicant's failure to apply the sequential test to identify preferable out-of-centre opportunities and their related error in asserting that the application site is "...in accordance with an up-to-date plan" in an attempt to circumvent such assessment.*
- *The failure to meet the NPPF's requirement for "a visually attractive development in terms of design and landscaping".*
- *The risk arising from the lack of resolution concerning drainage considerations.*
- *The need to impose a condition limiting the amount of sales floorspace devoted to convenience goods to reflect the development's assessment.*

*For all the above reasons planning permission should be refused.'*

#### 8. Officer response to Tesco objection

- Focus for retail space should be on town centre sites

This has been raised previously by Tesco, which can be found on page 87 of the committee agenda pack. The policy context for the application has been highlighted on pages 10-12. It is worth re-stating paragraph 9.19, which says that *'The April 2020 study is of most relevance. It shows that there is capacity for a substantial increase in convenience floorspace in Dacorum and that the only potential site in Hemel Hempstead Town Centre (Market Square) cannot meet all of this need. Also, this site is not currently available.'*

Paragraph 9.3 of the committee report also states:

*'The principle of an out-of-centre retail development has previously been established on the site (see 4/00424/15/MOA and 4/00595/18/MFA). When this application was submitted, the site benefitted from an extant permission for the construction of 1,184sq.m net sales of convenience food floorspace and 7,400sq.m of net sales area comparison non-food floorspace (4/00595/18/MFA). This application was approved on the 16th October 2018 and but expired on the 16th October 2021. Prior to this, an appeal decision established the principle of retail development on the site. The appeal (reference: APP/A1910/W/15/3132774) granted outline consent on the 4<sup>th</sup> March 2016 for a total amount of floorspace slightly below the 2018 application.'*

- Sequential Test Failures – Market Square Site

This has been addressed in para. 9.34 of the committee report, which states:

*'Turning to the Market Square site, MRPP correctly identify that whilst Dacorum's Strategic Planning Team's comments state that '...the site is not currently available', the test is whether the site is 'expected to become available within a reasonable period of time' (as per Para. 87 of the Framework). Further information was requested from the Strategic Planning Team and in summary they explained that, 'the Market Square site is not available (or expected to become available within a reasonable period) for a food store development of the approximate size proposed by Lidl at Jarman Park.'* In light of this, Nexus consider that although the site is appropriate to be subject to the sequential test, there is no reasonable prospect of its use as a foodstore within a reasonable period.'

Reference is also made to the first response from Nexus (dated August 2022), which comprehensively addresses this issue:

*'Turning next to the Market Square site, MRPP point to the Council's support for future retail development on the site (as advocated in the Nexus 2020 report). They pick up on consultee comments made by the Strategic Planning team on the subject application where they concluded that "...the site is not currently available". MRPP correctly identify that the test is not one of whether the site is immediately available, rather it is whether the site is "expected to become available within a reasonable period of time" (NPPF, Paragraph 87). Supporting Practice Guidance from the Government adds that "When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account". MRPP note this and suggest that as the Council itself is the primary landowner, it should address this question.*

*Avison Young's response notes correctly that the site falls within the area covered by Proposal L/1 of the adopted Plan (2017). They point to numerous insertions in the related Masterplan document for a desire to see leisure uses incorporated within the proposals and, once this factor is taken into account, suggest that the already small site (0.5ha) is incapable of feasibly accommodating a foodstore of the approximate size proposed. More fundamentally still, they note the Council's own consultation response suggests that the site is unavailable.*

*Accordingly, we have taken soundings from the Council's Strategic Planning team, who comment as follows:*

*"The council has ambitions to see market square redeveloped (most likely) as a mixed used scheme in the future (timescales tbc). The last iteration of the Local Plan confirmed such. It is too early to rule out whether a component of this could be for retail uses or other leisure operations. As a key site the council are considering options both from perspective as LPA and landowner. At present the council does not have full landowner control of the Site – there are small areas of land in the ownership of Homes England. The council submitted a Levelling Up Fund bid for the site and feasibility work was undertaken. However, Market Square was taken off the agenda. Following the first bid, which was unsuccessful, another bid has just been submitted to the Department of Levelling Up. The proposal discusses "a meanwhile use project to be delivered on Market Square, complemented by the development of a meanwhile use strategy for the town centre as a whole." It appears that the bids make no reference to the possibility of including a food store as part of the redevelopment scheme. Therefore, it is the view of the Strategic Planning Team that in terms of NPPF paragraph 87, the Market Square site is not available (or expected to become available within a reasonable period) for a food store development of the approximate size proposed by Lidl at Jarman Park".*

*In light of the foregoing, we consider that it is appropriate for the site to be subject to the sequential test, but having then gone on to consider the two alternative sites put forward, found that there is no reasonable prospect that either is likely to be available for use as a foodstore within a reasonable period.'*

- Error made by Applicant on applying the sequential test – should have considered other out-of-centre opportunities

This point is addressed in para. 9.38 of the committee report i.e.

*'Having considered the sequential test, Nexus are satisfied that alternative sites should have been considered as the proposals do not sit squarely within the site allocation criterion. However, an assessment of the two alternative sites revealed that neither would be available for use as a foodstore within a reasonable period. Therefore, Nexus do not object on sequential test grounds. This view is echoed by the LPA.'*

It is considered that the application site is well connected and has clearly been identified as a preferable area for out-of-centre retail as discussed in pages 11-12 of the committee report.

