

**Dacorum Borough Council
Planning and Regeneration**

The Forum
Marlowes
Hemel Hempstead
Herts HP1 1DN



Mr R Onslow
28 Park Road
Tring
Herts
HP23 6BN

Mr A Williams
The Stores
St Pauls Road
Hemel Hempstead
Herts

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/03014/17/FUL

THE STORES, ST PAULS ROAD, HEMEL HEMPSTEAD, HP2 5DB

DEMOLITION OF EXISTING PART TWO STOREY, PART SINGLE STOREY BUILDINGS AND THE CONSTRUCTION OF 7 RESIDENTIAL APARTMENTS ON 2 AND A HALF FLOORS WITH PART UNDERGROUND PARKING.

Your application for full planning permission dated 21 November 2017 and received valid on 22 November 2017 has been **GRANTED** subject to the conditions overleaf.

A handwritten signature in black ink that reads 'James Doe.' The signature is written in a cursive, slightly slanted style.

Assistant Director Planning Development and Regeneration
Date of Decision Notice: 16 January 2018

CONDITIONS APPLICABLE TO APPLICATION: 4/03014/17/FUL

Date Decision Made: 16 January 2018

Date Decision Dispatched: 16 January 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 (other than demolition, site preparation, groundworks, site investigation and remediation) shall take place until samples of the materials to be used in the construction of the external walls and roof 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 accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 3 No development (other than demolition, site preparation, groundworks, site investigation and remediation) shall take place until 1:20 details of the following to be used in the construction of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority.**

- 1. 1:20 details of all windows and doors (including vertical cross section through the openings to show the set back from the reveals)**
- 2. 1:20 details of balustrading**
- 3. 1:50 details of any front boundary wall and materials**
- 4. Details of any external flues, gas pipes, vents, extracts, metre cupboards**

Development shall be carried out in accordance with the approved details.

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

- 4 No development (other than demolition, site preparation, groundworks, site investigation and remediation) 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:**

1. hard surfacing materials;
2. means of enclosure;
3. soft landscape works which shall include planting plans (including replacement tree planting); 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;
4. proposed finished levels or contours;
5. sustainable surface water drainage;
6. minor artefacts and structures (e.g. furniture, storage units, signs, lighting etc);
7. proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc).

The approved landscape works shall be carried out prior to the first occupation of any part of the development hereby permitted. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by 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 Policies CS12, CS13 and CS29 of the Dacorum Core Strategy (September 2013) and Policies 99, 100 and 129 of the Dacorum Borough Local Plan 1991-2011.

- 5 **Notwithstanding any details submitted, no development shall take place until a CS29 sustainability checklist accessed via the following link <http://www.dacorum.gov.uk/home/planning-development/planning-strategic-planning/sustainable-development> has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the details as approved.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy September 2013.

- 6 **The development shall be carried out in accordance with the approved levels and relative heights shown on Drg. No. 930.3b, 930.6b and 930.8c.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy September 2013.

- 7 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local**

planning authority. The statement shall provide for:

1. the parking of vehicles of site operatives, contractors and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. construction access arrangements;
5. wheel washing facilities;
6. measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of construction.

- 8 **No development (other than demolition, site preparation, groundworks, site investigation and remediation) shall take place until details of pedestrian and vehicle visibility splays shall have been submitted to and approved in writing by the local planning authority. The details as approved shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover (under land within the applicant's control), within which there shall be no obstruction to visibility (accept as may be approved as part of any landscaping scheme) between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 9 **Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 930.12a). Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 10 **Prior to first occupation of the development and the new access being brought into use, all other existing access points not incorporated in the development hereby permitted shall be permanently closed 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: In the interests of the visual amenities of the area and to limit the number of access points along the site boundary for the safety and convenience of the highway user in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 11 Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety in accordance with Policy CS8 and CS12 of the Dacorum Core Strategy September 2013 and saved Policies 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011.

- 12 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 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 September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 13 All remediation or protection measures identified in the Remediation Statement referred to in Condition 7 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 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 September 2013.

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

Location Plan

930.1

930.12a

930.13a

930.14

930.15a

930.16a

930.17a

930.18a

930.19a

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application stage and determination process which led 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:

Refuse Services

There should be space to store 4 x 770ltr Eurobins and 2 x 140ltr wheeled bins for food waste.

There should be no steps between the storage area and the collection vehicle and the any doors should be suitably robust.

Building Control

- Approved document B - A full fire strategy plan will be required
- Approved document M – specify the category for the design of the new building for possibility of the following - 1 visitable/2 accessible and adaptable/ wheelchair user.

Highway Authority

1. The Highway Authority requires the alterations to or 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. 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.

3. 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

4. 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

5. Visibility splays: - should seek to comply with the following:

Vehicle - 2.4m x 43m

Pedestrian - 2m x 2m

Environmental Health

7) Piling Works

If piling is considered the most appropriate method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

8) Noise on Construction/Demolition Sites

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. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

9) Construction hours of working – plant & machinery

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: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays

10) Dust

As advised within the application documentation, 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*.

11) Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

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

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

Online appeals support
email: 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 **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

You can find out more about CIL and its implications at www.dacorum.gov.uk/cil or contact us by email at 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 on line at

<http://www.dacorum.gov.uk/home/planning-development/street-naming-and-numbering> or by email at 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:

Design and Access Statement
Retail Loss Justification Statement
CS29 checklist
CIL form