

Dacorum Borough Council
Planning and Regeneration
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DECISION NOTICE

Application (full) for planning permission.

Town and Country Planning Act 1990

Reference:	4/01866/18/FUL
Proposal:	Demolition of existing buildings and construction of five 4 bedroom detached dwellings with associated landscaping and access
Address:	57 South Park Gardens Berkhamsted HP4 1HZ

Your application received 25th July 2018 and registered on 30th July 2018 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 be begun before the expiration of three years from the date of this permission.

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

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

Drg.HP4/1432 / P/01rev K Site Layout
P/02 rev H Plot 1
P/03 rev H Plot 2
P/04 rev H Plot 3
P/05 rev H Plot 4
P/06 rev H Plot 5
P/07 rev H Garages
P/08 rev H Site Perspectives

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

3. No construction of the superstructures hereby approved shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.

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

4. Prior to first use, the new parking areas hereby approved shall be surfaced in porous paving or material or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety in accordance with Policy CS8 of the Core Strategy.

5. No development (excluding demolition and groundworks) shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that

remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

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

6. All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

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

7. No development (excluding demolition and groundworks) 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;
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 in accordance with Policy CS12 of the Core Strategy.

8. Details of the acoustic fence will be submitted to and approved by the local planning authority prior to first occupation of the any dwelling hereby approved. The approved fence will be fully erected prior to first occupation of any dwelling hereby approved and will be retained and maintained for the lifetime of the development.

Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.

9. No development (excluding demolition) shall take place until a scheme for protecting the development from railway noise has been submitted to and approved by the local planning authority. Such a scheme shall include details to suitably control external noise ingress in conjunction with adequate ventilation and mitigation of overheating. In particular this shall address how:

- o The ventilation strategy impacts on the acoustic conditions;
- o The strategy for mitigating overheating impacts on the acoustic conditions.

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

Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.

10. To ensure protection of garden spaces from railway noise, the following mitigation measures shall form part of the development hereby approved, will be fully installed prior to first occupation and shall be retained for the lifetime of the development:

- o Installation of a 2.5 metre high acoustic barrier parallel to the railway boundary;
- o Installation of 1.8 metre high fences along the north and south boundaries;
- o To each plot a screened garden area consisting of a 3 metre high screen around garden areas extending out from each house, which comprises a 1 metre high brick wall (or equivalent material) with a 2 metre glass / Perspex transparent panel above.

Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.

11. Prior to first occupation of the development hereby approved, confirmation that the proposed noise mitigation measures have achieved noise levels of 55 dB LAeq or less within the screened amenity areas and 66 dB LAeq or less within the remaining amenity areas will be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.

12. No development (excluding demolition and groundworks) shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle number and type;
- 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. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS9 and CS12 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

13. The windows at first floor level in the easternmost elevation of Plot 1 hereby permitted and the flank elevations of Plots 2, 3, 4 and 5 shall be non-opening below 1.7m from floor level and shall be permanently fitted with obscured glass for the lifetime of the development.

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (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 on the property identified as Plot 1 without the prior written approval of the local planning authority:

Schedule 2, Part 1, Class B

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity in accordance with Policy CS12 of the Core Strategy.

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

Highway Authority

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. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Storage of materials

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-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of the highway

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Mud on highway

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

Land Contamination

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

Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Affinity Water

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Berkhamsted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Construction Times

The applicant is advised that the Council's Environmental Health Team only permit construction activities during the following times:

Monday to Saturday - 7:30am to 6:30pm

Sundays and Bank Holidays - no noisy activities allowed.

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 or you can contact us at 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).

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.

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](#).