

**Dacorum Borough Council**  
**Planning and Regeneration**

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Hemel Hempstead  
Herts HP1 1DN



MR HIGGINS  
55  
MIDDLE STREET  
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RH3 7JT

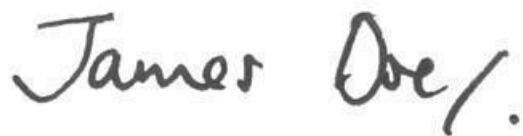
TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION - 4/02216/17/FUL**

**LAND ON ST. MARY'S ROAD AND R/O 27 GEORGE ST, ST. MARYS ROAD,  
HEMEL HEMPSTEAD**

CONSTRUCTION OF TWO DWELLINGS WITH ACCESS OFF ST MARYS ROAD

Your application for full planning permission dated 24 August 2017 and received valid on 28 August 2017 has been **GRANTED** subject to the conditions overleaf.



Assistant Director Planning Development and Regeneration  
Date of Decision Notice: 23 April 2018

## CONDITIONS APPLICABLE TO APPLICATION: 4/02216/17/FUL

Date Decision Made: 23 April 2018  
Date Decision Dispatched: 23 April 2018

- 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 roof tiles, bricks and the materials for vehicle parking areas have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The submitted details shall include any re use of the existing front boundary wall bricks . 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: In the interests of the character and appearance of the locality and in the interests of sustainable drainage and highway safety to accord with the requirements of Policies CS8, CS12 and CS29 of the Dacorum Core Strategy.

- 3 The bungalows hereby permitted shall be built in accordance with the following unless in accordance with the second requirement of this condition:**
  - The ridge level of the bungalow on Plot 1 hereby permitted shall be the same height or lower than the ridge level of the existing partially constructed dwelling house known as Unit 2 built on the land which is subject to Planning Permission 4/02998/17/ROC.
  - The ridge level of the bungalow on Plot 2 hereby permitted shall be 1m lower than the ridge level of the dwelling house on Plot 1 or lower.

**In the event that the bungalows hereby permitted on Plots 1 and 2 are to be constructed with lower ridge levels than shown by the approved plans, no development shall commence until the details of alternative ridge levels, with associated plans, are submitted to and approved in writing by the local planning authority and on this basis the bungalows hereby permitted shall be carried out fully in accordance with the approved details.**

Reason: In the interests of the character and appearance of the locality/ street scene and in the interests of the residential amenity of nos 27 and 29 George Street to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

INFORMATIVE: The issue of levels at this site have been pivotal to the consideration of the application. It is requested that the Developer liaises fully with the local planning authority following the setting out of the dwellinghouses on the land and calculates the ridge levels in relation to the site levels when the land is cleared. It is absolutely essential that in setting out the site all the levels and positions are checked in relation to the adjoining dwellings as shown by the drawings subject to Condition 16, with due reference to the requirements of inter related Conditions 4, 5, 7 and 8.

- 4 The rear ( south eastern living room windows facing towards nos 27 and 29 George Street) of both Units 1 and 2 hereby permitted shall at all times incorporate a lower window cill level of 1.6 m above the finished floor level of the respective living rooms of the dwellinghouses hereby permitted . The patio areas ( adjoining the south western living room window and kitchen window) of each dwelling house hereby permitted shall be enclosed at all times with a screen fully in accordance with details approved in writing by the local planning authority. The details shall be submitted within 6 months of the date of this decision.**

Reason: To permanently safeguard the residential amenity of nos 27 and 29 George Street in accordance with Policy CS12 of the Dacorum Core Strategy, with due regard to the approach to the adjoining development to the rear of no. 29 George Street.

- 5 The rear living room projections of each dwellinghouse shall be constructed on the same rear alignment as the two adjoining dwellings shown by Drawing No. 3 and the depth of the gardens of both dwellinghouses hereby permitted as shown by Drawing No. 3 as measured between the rear wall of the respective aforementioned rear living room projections and rear boundary wall with no. 27 George Street shall be between 9.2 m and 9.6m.**

Reason: To ensure that the development is compatible with the adjoining bungalows and nos 27 and 29 George Street and both dwellinghouses are served by an adequate garden in accordance with Policy CS12 of Dacorum Core Strategy with due regard to the Applicant's e mail dated 10 January 2018 .

