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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**15 JUNE 2017**

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Present:

**MEMBERS:**

Councillor Guest (Chairman) Councillors, Birnie, Clark, Conway, Maddern, Matthews, Riddick, Ritchie, C Wyatt-Lowe (Vice-Chairman), Fisher, Tindall, P Hearn and Bateman

Councillor Barrett, Bhinder, Marshall, G Sutton and Williams also attended

**OFFICERS:**

K Mogan (Member Support Officer), Swan (Environmental Health Officer), J Doe (Assistant Director - Planning, Development and Regeneration), C Gaunt (Solicitor), N Gibbs (Lead Planning Officer), Herbert (Assistant Team Leader - Development Management), Horner (Group Manager - Development Management), Keen (Planning Officer), A Parrish (Lead Planning Officer) and Rennie (Lead Planning Officer)

The meeting began at 7.00 pm

**17 MINUTES**

The minutes of the meeting held on 27 April 2017 were confirmed by the Members present and were then signed by the Chairman.

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:

<https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=159&MId=515>

**18 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor Whitman.

**19 DECLARATIONS OF INTEREST**

Councillor Guest asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application.

**20 PUBLIC PARTICIPATION**

Councillor Guest reminded the members and the public about the rules regarding public participation.

**21            4/03082/16/ROC - REMOVAL OF CONDITION 1 (TWO-YEAR TEMPORARY PLANNING PERMISSION) OF PLANNING INSPECTORATE DECISION (APP/A1910/C/14/223612) APPEAL OF PLANNING APPLICATION 4/00435/14/ENA (MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND ASSOCIATED STORAGE/PARKING) - LAND AT RUNWAYS FARM, BOVINGDON AIRFIELD, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR**

A Parrish introduced the item and said it had been referred to the committee due to the contrary views of Bovingdon Parish Council. Members must decide if the applicants has satisfactorily shown that activities can be carried out without noise disturbance for surrounding neighbours. There have been 650 noise complaints since the start of the two year trial.

Brian O'Sullivan, Jonathan Barden and Dr Peter Cox spoke in support of the application.

Kevin McLoughlin and Ed Clarke spoke in objection to the application.

In his role as ward councillor, Councillor Graham Barrett spoke in objection to the application.

Members were concerned that the applicant had failed to follow and adhere to the current management plan in place and questioned whether it would be a good idea to extend. Members agreed to decrease the extension period from one year to six months.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Birnie to grant the application in line with the officer's recommendation but decrease the extension period from one year to six months

Vote

For: 10                      Against: 3                      Abstained: 0

Resolved:

That planning permission be **GRANTED** subject to the following conditions:

- 1. The use hereby permitted shall be discontinued on or before 6 months of the date of this permission, and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.**

Reason: The proposed use could be detrimental to the amenities of the locality, contrary to Policy CS12 of the Dacorum Core Strategy September 2013, and the local planning authority wishes to have the opportunity to review the development in the light of operational experience.

**2 The permission enures solely for;**

- **The use of vehicles owned and operated by the emergency services and other government agencies;**
- **use of vehicles by media organisations for the purpose of photography or display;**
- **the use of go-karts, vehicles which are operated for the purposes of corporate entertainment / experience days / drifting and use of the site by motorcycles and Harrow Car club.**

Reason: For the avoidance of doubt and to ensure control over the extent of the permission in the interests of residential amenities in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

**3 The use hereby permitted, including any preparatory/warming up/winding down vehicle uses, shall only be carried out during the following times;**

- **Emergency services (no restrictions);**
- **Driver tuition for pupils under 17 - 0900-1800 Monday to Sunday;**
- **All other forms of driving tuition - 0900-1800 Monday to Friday and 0900-1330 Saturday and at no time on Sundays and Bank Holidays;**
- **Media, go-karts, entertainment, motorcycling - 0900-1800 Monday to Friday and 0900-1330 Saturdays and at no time on Sundays or Bank Holidays;**
- **Drifting - 0900-1800 on one day per week only (as set out within the Management Plan required under Condition 5) and at no time on any other days of the week.**

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

**4 All motor vehicle uses approved under this planning permission shall be recorded within an operational log diary, setting out the activity taking place, the time of the event, location on site and the users. The up-to-date operational log diary and noise monitoring records should be made available for inspection by the local planning authority within ten working days of receipt of a written request from the local planning authority.**

Reason: To enable the local planning authority to be able to associate any noise disturbance with a particular activity on site for the purposes of considering any noise complaint in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 5      **Within two months of the date of this decision the Management Plan (including noise management) approved under application reference 4/00933/15/DRC shall be updated and submitted for the approval in writing of the local planning authority. The details to be included in the update shall include, but not be limited to, the following:-**

- **Times and day(s) of week for Drifting activities, and types of vehicles used;**
- **Current and planned activities as well as improvements e.g. re-location of drifting to the main runway. It should include regular consideration of best practicable means to control noise, for example improvements to monitoring technology, tyre technology, use of low noise paints as track markers;**
- **Quarterly reviews of the Management Plan with the council regarding exceedances of noise thresholds, complaints received and mitigation measures taken as a result;**
- **Improvements to the effectiveness of the track wetting where drifting takes place – with a requirement to share details of the use of the system and volumes of water used;**
- **The static noise test for exhaust monitoring be changed to that laid down by the Motor Sports Association, i.e. readings to be taken at  $\frac{3}{4}$  of maximum revs;**
- **Consideration to the use of an anemometer / weather station on site to better correlate complaints to wind direction, atmospheric pressure, etc.;**
- **A proper, costed, consideration to providing real-time noise data;**
- **A proper, costed, consideration of providing an additional noise monitoring point(s);**
- **Quarterly external field calibration checks of the noise monitors.**

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

Reason: In order to manage the operations at the site in the interests of residential amenities in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 6      **There shall be no racing of vehicles or competition, with the exception of go-karts and Harrow Car Club.**

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

- 7 **No external lighting other than that agreed in the Management Plan shall be erected.**

Reason: In the interests of the visual amenities of the Green Belt and this area of dark landscape in accordance with Policies CS5, CS10, CS12 of the Dacorum Core Strategy September 2013 and Appendix 8 of the Dacorum Borough Local Plan 1991-2011.

