
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

17 AUGUST 2017

Present:

MEMBERS:

Councillor Guest (Chairman) Councillors, Birnie, Clark, Conway, Maddern, Matthews, Riddick, Ritchie, Whitman, Fisher and P Hearn

OFFICERS:

P Stanley (Development Management Team Leader), Gardner (Enforcement Officer), C Gaunt (Solicitor), Herbert (Assistant Team Leader - Development Management), Keen (Planning Officer), R Marber (Planning Officer) and T Rennie (Lead Planning Officer)

The meeting began at 7.00 pm

48 MINUTES

The minutes of the meeting held on 13 July 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=1427>

49 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor Tindall and Councillor C Wyatt-Lowe.

50 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.

51 PUBLIC PARTICIPATION

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

52 4/02539/16/MOA - OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS) - SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE AND CHERRY TREE LANE, HEMEL HEMPSTEAD

R Herbert introduced the item and said the application is recommended for delegate with a view to approval, subject to the completion of a S106 agreement and notification being sent to the Secretary of State, due to the objections from Sport England.

Clive Harridge and Marcus Della Croce spoke in support of the application.

Cllr Birnie had some concerns about what was happening to the gypsy and traveller site.

Cllr Riddick also had concerns that the gypsy and traveller site had been taken off the plans.

R Herbert confirmed that the gypsy and traveller site will remain the same. It has never been a part of the plan and falls outside of the proposed plans.

C Gaunt added to that, asking members to look at the planning application site only and anything outside of the red line is irrelevant.

Cllr Whitman asked C Harridge if he could confirm the percentage of affordable housing.

C Harridge confirmed it was in fact 35% and not 30% which he readout in his support statement.

Cllr Matthews had concerns about traffic movement.

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

Vote

For: 10 Against: 0 Abstained: 1

Resolved:

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

- 1 **Approval of the details of the layout, scale, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The reserved matters shall follow the general parameters set out in the Design and Access Statement dated 14/09/2016 (in particular Section 4 Design and 4.13 Masterplan Framework) and plan nos. TP003 and TP004.**

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

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

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

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

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

- 4 **No development shall take place until a timetable for the implementation of the phasing/sequence of the development in accordance with 'Plan 4' of Schedule 3 of the S106 Agreement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved implementation timetable.**

Reason: To ensure the satisfactory provision of supporting infrastructure ahead of each phase of development and in the interest of the free and safe flow of vehicles on the local highway network during the construction phase of development.

- 5 **Prior to the commencement of the development, or any phase(s) of the development (pursuant to Condition 4) details of the materials to be used in the construction of the external surfaces of the development or specified phase(s) of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development or the specified phase(s) of the development (whichever is the sooner) 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 high quality design and satisfactory appearance to the development as a whole in accordance with CS Policy CS12.

- 6 **Prior to the commencement of development, or any phase(s) of the development (pursuant to Condition 4), details of the finished floor levels of all of the buildings within the development or specified phase(s) of the development hereby permitted in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The Development or the specified phase(s) of the development (whichever is the sooner) shall be carried out in accordance with the approved details.**

Reason: To ensure that construction is carried out at a suitable level having regard

to drainage, access, the appearance of the development, the amenities of neighbouring occupiers and existing trees, hedgerows and other landscaping, in compliance with Core Strategy Policy CS12.

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

- **hard surfacing materials;**
- **car parking layouts;**
- **other vehicles and pedestrian access and circulation areas;**
- **means of enclosure;**
- **retained historic landscape features and proposals for restoration where relevant;**
- **existing trees and hedgerows to be retained;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate. Details shall include replacement hedgerow planting;**
- **tree/hedgerow removal;**
- **tree planting, including species, planting location, timing of planting, specification and maintenance. Details shall include details of the community orchard;**
- **tree protection measures;**
- **measures for biodiversity enhancement;**
- **programme of management for the soft planting;**
- **proposed finished levels or contours;**
- **external lighting;**
- **secure cycle storage facilities for those dwellings without garages;**
- **refuse facilities;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.**

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

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

8 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.

- 9 **If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance of Core Strategy Policy CS Policy 12.

- 10 **Prior to the commencement of the development or any phase(s) of the development (pursuant to Condition 4) details of earth works proposed as part of the development or any specified phase(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing relationship of proposed mounding to existing vegetation and surrounding landform. Development or the specified phase(s) of the development (whichever is the sooner) shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policy Core Strategy CS12.

- 11 **A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of development. The content of the LEMP shall include the following.**

- **Description and evaluation of features to be managed.**
- **Ecological trends and constraints on site that might influence management.**
- **Aims and objectives of management.**
- **Appropriate management options for achieving aims and objectives.**
- **Prescriptions for management actions.**
- **Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).**
- **Details of the body or organisation responsible for implementation of the plan.**
- **Ongoing monitoring and remedial measures.**

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still

delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: to ensure habitat enhancement within the landscape of the development.

12 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- measures to protect badgers from being trapped in open excavations and/or pipe culverts.
- The location and timings of sensitive works to avoid harm to biodiversity features.
- The times during which construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to avoid or mitigate the effects of the construction of the development on ecological receptors to accord with Core Strategy Policies CS 25 and 26.

13 Prior to commencement of development, or any phase(s) of development (pursuant to Condition 4) which include the formal multi-use games areas (MUGA) hereby permitted, details of the location, design and layout of the MUGA’s to be constructed as part of the development or specified phase(s) of development hereby permitted, including surfacing, fencing and line markings shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Details shall also be provided of the mechanism(s) by which the long-term management and maintenance of the MUGA’s shall be secured by the developer with the management body(ies) responsible for their delivery. The formal MUGA’s shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

14 No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system

will be based on the submitted Flood Risk Assessment carried out by Wardell Armstrong reference ST14699/07 dated August 2016.

The surface water drainage scheme should include:

- Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
- 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 + 40% climate change event;
- Implementing the appropriate drainage strategy based on attenuation and discharge, using appropriate SuDS measures;
- Details of how the scheme shall be maintained and managed after completion;
- Detailed engineered drawings of the proposed SuDS measures.

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

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

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in line with policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

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

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in line with policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

- 17 **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.

