

**4/01227/16/FUL - DEMOLITION OF EXISTING 4 BEDROOM DETACHED HOUSE AND GARAGE. CONSTRUCTION OF REPLACEMENT 4 BEDROOM HOUSE.. SHANTOCK, VENUS HILL, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PG. APPLICANT: Mr Badcock.**

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[Case Officer - Intan Keen]

### **Summary**

The application is recommended for approval.

The redevelopment of existing buildings in the Green Belt is considered appropriate in accordance with the NPPF. The proposed development would not represent a materially larger building than the existing and therefore would not compromise the openness of the Green Belt. The proposed dwelling would not have an adverse impact on the appearance of the street scene or the wider countryside. The development would not have an adverse impact on the residential amenity of neighbouring properties. Car parking arrangements would be sufficient.

The proposal is therefore in accordance with the NPPF and Policies CS5, CS11 and CS12 of the Core Strategy.

### **Site Description**

The application site is currently occupied by a detached, wide chalet bungalow set on a generously sized plot located on the northern side of Venus Hill in the Green Belt. Levels fall slightly to the south from the application site to Venus Hill. The application site features neighbouring two-storey dwellings either side at Shevington and Oxgate which are fairly similar in terms of height and bulk.

### **Proposal**

Planning permission is sought for a replacement dwelling, specifically the demolition of the existing chalet bungalow and the construction of a two-storey detached dwelling, based on amended plans.

The proposed dwelling would have a similar siting to the existing. Specifically it would be set back a further 3.5m from the street frontage (approximately 18.5m to 22m). The site layout would maintain the main area of private amenity space to the rear and open car parking within the forecourt.

The development would have a two-storey form, replacing the existing chalet bungalow. It would feature a gable roof with three front wall dormers and a gabled two-storey rear projection with a maximum height of 8.5m.

The replacement dwelling would contain day-to-day living accommodation together with four bedrooms and study at ground floor.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Bovington Parish Council.

## **Planning History**

Application 4/01317/05/FHA for two-storey side extension was granted. This development has been carried out. A double garage was traded off for the extension to accord with Green Belt provisions and has been demolished. Permitted development rights for Classes B, C, D and E (including outbuildings) were removed by condition.

Application 4/01680/13/LDE for detached dwellinghouse, detached garage and garden amenity space was granted. This application is relevant because it considered the lawfulness of the existing detached garage (proposed for demolition under the current application). It was found that the detached garage was constructed under permitted development rights prior to implementation of the earlier 2005 application and was therefore lawful at the time of construction.

It was noted under the officer report for this application that although the loft had been converted, the roof light served a first floor bathroom.

There are no other openings serving the loft (at second floor level).

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 22, 23 and 58  
Appendices 3 and 5

## **Summary of Representations**

### Shevington, Venus Hill

We were very surprised to receive notification of this application to demolish and rebuild Shantock as this property was only demolished and rebuilt in the last 10 years.

We understood that being Green Belt the allowed increase in size of a property was (at Planning's discretion) approximately 30% of the original footprint and consequently we

urge you to look at the planning history of Shantock. The original house had a very small footprint and no garage and it was extended:-

1. Mid 1960's - addition of front and rear extensions
2. 1973ish - addition of a double garage with utility room
3. Aug 2005 - two storey side extension (4/01317/05/FHA)
4. 2005/2006 - Shantock was demolished and replaced with a large house and double garage - we deduce from the Planning website that this was done without planning approval and retrospective permission had to be granted in April 2014 as the owner claimed continuous C3A use prior to 2008.
5. This new house would appear to be larger again and, without wishing to appear sceptical we have no doubt that a garage will also 'appear' in due course.

Our main objection to this application however is that, as you will see from the attached, the position of the new house is being moved. The rear of the current house is approximately in line with that of our house but the new property is shown as being set much further back on the site. Positioning this new property such that it is further into the back garden will, from our perspective, cause further unreasonable visual intrusion and the large west elevation ground floor windows will overlook our property meaning loss of privacy.

Whilst unconnected to this application but very relevant to our assertion of visual intrusion and loss of privacy, in October 2010 Planning approved the demolition and rebuilding of the property on the other side of our house and allowed them to move that new house from the very front of their plot to a position very much towards the rear. We feel extremely upset that our house is now effectively being put in a tunnel between the houses on either side of us.

