
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

17 MARCH 2016

Present:

MEMBERS:

Councillor D Collins (Chairman) Councillors, Guest (Vice-Chairman), Birnie, Clark, Conway, Maddern, Riddick, Ritchie, R Sutton, Fisher and Tindall

Councillor also attended

OFFICERS:

C Gaunt (Solicitor), N Gibbs (Lead Planning Officer), K Mogan (Member Support Officer), S Whelan (Group Manager - Development Management and Planning), E Palmer (Planning Officer), J Reid (Assistant Team Leader - Development Management), Rennie (Lead Planning Officer) and Gardner (Enforcement Officer)

The meeting began at 7.00 pm

214 MINUTES

The minutes of the meeting held on 25 February 2016 were confirmed by the Members present and were then signed by the Chairman.

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

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

<https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CIId=159&MIId=213>

215 APOLOGIES FOR ABSENCE

Apologies were received from Councillor C Wyatt-Lowe, Whitman and Matthews.

Councillor P Hearn substituted on behalf of Councillor Whitman and Councillor Bateman substituted on behalf of Councillor Matthews.

216 DECLARATIONS OF INTEREST

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

217 PUBLIC PARTICIPATION

Councillor D Collins reminded the members and public about the rules regarding public participation.

218 4/03490/15/OUT - LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD

N Gibbs introduced the report and informed members of the additional representations received in the addendum and gave a summary of the letter received from the residents' legal representative. It has been referred to the committee at the request of Councillor Adam Barnes, the level of public interest and that the recommendation is contrary to the views of Chipperfield Parish Council.

Councillor Bateman arrived at 7.20pm and therefore took no part in the voting of this item and 4/03696/15/FUL and 4/03857/15/FUL

Members questioned the ownership of the land and the validity of the 1956 planning permission.

S Whelan said the planning permission is still valid and there were no time limits in 1956. A certificate of lawfulness was granted in 2012.

C Gaunt explained the legal situation to members with regards to the Counsel's opinion and set out the law in terms of the application of the fall-back position. When making a decision, Members must view the fall-back position as a material consideration and consider the weight to be given to the fall-back position.

Andrew Wright spoke in support of this application.

Caroline Hargrove and Jane Whittles spoke in objection to this application.

Councillor Barnes in his role as Ward Councillor addressed the meeting objecting to the application.

Having there been no proposer to grant this application in line with the officer's recommendation, it was proposed by Councillor Tindall and seconded by Councillor Maddern that the officer's decision be overturned and the application be refused.

Vote

For: 11 Against: 0 Abstentions: 1

Resolved

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

The proposal is considered to be inappropriate development in the Green Belt which results in harm to the openness of the Green Belt. No very special circumstances have been put forward which outweigh the harm by reason of inappropriate development. As such, the proposal would significantly harm the

current and lawful openness of a substantial area of land within the Green Belt, failing to meet the expectations of the National Planning Policy Framework and Policy CS5 of the adopted Dacorum Core Strategy.

219 4/03696/15/FUL - LAND REAR OF LONGFIELD, LANGLEY ROAD, CHIPPERFIELD

N Gibbs introduced the report and informed members of the additional representations received in the addendum and gave a summary of the letter received from the residents' legal representative. It has been referred to the committee at the request of Councillor Adam Barnes, the level of public interest and that the recommendation is contrary to the views of Chipperfield Parish Council.

Andrew Wright spoke in support of the application.

Caroline Hargrove and Jane Whittles said they support the officer's recommendation.

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

Vote

For: 11 Against: 0 Abstentions: 1

Resolved

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

- 1 The proposal is considered to be inappropriate development in the Green Belt which results in harm to the openness of the Green Belt. No very special circumstances have been put forward which outweigh the harm by reason of inappropriate development. As such, it is considered that the proposal by reason of the position of the dwelling house on Plot 2 would significantly harm the current and lawful openness of a substantial area of land within the Green Belt, failing to meet the expectations of the National Planning Framework and Policy CS5 of the adopted Dacorum Core Strategy.**

ARTICLE 35 STATEMENT

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

**220 4/03857/15/FUL - LAND REAR OF LONGFIELD, LANGLEY ROAD,
CHIPPERFIELD**

N Gibbs introduced the report and informed members of the additional representations received in the addendum and gave a summary of the letter received from the residents' legal representative. It has been referred to the committee at the request of Councillor Adam Barnes, the level of public interest and that the recommendation is contrary to the views of Chipperfield Parish Council.

Andrew Wright spoke in support of the application.