- 8 **The development shall be carried out in accordance with the storage and facilities plan approved under application reference 4/02650/16/DRC, and no other part of the site shall be used for these purposes.**

Reason: To limit the impact of the development on the openness of the Green Belt, its visual amenities and the character and appearance of the rural landscape in accordance with Policies CS5, CS10, CS12 and CS25 of the Dacorum Core Strategy September 2013.

- 9 **The use hereby permitted (use of the site for motorcycle and motor vehicle activities and associated storage and parking (other than those approved under planning references 4/02626/03/FUL, 4/03237/14/FUL and 4/01259/16/FUL) shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 9 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-**

- **within the identified period of the date of this decision, schemes and details associated with the conditions set out above, shall have been submitted for the written approval of the local planning authority and the schemes/details shall include a timetable for their implementation.**
- **if within 6 months of the date of this decision the local planning authority refuses to approve the scheme/details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.**
- **if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.**
- **the approved schemes shall have been carried out and completed in accordance with the approved timetable. In any case, the use shall cease in accordance with condition 1 in six months.**

Reason: To ensure control over the use of the land in the interests of the openness of the Green Belt and the character and appearance of the landscape in accordance with Policies CS5, CS10, CS12 and CS25 of the Dacorum Core Strategy September 2013.

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

**Location Plan**

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

- 22      **4/03157/16/MFA - HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 12,503 SQM RETAIL (CLASS A1) FLOOR SPACE, 545 SQM OF CAFE/RESTAURANT (CLASS A3/CLASS A5) FLOOR SPACE, AND 180 SQM OF CAFE/RESTAURANT (CLASS A1/CLASS A3) FLOOR SPACE, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING (DETAILS SUBMITTED IN FULL); AND OFFICE (CLASS B1) BUILDING MEASURING 2,787 SQM (DETAILS SUBMITTED IN OUTLINE) - LAND AT MAYLANDS AVENUE, MAYLANDS AVENUE, HEMEL HEMPSTEAD**

I Keen introduced the item and said it had been referred to committee as it the application was originally referred to the Development Management Committee as the application is a large scale major (over 10,000m<sup>2</sup>) and involves a planning obligation under Section 106 of the Town and Country Planning Act 1990. The proposed amendment to the permitted retail use was not a matter previously considered by committee.

Phil Marsden spoke in support of the application.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Matthews to delegate the application to the Group Manager of Development Management with a view to approval.

Vote

For: 13                      Against: 0                      Abstained: 0

Resolved:

That planning permission be **DELEGATED** to the Group Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant 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.

**Outline Planning Permission element (office Class B1)**

- 2      **Approval of the details of the siting, scale, design and external appearance of**

**the office building[s], the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development of that floor space is commenced.**

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

**Full Planning Permission element (Class A floor space and associated physical works)**

- 3 The Class A1 retail floorspace hereby permitted shall have a maximum gross floor area of 12,503sqm. The net sales area of the Class A1 retail floorspace shall not exceed 9,700sqm comprising a maximum of:**

**1,900sqm (convenience food goods)**

**7,800sqm (comparison non-food goods)**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 4 The retail Class A1 units hereby permitted shall have a minimum gross internal area floor space of 650sqm (Units 01 and 04 to 11 inclusive as shown on Drawing No. 16023-P-005 Rev C).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 5 The development hereby permitted shall be limited to a maximum of nine (9) units for use exclusively within Class A1 (Units 01 and 04 to 11 inclusive as shown on Drawing No. 16023-P-005 Rev C).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 6 No retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre and Heart of Maylands Local Centre in accordance with Core Strategy Policy CS16.

- 7 Units 02 and 03 as shown on Drawing No. 16023 P-005 Rev C shall be limited to a maximum gross internal floor space area of 725sqm for use within Classes A3 / A5 and Classes A1 / A3, respectively.**

Reason: To limit the impact of the development on the vitality and viability of Hemel

Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 8      **The retail units hereby permitted shall not be used other than as a shop within Class A1 in accordance with other conditions of this planning permission and the Units 02 and 03 (identified on Drawing No. 16023-P-005 Rev C) shall not be used other than for Classes A1 / A3 and Class A3 / A5 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 9      **Of the total retail floor space (Class A1) hereby permitted (12,503sqm), no more than 2,505sqm (gross internal area) shall be installed at mezzanine level. Prior to the installation of any floor space at mezzanine level, metrically scaled floor plans showing the layout, amount and distribution of mezzanine floor space shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16 and for the avoidance of doubt.

- 10     **The proposed development hereby permitted shall not be open to customers other than between the following hours for the uses specified below:**

**Retail Class A1 units (Units 01 and 04 to 11, inclusive, as shown on Drawing No. 16023-P-005 Rev C): 07:00 to 22:00 Monday to Saturday and between 10:00 and 18:00 on Sunday**

**Restaurant units (Units 02 and 03 as shown on Drawing No. 16023-P-005 Rev C): 24 hour operation Monday to Sunday**

Reason: For the avoidance of doubt.

- 11     **The development of each building hereby permitted shall not take place before samples of the materials to be used in the construction of the external surfaces of that building are submitted for approval in writing by the local planning authority.**

**Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**



Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 12     **The development hereby permitted shall not commence before full details of both hard and soft landscape works have been submitted and approved by the local planning authority. These details 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;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

**As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.**

**The approved landscape works shall be carried out prior to the development being brought into use.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 13     **The development hereby permitted shall not commence before a Landscape Management Plan for a period of five (5) years from the date of the**

**implementation of the landscaping scheme is submitted and approved in writing by the local planning authority. The scheme shall include long term design objectives, management responsibilities and maintenance schedules for the landscaped areas. The landscaping shall be managed in accordance with the approved plan.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 14 The development hereby permitted shall not take place before the submission of a scheme for the protection of existing trees within and adjoining the site for approval in 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 2013.

- 15 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.**

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.**

**(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of 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 Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 16 **Development of each building shall not take place before details of the proposed slab, finished floor and ridge levels of that building in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings 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 2013.

- 17 **No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site.**

**Any such written confirmation shall be submitted to the local planning authority.**

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the NPPF.