- 18 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 17 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

- 19 **Prior to the commencement of the development, or any phase(s) of the development (pursuant to Condition 4) hereby permitted full details in the form of scaled plans and written specifications for the development or specified**

phase(s) of development shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i. Roads, footways, foul and on-site water drainage.
- ii. Existing and proposed access arrangements including visibility splays.
- iii. Parking provision in accordance with adopted standard.
- iv. Cycle parking provision in accordance with adopted standard.
- v. Servicing areas, loading areas and turning areas for all vehicles.

Reason: In the interests of maintaining highway efficiency and safety.

20 **Construction of the development, or any phase(s) of the development (pursuant to Condition 4) hereby approved shall not commence 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. Thereafter, the construction of the development, or the specified phase(s) of the development (whichever is the sooner) 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. Frequency and method of 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.

21 **At least three months prior to first occupation of the development hereby permitted, a revised Travel Plan shall be prepared in accordance with Hertfordshire's Travel Plan Guidance (or any subsequent amendment) and submitted to, and approved in writing by the Local Planning Authority. The following matters shall be addressed within the revised Travel Plan:**

- Details of Travel Plan Co-Ordinator including date of their appointment, contact details, and a second contact person in case of personnel changes.
- Identification of key individuals/external partners whose buy in/engagement with the Travel Plan is required for its success e.g. bus operators, local authorities, cycling groups/equipment/training providers.
- The Employment travel plan should include provision of showers/lockers/changing facilities for cyclists and other workplace appropriate schemes such as Bicycle User Group, emergency ride home, flexible working.
- A combination of multi-modal counts and questionnaire surveys shall be conducted. in order to obtain a statistically accurate way of measuring trips generated over a certain time period reasons for transport mode

- choice.
- The Local Planning Authority shall be notified at least three months prior of the commencement of construction.
- Annual monitoring to take place and submit data every year to the local planning authority Review reports to be submitted in years 1, 3 and 5.
- Identification of additional measures necessary in order to meet targets after years 3 and 5.
- As part of future submission, two appendices are required to be sent separately:
 - Travel plan summary proforma
 - Walking and cycling in Maylands note

The development shall be carried out in accordance with the approved Travel Plan.

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

- 22 **Prior to commencement of the development, or any phase(s) of the development (pursuant to Condition 4), swept path assessments for the development or specified phase(s) of development will be submitted to and approved in writing by the Local Planning Authority and shall include the following:**

- Large car accessing car parking spaces to demonstrate that they can be safely entered and departed from. This should be demonstrated for the car parking spaces that are in corners and for one midway in a row. This will be necessary for any public, school, residential or employment car parks;
- Swept path assessment for a fire tender manoeuvring within the site to demonstrate that a fire tender can safely manoeuvre within to access all units;
- Swept path assessment for a public transport bus to demonstrate that, should a bus route be diverted through the site, the internal network can accommodate a bus;
- Swept path assessment for a refuse vehicle to demonstrate that refuse collection and servicing can take place within the development site;
- Swept path assessments for servicing and delivery vehicles for the school and commercial land uses to demonstrate that servicing and deliveries can be accommodated within the development site and within the respective land use sites.

Reason: In order to protect highway safety and the amenity of other users of the site in accordance with Core Strategy CS9 and Saved DBLP Policies 54 and 58.

- 23 **Prior to the commencement of development, an Archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. 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: To ensure that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF).

24 **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 23.**

ii) The development shall not be occupied until the site investigation and post investigation archaeological assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF).

25 **Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E and Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings hereby permitted, including any additions or alterations to the roof, and no building, enclosure or means of enclosure shall be constructed within the application site without prior written permission of the Local Planning Authority.**

Reason: To allow the Local Planning Authority to retain control of the development in the interests of: the character and appearance of the dwellings and the development as a whole, the visual and residential amenities of future and neighbouring occupiers, to safeguard existing and proposed landscaping, to ensure the retention of adequate private amenity space in accordance with Core Strategy Policy CS12.

26 **The development hereby permitted shall be carried out in accordance with approved plans: TP001; TP002; 131121A/A/12; 131121A/A/13; 131121A/A/14.**

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

Article 35

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.

S106 Heads of Terms

These are still subject to negotiation with HCC, despite our best endeavours to get these agreed prior to committee.

Affordable Housing

Thirty five per cent (35%) (rounded up to the nearest whole number) of the Dwellings to be constructed on the Site pursuant to the Planning Permission and made available for Affordable Housing the exact tenure split and mix in terms of tenure, unit size and siting on the Site to be approved pursuant to an application for reserved matters and submitted as part of the Scheme.

The Owner covenants with the Councils as follows:

1. Not to use permit allow or suffer the use of the Affordable Housing Units for any purpose other than Affordable Housing.

Not to cause or permit Commencement until a scheme ("the Scheme") for the provision and long term management of the Affordable Housing Units shall have been submitted to and approved in writing by the Councils. The Scheme shall deal with and include the following matters:

details of the proposed phasing for the construction and transfer of the Affordable Housing Units to a Registered Provider such proposals to also be shown on a plan ("the Affordable Housing Phasing Plan");

the price (unless previously agreed with a Registered Provider the Owner and the Council) for the grant of a lease or freehold transfer of the Affordable Housing Units to a Registered Provider;

the location of the Affordable Housing Units on the Site such detail to be included on the Affordable Housing Phasing Plan;

the size (number of bedrooms) of the Affordable Housing Units and the tenure of such units;

a requirement that all Affordable Housing Units shall meet the standards contained in the Homes and Communities Agency Design and Quality Standards (or such other successor body's standards); and

provisions which will apply in the event of any Chargee becoming a Chargee in possession which shall be in the same terms as the obligations in this **Error! Reference source not found..**

The Owner shall implement the approved Scheme (as may be amended from time to time with the written agreement of the Councils).

Unless otherwise agreed in writing by the Councils, the Owner:

shall not permit the Occupation of more than fifty percent (50%) of the Open Market Units within any Phase (as shown on the Affordable Housing Phasing Plan) until such time as fifty percent (50%) of the Affordable

Housing Units within that Phase have been constructed to Practical Completion and transferred to a Registered Provider; and

shall not permit the Occupation of more than seventy five percent (75%) of the Open Market Units within any Phase (as shown on the Affordable Housing Phasing Plan) until such time as one hundred percent (100%) of the Affordable Housing Units within that Phase have been constructed to Practical Completion and transferred to a Registered Provider; and

shall not permit Occupation of any Affordable Housing Unit until a nominations agreement in a form satisfactory to the Relevant Council has been completed securing nomination rights to the Affordable Housing Units for the Relevant Council.