#### Shevington, Venus Hill - comments in relation to amended plans

We note that amended information and plans/drawings have been submitted however these do not alter our objections, in fact in some respects they make matters worse and would draw your attention to the following :-

1. It is stated that "the proposals would have no adverse impact upon adjoining owners" and "improved relationship to adjoining owners" which we contest is absolutely not true, loss of privacy and unreasonable visual intrusion are still VERY relevant.
2. As previously mentioned and noted by Bovington Parish Council in their rejection "the building line has been changed" and "will impact on neighbours". The amendments in no way rectify this. This is our major objection.
3. The original plan showed large windows in the west side of the building, to which we strongly objected on grounds of invasion of privacy, these have now been replaced by large patio doors, which will cause even greater invasion of privacy. Windows or doors in the west elevation will overlook our house and garden and as the plans for the rooms they would serve already include large windows/doors to the north and south they are unnecessary.
4. The original application stated that the house would be repositioned slightly to the west i.e. closer to our property, the revised application states that they are "repositioning the building away from Shevington so as to increase the separation

distance to boundaries”, unfortunately we cannot see the exact measurements but it looks as though the proposal is to build the house the same distance from the boundary as at present and this ‘repositioning’ statement relates to the original application not the current position - a double bluff!

5. The application stated that “at the front of the site there is a 2m high hedge with a single adjacent gated entrance”, it also stated “the garden to the rear, driveway and access are to be as existing” and “vehicular and pedestrian access as existing”. As you know from your site visit the applicant has, since submitting the original application, already made a second entrance onto Venus Hill and has sawn down a mature oak tree.

We again urge you to examine the planning history of this property.

### Bovingdon Parish Council

The building line has been changed. Appears to exceed the 30% rule of the original footprint. Will impact on neighbours.

### Trees and Woodlands

No real issues at Shantock, Venus Hill, Bovingdon.

There are a couple of trees close to the existing building whose root systems will have adapted to nearby foundations. Therefore, these trees won't then be affected by the new building.

The only tree that would warrant the physical protection of its stem would be the Oak adjacent to the property's access. Protection with a fence would help to avoid any physical impacts with demolition / construction traffic.

### Hertfordshire Environmental Records Centre

I have received the bat report for the above and can confirm there is no reasonable likelihood of bats at this site, and so the application can be determined having taken bats fully into account.

For information, whilst it is obviously important to receive bat reports, surveys should only be undertaken when there is a reasonable likelihood of bats being present - and affected by the development. In this case, I was fairly unconvinced that a survey was justified given the nature of the building and so I asked for additional photos of the features highlighted in the previously attached guidance. Whilst assessment in this manner is obviously not entirely reliable, in some borderline cases it helps us to make a more informed judgement based on particular evidence and risk assessment. It is possible that had these additional photos been taken they may have demonstrated my suspicions that access and roosting opportunities were unlikely, and so the detailed survey report would not have been justified. This is often the case in pre-application work where we may have no details of the proposals or the site; further evidence is needed before advising on whether we think the LPA is justified in requiring a bat survey.

Of course one can never say never – and the implications are greater if a demolition is

involved - but we do try to provide advice which is fair to ensure the planning system can be properly progressed without placing undue restrictions, costs or time limitations on the proposals, LPA or applicant. In this case, whilst the bat report confirms the position (as far as it reasonably can) and is valuable in this respect – and it would certainly serve to help avoid delays if something is otherwise discovered later on. Applicants / developers are of course entirely free to commission reports as they see fit, and this will always aid the planning process and our advice. However it may be helpful to recognise that in some situations, further evidence as advised can help inform the justification for further survey work.

I have attached the extra information sheet I provided before (although I have added a photo now) and would welcome any comments you may have on it.

## **Considerations**

### Policy and Principle

Paragraph 89 of the NPPF outlines that new buildings are inappropriate development in the Green Belt. There are some exceptions to inappropriate development, one of these is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This is echoed by Policy CS5 of the Core Strategy. The proposal would not conflict with objectives in terms of supporting the rural economy and maintenance of the wider countryside.

Replacement dwellings are acceptable in principle under saved Policy 23 of the Local Plan.

### Impact on Green Belt

Reference is made to paragraph 89 of the NPPF which states that the replacement of a building is one of the exceptions to inappropriate development, provided the new building is in the same use and not materially larger than the one it replaces. Similarly, Policy CS5 of the Core Strategy states within the Green Belt, small-scale development will be permitted, including the replacement of existing buildings for the same use.

Saved Policy 23 of the Local Plan states that any replacement dwelling should not be larger than the dwelling which is replaced, or the original dwelling on the site plus an allowance for any extension that would have been permitted under Policy 22.

Based on this wording, it is considered that saved Policy 23 of the Local Plan does not refer to an assessment in terms of whether the replacement building is 'materially larger' and contains additional criteria for replacement dwellings not mentioned within Section 9 (Protecting Green Belt land) of the Framework.

