

Dacorum Borough Council
Planning and Regeneration
Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH



NETT ASSETS LTD - MR J TUCKER
THE STUDIO
141 NEW ROAD
CROXLEY GREEN
HERTS
WD3 3EN

MR P BLACKBAND
ADEYFIELD FREE CHURCH
LEVERSTOCK GREEN ROAD
HEMEL HEMPSTEAD
HERTFORDSHIRE
HP2 4HJ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/00518/13/MFA

**ADEYFIELD FREE CHURCH, LEVERSTOCK GREEN ROAD, HEMEL
HEMPSTEAD, HP2 4HL**

DEMOLITION OF CHURCH AND REDEVELOPMENT OF SITE FOR 14 HOUSES,
COMPRISING A MIX OF 2, 3 AND 4 BED HOUSES AS SEMIS, TERRACED AND
DETACHED DWELLINGS IN TWO AND THREE STOREYS, WITH PARKING,
ACCESS ROAD AND AMENITY SPACE

Your application for full planning permission dated 20 March 2013 and received on
11 April 2013 has been **GRANTED**, subject to any conditions set out overleaf.

We are constantly trying to improve our service, to help with this please could you
complete the Planning Survey Questionnaire by going to:

http://www.dacorum.gov.uk/snapsurveys/planning_application_survey.htm

This questionnaire from the Planning Advisory Service relates to the Council's work
in a Benchmarking Club with other Local Planning Authorities:

https://spreadsheets.google.com/viewform?formkey=dGJGT3hSNWtXYXdLVXBEVlRrSFp0eFE6MQ&entry_0=Dacorum%20Borough%20Council

James Doe/.

Assistant Director Planning Development and Regeneration
Date of Decision Notice: 04 July 2013

CONDITIONS APPLICABLE TO APPLICATION: 4/00518/13/MFA

Date Decision Made: 04 July 2013

Date Decision Dispatched: 04 July 2013

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 compliance with Policy 11 of the DBLP.

- 3 In terms of the house Plots 13 and 14 hereby permitted, the lower rooflight in each of their rear elevations and the three windows in each of their side elevations shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in compliance with Policy 11 of the DBLP.

- 4 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 - with details of additional boundary treatment along the boundary with No. 2 Ranelagh Road
- lighting to car parking areas
- 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;

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 compliance with Policy 11 of the DBLP.

- 5 The development hereby permitted shall not be occupied until the arrangements for vehicle parking and circulation shown on Drawing No. PL201c (Rev C) shall have been provided, and they shall not be used**

thereafter otherwise than for the purposes approved.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in compliance with Policy 11 of the DBLP.

- 6 **Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted to and approved in writing by the Local Planning Authority, which clearly demonstrate that the proposed access and drive is constructed and contains the features required of a Shared Surface Road, as per Roads in Hertfordshire – Highway Design Guide.**

Reason: To ensure the adequate and satisfactory vehicular access in compliance with Policy 11 of the DBLP.

- 7 **During the course of construction works the wheels of all vehicles leaving the development site shall be cleaned so that they do not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: In the interests of highway safety.

- 8 **Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate that the proposed access and drive is constructed and contains the features required of a Shared Surface Road, as per Roads in Hertfordshire – Highway Design Guide.**

Reason: The above condition is required to ensure that the modified access meets the current standards in compliance with Policy 11 of the DBLP.

- 9 **Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate how refuse is to be collected from the site.**

Reason: to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway in compliance with Policy 11 of the DBLP.

- 10 **All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.**

Reason: In the interest of highway safety and free and safe flow of traffic in compliance with Policy 11 of the DBLP.

- 11 **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:

- (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*'.

(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 11 of the adopted Dacorum Borough Local Plan 1991-2011.

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>

- 12 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning**

Authority for its approval in writing.

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 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

13

A) 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.**

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

This office will be able to provide a design brief detailing our requirements for the investigation and to provide information on archaeological contractors who may be able to carry out the work.

Reason: To ensure that reasonable facilities are made available to record

archaeological evidence.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 A, B, C and E
Part 2 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

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

**PL2 01c (Rev C)
PL2 02 (Rev A)
PL2 03a (Rev A2)
PL2 04b (Rev B)
TPP/AFCLGRHH/010A - Tree Protection Plan
TS13-042D\1 - Topographical Survey**

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

DEVELOPMENT INFORMATIVE:

The owners or developers should be aware that this planning consent shall not be implemented until a planning approval has been granted for a replacement church elsewhere in the Borough of Dacorum, which forms part of the s. 106 legal agreement under Clause 3.3.

HIGHWAY INFORMATIVE:

(Part of Section 278) To ensure that any work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire – Highway Design Guide.

Highway Requirement:

•A Minor Section 278 Agreement (Highways Act 1980) for the construction of the required off site highway works:

BATS INFORMATIVE:

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust

Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group
Helpline (01992 581442) should be consulted for advice on how to proceed.

Contacts:

English Nature	01206 796666
UK Bat Helpline	0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group	01992 581442

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in a residential area of Hemel Hempstead where residential re-development of the site is acceptable in principle in accordance with Policy 9 of the Borough Plan. The loss of the community facility on this site has been addressed through a s. 106 agreement for a replacement church to be built elsewhere in Dacorum Borough. The density, scale, design and layout of this residential development would be in harmony with the surrounding area and there would be no adverse effect on the appearance of the street scenes surrounding this site. The amenity of adjoining neighbours would not be significantly adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policies 10, 11, 21, 58 and 68 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 9, 10, 11, 13, 21, 58, 68 and 99

Appendices 3 and 5

Supplementary Planning Guidance

Development in Residential Areas HCA23 Adeyfield North

NOTE 3:

Article 31 Statement

Planning permission/advertisement consent/listed building consent has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Further information about your planning decision

If you wish to have an explanation of the reasons for the Council's decision, please contact the Development Management Service Unit on 01442 228379. A meeting can be arranged if necessary.

You have the right to appeal against Conditions attached to Planning Permission

The period for appeal is six months from the date of the Decision Notice.

Appeals are dealt with by the Planning Inspectorate. Appeal forms are available from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN 0117 372 6372

email: enquiries@planning-inspectorate.gsi.gov.uk

Appeal forms and guidance can be downloaded from the Planning Inspectorate's website:
www.planning-inspectorate.gov.uk

Purchase Notices

If either the Borough Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development or works that have been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990 and Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Compensation

In certain circumstances, compensation may be claimed for the Borough Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of an application to him. These circumstances are set out in Parts VI and VIII and related provisions of the Town and Country Planning Act 1990 and Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Building Regulations

This decision notice is not an approval under the Building Regulations, for which separate application may be required. Further information can be obtained from the Building Control Service Unit (01442 228587).

This application was supported by the following:

Transport Statement
Arboricultural Report
Bat Survey
Design and Access Statement