From the date of Practical Completion of the Affordable Housing Units they shall not be used other than for Affordable Housing save that this obligation shall not be binding on:

any Protected Tenant or any mortgagee or chargee of the Protected Tenant or any person deriving title from the Protected Tenant or any successor in title thereto and their respective mortgagees and chargees; or

any Chargee provided that the Chargee shall have first complied with the Chargee's Duty

any purchaser from a mortgagee of an individual Affordable Housing Unit pursuant to any default by the individual mortgagor.

The Chargee shall prior to seeking to dispose of the Affordable Housing Units pursuant to any default under the terms of its mortgage or charge shall give not less than 1 months' prior notice to the Relevant Council of its intention to dispose ("the Chargee's Notice") and:

in the event that the Relevant Council responds within 1 month from receipt of the Chargee's Notice indicating that arrangements for the transfer of the Affordable Housing Units can be made in such a way as to safeguard them as Affordable Housing then the Chargee shall cooperate with such arrangements and use its reasonable endeavours to secure such transfer;

if the Council does not serve its response to the Chargee's Notice within 1 month then the Chargee shall be entitled to dispose free of the restrictions set out in paragraphs 1 to 5 of this Schedule; and

if the Council or any other person cannot within 3 months of the date of service of its response under paragraph 00 of this Schedule secure such transfer then provided that the Chargee shall have complied with its obligations under paragraph 00 the Chargee shall be entitled to dispose free of the restrictions set out in paragraphs 1 to 5 of this Schedule PROVIDED THAT at all times the rights and obligations in this sub clause shall not require the Chargee to act contrary to its duties under

the charge or mortgage and that the Relevant Council must give due consideration to protecting the interest of the Chargee in respect of moneys outstanding under the charge or mortgage.

Primary Education Provision

A sum payable towards the cost of construction of a two form entry primary school serving the locality of the Development and calculated on the basis of a payment per Dwelling in accordance with the table in Part 3 of Schedule 5.

Part 1

The Owner covenants with HCC:

1. Prior to Occupation of the [x] (xst) Dwelling to be Occupied to offer in writing to transfer the Primary School Land to HCC (or to another body at the direction of HCC on the Specified Terms and a term restricting the use of the Primary School Land to education purposes ("the Offer").
2. In the event that HCC (or Other Body as the case may be) accepts the Offer in writing within three (3) months of the date of the Offer the Owner shall transfer the Primary School Land pursuant to the Offer.
3. Not to cause or permit the Occupation of more than [x] (x) Dwellings unless and until the Offer has been made and either:
 - (a) HCC (or Other Body as the case may be) has not responded within three (3) months from the date of the Offer; or
 - (b) HCC (or Other Body as the case may be) has accepted the Offer and the Primary School Land has been transferred pursuant to the Offer; or
 - (c) HCC (or Other Body as the case may be) has confirmed in writing within three (3) months of the date of the Offer that it does not wish to accept the Offer.
4. In the event that the Primary School Land is transferred pursuant to the Offer to permit the use of the Primary School Land for education purposes and grant all such rights as the Owner is able to grant to enable the use and the enjoyment of the Primary School Land for education purposes.

Part 2

The Owner covenants with HCC to pay the Primary Education Contribution to HCC to be applied by HCC at its sole discretion towards the costs of construction of a two form entry primary school in accordance with the following instalments:

1. Prior to Occupation of 150 Dwellings to pay to HCC the Primary Education Contribution payable for those 150 Dwellings.
2. Not to Occupy nor cause nor permit to be Occupied more than 149 Dwellings until the Primary Education Contribution has been paid to HCC in accordance with paragraph 1 of this Part 2 of this Schedule.
3. Prior to Occupation of 300 Dwellings to pay to HCC the Primary Education Contribution for 300 Dwellings (minus sums paid pursuant to paragraph 1).
4. Not to Occupy nor cause nor permit to be Occupied more than 299 Dwellings until the Primary Education Contribution has been paid in accordance with paragraph 3 of this Part 2 of this Schedule.
5. Prior to Occupation of 450 Dwellings to pay to HCC the Primary Education Contribution payable for those 450 Dwellings (minus sums paid pursuant to paragraphs 1 and 3).

6. Not to Occupy nor cause nor permit to be Occupied more than 449 Dwellings until the Primary Education Contribution has been paid to HCC in accordance with paragraph 5 of this Part 2 of this Schedule.
7. Prior to Occupation of the Final Dwelling to pay to HCC the Primary Education Contribution payable for those Dwellings in excess of 450 Dwellings.
8. Not to Occupy nor cause nor permit to be Occupied the Final Dwellings until the Primary Education Contribution has been paid to HCC in accordance with paragraph 7 of this Part 2 of this Schedule.

Part 3

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES					FLATS		
	Market & other					Market & other		
Primary education	£690	£3,427	£7219	£10,161	£12,167	£301	£2,809	£4,256
	HOUSES					FLATS		
	Social Rent					Social Rent		
Primary education	£720	£9,609	£11,788	£14,902	£14,750	£442	£10,565	£8,171

Library Services

A sum payable towards the cost of provision or improvement of ICT services and facilities at the new Hemel Hempstead library and calculated on the basis of a payment per Dwelling in accordance with the table at Part 2 of Schedule 7.

Part 1

The Owner covenants with HCC to pay the Libraries Contribution to HCC to be applied by HCC at its sole discretion towards the cost of provision or improvement of ICT services and facilities at the new Hemel Hempstead library and in accordance with the following instalments:

1. Prior to Occupation of 150 Dwellings to pay to HCC the Libraries Services Contribution payable for those 150 Dwellings.
2. Not to Occupy nor cause nor permit to be Occupied more than 149 Dwellings until the Libraries Services Contribution has been paid to HCC in accordance with paragraph 1 of this Part 1 of this Schedule.
3. Prior to Occupation of 300 Dwellings to pay to HCC the Libraries Services Contribution for 300 Dwellings (minus sums paid pursuant to paragraph 1).
4. Not to Occupy nor cause nor permit to be Occupied more than 299 Dwellings until the Libraries Services Contribution has been paid in accordance with paragraph 3 of this Part 1 of this Schedule.
5. Prior to Occupation of 450 Dwellings to pay to HCC the Libraries Services Contribution payable for those 450 Dwellings (minus sums paid pursuant to paragraphs 1 and 3).