- 6 The dwellinghouses hereby permitted shall not be occupied until the respective driveways, bin stores, cycle stores for both plots have been provided fully in accordance with the approved plans and all these shall be thereafter retained at all times and only used for the approved purposes.**

Reason: To ensure the permanent provision of these inbuilt key facilities in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 7 Pedestrian visibility splays of 0.65m x 0.65m m shall be provided, and thereafter maintained, on both sides of both vehicular accesses serving the driveways for the dwelling houses hereby permitted within which there shall be no obstruction to visibility between 0.6m and 2m above**

**the carriageway and the gradients of the vehicular accesses hereby permitted shall be 1 in 17 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway . Any gates shall only be installed in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

**8 Notwithstanding any of the submitted details within 1m month of the date of the commencement of the development hereby permitted full details of the following shall be submitted to the local planning authority:**

- **all proposed garden levels and any associated re contouring and ,**
- **all boundary treatment including that between Plots 1 and 2, the rear boundary with no 27 and 29 George Street ( including retained boundary wall and any necessary wall stabilisation) and with the adjoining approved bungalows with reference to the site levels and those available for the adjoining land,**
- **hard surfacing materials,**
- **bat/ bird boxes, and**
- **garden sheds for each dwelling house.**

**The approved garden levels, all the boundary treatment , hard surfacing and bat / bird boxes and garden shall be provided before the first occupation of either dwellinghouses hereby permitted and thereafter shall be all be retained at all times fully in accordance with the approved details.**

Reason: In the interests of ensuring the compatibility of the development with the local environment, including the residential amenity of the adjoining existing housing, the recently approved adjoining housing and the residential amenity of the new dwellings, in the interests of biodiversity and ensuring each dwelling has inbuilt garden maintenance storage in accordance with Policies CS8, CS12 and CS29 of Dacorum Core Strategy at the outset, with the sheds obviating the need for later requirements for additional outbuildings.

**9 A tree shall be planted within the gardens of each the dwelling houses hereby permitted in the planting season following the first occupation of the respective dwelling houses hereby permitted. If within a period of five years from planting either tree fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed, it shall be replaced in the next planting season by another tree of the same species, size and location as that originally planted in the next planting season, unless the local planning authority gives its written consent to any variation. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: In the interests of biodiversity in accordance with the requirements

of Policy CS29 of the Dacorum Core Strategy.

- 10 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development Policies CS31 and CS 32 of the Dacorum Core Strategy.

- 11 All remediation or protection measures identified in the Remediation Statement referred to in Condition 10 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 Policies CS31 and CBS 32 of the

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

**12 There shall be no rooms provided at any time within the loft spaces of each of the dwellinghouses hereby permitted.**

Reason: The local planning authority has, only on fine balance, supported submitted application for the accommodation of two single storey dwellings at the site as shown by the approved plans. This approach permanently safeguards the residential and visual amenity of the locality, being fundamentally materially different to the accommodation of two storey or even chalet/ one and a half storey dwellings at the site. The compatibility of the approved development with the immediately surrounding area is therefore due to the single storey form of the development, taking into account the closeness of existing/ approved adjoining residential development. This takes into account the

closeness of the adjoining long established housing and the levels within the locality. The reuse of the approved lofts for any form of accommodation (other than loft storage space) requiring the provision of window openings within the rear and front roof slopes would be fundamentally contrary to the basis of the local planning authority considering the proposed development at the site in accordance with Policies CS11 and CS12 of Dacorum Core Strategy and saved Appendix 3 of Dacorum Borough Local Plan.

**13 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 within the residential curtilage of the dwelling house hereby permitted :**

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

**and notwithstanding the drawings referred to by Condition 16 the rear living room projections of both dwellinghouses hereby permitted shall be constructed with flat roofs and these flats roofs shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.**

Reasons:

1. Withdrawal of Permitted Development Rights. To enable the local planning authority to retain control over additional development on this

restricted site and to ensure that there is the acceptable balance between the amount of the development at the site and retained garden area commensurate with the existing character of the area in accordance with Dacorum Core Strategy Policy CBS 12 , saved Appendix 3 of the Dacorum Borough Local Plan and paragraph 89 of the National Planning Policy Framework and to ensure the permanent compatibility between the approved bungalows and the adjoining existing/ approved development, as also explained by the reason for Condition 11.

2. Requirement of the rear living room projections to be flat roofed. An ongoing issue has been to ensure that the residential amenity of the adjoining housing development is safeguarded. Given the relative closeness of the dwellings and their massing to nos 27 and 29 George Street, taking into account levels, as expressed to the Applicant, in reviewing this issue the elimination of the gable roof design and replacement with a flat roof would materially reduce the impact upon these dwellinghouses, without any loss of the proposed accommodation or harm to the appearance of the development.