- 18 **The development of each building hereby permitted shall not commence before detailed plans are submitted and approved in writing by the local planning authority which show the proposed access arrangements for the internal four-arm roundabout, servicing access for the discount retailer (Unit 01 shown on Drawing No. 16023-P-005 Rev C), exit-only egress for the retail car park onto Maylands Avenue, and the widening of the signalised junction access to Maylands Avenue. Development shall be carried out in accordance with the approved plans and any approved phasing strategy.**

Reason: In the interests of highway safety and to safeguard the amenity of other uses of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 19 **The development hereby permitted shall not commence before full details in the form of metrically scaled plans and written specifications shall be submitted and approved in writing by the local planning authority to illustrate the following:**

**a) Roads, footways, foul and on-site water drainage;**

- b) Existing and proposed access arrangements including visibility splays;
- c) Parking provision;
- d) Cycle parking provision;
- e) Servicing areas, loading areas and turning areas for all vehicles.

**As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.**

**The development shall be carried out in accordance with the approved plans and any approved phasing strategy.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 20     **The development hereby permitted shall not be occupied for trading before a Delivery and Servicing Plan has been submitted and approved by the local planning authority. The Delivery and Servicing Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, access to / from the site for delivery and servicing vehicles, and to ensure that there is no conflict between parked vehicles and arriving or departing vehicles in the service yard. Development shall be carried out in accordance with the approved details.**

**As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 21     **The development hereby permitted shall not commence before a Stage 1 Road Safety Audit for all access arrangements is submitted and approved in writing by the local planning authority. The Stage 1 Road Safety Audit should consider the four-arm roundabout access within the proposed development site, exit-only egress from the retail car park onto Maylands Avenue and the widening of the signalised junction access with Maylands Avenue.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 22     **No later than six months following occupation of each unit of the development hereby permitted, the occupier (retail, restaurant or office land uses) shall**

**submit a Travel Plan in accordance with Hertfordshire's Travel Plan Guidance to be reviewed and approved by the local planning authority in conjunction with the highway authority. Implementation of the Travel Plan shall follow a timescale to be agreed by the local planning authority and the highway authority.**

Reason: To promote sustainable transport measures to the development in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 23 Construction of the development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**

- a) Construction vehicle numbers, type, routing;**
- b) Traffic management requirements;**
- c) Construction and storage compounds (including areas designated for car parking);**
- d) Siting and details of wheel washing facilities;**
- e) Clearing of site entrances, site tracks and the adjacent public highway;**
- f) Provision of sufficient on-site parking prior to commencement of construction activities;**
- g) Post-construction restoration / reinstatement of the working areas and temporary access to the public highway.**

Reason: To protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 24 The development hereby permitted shall not be occupied before a swept path assessment for the proposed four-arm roundabout demonstrating that a 16.5m articulated lorry can safely traverse through the roundabout to access the servicing and delivery areas for the retail buildings is submitted and approved by the local planning authority.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 25 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 25 to 28 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition 28 has been complied with in relation to that contamination.**

## Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

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

26	<div style="display: flex; justify-content: space-between;"><div>Submission</div><div>of</div><div>Remediation</div><div>Scheme</div></div>
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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 and historical environment must be prepared,

and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will 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.

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

## **27 Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

## **28 Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 25 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 26, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 27.

Reason: To ensure that risks from land contamination to the future users of the land

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

INFORMATIVE:

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>

- 29     **The development hereby permitted shall not commence construction before an updated Air Quality Assessment has been submitted and approved in writing by the local planning authority. The updated Air Quality Assessment shall be updated to include current baseline monitoring data with respect to traffic-related pollution and construction phase mitigation measures. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the local environment in terms of air quality in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 30     **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The                      scheme                      shall                      also                      include:**

- a) Details of how the scheme shall be maintained and managed after completion;**
- b) Details of the proposed drainage scheme providing a drainage plan showing the location of any proposed SuDS, pipe runs and any areas of proposed informal flooding;**
- c) Detailed assessment of the existing surface water flood risk as shown on the EA National surface water flood maps, ensuring the development layout does not place any proposed properties at risk from surface water flooding;**
- d) Justification of SuDS selection giving priority to above ground methods, reducing the requirement for an underground piped system, reducing the requirement for overly deep attenuation ponds;**



- e) Detailed engineering details of the design of the proposed SuDS features;**
- f) Detailed surface water drainage calculations for all rainfall events up to and including the 1 in 100 year + climate change event.**

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Dacorum Core Strategy 2013.

- 31     **The development hereby permitted shall not be commenced until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

Reason: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact on the community in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 32     **The restaurant units (Units 02 and 02 shown on Drawing No. 16023-P-005 Rev C) hereby permitted shall not be occupied before a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.**

Reason: In the interests of the amenity of occupants, visitors and adjoining uses in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 33     **A properly maintained fat trap shall be installed to serve any units operating within Class A3 hereby permitted at the application site.**

Reason: To prevent the blocking of drains, sewage flooding and pollution to local watercourses in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 34     **The development hereby permitted shall not commence before an updated Sustainability Statement and Energy Statement showing compliance with Policies CS29 and CS31 of the Dacorum Core Strategy 2013 have been submitted to and approved in writing by the local planning authority.**

**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 Policies CS29 and CS31 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

- 35      **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 2013 and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 36      **The development hereby permitted shall not be occupied until a Car Park Operation and Management Plan to demonstrate how access and security will be controlled within the car parking areas has been submitted to and approved in writing by the local planning authority in consultation with Hertfordshire Police. The car parking hereby permitted shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.**

Reason: To prevent crime and protect people using the car park in accordance with paragraph 69 of the NPPF and Policy CS12 of the Dacorum Core Strategy 2013.

- 37      **No part of the development hereby permitted shall be occupied before information on the number and location of fire hydrants have been submitted to and approved in writing by the local planning authority. The relevant details shall include details on how the hydrants shall be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The scheme(s) shall be implemented prior to occupation in accordance with the approved details.**

Reason: In the interests of health and safety.