6. Not to Occupy nor cause nor permit to be Occupied more than 449 Dwellings until the Libraries Services Contribution has been paid to HCC in accordance with paragraph 5 of this Part 1 of this Schedule.
7. Prior to Occupation of the Final Dwelling to pay to HCC the Libraries Services Contribution payable for those Dwellings in excess of 450 Dwellings.
8. Not to Occupy nor cause nor permit to be Occupied the Final Dwellings until the Libraries Services Contribution has been paid to HCC in accordance with paragraph 7 of this Part 1 of this Schedule.

Part 2

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES					FLATS		
	Market & other					Market & other		
Library facilities	£98	£147	£198	£241	£265	£77	£129	£164
	HOUSES					FLATS		
	Social Rent					Social Rent		
Library Facilities	£48	£91	£130	£156	£155	£38	£82	£107

Youth Services

A sum payable towards the cost of developing resources for outreach work based at the XC in Hemel Hempstead and/or improving the Cupid Green Adventure Playground (as HCC shall in its absolute discretion determine) and calculated on the basis of a payment per Dwelling in accordance with the table in Part 2 of Schedule 8.

Part 1

The Owner covenants with HCC to pay the Youth Services Contribution to HCC to be applied by HCC at its sole discretion towards the cost of developing resources for outreach work based at the XC and/or the improvement of Cupid Green Adventure playground (as HCC shall in its absolute discretion determine) and in accordance with the following instalments:

1. Prior to Occupation of 150 Dwellings to pay to HCC the Youth Services Contribution payable for those 150 Dwellings.
2. Not to Occupy nor cause nor permit to be Occupied more than 149 Dwellings until the Youth Services Contribution has been paid to HCC in accordance with paragraph 1 of this Part 1 of this Schedule.
3. Prior to Occupation of 300 Dwellings to pay to HCC the Youth Services Contribution for 300 Dwellings (minus sums paid pursuant to paragraph 1).

4. Not to Occupy nor cause nor permit to be Occupied more than 299 Dwellings until the Youth Services Contribution has been paid in accordance with paragraph 3 of this Part 1 of this Schedule.
5. Prior to Occupation of 450 Dwellings to pay to HCC the Youth Services Contribution payable for those 450 Dwellings (minus sums paid pursuant to paragraphs 1 and 3).
6. Not to Occupy nor cause nor permit to be Occupied more than 449 Dwellings until the Youth Services Contribution has been paid to HCC in accordance with paragraph 5 of this Part 1 of this Schedule.
7. Prior to Occupation of the Final Dwelling to pay to HCC the Youth Services Contribution payable for those Dwellings in excess of 450 Dwellings.
8. Not to Occupy nor cause nor permit to be Occupied the Final Dwellings until the Youth Services Contribution has been paid to HCC in accordance with paragraph 7 of this Part 1 of this Schedule.

Part 2

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES					FLATS		
	Market & other					Market & other		
Youth facilities	£6	£16	£50	£82	£105	£3	£13	£41
	HOUSES					FLATS		
	Social Rent					Social Rent		
Youth Facilities	£2	£8	£31	£51	£55	£1	£6	£21

Childcare Services

A sum payable towards the provision of childcare facilities within the Primary School and calculated on the basis of a payment per Dwelling in accordance with the table in Part 2 of Schedule 9.

Part 1

The Owner covenants with HCC to pay the Childcare Contribution to HCC to be applied by HCC at its sole discretion towards the cost of expansion of Woodhall Farm Pre-School and in accordance with the following instalments:

1. Prior to Occupation of 150 Dwellings to pay to HCC the Childcare Contribution payable for those 150 Dwellings.
2. Not to Occupy nor cause nor permit to be Occupied more than 149 Dwellings until the Childcare Contribution has been paid to HCC in accordance with paragraph 1 of this Part 1 of this Schedule.
3. Prior to Occupation of 300 Dwellings to pay to HCC the Childcare Contribution for 300 Dwellings (minus sums paid pursuant to paragraph 1).
4. Not to Occupy nor cause nor permit to be Occupied more than 299 Dwellings until the Childcare Contribution has been paid in accordance with paragraph 3 of this Part 1 of this Schedule.

5. Prior to Occupation of 450 Dwellings to pay to HCC the Childcare Contribution payable for those 450 Dwellings (minus sums paid pursuant to paragraphs 1 and 3).
6. Not to Occupy nor cause nor permit to be Occupied more than 449 Dwellings until the Childcare Contribution has been paid to HCC in accordance with paragraph 5 of this Part 1 of this Schedule.
7. Prior to Occupation of the Final Dwelling to pay to HCC the Childcare Contribution payable for those Dwellings in excess of 450 Dwellings.
8. Not to Occupy nor cause nor permit to be Occupied the Final Dwellings until the Childcare Contribution has been paid to HCC in accordance with paragraph 7 of this Part 1 of this Schedule.

Part 2

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES					FLATS		
	Market & other					Market & other		
Childcare facilities	£14	£64	£138	£199	£244	£8	£57	£89
	HOUSES					FLATS		
	Social Rent					Social Rent		
Childcare facilities	£12	£121	£188	£226	£277	£4	£65	£113

Fire Hydrants

The Owner covenants with HCC as follows:

1. To ensure that the Water Scheme incorporates a fire hydrant in accordance with BS 750 (2006) as reasonably and properly required by the Fire and Rescue Service.
2. Not to Commence nor cause nor permit Commencement in respect of the Development until it shall have prepared and submitted the Water Scheme for the Development to the Fire and Rescue Service for its written approval.
3. To construct and provide at no cost to the Fire and Rescue Service or HCC the fire hydrant reasonably and properly indicated in the Water Scheme and to advise the Fire and Rescue Service in writing of the date upon which each and every fire hydrant becomes operational and ready to be used for the purpose of fire-fighting by the Fire and Rescue Service.
4. Once operational to maintain the fire hydrants in good condition and repair such that they are suitable at all times for use by the Fire and Rescue Service until they are adopted by the Fire and Rescue Service which adoption shall take place on the date specified in a written confirmation issued by the Chief Fire Officer of the Fire and Rescue Service provided that such written confirmation shall not be issued prior to the issue by HCC of a certificate of maintenance pursuant to the highways in which the fire hydrants are located.
5. Not to Occupy or cause or permit Occupation of any building forming part of the Development until such time as it is served by a fire hydrant which is

operational and ready to be used for the purpose of fire-fighting by the Fire and Rescue Service.