An appeal decision relating to a replacement dwelling (at Woodland View, Rossway, Berkhamsted under 4/02067/13/FUL) is relevant in terms of how much weight to give to saved Policy 23 in this instance. The following extract of the appeal decision is noted:

"On this point I agree with the Inspector for a previous appeal on the same site who concluded that Policy 23 is inconsistent with the advice in the Framework which

specifically relates the size of a proposed replacement building up to the one which is to be replaced. I also agree that the phrase 'materially larger' does not have the same meaning as a 30% increase which is referred to Policy 22. I therefore place little weight on Policy 23 of the Local Plan in relation to this appeal"

The approach to the application of 'materially larger' was explained by the Court of Appeal in R (oao Heath & Hampstead Society) v Camden LBC 2008 AER 80. This decision found that size is the primary test, but not the only one. The addition of 'materially' allows for the exercise of judgement. Such judgement must focus upon the purpose of the Green Belt, that is, to maintain openness.

The assessment should include a reference to the objective facts as to size, such as volume, height, footprint and floor space. It has also been accepted that regard can be given to matters such as bulk, scale, mass and prominence when reaching an overall planning judgement.

Therefore, in assessing whether the proposed dwelling would be materially larger than the existing, the following comparisons and figures are noted:

Building	Floor space	Footprint	Height
Existing	215.44m <sup>2</sup>	119.7m <sup>2</sup>	8.6m
Outbuilding	44.2m <sup>2</sup>	44.2m <sup>2</sup>	6.05m average
Total existing	259.64m <sup>2</sup>	163.9m <sup>2</sup>	
Proposed	304.3m <sup>2</sup>	137.55m <sup>2</sup>	8.5m
Difference	44.66m <sup>2</sup> increase	26.35m <sup>2</sup> decrease	0.1m decrease

The floor space increase would amount to approximately 16% of the existing development on the site. The proposal would also result in an 11% increase in volume from approximately 871m<sup>3</sup> to 965m<sup>3</sup> (a difference of 94m<sup>3</sup>).

Consideration must be given to other factors when assessing the appropriateness of the increase in size of the replacement dwelling. The increase in building quantum should be balanced against the reduction in footprint and sprawl of buildings. In scale terms, the proposal would represent a reduction (0.1m decrease in height).

With respect to bulk and mass, the proposed dwelling would be 2m wider than the existing, with a similar depth. The two-storey rear gable projection adds to the bulk of the building, however it would be set down from the main roof and from most angles would be viewed against the backdrop (or concealed) behind the main part of the dwelling. The additional physical permanence of this outshoot is offset by the loss of the detached garage.

On this basis, the proposed dwelling is not considered to be materially larger than the buildings which it would replace, and therefore would not conflict with Green Belt provisions of Section 9 of the NPPF or Policy CS5 of the Core Strategy.

Permitted development rights for Classes B, C, D and E were removed under the previous application (referenced above) for a replacement dwelling. It is therefore considered reasonable to remove the same permitted development rights if planning

permission is granted to safeguard the open character of the Green Belt.

#### Impact on site layout

It has been noted that the building would be relocated approximately 3.5m further within the site, therefore increasing the setback to the street frontage to 22m. The main building at Shevington is also sited approximately 22m from Venus Hill (its two-storey projection set back 16.3m from the street), and Oxgate has a set back of 19m. When looking at the proposed block plan, it appears that the replacement dwelling would achieve an acceptable transition between the street setbacks of the adjacent dwellings either side. The increase in distance from the road frontage by 3.5m is not considered to compromise the character or pattern of development within the area.

A sufficient separation from both side boundaries would be maintained noting the proposal would incorporate adequate space around the dwelling so not to result in a cramped layout.

There are no other concerns with respect to the site layout, noting that the rear swimming pool and associated hardstanding would be removed. This is considered a benefit to the site and surrounding area, considering the rural character.

Adequate space for access and car parking would remain to the front of the dwelling. The resultant garden area would exceed the minimum average garden depth set out in saved Appendix 3 of the Local Plan and would be generally similar to that of surrounding residential properties.

The proposal is therefore acceptable in accordance with Policies CS11 and CS12 of the Core Strategy.

#### Impact on appearance of street scene and countryside

The proposed development would have a similar building outline to the existing dwelling noting a slight reduction in height (approximately 0.1m) and 2m increase in width. The dwelling would be similar to the existing noting the gable roof of similar pitch. As noted above, the dwelling would have been set back further than the proposed dwelling however would maintain an elevated position relative to the street.

The new dwelling would adopt similar features to adjoining dwellings at Shevington and Oxgate, such as a two-storey appearance and gable features to the principal elevation. These would not raise any concerns with respect to the impact on the street scene.

Building height at 8.5m would ensure a suitable transition between building heights following the slight fall in levels in a generally eastern direction.

The dwelling would be suitably proportioned with respect to roof forms and wall to window proportions.

Proposed building materials of red multi brick and plain clay tiles would be similar to the existing dwelling and would not raise any objections. Timber openings are proposed which would also be acceptable. These shall be conditioned.

Given the above considerations and Green Belt assessment above, the proposal would not have a harmful impact with respect to the character and appearance of the surrounding countryside.