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

Vote

For: 11 Against: 0 Abstentions: 1

Resolved

That planning permission is **REFUSED** due to the following reason:

- 1 **The proposal is considered to be inappropriate development in the Green Belt which results in harm to the openness of the Green Belt. No very special circumstances have been put forward which outweigh the harm by reason of inappropriate development. As such, it is considered that the proposal by reason of the impact of the elongated access road and the position of the dwelling house on Plot 2 would significantly harm the current and lawful openness of a substantial area of land within the Green Belt, failing to meet the expectations of the National Planning Framework and Policy CS5 of the adopted Dacorum Core Strategy.**

ARTICLE 35 STATEMENT

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant at pre application stage in an attempt to narrow down the reasons for refusal but fundamental objections with in particular reference to the roadway could not be overcome. 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.

221 4/03693/15/FUL - 38 LONG CHAULDEN, HEMEL HEMPSTEAD, HP1 2HX

Councillor Guest declared a personal interest in this item as she is a client of the speaker in objection. Councillor Guest reserved her right to speak and vote thereon.

E Palmer introduced the report and stated that it was referred to the committee due to the level of public interest (submission of two petitions) and the fact that the site is owned by Dacorum Borough Council.

Assan Khan spoke in support of this application.

Linda Sims and Ali Komur spoke in objection to this application.

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

Vote

For: 9 Against: 0 Abstentions: 4

Resolved

That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the expiry of the consultation period and no additional material considerations being raised.

- 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 Prior to the commencement of the potentially odorous activity a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the**

commencement of the use being permitted.

The information will contain in addition to efflux information and capability of the system, details of potential noise from the system

Reason: To safeguard the amenities of those premises near the application site and the appearance of the building as a whole. In accordance with Policies and procedures of Dacorum Borough Council CS 11 and 12.

- 3 **The premises shall only be open to customers between 11 am and 11 pm daily. Any customers remaining on the premises after those hours shall leave the premises not later than 11.15 pm.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and comply with CS12.

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

CIL Form
Location plan
Floor Plans
Supporting information
GFA figures for existing and proposed use
Design and Access Statement

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

Article 35 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

222 4/03252/15/MFA - WOOD HOUSE, MAYLANDS AVENUE, HEMEL HEMPSTEAD, HP2 7DE

T Rennie introduced the report and said it had been referred to committee as it is on Council owned land and Dacorum Borough Council is the applicant.

This application if approved will be a part of the Maylands regeneration scheme.

Councillor Tindall asked if the construction management plan could prohibit construction vehicles from delivering to the site in peak hours.

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

3 Within three months of the date of the granting of this planning permission 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;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

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

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

4 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

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

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

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

- 6 **The development shall not be occupied until the access, car parking and turning areas for the development has been constructed, surfaced and permanently marked out in accordance with the details approved under Condition 3 this application. All parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses in accordance with CS12 of the Adopted Core Strategy.

- 7 **Two months prior to the occupation of the development, details of the proposed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: to promote a sustainable development in accordance with adopted Core Strategy Policy CS8 and highway authority requirements.

- 8 **No part of the development hereby permitted shall be occupied prior to implementation of the Travel Plan referred to in Condition 7 above. The approved Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with CS8 of the Adopted Core Strategy.

9

Construction of the development hereby approved shall not commence until a Construction 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 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) Cleaning of site entrances, site tracks and the adjacent public highway;**
- f) Timing of construction activities to avoid school pick up/drop off times;**
- g) Provision of sufficient on-site parking prior to commencement of construction activities;**
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

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

10

The proposed development shall be carried out in accordance with the measures detailed in the FRA carried out by Waterco reference W19181-160107 dated January 2016 submitted with this application. The measures shall achieve the following:

- Limit 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.**
- Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**

Reason

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with adopted Core Strategy Policies CS29 and CS31.
2. To reduce the risk of flooding to the proposed development and future

occupants.

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

The scheme shall also include:

- 1. Infiltration tests should be conducted to BRE Digest 365 Standards if infiltration is proposed.**
- 2. Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features and supporting calculations.**

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 the increased risk of flooding, both on and off site and to accord with adopted Core Strategy Policies CS29 and CS31.

- 12 **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 CS27 of the Adopted Core Strategy.

- 13 **Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 12. 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 12 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 CS27 of the Adopted Core Strategy.