6. To address any notice to be given to the Fire and Rescue Service to the Water Services Officer, Fire and Rescue Service, Old London Road Hertford SG13 7LD Telephone 01992 507521.

Travel Plan

The Owner covenants with HCC:

1. Not to Occupy or permit the Site or any part of the Site to be Occupied for purposes pursuant to the Planning Permission until it has prepared and secured the written approval of the HCC to a Travel Plan (TP) in respect of the part or parts to be Occupied and each such TP shall contain as many of the provisions detailed in the TP Guidance as are appropriate to the Site or the relevant part of the Site and further shall include provisions as to how the progress of the TP shall be monitored.
2. To implement the approved TP relating to the Site or that part of the Site and to use all reasonable endeavours to achieve the targets set therein.
3. To pay the Travel Plan Evaluation and Support Contribution to HCC prior to Commencement of Development as a contribution to be applied by HCC in its absolute discretion towards the cost of evaluating, administering and monitoring the objectives of the TP.
4. Not to Commence Development nor cause nor permit Commencement of Development until the Travel Plan Evaluation and Support Contribution has been paid to HCC.

Sustainable Transport

The sum [of six hundred and seventy five thousand pounds (£675,000)] (indexed linked as hereinafter provided) as a contribution towards the cost of improvements to the Nicky Line , improvements to pedestrian and cycle provision in the locality of the Site and passenger transport and service improvements in the vicinity of the Site.

The Owner covenants with HCC as follows:

- 1.1 To pay the Sustainable Transport Contribution to the County Council prior to the Occupation of the 150th Dwelling.
- 1.2 Not to Occupy 149 Dwellings or more until the Sustainable Transport Contribution has been paid in accordance with paragraph 1.1 of this Schedule.

Highways Works

The works to the highway shown in principle only on drawing numbered [] annexed to this Deed (subject as mentioned in clause 11 hereof) and carried out in accordance with a Highway Agreement which works shall for the avoidance of doubt include works to Three Cherry Trees Lane, provision of footway from the access to the Site to bus stop on Three Cherry Trees Lane and improved bus stop/shelter to be provided as part of the site access works and the Site access works and the employment access works and the emergency access works and two phases of Highways Works at Three Cherry Trees Lane/Swallowdale Lane junction improvement works (including commuted sums for maintenance) and Redbourn Road/Three Cherry Trees Lane roundabout together with such ancillary works as may be required by the Director Environment & Commercial Services to facilitate the Development which ancillary works may without prejudice to the generality of the foregoing include the

provision of street lighting traffic signs carriageway markings footways street furniture and drainage and any necessary alterations to statutory undertakers' equipment.

- 4.1 Prior to Commencement of Development to enter into a Highway Agreement with the County Council to carry out and complete the Highways Works.
- 4.2 Not to Commence the Development nor cause nor permit Commencement of Development until a Highway Agreement has been entered into with the County Council in accordance with Paragraph 3.1 of this Schedule 13.
- 4.3 To complete the Highways Works pursuant to a Highway Agreement and to the satisfaction of the County Council and for those Highways Works to be operational prior to Occupation of the Development.
- 4.4 Not to Occupy nor cause nor permit Occupation of the Development until the Highways Works have been completed to the reasonable satisfaction of the County Council as evidenced by issue of a certificate of completion by the Director in respect of the Highways Works in accordance with the Highway Agreement.

Travel Plan and Construction Traffic Management Plan

Part 1

Travel Plan Provisions

- 1.1.1 Prior to Commencement of the Development the Developer covenants with the County Council
 - (a) To submit a draft Travel Plan Statement for written approval to the County Council and obtain such approval
 - (b) To nominate a Travel Plan Coordinator for written approval of the County Council and obtain such approval and such nomination shall include contact details for the proposed Travel Plan Coordinator and the nature of their relationship to the Owners
- 1.1.2 Not to Commence nor cause nor permit Commencement of the Development until the Travel Plan Statement has been submitted in accordance with the Travel Plan to and approved by the County Council.

Travel Plan Monitoring

The sum of six thousand pounds (£6,000.00) (index-linked) as hereinafter provided)

- 1.2.1 To pay the Travel Plan Evaluation and Support Contribution to the County Council prior to Commencement of the Development as a contribution to be allocated to and spent by the County Council towards the costs of evaluating, monitoring and administering the objectives of the Travel Plan Statement required pursuant to the Planning Permission
- 1.2.2 Not to Commence nor cause nor permit Commencement until the Travel Plan Evaluation and Support Contribution has been paid to the County Council in accordance with paragraph 1.2.1 of this Schedule 14
- 1.3. To at all times during Occupation of the Development:

- (a) comply with the terms of the Travel Plan Statement including but not limited to implementing any actions by the specified dates in the Travel Plan statement.
- (b) promote and publicise the agreed Travel Plan Statement to owners occupiers and visitors to the Development
- (c) implement the Travel Plan Statement by the dates or within the time limits set out in the Action Plan section of the Travel Plan Statement.
- (d) carry out the Travel Plan Annual Review and submit a written report setting out the findings of such review to the County Council within three (3) calendar months from the date of each Travel Plan Annual Review such report shall include (but shall not be limited to) recommendations for amendments or improvements to the approved Travel Plan Statement whether or not the objectives of the Travel Plan Statement have been achieved.
- (e) comply with any variations or amendments to the Travel Plan Statement permitted by this Deed which shall in addition include any reasonable amendments or improvements required by the County Council following review of the report submitted in sub-paragraph (d) above and notified in writing to the Owners within three (3) calendar months from the date of receipt of such report.
- (f) to ensure that they include in any transfer tenant's lease or occupier's licence of any part or parts of the Site a covenant that the purchaser tenant or occupier will implement the approved Travel Plan Statement for such part or parts of the Site and further that they will use all reasonable endeavours to enforce such obligation against any such purchaser tenant or occupier.
- (g) within twenty (20) Working Days of the transfer sale or letting of the Site or any part or parts thereof they will procure the delivery to the County Council of a notice giving the following details:
 - (i) the name and address of the purchaser and/or tenant;
 - (ii) a description of the premises demised;
 - (iii) the length of the term; and
 - (iv) a sufficient extract of the transfer or lease setting out the terms of the covenant expressed in favour of the County Council in relation to the approved Travel Plan Statement.