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

**16023 P-003 D – Proposed Site Plan 1  
16023 P-004 D – Proposed Site Plan 2  
16023 P-005 C – Proposed Site Plan (received 25 January 2017)  
16023 P-006 A – Existing And Proposed Site Sections  
16023 P-007 A – Proposed Context Elevations  
16023 P-008 A – Unit 1 – Proposed Ground Floor Plan  
16023 P-009 – Unit 1 – Proposed Roof Plan  
16023 P-010 A – Unit 1 – Proposed Elevations And Section  
16023 P-011 A – Unit 2 - Proposed Plans , Elevations And Section  
  
16023 P-012 C – Unit 3 - Proposed Plans , Elevations And Section  
16023 P-013 - Units 04 To 11 - Ground Floor Plan - Sheet 1**

**16023 P-014 - Units 04 To 11 - Ground Floor Plan - Sheet 2**  
**16023 P-015 - Units 04 To 11 - Roof Plan - Sheet 1**  
**16023 P-016 - Units 04 To 11 - Roof Plan - Sheet 2**  
**16023 P-017 - Units 04 To 11 - Proposed Elevations - Sheet 1**  
**16023 P-018 - Units 04 To 11 - Proposed Elevations Colour - Sheet 1**  
**16023 P-019 - Units 04 To 11 - Proposed Elevations Colour - Sheet 1**  
**16023 P-020 - Units 04 To 11 - Proposed Elevations - Sheet 3**  
**16023 P-021 - Units 04 To 11 - Proposed Elevations Colour - Sheet 3**  
**16023 P-022 - Units 04 To 11 - Proposed Sections - Sheet 1**  
**16023 P-023 - Units 04 To 11 - Proposed Sections - Sheet 2**  
**16023 P-025 – Phasing Plan**  
**TM271L01 – Landscape Masterplan**  
**TM271L02 B – General Arrangement North**  
**TM271L03 B – General Arrangement South**  
**TM271L04 A – Planting Strategy North**  
**TM271L05 A – Planting Strategy South**  
**TM271-SKP 19 – Transformer Screening Strategy**

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

#### Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

#### INFORMATIVES

##### Highways

1. The applicant is advised that the storage of materials associated with the construction of the development should be provided within the site on land which is not public highway and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

2. General works within the highway: Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's highway design guide "Roads in Hertfordshire". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300

1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

### Contamination

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## **23            4/00064/17/MFA - COMPREHENSIVE REDEVELOPMENT OF THE SITE TO PROVIDE 54,714 SQM OF FLEXIBLE COMMERCIAL FLOORSACE WITHIN USE CLASSES B1C / B2 / B8 AND ANCILLARY OFFICES, TOGETHER WITH CAR AND CYCLE PARKING, ACCESS AND LANDSCAPING - MAYLANDS GATEWAY, MAYLANDS AVENUE, HEMEL HEMPSTEAD, HP2 4FQ**

T Rennie introduced the report and said it had been referred to committee as it was a large scale major development with a linked contribution to a s106 agreement.

Catherine Bruce spoke in support of the application.

William Jahn spoke in objection to the application.

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

### Vote

For: 11

Against: 0

Abstained: 2

### Resolved:

That planning permission be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the withdrawal of the holding objection from Highways England; agreement from Hertfordshire County

Council Highways about the proposed mitigation works to the Breakspear Way/Green Lane junction; and completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 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 **Notwithstanding the details hereby approved, no development above ground shall take place until samples of the materials proposed to be used on the external walls and roofs of the development shall have been submitted to and approved in writing by the local planning authority. The samples shall comprise of panels no less than 1.0 sqm. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development and to accord with adopted Core Strategy Policy CS12.

- 3 **Prior to the commencement of above ground development, details of both hard landscape works shall have been submitted to and approved in writing by the local planning authority. These details 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;**
- **trees to be retained and measures for their protection during construction works. Measures shall include hand-carried equipment only for all tree work within protected areas. The use of excavators for stump removal within Root Protection Areas is not permitted;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS12.

- 4 **Prior to the commencement of above ground development, details of the surface design of the footpaths hereby permitted shall have been submitted to and approved in writing by the local planning authority. These details shall include a construction methodology and areas identified on a plan as 'No-dig' areas close to significant site trees.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS12.

- 5 **All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".**

Reason: To ensure a satisfactory standard of tree work in accordance with the aims of Policy 99 of the Dacorum Borough Local Plan 1991 - 2011.

- 6 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved 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 adopted Core Strategy Policy CS12.

- 7 **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS12.

- 8 **Prior to the commencement of any works a Construction Traffic Management Plan which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic. The Construction Traffic Management Plan shall include details of:**

- a. Construction vehicle numbers, type, routing;**
- b. Traffic management requirements;**
- c. Construction and storage compounds (including areas designated for car parking);**
- d. Siting and details of wheel washing facilities;**
- e. Cleaning of site entrances, site tracks and the adjacent public highway;**
- f. Provision of sufficient on-site parking prior to commencement of construction activities;**
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 9 **Prior to the commencement of the construction of the first unit hereby permitted an Interim Travel Plan shall be submitted and approved by the Local Planning Authority in consultation with the Highway Authority, such a Travel Plan shall accord with Hertfordshire County Council document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development'.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 10 **No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in Condition 12 above. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Condition 12 shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 11 **Prior to the commencement of the use hereby permitted, a Framework Servicing and Delivery Plan shall be submitted to and approved in writing with the Local Planning Authority. The Framework Servicing and Delivery plan shall incorporate the servicing arrangements for the use and adequate provision for the storage of delivery vehicles within the site.**

Reason: In the interests of maintaining highway efficiency and safety

- 12 **A detailed plan illustrating the junction geometries of the proposed access**

junctions shall have been submitted to and approved in writing by the local planning authority. The required details include, but are not limited to, site access dimensions (kerb radii, grade, width, etc.) and visibility/sight lines.

Reason: In the interests of maintaining highway efficiency and safety

- 13     **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RPS reference RCEF39546-002R dated January 2017 and Drainage Philosophy Statement carried out by RPS reference NK018226-RPS-SI-XX-CA-D-0031 dated December 2016, and the following mitigation measures:**

- **Implementing appropriate SuDS measures to include attenuation tank, porous surfacing and attenuation pond.**
- **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
- **Discharge into Thames Water Sewer restricted to greenfield run-off rate**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 14     **No development shall take place until a detailed surface water drainage scheme for the site based on the approved FRA and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The scheme shall also include:**

- **Details of how the scheme shall be maintained and managed after completion.**
- 1. **Details of the proposed drainage scheme providing a drainage plan showing the location of any proposed SuDS, pipe runs and all areas of proposed informal flooding (including depth and extent).**
- 2. **Detailed engineered drawings of the proposed SuDS features including**



**their size, volume, depth and any inlet and outlet features including any connecting pipe runs.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To reduce the risk of flooding to the proposed development and future users.

