



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 1 FEBRUARY 2024 AT 7.00 PM

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

| | |
|-----------------------------------|------------------------|
| Councillor Guest | Councillor Cox |
| Councillor C Wyatt-Lowe | Councillor Link |
| Councillor Durrant | Councillor Mottershead |
| Councillor Hobson (Vice-Chairman) | Councillor Patterson |
| Councillor Maddern | Councillor Riddick |
| Councillor Stevens (Chairman) | Councillor Silwal |
| Councillor Bristow | Councillor Mitchell |

For further information, please contact Corporate and Democratic Support or 01442 228209

AGENDA

7. **ADDENDUM** (Pages 2 - 8)

Agenda Item 7



DEVELOPMENT MANAGEMENT COMMITTEE
01.02.24

ADDENDUM SHEET

Item 5a

23/02639/FUL Increasing the existing development from 2 properties to 4, with only internal alterations to existing dwelling and no change to the built environment.

Land R/O 76-78 Belswains Lane Hemel Hempstead Hertfordshire

Additional Comment

74 Belswain's Lane

A) BIN COLLECTION:

Following your consultation with Dacorum Waste Services they confirm "Each property should have space to store 3 x wheeled bins and 1 x kerbside caddie and space to present 2 x wheeled bins and a Kerbside caddie outside the boundary on collection day. The collection vehicle is a 26t rigid freighter which will require an adequate turning space."

You say in paragraph 8.13 of the attached Development Management pack "The applicants have provided a plan indicating that bins could be stored on the driveway and outside of the visibility splay for collection or alternatively refuse vehicles could enter the site and turn". I assume this means there could be a kerbside collection, in which case Dacorum Waste Services expect bins to be outside the boundary on collection day.

From experience, Wheeled Bins are usually left on the public footway after being emptied. Standard wheeled bins are 1 metre tall and so 8 wheeled bins will create a significant obstruction to the required vehicle visibility sightline and therefore Condition 4 can't be guaranteed "there shall be no obstruction between 0.6m and 2m". In addition, due to the high number of wheeled bins that may be left on the public footway after collection they may block pedestrian/pushchair access.

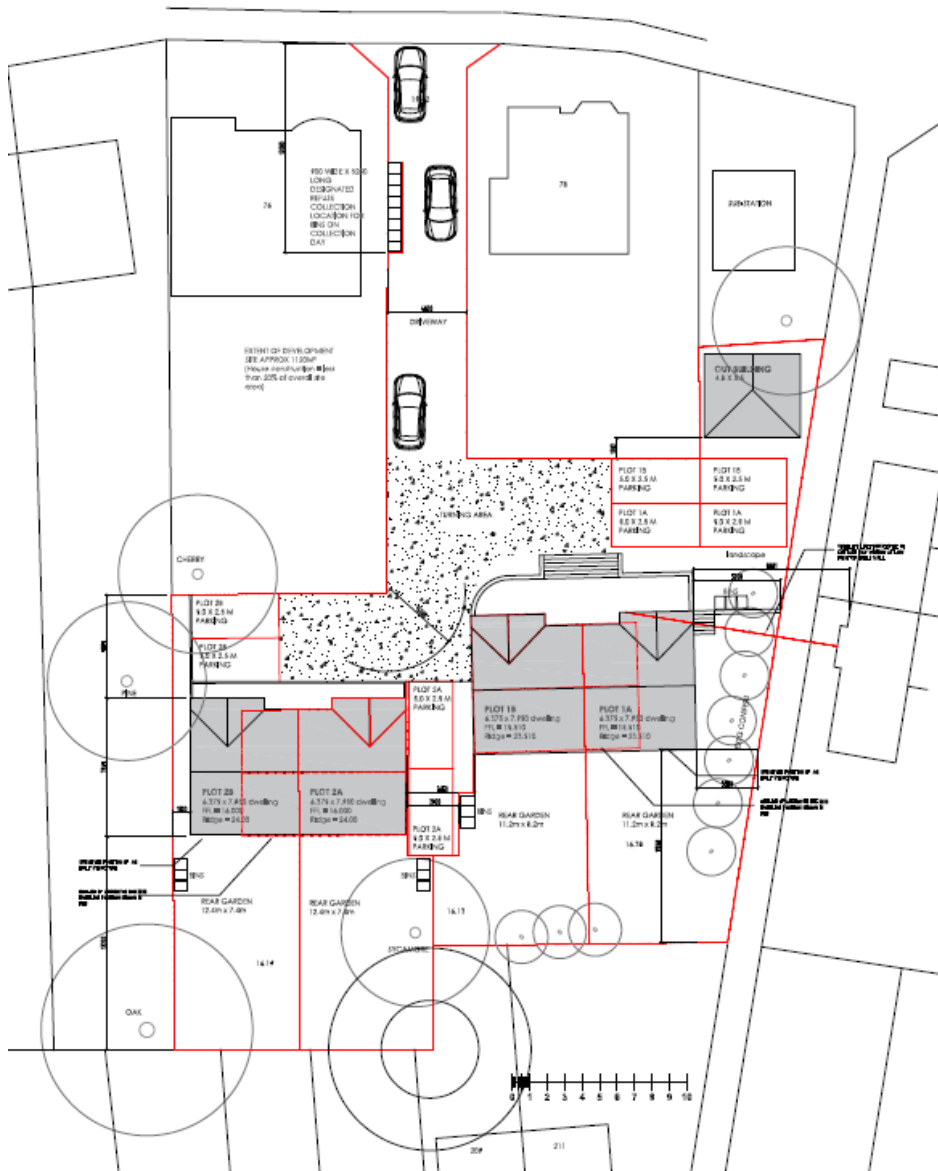
You also say refuse vehicles "could enter the site and turn", which I find that surprising. What is the turning circle of a 26t rigid freighter and can it turn within the limited site turning circle? Also will the site access road be constructed to support a 26t rigid freighter?