Part 2

Construction Traffic Management Plan

- 1 To submit a draft Construction Traffic Management Plan to the County Council for approval prior to the Commencement of the Development
- 3.2 Not to Commence the Development nor cause nor permit Commencement of Development until the Construction Traffic Management Plan has been approved by the County Council in accordance with paragraph 2.1 of this Schedule 13
- 3.3 To ensure that the construction of the Development shall not be carried out other than in strict accordance with the Construction Traffic Management Plan as agreed with the County Council from time to time and not to permit the carrying out of any works comprised in building out the Development at any time when the requirements of the Construction Traffic Management Plan are not being complied with and in the event of non compliance with this paragraph of this Schedule 14 the Owner shall forthwith take any steps required to remedy such non compliance.

Outdoor Space

The space within the Development comprising:

- (a) Children's Outdoor Playing Space; and
 - (b) the amenity space and the landscape buffers to be provided as part of the Development
1. To submit an Outdoor Space Plan to the Relevant Council prior to Commencement of Development within a Phase, detailing the plans, details, specifications and timetable for the provision of the Outdoor Space within that Phase, for the Council's written approval, such plan to include in relation to that Phase:
 - (a) plans identifying the location and size of the Outdoor Space; and
 - (b) a description and plans of the proposed works, layout and any equipment of the Outdoor Space within the relevant Phase; and
 - (c) a request for the approval of boundaries of any areas or parcels of land to be transferred; and
 - (d) details of the landscaping and planting; and
 - (e) details of any earth works, excavations, construction, drainage, fencing, materials, installation of play equipment, surfacing and signage of the Outdoor Space; and
 - (f) a management plan for the long term future maintenance and management of the Outdoor Space.
 2. Not to Commence Development within a Phase unless and until it has submitted to and obtained the Relevant Councils approval of the Outdoor Space Plan.
 3. To provide the Outdoor Space in accordance with the approved Outdoor Space Plan for that Phase.
 4. Not to Occupy or cause or allow the Occupation of any more than 80% of the Dwellings in a Phase until the Outdoor Space within the relevant Phase has been completed to the satisfaction of the Relevant Council.
 5. To transfer the Outdoor Space for the sum of £1 to the Management Company (unless otherwise agreed with the Councils in writing) and thereafter at its own expense, to continue to maintain and insure the Outdoor Space including any play equipment keeping all trees and vegetation at all times clean, cultivated and in good heart fed and watered and shall replace any damaged or dying grass, turf, trees, shrubs and other plants to the reasonable satisfaction of the Relevant Council until such Outdoor Space is transferred to the Management Company.
 6. Not to use the Outdoor Space for any use or purpose other than as public open space for use by and for the enjoyment of the public in perpetuity.

Management Company for Development

A company established for the purpose of maintaining and managing the Outdoor Space and any sustainable urban drainage system implemented on the Site.

The Owner covenants with Councils as follows:

1. Not to cause or permit the Occupation of any Dwelling or Commercial Unit until it has:
 - (a) set up a limited company as the Management Company; and
 - (b) made provision to include in the transfer of each Dwelling and Commercial Unit a covenant by the purchaser to pay an annual charge as determined by the

- Management Company for the management and maintenance of the Outdoor Space.
2. Not to cause or permit the Disposal of any Dwelling or Commercial Unit without imposing a covenant on the purchaser of such Dwelling or Commercial Unit to pay an annual charge as determined by the Management Company towards the costs incurred in managing and maintaining the Outdoor Space and any sustainable urban drainage system implemented on the Site.
 3. On the Disposal of the first Dwelling or Commercial Unit (whichever is the first to be Disposed of) to provide the Councils with copies of the Articles and Memorandum of Association of the Management Company and a copy of the transfer relating to the relevant Dwelling or Commercial Unit including the covenants referred to in paragraph 1(b) of this Schedule.

Phasing

The Owner covenants with the Councils as follows:

1. That it shall use reasonable endeavours to ensure that Phasing Plan reflects so far as possible the Phases shown on the Indicative Phasing Plan.
2. Not to Commence nor cause nor permit Commencement until it shall have prepared and submitted the Phasing Plan to the Councils and obtained their written approval.
3. Prior to submission of any reserved matters application for a Phase to submit the Individual Phasing Plan to the Relevant Council for its written approval and thereafter to submit the reserved matters application strictly in accordance with the approved Individual Phasing Plan and for the avoidance of doubt each Individual Phasing Plan shall identify the boundaries of each Phase and shall indicate the mix and number of Dwellings to be provided within that Phase.
4. That it shall not Commence nor cause nor permit Commencement of the Development to be carried out otherwise than in accordance with the Phasing Plan and the Individual Phasing Plans as approved in writing by the Councils pursuant to this Schedule subject to any amendments to such plans as may be agreed in writing by the Relevant Council.

53 4/00726/17/FUL - TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME) - LAND R/O 76-78 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP

Councillor Maddern declared an interest on item 5C as she knew the objector but reserved her right to vote.

R Marber introduced the item the application seeks permission for an amended scheme to construct two detached 3 bed dwelling houses. The scheme has been amended since the refusal in 2016 (4/03037/16/FUL).

Alan Harper and Katherine Harper spoke in objection of the application and gave handouts informing members on traffic accident reports and Land Registry documents. Mr Wingrove spoke in support of the application.

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

Vote

For: 5 Against: 5 Abstained: 1

Cllr Guest had the casting vote. Cllr Guest voted in favour of granting.

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

NB-247 Sheet 1
NB-247 Sheet 2
NB-247 Sheet 3
NB-247 Sheet 4

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

- 3 **The windows at first floor level in the side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass and non-opening below 1.7m from the floor level unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future occupiers of the property; in accordance with Policy CS12 of the Core Strategy (2013).