Informative:

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

- 15 **Demolition/development shall take place in accordance with the Written Scheme of Investigation for Archaeological Mitigation by CgMs dated March 2017.**

**Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation. The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis 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 has been secured.**

Reason: For the avoidance of doubt.

- 16 **Construction of the development hereby approved shall not commence until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

Reason: To ensure the sustainable construction in the development of the site in accordance with Policies CS29 of the Dacorum Core Strategy.

INFORMATIVE:

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or  
[http://www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_management\\_planning/index.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)

- 17     **The development hereby permitted shall be carried out in accordance with the approved sustainability and energy statement submitted by Turley Sustainability dated December 2016.**

Reason: To ensure the sustainable development of the site in accordance with Policies CS28, CS29 and CS31 of the Dacorum Core Strategy.

- 18     **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**

**A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

**A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 19     **All remediation or protection measures identified in the Remediation Statement referred to in Condition 21 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for**

**the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

- 20     **The development shall be constructed fully in accordance with the construction phase mitigation measures, as detailed within Section 7, subsection 7.2 (pages 29 and 30) of the Air Quality Assessment; Project No. JAP9002; Revision: 1; RPS; 16 December 2016.**

Reason: To safeguard the local environment in terms of air quality in accordance with Policy CS32 of Dacorum Core Strategy and to accord with section 7, subsection 7.2 of the following document: Air Quality Assessment; Project No. JAP9002; Revision: 1; RPS; 16 December 2016.

- 21     **The noise mitigation measures outlined in Paragraphs 4.13 and 4.14 (pages 9 and 10) of the Noise and Vibration Assessment Project No. JAE9001; Revision: 1; RPS; 20 December 2016 shall be implemented prior to the occupation of the development.**

Reason: To safeguard the local environment in accordance with Policy CS12 of Dacorum Core Strategy.

- 22     **Noise from industrial processes and plant within the development shall not exceed a rating level of 43 dB LArTr during any 1 hour period of the daytime 07:00 to 23:00 hours (i.e. 5 dB below the representative daytime baseline noise levels of 48 dB LA90); nor exceed a rating level of 38 dB LArTr during any 15 minute period of the night-time 23:00 to 07:00 hours (i.e. 5 dB below the representative night-time baseline noise levels of 43 dB LA90). Rating levels should be determined in accordance with BS 4142:2014 and assessed at a free-field location representative of the nearest residential properties to the site.**

Reason: To safeguard the local environment in accordance with Policy CS12 of Dacorum Core Strategy.

- 23     **Prior to the commencement of development, details of measures to ensure reptiles will not be harmed shall have been submitted to and approved in writing by the local planning authority.**

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

Reason: To avoid harming reptiles which may potentially be present and to accord with adopted Core Strategy Policy CS26.

- 24 **No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the provision of a fire hydrant(s) to serve the development. The development shall not be occupied until the approved scheme of fire hydrant(s) has been installed.**

Reason: To ensure water supplies are provided to adequately serve the site in accordance with BS 9999.

- 25 **No part of the development hereby permitted shall be occupied prior to the implementation of the public footpath / cycleway as shown on Drawing No. 30830-PL-200A.**

Reason: To ensure public right of way access is maintained in accordance with adopted Core Strategy Policy CS8.

- 26 **Details of any lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS12.

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

30830-PL-200A;  
30830-PL-201;  
30830-PL-202;  
30830-PL-203A;  
30830-PL-204;  
30830-PL-205;  
30830-PL-206;  
30830-PL-207;  
30830-PL-208;  
30830-PL-209A;  
30830-PL-210;  
30830-PL-211A;  
30830-PL-212;  
30830-PL-213;  
30830-PL-214;  
30830-PL-215  
30830-PL-216;

(Indicative

Elevations)

30830-PL-217A;  
30830-PL-217C  
30830-PL-219A; (Units 2 and 3 side section)  
1644/16-07 07 I;  
1644/16-07 08 D;  
1644/16-07 11 I;

1644/16-04-05 06 04;  
1644/16-04-05 06 05;  
1644/16-04-05 06 06;  
NK018226-RPS-Y-XX-DR-X-SK0265;  
NK018226-RPS-SI-XX-DR-X-SK0300;  
NK018226-RPS-SI-XX-DR-X-SK0602 Rev C;  
MJA-P105-4447-C;  
MJA-P105-4447-D.

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant 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 2015.

**24            4/02876/16/MFA - CONSTRUCTION OF A FREE STANDING BUILDING TO PROVIDE 30 GUEST BEDROOMS, 8 STAFF BEDROOMS, SPA, LEISURE CLUB AND ADDITIONAL FUNCTION FACILITIES WITH CAR PARKING, TOGETHER WITH LANDSCAPING RESTORATION FOR THE HISTORIC GROUNDS - SHENDISH MANOR, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD**

J Doe provided an overview to members regarding the green belt and heritage issues. R Herbert then introduced the item and said it had been referred to committee as it had been called in by the Ward Councillor Alan Anderson.

Jane Orsborne spoke in support of the application.

It was proposed by Councillor Matthews and seconded by Councillor P Hearn to grant the application in line with the officer's recommendation.

Vote

For: 12                      Against: 1                      Abstained: 0

Resolved:

That planning permission be **DELEGATED** with a view to approval subject to notification being sent out to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 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     **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the setting of the listed building.

- 3     **No development shall take place until architectural drawings showing the final design for the following elements of the building hereby approved shall be submitted to and approved in writing by the local planning authority:**

- **Central entrance feature.**
- **Water features at central entrance.**

Reason: To safeguard the setting of the listed building and ensure a high quality, satisfactory appearance to the development

- 4     **No development shall take place until full details of the fenestration to be used in the construction of the development hereby permitted have been submitted to and approved by the Local Planning Authority. These details shall include: details of glazing; plans showing fixings at 1:10; fenestration detailing; and finishes.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the setting of the listed building.

- 5     **No development shall take place until full details of all new external rainwater and soil pipes shall have been submitted to and approved by the Local Planning Authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the setting of the listed building.

