

# Dacorum Borough Council Planning and Regeneration

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## DECISION NOTICE

**Application (full) for planning permission.**

*Town and Country Planning Act 1990*

<b>Reference:</b>	19/03170/FUL
<b>Proposal:</b>	Redevelopment of existing building yard to create 1 x 2 bed flat, 1 x 1 bed flat and 1 x 3 bed house with existing house retained.
<b>Address:</b>	160 Cotterells Hemel Hempstead Hertfordshire HP1 1JW

Your application received 13th December 2019 and registered on 13th December 2019 has been **GRANTED** subject to the conditions overleaf.

Assistant Director  
Planning, Development and Regeneration  
Dacorum Borough Council

## Condition(s) and Reason(s):

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

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

PL/001 Rev A  
PL/003 Rev A  
PL/004 Rev A  
PL/005 Rev A  
PL/006 Rev A

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

3. Prior to commencement of the development (excluding demolition) a ventilation strategy shall be submitted for the approval of the Local Planning Authority to suitably protect likely future occupiers of new housing from exposure to road transportation noise ingress in conjunction with adequate ventilation and mitigation of overheating. The ventilation strategy should therefore address how:

- o the ventilation strategy impacts on the acoustic conditions
- o the strategy for mitigating overheating impacts on the acoustic condition

And where justified include a more detailed overheating assessment to inform this.

The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation and retained thereafter.

Reason: To ensure that the internal environment is acceptable in accordance with Policy CS32 of the Dacorum Borough Council Core Strategy.

4. Prior to first occupation of the development hereby approved, unused access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway users in accordance with Policy CS12 of the Core Strategy.

5. No development (excluding demolition) approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy and the National Planning Policy Framework.

6. If the Local Planning Authority is of the opinion that the report which discharges condition 5, above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy and the National Planning Policy Framework.

7. No development approved by this permission (other than demolition and that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of the report detailed within Condition 6, above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and / or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy and the National Planning Policy Framework.

8. Any contamination, other than that reported by virtue of Conditions 5, 6 and 7 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and

agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

### **Informatives:**

1. Planning permission/advertisement consent/listed building consent has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. Environmental Health

#### Construction Hours of Working - (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

#### Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

3. Highway Authority

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements

before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

#### 4. Land Contamination

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on [www.dacorum.gov.uk](http://www.dacorum.gov.uk) by searching for contaminated land.

### **This application was supported by the following documents:**

- (Design and Access Statement)
- PL/002 (Existing Plan)
- PL-003 (Proposed Plans - General)
- PL-004 (Proposed Plans - General)
- PL/005 (Proposed Plan)
- PL/006 (Proposed Plan)
- PL/007 (Existing Plan)
- PL/008 (Existing Plan)
- PL/001 (Site Location Plan)

## **Notes:**

### Appeal to the Planning Inspectorate

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Before making any appeal you should first consider re-engaging with the local planning authority to discuss whether any changes to the proposal would make it more acceptable and likely to gain planning permission. A revised planning application could then be submitted.

Applicants should give consideration to the merits of the case, and whether there are strong grounds to contest the conditions or reasons for refusal of planning permission before submitting an appeal. Parties who pursue an appeal unreasonably without sound grounds for appeal may have an award of costs made against them.

Most planning appeals must be received within six months of the date on the decision notice. Where the appeal relates to an application for householder planning consent, and is to be determined via the fast track Householder Appeals Service, there are only 12 weeks to make the appeal. Appeals related to shop fronts must also be submitted within 12 weeks. Advertisement consent appeals must be submitted within 8 weeks. If an appeal on an application for planning permission is linked to enforcement action, there are only 28 days to make the appeal.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone: 0303 444 5000.

### 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.

### Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission/consent 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 VI, Chapter I of the Town and Country Planning Act 1990 and Part I, Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Community Infrastructure Levy (CIL)

Dacorum Borough Council is a Charging Authority for Community Infrastructure Levy (CIL). It is your responsibility to clarify the CIL liability on your development. The Council will make every effort to ensure that notices for liable developments are dispatched as soon as possible following planning permission or consent being granted. If you do not receive a liability notice please contact the Council. It is important that all CIL matters be in place before any works begin on site – including any demolition. Further information regarding CIL, including FAQs, access to all CIL forms and information on appeals can be found on our website at [www.dacorum.gov.uk/cil](http://www.dacorum.gov.uk/cil) or you can contact us at [CIL@dacorum.gov.uk](mailto:CIL@dacorum.gov.uk).

### Building Regulations

The proposed works may require building regulations approval. Please contact Dacorum Borough Council's Building Control Department who can help you through the process. They can be contacted via telephone (01442 228 587) or email ([building.control@dacorum.gov.uk](mailto:building.control@dacorum.gov.uk)).

### Creating New Addresses

If you are creating a new commercial or residential postal address, you must notify the Council's Address Management Team when works are commenced. This can be done [online](#) or by emailing [address.management@dacorum.gov.uk](mailto:address.management@dacorum.gov.uk).

### Pollution Act

When arranging building works both the employer and the builder are responsible for works being undertaken within the hours of construction of the Control of Pollution Act 1974. Further information can be found on our [website](#).