The proposal is therefore considered appropriate with respect to the appearance of the street scene and surrounding area in accordance with Policies CS11 and CS12 of the Core Strategy.

#### Impact on trees and landscaping

No significant vegetation has been proposed for removal to accommodate the replacement dwelling. It is however considered necessary to protect the existing Oak tree within the frontage by condition if planning permission is granted. In light of previous vegetation removal and to enhance the appearance of the site, a landscaping condition shall be attached to any future permission.

#### Impact on neighbouring properties

The application site has two directly adjoining properties, the dwellings either side at Shevington and Oxgate. Immediately to the rear are open agricultural fields.

Shevington is a two-storey detached dwelling and is sited approximately 6.7m from the common side boundary. There are no side windows within the nearest side elevation of Shevington facing the application site, which is also the case as shown on the most recently approved plans for this neighbour (reference 4/02087/01/FHA). The proposed dwelling would be sited beyond the rear elevation of the neighbour, however would not encroach into a 45° line from the nearest rear-facing habitable room windows. Therefore, the proposal would not result in an adverse loss of light to this neighbouring property.

The separation between dwellings at Shevington and the application site would reduce from approximately 10.5m to 9.9m (0.6m difference). The slight repositioning of the dwelling closer to the neighbour is not considered to result in an adverse level of visual intrusion. The dwelling at Shevington is sited on a plot of generous width and rear garden depth, also noting that rear-facing windows are not obstructed by other development or solid boundary treatment. The decrease in separation between the two properties therefore would not raise any concerns with respect to visual intrusion.

The ground floor double doors within the side elevation of the proposed dwelling would not raise concerns with respect to overlooking, noting boundary treatment of 1.8m high timber fencing between Shevington and the application site. The upper-floor north-western side-facing windows would serve bathrooms. If planning permission is granted, it would be reasonable to attach a condition requiring these to be obscure-glazed and non-opening below a height of 1.7m above finished floor level to avoid overlooking to the neighbour.

With respect to Oxgate, the proposal would also result in a slight reduction in the separation distance between the two properties. The proposed dwelling would be 1.4m closer to the dwelling at Oxgate at its closest point, the flank wall of the single-storey side projection. At a minimum distance of 11.4m from Oxgate, the proposed dwelling would not cross a 25° line from the midpoint of side-facing ground floor windows of this neighbour. As such, the proposed dwelling would not result in



adverse levels of visual intrusion or loss of light. The main elevations of the dwelling at Oxgate would not be adversely affected with respect to the 45° to front and rear windows.

A condition would be placed on any future permission requiring the first floor side-facing windows to be obscure-glazed and non-opening below 1.7m from finished floor level to prevent unreasonable overlooking to the neighbour at Oxgate.

It follows the proposal would not have an adverse impact on residential amenity in accordance with Policy CS12 of the Core Strategy.

#### Impact on car parking

The proposed site layout would provide sufficient space for parking of three cars, which would meet maximum parking standards for a single dwelling, in accordance with Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

#### Sustainability

The development would ensure an appropriate overall sustainable performance through the implementation of modern building regulations. It is therefore considered that the application meets the objectives of Policy CS29 of the Core Strategy.

#### Community Infrastructure Levy (CIL)

The application is CIL liable if it were to be approved and implemented. Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

#### Affordable housing

The application does not trigger any affordable housing contributions and the pooling of collections by Section 106 agreements is not considered appropriate in this instance.

#### Contaminated land

The Government advice confirms that where a site is affected by contamination land issues, responsibility for securing a safe development rests with the developer and / or landowner. If planning permission is granted, an informative shall be included in relation to this matter.

Contaminated Land have not provided comments however it is noted that the site is within the vicinity of former contaminative land uses. As such, if planning permission

is granted, it would be reasonable to attach standard contaminated land conditions.

### Protected species

The County Ecologist has not required a bat survey based on the photographic evidence submitted, and as such the application can be determined.

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

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

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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

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

- **hard surfacing materials;**
- **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;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas.**

**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 Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 4 In this condition "retained tree" means an existing tree which is to be**

retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.

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

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of 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 in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 5 The windows at first floor level in the north-western and south-eastern (side) elevations of the extension hereby permitted shall be non-opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:

#### **Schedule 2 Part 1 Classes B, C, D and E**

Reason: To safeguard the open character of Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy 2013.

- 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 7 to 10 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 10 has been complied with in relation to that contamination.

#### **Site Characterisation**

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

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

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

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

- 8 **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.**

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

## **9 Implementation of Approved Remediation Scheme**

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

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

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

## **10 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 7 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8, 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 9.**

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

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

**1461 200**  
**1461 201 B**  
**1461 202 B**  
**1461 203 B**

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive discussion with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively 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.

CONTAMINATED LAND 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>

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