- 14 The development hereby permitted shall be constructed fully in accordance with an approved surface and foul water drainage system, details of which shall be submitted within 6 months shall be submitted to and approved in writing by the local planning authority.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies CS8 ,CS12 and CS31 of the Dacorum Core Strategy , including highway safety to accord with the requirements of PoliciesCS 8, CS29, CS31 and CS32 of the Dacorum Core Strategy.

- 15 Before the occupation of the dwelling houses hereby permitted any exterior lighting to serve the development hereby permitted hall be submitted to the local planning authority. The approved exterior lighting scheme shall be installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS8, CS12, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan. This includes the effect of any lighting upon nos 27 and 29 George Street due to their closeness and the effect of ground levels.

- 16 Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

**Site Location Plan**

**Drawing Nos. 2, 3, 4B (March 2018) and 5 (November 2017)**

Reason: To safeguard and maintain the strategic policies of the local



planning authority and for the avoidance of doubt.

#### NOTE 1: ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

#### INFORMATIVES

##### Bats/ Ecology

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;  
Recklessly disturb bats;  
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

##### *Contacts:*

English Nature	01206 796666
UK Bat Helpline	0845 1300 228 ( <a href="http://www.bats.org.uk">www.bats.org.uk</a> )
Herts & Middlesex Bat Group	01992 581442

It is recommended that a bat box is installed at the application site.

The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusively ) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have left the nest.

Existing trees and shrubs (including roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage.

##### Land Stability

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

If the developer is concerned about possible ground instability consideration should be given by the developer in commissioning the developer's own report.



## Consultation with Hertfordshire Fire & Rescue Service

The Developer will be expected to liaise with Hertfordshire Fire & Rescue Service to ensure that the development is carried out in accordance with HFRS's requirements.

### Highway Issues

1. The Highway Authority requires the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

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. The Applicant is advised that the storage of materials associated with this development should take place within the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development. If necessary, further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this

### **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, Environment Appeals Team, 3/06 Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN 0303 444 5000

email: [enquiries@planninginspectorate.gsi.gov.uk](mailto:enquiries@planninginspectorate.gsi.gov.uk)

Appeal forms and guidance can be downloaded from the Planning

Inspectorate's web-site: [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

Online appeals support  
email: [pcs@pins.gsi.gov.uk](mailto:pcs@pins.gsi.gov.uk)

### **Community Infrastructure Levy (CIL)**

Dacorum Borough Council is a Charging Authority under the CIL Regulations 2010 (as amended). It is your responsibility to submit information to the Council that will enable it to determine whether your development may be CIL liable. You should do this through the submission of a CIL Additional Information Form to the Strategic Planning and Regeneration (Infrastructure) Officer, Civic Centre, Marlowes, Hemel Hempstead or by email to [cil@dacorum.gov.uk](mailto:cil@dacorum.gov.uk) **within the next 7 days**. If you fail to provide this information we will make assumptions on your CIL charges based on the information provided. This may result in higher charges being applied to your site and delay in the implementation of your planning permission.

**It is in your interest to follow the procedures set out in the CIL Regulations 2010 (as amended) in order to establish an appropriate charge and prevent the inclusion of surcharges on future Liability Notices.**

If you have already submitted the CIL Additional Information form to the Council as part of the planning application process the Borough Council's Strategic Planning and Regeneration (Infrastructure) Officer and have been advised that the scheme is liable you will be sent a draft Liability Notice in due course.

The CIL Additional Information form and other CIL forms can be located at:  
[www.dacorum.gov.uk/home/planning-development/planning-applications/applying-for-planning-permission/application-forms](http://www.dacorum.gov.uk/home/planning-development/planning-applications/applying-for-planning-permission/application-forms)

You can find out more about CIL and its implications at [www.dacorum.gov.uk/cil](http://www.dacorum.gov.uk/cil) or contact us by email at [CIL@dacorum.gov.uk](mailto:CIL@dacorum.gov.uk).

### **Creating a New Postal Address**

Please be advised that if you are creating a new commercial or residential postal address you must notify Dacorum Borough Council, Address Management Department at commencement of works. This can be done online at <http://www.dacorum.gov.uk/home/planning-development/street-naming-and-numbering> or by email at [address.management@dacorum.gov.uk](mailto:address.management@dacorum.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).

### **Control of 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:

<https://www.dacorum.gov.uk/home%5Cenvironment-street-care/environmental-health/noise/noise-from-construction-sites>

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

Site location plan

Drawing Nos. 2, 3, 4B (March 2018) and 5 (November 2017)

Drawing Nos TS17 - 165K\1 and TS17 - 165K\2