- 6     **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials - including: gravel, brick edging, setts, kerbs, bound gravel, flagstones;**
- **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;**
- **parking layout;**
- **cycle parking facilities;**
- **access road improvements;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**

**The landscape works will be undertaken in accordance with the approved details.**

Reason: To safeguard the setting of the listed building and the character of the surrounding landscape

- 7      Trees shall be retained and protected in accordance with the approved Arboricultural Impact Assessment OS 1055-15-Doc1 RVS D and the Tree Retention and Removal Plan 1055-15.4B Rev C**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 8      The landscape works to the hotel grounds shall be carried out in accordance with the approved Design and Restoration Proposals report by Bidwells and Open Spaces.**

Reason: To safeguard the setting of the listed building and the character of the surrounding landscape

- 9      All planting, seeding or turfing to be undertaken as part of the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased**

**shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.**

Reason: In order to preserve the setting of the listed building and character of the surrounding landscape.

- 10 Notwithstanding the details provided in the approved Arboricultural Impact Assessment OS 1055-15-Doc1 RVS D and the Tree Retention and Removal Plan 1055-15.4B Rev C, no landscaping to the shrubberies/dell shall take place until there has been submitted to and approved by the local authority a scheme of landscaping, which shall include details of all existing trees on the land and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery.**

Reason: In order to safeguard the character of the surrounding landscape

- 11 The plans and particulars submitted in accordance with condition 6 above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting and details of maintenance.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 12 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**

**A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further**



investigation and assessment where required.

**A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 13 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 12 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

- 14 **No part of the restoration of the gate piers shall be carried out until precise details at 1:20 scale, written specification and, where necessary, samples of the material to be used in the restoration of the gate piers and replacement of the finials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details**

Reason: To ensure the appearance of the restored piers preserves the setting of the listed building and character of the surrounding landscape

- 15 **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:**

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

Reason: in order to protect archaeological remains at the site

- 16 **No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 15. 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 approved under condition 15 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: in order to protect archaeological remains at the site

- 17 **No development shall take place until a Site Waste Management Plan (SWMP) is submitted to and approved in writing by the local planning authority.**

Reason: to ensure good practice in the waste management aspects of the construction of the approved development

- 18 **The development hereby permitted shall be carried out in accordance with the flood risk assessment (FRA) prepared by EAS job number 769 rev 2, dated September 2016, and mitigation measures detailed within the FRA:**

1. **Implementing appropriate SuDS measures giving priority to above ground measures such permeable pavements and soakaways as stated in the FRA.**
2. **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
3. **Provision of a Vortex First Defence unit at the inlet of the pipe**

connecting permeable pavement and soakaway.

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To prevent flooding by ensuring the satisfactory disposal/storage of surface water from the site and to ensure that the site will be effectively drained during the lifetime of the development.

- 19 **No development shall take place until a detailed surface water drainage scheme for the site based on the approved Drainage Strategy and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The design of the drainage scheme shall also include:**

- 1. Detailed engineering details of the design of the proposed SuDS features in line with The SuDS Manual.**
- 2. Details of a maintenance programme for the drainage scheme.**

Reason: To ensure that the site can effectively be drained during the lifetime of the development; and to ensure that water treatment is provided to surface runoff before infiltrating into the ground.

- 20 **Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the parking layout for standard size family cars to park, and manoeuvre. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and retained thereafter available for that specific use.**

Reason: in the interests of highway safety

- 21 **At least two months prior to occupation, the occupier of the development shall submit a Travel Plan in accordance this Hertfordshire's Travel Plan Guidance to be reviewed and approved by the Local Planning Authority in conjunction with the Highway Authority. Implementation of the plan shall follow a timescale to be agreed by the Local Planning Authority and Highway Authority.**

Reason: To promote sustainable transport measures to the development.

- 22 **No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: In the interests of satisfactory development and safety

- 23 **Prior to the commencement of the use hereby permitted, a Servicing and Delivery Plan shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority. The Servicing and Delivery plan shall incorporate the servicing arrangements for the use and adequate provision for the storage of delivery vehicles within the site.**

Reason: In the interests of satisfactory development and safety

- 24 **No development shall take place until the artificial refugia survey recommended in the Preliminary Ecological Appraisal by Maydencroft has been undertaken, submitted to and approved by the local planning authority.**

Reason: to establish the presence of likely absence of reptiles within the rough grassland, in order to protect protected species on site.

- 25 **No development shall take place until the off-ground climbing inspection recommended in the Preliminary Ecological Appraisal by Maydencroft has been undertaken, submitted to and approved by the local planning authority.**

Reason: to establish the presence of roosting bats within the identified Oak tree, in order to protect protected species on site.

- 26 **The premises shall only be open to customers between 09:00 hours and 01:30 hours on Mondays to Thursdays; 09:00 hours to 02:30 hours on Fridays and Saturdays; and 09:00 hours to 00:30 hours on Sundays , Bank Holidays and Public Holidays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings.

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

5054-DE01G  
5054-DE02A  
5054-DE03B  
5054-DE04A  
5054-DE05A

5054-DE06A  
5054-SK101  
5054-SK104  
5054-SK107A  
5054-SK109

OS 1055-15-Doc1 Rvs D

1055-15.4B Rev C Tree Retention and Removal Plan

1055-15.5 Rev C Strategic Outline Landscaping Plan

Arboricultural Impact Assessment

Design and Access Statement

Transport Assessment

Framework Travel Plan

Sustainability and Energy Report

Preliminary Ecological Appraisal

Landscape and Visual Appraisal

Flood Risk Assessment

Archaeological Evaluation

Heritage Statement

Design and Restoration Proposals

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

**25            4/00022/17/FUL - DEMOLITION OF EXISTING BUNGALOW AND  
CONSTRUCTION OF TWO 5-BED DWELLINGS - SYMONSDOWN,  
VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT**

M Heron introduced the item and said it had been referred to the committee due to the contrary views of Bovingdon Parish Council. It had been deferred for further information at the previous DMC meeting.

Malcolm Leach spoke in support of the application.

Kathy Little spoke in objection to the application.

In his role as ward councillor, Councillor Graham Barrett spoke in objection to the application.