- 4 **No dwelling shall be occupied until 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;**
- **height and type of boundary treatment;**
- **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;**

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; in accordance with Policy CS12 of the Core Strategy and saved Policies 99 and 100 of the Local Plan (2004).

- 5 **Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent**

highway carriageway

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework, Core Strategy Policies CS9 and CS12 and Saved Policy 51 of the Dacorum Borough Local Plan.

- 6 **No dwelling shall be occupied until revised plans showing areas for parking and turning suitable for a private vehicle, has be submitted to and approved by the LPA. Such parking will be provided prior to occupation and retained for that sole purpose thereafter.**

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 7 **No development shall commence until Conditions (a) to (d) 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 (d) has been complied with in relation to that contamination.**

(a) 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 must be submitted and approved 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:**
 - **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;**
- (iii) **an appraisal of remedial options, and proposal of the preferred option(s).**

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

(b) Submission of Remediation Scheme

If contaminated land is identified through condition (a), 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.

(c) 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. 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/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.

(d) 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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), 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/validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

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 adopted Core Strategy.

Informatives

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country

Highways

AN1) The applicant is 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

AN2) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN3) 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.

Environmental Health

1. Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.

2. No waste material, wood or other material shall be burnt on site at any time

Ecology informative

The developer is advised to check for badgers presence prior to any works commencing on site should be undertaken. Should any presence be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

8. **Prior to the first occupation of the development hereby permitted details outlining a no dig construction method for the parking bays shall have been submitted to and approved in written by the Local Planning Authority.**

Reason: To ensure parking provision does not detriment the root protection areas of adjacent trees; in accordance with Saved Policies 99 and 100 of the Local Plan (2004).

54 **4/00918/17/FUL - CONSTRUCTION OF NEW DWELLING (AMENDED SCHEME) - 28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB**

T Rennie introduced the item which is recommended for approval.
Brian Sheppard spoke in objection of the application
It was proposed by Councillor Fisher and seconded by Councillor Clark to grant the application in line with the officer's recommendation.

Vote

For: 2 Against: 7 Abstained: 2

Having there been no majority to grant the application, it was proposed by Councillor Mathews and seconded by Councillor Ritchie to refuse the application on Insufficient parking provision - undue parking stress on area: contrary to CS8 and CS12.

Vote

For: 7 Against: 0 Abstained: 4

Resolved:

The planning application was refused due to the following reason:
The proposed development provides insufficient parking arrangements which would place undue parking stress on the area and be contrary to adopted Core Strategy Policy CS8 and CS12.

55 **4/00937/16/FUL - CONSTRUCTION OF ONE 3-BED DWELLING AND TWO-STOREY REAR EXTENSION - 3 HILLSIDE COTTAGES, LEVERSTOCK GREEN ROAD, HEMEL HEMPSTEAD, HP3 8QB**

Handouts were given to members by Sarah Cottingham and Barry Peach in Objection to the application.
I Keen presented the item which is recommended for approval.
Sarah Cottingham and Barry Peach spoke in objecting of the application.
Kevin and Neil Harper spoke in support of the application.
I Keen informed members that there was a new addition in the addendum.
Councillors were concerned about restricting parking of vehicles otherwise than in designated parking area on plan.
It was proposed by Councillor Birnie and seconded by Councillor Hearn to grant the application in line with the officer's recommendation.

Vote

For: 3 Against: 5 Abstained: 3

Having there been no majority to grant the application
It was proposed by Councillor Conway and seconded by Councillor Clark to refuse the application on Insufficient parking provision - CS12 - inadequacy of parking provision.

Vote

For: 6 Against: 2 Abstained: 3

Resolved

The planning application was refused due to the following reason:

The proposed development would provide insufficient parking provision which would place undue parking stress on the area and be contrary to Policy CS12 of the Dacorum Core Strategy 2013.

9:20pm a break was agreed by the Chair.

9:30pm the Committee Returned. Cllr Birnie did not return to take part in the rest of the applications.

56 4/02389/16/FUL - RETENTION OF TWO THREE BED DWELLINGS (RETROSPECTIVE) - 11 BANK MILL, BERKHAMSTED, HP4 2ER

P Stanley introduced the application which is recommended for approval.

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

Vote

For: 2 Against: 7 Abstained: 1

Having there been no majority to grant the application

It was proposed by Councillor Matthews and seconded by Councillor Ritchie to refuse the application on bulk and mass of roof, substantial variation between Inspector's decision and current as-built design. Bay windows - CS11

P Stanley commented on the previous refusal application and said this was on CS12 grounds.

Vote

For: 7 Against: 2 Abstained: 1

Resolved

That planning permission be refused due to the following reason:

The proposed amendments to the development as built, by reason of the roof form which remains unduly large and box like, uncomplimentary bay window proportions, excessive eaves overhang and first floor windows oversailing the ground floor walls, results in an overall bulk and mass of roof that dominates the site, appears obtrusive and overbearing in terms of the established character of Bank Mill, and results in an unsympathetic design that is harmful to the appearance of the building and the character. The proposal is therefore contrary to Policy CS12 of the Dacorum Core Strategy (September 2013).

57 4/00416/17/FHA - SINGLE STOREY REAR EXTENSION. EXTENDED FLAT ROOF DORMER. PITCHED ROOF DORMERS TO FRONT. SINGLE STOREY EXTENSION TO SIDE WITH ROOMS IN ROOF SPACE - 10 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS

James Gardner introduced the application, recommended for approval. It was proposed by Councillor Matthews and seconded by Councillor Hearn to grant the application in line with the officer's recommendation.

Vote

For: 9 Against: 1 Abstained: 0

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

AL3 8JF/01 Rev. D

AL3 8JF/04 Rev. D

AL3 8JF/12 Rev. D

AL3 8JF/13 Rev. D

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

- 3 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which 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) (Amendment No. 2) Order 2015.

The first sentence of the section pertaining to the Community Infrastructure Levy (CIL) is deleted from the report.

Block plan provided in the Addendum demonstrating available onsite parking provision (plan number: AL3 8JF/00 Revision D)

**58 4/00438/17/FHA - PROPOSED FLANK AND REAR EXTENSION - 13
CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY**

R Marber introduced the application. It was referred to the committee due to the contrary views of the Nash Mills Parish Council.
It was proposed by Councillor Whitman and seconded by Councillor Matthews to grant the application in line with the officer's recommendation.