- 14 **The development hereby permitted shall be carried out in accordance with the approved sustainability statement and energy statement submitted by Eco Energy and Environmental Limited.**

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

- 15 **No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.**

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 16 **A scheme for protecting the proposed residential units from noise from the surrounding existing activity, including commercial activity and traffic noise shall be submitted to and approved by the local planning authority; the**

submitted information shall demonstrate how the internal areas of the residential units shall comply with BS8233 and to achieve reasonable conditions for sleep and daytime amenity. All works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: In the interests of the amenity of adjoining residents in accordance with CS12 of the Adopted Core Strategy.

INFORMATIVE:

It is advised that the sound insulation between the units is capable of 50db attenuation.

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

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

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

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

INFORMATIVE:

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

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

- 21 **No development shall take place until a detailed land stability risk assessment report has been submitted to and approved in writing by the local planning authority.**

Reason: To ensure that any potential land instability within the site is identified and addressed in accordance with National Planning Practice Guidance.

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

L4131	14G	Proposed	Site	Plan;
L4131	15G	Ground	Floor	Plan;
L4131	16G	Proposed	Upper (1-3)	Floor Plans;
L4131	17G	Proposed	Fourth	Floor Plan;
L4131	18G	Proposed	Fifth	Floor Plan;
L4131	26	Proposed	Sixth	Floor and Roof Plan;
L4131	19F	Proposed	Front	Elevations;
L4131	20E	Proposed	Rear	Elevations 01;
L4131	21E	Proposed	Rear	Elevations 02.

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES:

Highways:

AN1) Construction standards for new/ amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the constructed of the access affects or requires the removal and/or the relocation of any equipment, apparatus or

structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 03001234047

AN2) Storage of materials: 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Thames Water:

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Through the centre of the proposed development and there are easements and wayleaves running throughout the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development.

The Map issued previously has yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

Hertfordshire Ecology:

o **Protected Species** - It is an offence to take or disturb the breeding or resting location of protected species, which include (although not exclusively) all Bats, wild Birds, Reptiles (Common lizard, Slow-worm, Grass snake), and Roman snails. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from: Natural England: 0300 060 3900; or a suitably qualified ecological consultant.

o For **birds**, the removal of trees & shrubs should be avoided during the breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.

o Any **external lighting scheme** should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

o **Soft landscaping** - new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

o **Biodiversity enhancements** could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.

Crime Prevention:

Achieving the Secured by Design award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. I would ask that this information is passed by way of informative to the applicant.

a. Secured by Design part 2 physical security: If the development were to be built the physical security of Secured by Design part 2, which is the police approved minimum security standard and also achieves ADQ. This would involve:

- All exterior doors to have been certificated by an approved certification body to BS PAS 24:2012, or STS 201 issue 4:2012, or STS 202 BR2, or LPS 1175 SR 2, or LPS 2081 SR B. This includes any communal doors from underground / undercroft parking areas.
- All individual flat front entrance doors to have been certificated by an approved certification body to BS Pas 24:2012 (internal specification).
- Ground level (easily accessible) exterior windows to have been certificated by an approved certification body to BS Pas

24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows next to doors to include laminated glass as one of the panes of glass.

- Access control standard for flats is: 4 to 10, audible – more than 10 flats sharing a communal entrance then audible and visual access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats. As this proposed development has 75 flats there will be the requirement for access control as well as on the landings and some CCTV coverage.

These standards are entry level security and meet the Secured by Design part 2 physical security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75% and achieve ADQ. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

223 4/03344/15/MFA - LAND ADJ APSLEY MILL COTTAGE, STATIONERS PLACE, APSLEY, HEMEL HEMPSTEAD, HP3 9RH

J Reid introduced the report and has been referred to committee as Dacorum Borough Council is both the applicant and land owner. J Reid stated that this was a full planning application whereas the previous application was outline permission.

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

Vote

For: 11 Against: 0 Abstentions: 2

Resolved

Delegate with a view to **APPROVE** subject to completion of S106 agreement and imposition of two additional conditions (below):

Condition 1

Prior to the commencement of the development a scheme for the management of a minimum four metre buffer zone alongside the deculverted and naturalised River Gade shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

The scheme shall include:

- Details of the design of the deculverted and naturalised river channel;
- Details of the native species planting scheme;
- Details demonstrating how the watercourse and associated buffer zone will be managed and maintained over the longer term to enhance the ecological value.

Condition 2

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (Waterco, Ref: w3160-151006-FRA, October 2015) and the mitigation measures outlined within.

Information should also be provided to:

- Show an open channel watercourse that meets the flood risk requirements and maximises the environmental characteristics.
- Demonstrate that protection and maintenance of the existing flood defence canal boundary wall will be provided.

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

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

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

- 2 No development shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the development together with details of the windows, exterior door and external walkway balustrades hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy CS12 of the adopted Core Strategy.