Due to the lack of a proposer and seconder to grant the application in line with the officer's recommendation, it was proposed by Councillor Matthews and seconded by Councillor Maddern to overturn the recommendation and refuse planning permission.

Vote

For: 8

Against: 0

Abstained: 5

Resolved:

That planning permission be **REFUSED** due to the following reasons:

1. The proposal, by virtue of the scale of units, their site coverage and the lack of spacing left about them, would add an unacceptable amount of bulk and mass across the site. This would result in an overdevelopment of the plot which would disrupt the rhythm of the immediate streetscene. The proposal therefore fails to integrate with the streetscape character and is contrary to Policy CS12 of the Dacorum Core Strategy 2013.
  
2. The proposed units would afford direct views of habitable rooms of surrounding units and the private, primary, amenity space which benefits them. As such, the proposal would fail to preserve the privacy of surrounding properties, contrary to Policy CS12 of the Dacorum Core Strategy 2013.

As the rules of the Development Management Committee state, at 10pm, it was proposed by Councillor Guest and seconded by Councillor Matthews to continue the meeting until 10.30pm.

Vote

For: 13                      Against: 0                      Abstained: 0

**26                      4/03638/15/FUL - CONSTRUCTION OF NEW DWELLING TO THE REAR OF NO'S 7 & 8 HUNTING GATE (FURTHER REVISED SCHEME) - 7 HUNTING GATE, HEMEL HEMPSTEAD, HP2 6NX**

N Gibbs introduced the item and said it had been referred to committee due to it being called in by Councillor Bhinder.

Lee Hopkins and Jon Tankard spoke in support of the application.

In his role as ward councillor, Councillor Bhinder spoke in objection to the application.

It was proposed by Councillor Matthews and seconded by Councillor P Hearn to grant the application in line with the officer's recommendation.

Vote

For: 9                      Against: 1                      Abstained: 3

Resolved:

That planning permission be **GRANTED** 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      **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: In the interests of safeguarding the street scene in accordance with Policy CS12 of Dacorum Core Strategy.

- 3      **Before the first occupation of the dwelling house hereby permitted the 4 parking spaces and turning area shown by the approved layout Drawing No. 1122SK101G shall be provided fully in accordance with this layout plan. Thereafter all 4 spaces shall be retained at all times and shall be only used for their respective approved vehicular parking and turning purposes.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking and turning in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and Policies 54, 58 and 63 of the saved Dacorum Borough Local Plan.

- 4      **The dwelling house hereby permitted shall not be brought into use until the vehicular access shown by Drawing No. 1122SK101G has been constructed. The access shall be provided at all times with pedestrian visibility splays of 2m by 2m at each side as measured from the back edge of the public footpath within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and Policy 54 of the saved Dacorum Borough Local Plan.

- 5      **The access subject to Condition 4 shall be provided at all times with vehicular visibility splays of 2.4m x 43m in both directions from the access, as measured from the edge of the carriageway towards the site frontage. Within both visibility splays there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and Policy 54 of the saved Dacorum Borough Local Plan.

- 6      **Prior to commencement of development hereby permitted a full geotechnical study shall be submitted the local planning and highway authorities showing the following:**

**(a) Geotechnical survey/ land stability/ study of the site, nos 7 and 8 Hunting Gate and the adjoining land including that associated with the subway footpath, This shall show the natural geology and drainage, any artificial changes resulting from the residential development in the locality and material used for changes to the original garden, artificial drainage, water supply features and an assessment of any land stability at the site and the adjoining**

area and the implications of any previous remedial works.

**(b) The implications of the approved removal of trees and those previously removed at the site and how the retained trees will be protected during the construction period.**

**(c) A comprehensive construction/ engineering method statement with reference to loadings, foundation design, levels, boundary treatment, any necessary remedial works, the basement, the site geology, existing/ removed/ proposed trees, natural and proposed drainage, all other services, the relationship with the embankment/ footpath, road and with nos 7 and 8 Hunting Gate and the effects of any additional future development carried out at nos 7 and 8 and the application site under 'permitted development'. The approach shall confirm how the development will be designed to address any existing and envisaged future land stability issues at the site and within the locality.**

**The development shall be carried fully in accordance with the approved construction/ engineering method statement.**

Reason: In the interests of public safety in accordance with the National Planning Policy Planning Framework paragraphs, taking into issues of land stability including the closeness of the public highway and in particular the adjacent subway.

- 7 In association with the requirements of Condition 6 no development shall commence until details of the proposed slab, finished floor and ridge levels (with full cross sections) of the dwelling house in relation to the existing and proposed levels of the site and the surrounding land (including the embankment and subway and the retained gardens of nos 7 and 8 Hunting Gate) shall have been submitted to and approved in writing by the local planning authority. The dwelling house shall be constructed in accordance with the approved levels.**

Reason: In the interests of the appearance of the development in relation to its surroundings, the residential amenity of the locality and public safety as referred to by Condition 6.

- 8 The dwelling house hereby permitted shall not be occupied until the boundary fencing separating its garden from the surrounding area, including the retained gardens of nos 7 and 8 Hunting Gate, is installed fully in accordance with a scheme an approved scheme. Thereafter the boundary fencing shall be retained at all times.**

Reason: In the interests of the residential amenity of nos 7 and 8 Hunting Gate and the dwelling house hereby permitted in accordance with Policy CS12 of Dacorum Core Strategy.

- 9 Trees shall be planted in accordance with an approved landscaping scheme within the rear garden of the dwelling house hereby permitted within the planting season following the first occupation of the dwelling house hereby permitted. If the trees within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a section of equivalent hedge or shrub of a species, size and maturity to be approved by the local planning authority. For the purposes of this condition the planting season is from 1 October to 31 March.**



Reason: In the interests of the visual amenity and biodiversity in accordance with Policies CS12 and CS29 of Dacorum Core Strategy.

- 10 **Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the expectations of Condition 6 and the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 11 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority within the residential curtilage of the dwelling house hereby permitted and the existing dwellinghouses at nos 7 and 8 Hunting Gate :**

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

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the residential environment, public safety in terms of land stability and ensuring that there is the correct balance between the amount of development and land retained for the gardens at nos 7 and 8 Hunting Gate in accordance with Dacorum Core Strategy Policy CBS 12 , saved Appendix 3 of the Dacorum Borough Local Plan.