Vote

For: 7 Against: 3 Abstained: 0

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

1619/3

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

- 3 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).

Informative 1 - Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which 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) (Amendment No. 2) Order 2015.

Informative 2 - Contaminated Land

It is recommended that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Informative 3 - Carrying out Development in the Highbarns Chalk Mines Outer Area and Land Stability Informative

The Government advice confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or landowner.

The carrying out of development in the Highbarns Outer Area is at the risk of the developer as the Council does not have any information relating to ground stability in the Outer Zone. If the developer / landowner is concerned about possible ground instability, consideration should be given by the developer / landowner in commissioning a ground stability report.

59 4/01019/17/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO SEMI DETACHED DWELLINGS (AMENDED SCHEME) - 15 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL

R Marber introduced the amended proposal. The application was referred to the committee due to the contrary views of Berkhamsted Town Council. It was proposed by Councillor Fisher and seconded by Councillor Hearn to grant the application in line with the officer's recommendation.

Vote

For: 6 Against: 2 Abstained: 0

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

49e Rev C
49b Rev C
49d
49f

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

- 3 **The windows at ground and first floor level serving the halls and bathrooms (side elevations) of the new dwellings hereby permitted shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future occupiers of the dwelling house; in accordance with Policy CS12 of the Core Strategy (2013).

- 4 **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; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 5 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 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; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 6 **Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 7 **Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 8 **The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 9 **The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .**

Reason: In the interests of the safety of persons using the access and users of the highway; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: 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.hertfordshire.gov.uk/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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

4. All materials and equipment to be used during the construction should be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the 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

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**60 4/01198/17/FUL - CONSTRUCTION OF 2 NO. TWO BEDROOM FLATS - 92
VICARAGE LANE, KINGS LANGLEY, WD4 9HR**

R Marber introduced the item which is recommended for approval. The application was referred to the committee due to the contrary views of the Kings Langley Parish Council.

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

Vote

For: 10 Against: 0 Abstained: 0

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

**16/VM- 28 dated 19/4/17
Arboricultural Impact Assessment 4 May 2017**

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

- 3 **Within 6 months the date of this permission full details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out and retained in accordance with these 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 Core Strategy (2013).

- 4 **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; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 5 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 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; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

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

- 6 **Before the access is brought into use the site frontage shall be kept free of all obstruction to visibility over a height of 0.6m for a distance of 0.65m to both sides of the driveway above the adjoining footpath level. Thereafter the frontage shall be retained free of obstruction.**

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 7 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient

operation of the adjoining Highway; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

8

The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

Highway Informatives

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: 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.hertfordshire.gov.uk/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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

4. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Article 35 Statement

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

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.

Delegated with a view to approval subject to consultation response from Hertfordshire Archaeology.

Amended/Additional Conditions

3. Within 6 months the date of this permission full details of the materials to be used in the construction of the external surfaces including brick bond and mortar of the development shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out and retained in accordance with these 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 Policies CS12 and CS27 of the Core Strategy (2013).

9. Within 6 months the date of this permission full details of the headers and cills to be used in the construction of the windows shall be submitted to and approved in writing by the local planning authority.

These details shall include fenestration joinery details, finish and position within the window surround at 1:20 scale and door details and finish at 1:20 scale.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies CS12 and CS27 of the Core Strategy (2013).

10. Within 6 months the date of this permission full details of the roof tiles, hanging tiles, rainwater goods and eaves details to be used in the construction of the build at a 1:20 scale shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies CS12 and CS27 of the Core Strategy (2013).

61 4/01335/17/FUL - DEMOLITION OF EXISTING HOUSE AND GARAGE. CONSTRUCTION OF 2 NO. 4 BEDROOM HOUSES AND EXTERNAL WORKS - 17 TRING ROAD, WILSTONE, TRING, HP23 4NU

J Gardner introduced the application with recommendations for approval. It was proposed by Councillor Maddern and seconded by Councillor Hearn to grant the application in line with the officer's recommendation.

Vote

For: 10 Against: 0 Abstained: 0

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

217 pa2.201 B
217 pa2.202 B
217 pa2.203 B
217 pa2.204 B
217 pa2.205 B

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

- 3 **The development shall be carried out in accordance with the Schedule of Materials submitted on Drawing Nos. 217 pa2.204 (B) and 217 pa2.205 (B).**

Reason: To ensure a satisfactory appearance to the development.

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

- 4 **No above ground 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:**

- **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;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

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.

- 5 **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 [1 year] 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 such 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.

- 6 **The trees shown for retention on the approved Drawing No. 217 pa2.201 (B) shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

Reason: In order to ensure that damage does not occur to the trees during building operations.

- 7 **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: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the NPPF, Policy CS27 of the Dacorum Core Strategy (2013) and saved Policy 188 of the Dacorum Borough Local Plan (1991 - 2011).

- 8 **i) Demolition/development shall take place in accordance with the Written**

Scheme of Investigation approved under condition (A).

ii) 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the NPPF, Policy CS27 of the Dacorum Core Strategy (2013) and saved Policy 188 of the Dacorum Borough Local Plan (1991 - 2011).

1. *Visibility Before the access is brought into use the site frontage shall be kept free of all obstruction to visibility over a height of 0.6m for a distance of 0.65m to both sides of the driveway above the adjoining footpath level.*

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

2. *The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.*

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

62 4/01389/17/FUL - PROPOSED RETENTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY (AMENDED SCHEME) - CHEQUERS MEADOW NURSERIES, CHEQUERS HILL, FLAMSTEAD, ST ALBANS, AL3 8ET

T Rennie introduced the application; it was referred to committee due to the contrary views of the Flamstead Parish Council.

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

Vote

For: 10 Against: 0 Abstained: 0

Resolved:

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

- 1 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**
1355.8a

Elevation plans
Supporting statement with photos

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

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

- 2 **No other buildings shall be erected within the part of the site to be used for horticultural purposes contained within the land edged red on the approved plans without the prior written approval of the local planning authority.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the visual amenity of the locality and the Green Belt in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 23 of the Dacorum Borough Local Plan 1991-2011.

63 APPEALS

The following appeals were noted:

1. Dismissed

The Meeting ended at 10.31 pm