- 3 Prior to the commencement of development, details of landscaping shall be submitted for the approval to the local planning authority and shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **external lighting;**
- **minor artefacts and structures (e.g. furniture, storage units, signs etc.);**
- **arrangements for the long term management and maintenance of the on-**

site open spaces including de-culverted areas;

- **programme of implementation**
- **bin storage details**
- **maintainance and management of Suds**

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 adequate management and provision of services to serve the development and to ensure that it integrates well within the wider character of the area and the canal in accordance with policy 12 of the adopted Core Strategy.

- 4 **Construction work shall not begin until detailed plans for protecting the proposed residential development from noise in accordance with the specifications set out in the noise assessment report 14/0275/R1 has been submitted and approved by the local planning authority; all works which form part of the scheme shall be completed before the first occupation of the development**

Reason: In the interests of the amenities of future occupiers in accordance with NPPF and the NPPG.

- 5 **Development shall not commence until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate how deliveries and servicing of the development will be managed and coordinated and shall thereafter be operational. The plans shall include detailed swept path analysis for refuse vehicles and other delivery vehicles.**

Reason: In the interests of Highway Safety in accordance with policy CS8 of the Core Strategy and saved policy 58 of the local plan.

- 6 **No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

7 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (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 are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

(i) human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,

- ecological systems,
 - archeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme

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, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

(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 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.

INFORMATIVE:

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

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

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

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 9 No works shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan should outline construction methodology, the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed. The plan shall also include a scheme detailing the provision for on site parking for construction workers during the duration of the construction period. The plan shall be implemented throughout the construction period.**

Reason: To manage the movement of vehicles during construction and to ensure adequate off street parking during construction in the interests of Highway Safety in

accordance with adopted policy CS8 of the Core Strategy and saved policy 58 of the local plan.

- 11 **Following demolition, no development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

1) A preliminary risk assessment which has identified:

(iii)all previous uses,

- **potential contaminants associated with those uses,**
- **a conceptual model of the site indicating sources, pathways and receptors,**
- **potentially unacceptable risks arising from contamination at the site.**

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the adopted Core Strategy.

- 12 **No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the adopted Core Strategy.

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

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 14 **Prior to commencement of development, details shall be provide which show that the surface water run-off generated by the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site and details showing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF.

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

The scheme shall also include:

1. **Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features and supporting calculations.**
2. **Provide a sustainable drainage system prioritising above ground methods and source control measures.**
3. **Where discharging into the Grand Union Canal, confirmation that the exiting 900mm culvert can cater for the proposed discharge rate and volumes.**

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 the increased risk of flooding, both on and off site in accordance with NPPG.

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

L4077	013F
L4077	008J
L4077	012F
L4077	014E
Site Location Plan	

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

Informatives

a) Thames Water

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

b) Secure by Design

As of 1st October 2015, Approved Document Q (ADQ) has come in that requires under Building Regulations dwellings are built to "Prevent Unauthorised Access". This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances: Into a dwelling from outside ,Into parts of a building containing flats from outside ,Into a flat from the common parts of the building.

Achieving the Secured by Design award meets the requirements of Approved

Document Q (ADQ), and there is no charge for applying for the Secured by Design award. I would ask that this information is passed by way of informative to the applicant.

Secured by Design part 2 physical security: If the development were to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard and also achieves ADQ. This would involve: All exterior doors to have been certificated by an approved certification body to BS PAS 24:2012, or STS 201 issue 4:2012, or STS 202 BR2, or LPS 1175 SR 2, or LPS 2081 SR ,All individual flat front entrance doors to have been certificated by an approved certification body to BS Pas 24:2012 (internal specification), Ground level (easily accessible) exterior windows to have been certificated by an approved certification body to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows next to doors to include laminated glass as one of the panes of glass, Access control standard for flats is: 4 to 10, audible – more than 10 flats sharing a communal entrance then audible and visual access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats.

c) The Canal and River Trust

The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

"The applicant/developer is advised to contact Osi Ivowi, Waterway Engineer on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trusts "Code of Practice for Works affecting the Canal & River" Trust.

d) Ecology Informatives

"Demolition of the buildings should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk "

"Site clearance should be undertaken outside the bird nesting season, typically March to September inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made by a suitably experienced ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished." "If any lighting of the development is required, this should be directed away from the adjacent watercourse to eliminate any potential disturbance to species using this feature (such as foraging and commuting bats)".

224 APPEALS

The following appeals were noted:

1. Lodged
2. Dismissed

The Meeting ended at 9.06 pm