- The failure to meet the Framework's requirement for *'a visually attractive development in terms of design and landscaping'*

This has been discussed in the 'Design, Materials and Visual Impact' section of the committee report (i.e. paras. 9.49-9.55). The report identifies that the proposals would reflect its context, provide a focus point (glazed entrance), open up the site and provide planting, all of which would result in visual and environmental benefits. Paragraph 9.55 concludes that the proposed design and visual impacts are therefore considered acceptable.

- No resolution to drainage issues

As noted in Addendum Point 3 above, further information has been provided by the Applicant in this regard. The council's drainage consultants are reviewing this information and a final update will be provided to members at committee in this regard.

- Condition limiting sales floor space to convenience goods

Condition 2 currently states:

*'The Class E floorspace hereby permitted shall have a maximum gross floor area of 2,488sq.m. The net sales area of the Class E floorspace shall not exceed 1,652sq.m. The use shall be restricted to the sale of convenience goods with no more than 332 sq.m for the sale of comparison goods.'*

The point raised is noted and the following amendment has been made to condition 2:

*'The Class E floorspace hereby permitted shall have a maximum gross floor area of 2,488sq.m. The net sales area of the Class E floorspace shall not exceed 1,652sq.m. The use shall be restricted to the sale of convenience goods (no more than 1,320 sq.m) and the sale of comparison goods (no more than 332 sq.m).'*

9. Update to condition 2 wording (as above).

### Recommendation

As per the published report.

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**Item 5b**

**22/00353/MFA Provision of an Electric Vehicle (EV) Charging Station and Cafe**

**Kings Langley Service Station and Adjoining Land Hempstead Road Kings Langley Hertfordshire WD4 8AL**

Additional Conditions

**12. The development hereby permitted shall not be brought into use until a Parking Arrangement Plan, showing the location of parking spaces for employees, has been submitted and approved by the Local Planning Authority. Employee vehicles shall thereafter only park in the approved employee parking spaces. The remaining parking spaces shall only be occupied by Electric Vehicles.**

Reason: This development is inappropriate development and has only been granted due to the very special circumstance of providing electric vehicle charging points and associated linked facilities. As such this condition is required to ensure that the use of the associated hub remains ancillary to the use of the charging facilities hereby permitted in the interests of the openness and visual amenity of the Green Belt in accordance with the NPPF and Policy CS5 of the Core Strategy.

**13. The development hereby permitted shall not commence prior to a written preliminary environmental risk assessment report containing a Conceptual Site Model that indicates sources, pathways and receptors has been submitted to and approved in writing by the local planning authority. This report should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination, likely to be harmful to human health and the built and natural environment.**

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

**14. If the Local Planning Authority is of the opinion that the report which discharges condition 13, above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an intrusive site investigation report has been submitted to and approved by the Local Planning Authority which includes:**

- **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- **The results from the application of an appropriate risk assessment methodology.**

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

**15. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of condition 14, above; has been submitted to and approved by the Local Planning Authority. The remediation measures shall be undertaken fully in accordance with the approved details.**

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

**16. This site shall not be occupied, or brought into use, until:**

- **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 15 above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

**17. Any contamination, other than that reported by virtue of Condition 13 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

Informative:

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

Guidance on how to assess and manage the risks from land contamination can be found here <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

Recommendation: As per the published report.

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**Item 5c**

**22/00578/FUL Construction of a new dwelling, including a new vehicle access, demolition of existing outbuildings and cessation of existing vehicle repair and sales business**

**Shothanger House Box Lane Hemel Hempstead Hertfordshire HP3 0DJ**

- 1. Clarification over paragraph 9.19.

The application documents confirm that the two-storey side extension has been partially constructed. Only the foundations have been completed. As the permission has been implemented (started), the permission is considered to be extant.

- 2. Change to Appendix A (Consultee Responses).

The dates associated with the first and second comments from Herts Highways are the wrong way around. As such, the first comments should read 'Initial comments received 11<sup>th</sup> March 2022' and the second comments should read 'Further comments received 7<sup>th</sup> April 2022'.

Recommendation

As per the published report.

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**Item 5d**

**22/02345/ROC Variation of Condition 10 (approved plans) attached to planning permission 20/03821/FUL - Demolition of 34 residential garages and construction of 2 no dwelling houses and 6 no apartments**

**Garage Court Sleddale Hemel Hempstead Hertfordshire**

No updates.

Recommendation

As per the published report.

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**Item 5e**

**22/02747/FHA      Proposed half width first floor rear extension above existing ground floor back addition**

**33 Cowper Road Markyate St Albans Hertfordshire AL3 8PP**

No updates.

Recommendation

As per the published report.

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**Item 5f**

**22/02796/FHA      Changes to fenestration and single storey rear extension**

**17 Wroxham Avenue Hemel Hempstead Hertfordshire HP3 9HF**

Additional condition:

The proposal includes a new first floor side facing ensuite bathroom window. To ensure no harm to the residential amenities of No. 19 is it recommended that following condition be included should permission be granted.

**The new window at first floor level hereby permitted shall be non-opening and permanently fitted with obscured glass of at least Pilkington level 3 and shall be non-opening (unless the part of the window that opens is above 1.7m from the floor level of the room the window serves).**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

Recommendation

As per the published report.

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