- 12 **Before the occupation of the dwelling house hereby permitted an exterior lighting scheme shall be submitted to the local planning authority. The approved exterior lighting scheme shall be installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 13 **No development hereby permitted shall commence until the following are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:**

- **Details of wheel cleaning facilities for construction vehicles to prevent mud etc from being deposited onto the highway.**
- **The management of all deliveries to the site.**
- **Construction Traffic Management Plan and Access Route (s) including the routing for large vehicles including plant.**

- **A scheme for Contractors parking.**

**The scheme shall be implemented throughout the construction period in accordance with the approved details.**

Reason: In the interests of highway safety and residential amenity in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 14 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plan:**

### **1122SK101G**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

### NOTE 1: ARTICLE 35 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 2015.

### INFORMATIVES

#### Bats

With reference to the removal of trees and demolition of the outbuilding:

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

#### *Contacts:*

English Nature	01206 796666
UK Bat Helpline	0845 1300 228 ( <a href="http://www.bats.org.uk">www.bats.org.uk</a> )
Herts & Middlesex Bat Group	01992 581442

#### Drainage

Thames Water has advised that for Surface Water Drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined

public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### Water Supply

Affinity Water Company at The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333 should be consulted by the Developer.

#### Construction Management Plan

Hertfordshire County Council Highways has advised that all areas for storage and delivery of materials associated with the construction of this development should be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway. This is in the interest of highway safety and free and safe flow of traffic.

The developer will supply the LPA a written Construction Management Plan for approval. The plan will detail how deliveries associated with the works, contractors parking and the prevention of mud etc from being deposited onto the highway is managed and documented as a process to follow. The CMP will also state hours/ days of work and agree routing for large vehicles including plant. Storage of materials

#### Land Stability and Highway Safety

Hertfordshire County Council Highways has advised that prior to the commencement of development full details of the construction of any retaining wall associated with construction of the dwelling, including any necessary Approval In Principle certification issued in accordance with the requirements of the Department for Transport's DMRB Standard BD 2/12: Technical Approval of Highway Structures, must be submitted to and approved in writing by the local authority. This is in the interests of public safety to ensure that construction of the development hereby permitted does not affect the stability of the public highway and in particular the adjacent subway.

Highway structural considerations. The applicant is advised that in order to comply with above requirements it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Asset Manager in connection with the requirements of Department for Transport Standard BD 2/12: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority at County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).

#### Provision of the Vehicular Crossover

Hertfordshire Highways as the Highway Authority requires the new vehicle cross-over to be aligned to serve the new access drive. All works must be carried out by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction.

#### Storage of materials

Hertfordshire Highways as the Highway Authority has advised that the storage of

materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Obstruction of the highway

Hertfordshire County Council has advised that it is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. Mud on highway

#### Road Deposits

Hertfordshire County Council has advised that it is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. New or amended crossover – construction standards

#### Construction standards for the new vehicle access

Hertfordshire County Council Highways has advised that where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Construction standards for works within the highway

Hertfordshire County Council Highways has confirmed that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence

the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047

#### Rights of Way

Hertfordshire County Council has advised that the Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.

The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

#### Secure By Design

Hertfordshire Constabulary recommends that the developer seeks Secured by Design certification to this standard when the dwelling house is built.

- 27            4/00620/17/FUL - DEMOLITION OF SINGLE STOREY SIDE EXTENSION AND CONSTRUCTION OF TWO STOREY SIDE AND REAR EXTENSION AND SINGLE STOREY REAR EXTENSION. DIVISION OF PROPERTY TO CREATE AN ADDITIONAL SEMI-DETACHED DWELLING WITH ASSOCIATED PARKING AND VEHICULAR ACCESS - 10 WRENSFIELD, HEMEL HEMPSTEAD, HP1 1RN**

Councillor Tindall declared he had received a phone call regarding this application but informed them he could not get involved in a conversation about the application. He reserved his right to speak and vote on this item.

A Harman introduced the item and said it had been referred to committee as it had been called in by Councillor Williams.

Richard Farris spoke in support of the application.

Jane Edmonds and Janice Marshall spoke in objection to the application.

In his role as ward councillor, Councillor Williams spoke in objection to the application.

It was proposed by Councillor Maddern and seconded by Councillor Fisher to grant the application in line with the officer's recommendation.

#### Vote

For: 2

Against: 6

Abstained: 5

Due to there being no majority to grant the application, it was proposed by Councillor Riddick and seconded by Councillor Bateman to overturn the officer's recommendation and refuse the application.

Vote

For: 6

Against: 2

Abstained: 5

Resolved:

That planning permission be **REFUSED** due to the following reasons:

**Policy CS12 of the adopted Core Strategy requires development to respect adjoining properties in terms of: i) layout; ii) site coverage, iii) scale; iv) height; v) bulk. The proposed development would cause significant harm to the character of the area by virtue of its form, height and siting which discord with the established building line and subsequently would appear as a bulky, prominent visual intrusion within the area.**

**The application would therefore fail to respect the quality and character of the surrounding area; in addition to failing to secure good standards of amenity for existing and future occupiers of land and buildings. Therefore the proposed fails to comply with saved policies 10, 13, 18, 21, 111, appendix 3 and 7 of the Dacorum Local Plan (1991) and policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012).**

**28            4/00657/17/FUL - CONSTRUCTION OF A FOUR BEDROOM DETACHED DWELLING - ADJ. 4, ASHBY ROAD, NORTHCHURCH**

This application was deferred to the next committee meeting.

**29            4/00777/17/FHA - SINGLE STOREY SIDE AND REAR EXTENSIONS, FIRST FLOOR SIDE EXTENSION, ALTERATIONS TO ROOF, ALTERATIONS TO GARDEN PATIO - 23 SILVERTHORN DRIVE, HEMEL HEMPSTEAD, HP3 8BU**

This application was deferred to the next committee meeting.

**30            4/00738/17/FHA - TWO STOREY SIDE EXTENSION, PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION AND DEMOLITION OF GARAGE - 14 COOMBE GARDENS, BERKHAMSTED, HP4 3PA**

This application was deferred to the next committee meeting.

**31            APPEALS**

The following appeals were noted:

1. Lodged

2. Withdrawn
3. Dismissed
4. Allowed

The Meeting ended at 10.55 am