Please will you email me a copy of the applicants' bin plan or upload it to the Dacorum Planning website. Please will you confirm that Hertfordshire Highways and Dacorum Waste Services have approved the bin plan? Also have Hertfordshire Highways Officers visited site since application 23/02639/FUL was submitted?

Officer Response

BIN STORAGE

Please see the attached plan (Revision F) that was provided by the applicants to explain how bin storage may have been dealt with. As you will see from the attached the plan shows an appropriate collection point from the adopted highway. This will need to be marked on site rather than a designated store to enable access by a fire tender. I am seeking clarification from our bin collection team as to whether they would reverse onto the site or otherwise, but I've historically been advised by the highway authority that the drive is wide enough to be accessed by larger vehicles and sufficient space is available to manoeuvre. I note that parking bays have been set further back into the site and to the rear of the storage outbuilding. There are clearly a number of feasible options for waste collection from this site which will not result in any obstruction of the highway.



B: CONSTRUCTION OVER UNDERGROUND HIGH VOLTAGE POWER CABLES:

EDF Energy were not consulted on the following planning applications:

22/01583/NMA Plot1 to rear of 78 Belswains Lane and closest to public footpath shown incorrectly on approved variation 21/04265/ROC

22/00603/FUL Construction of storage outbuilding

Furthermore, it appears EDF Energy have only responded to the latest application and confirm:

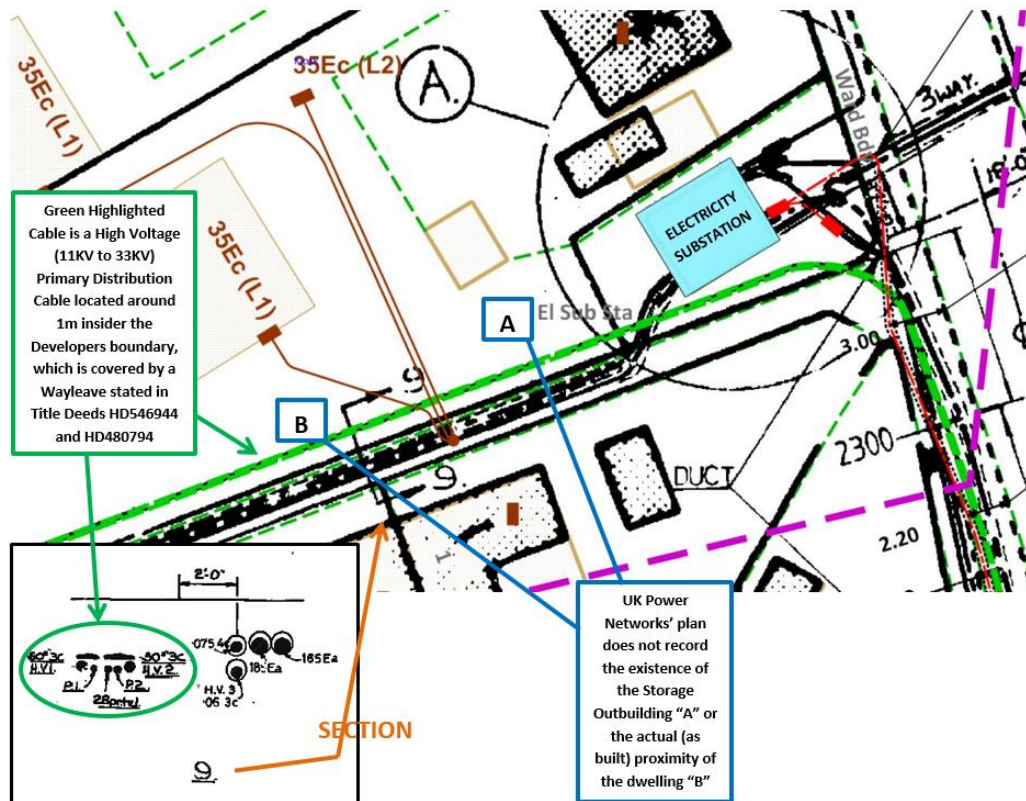
“Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA”. Did the

Developer request the plans prior to commencement of both the Storage Outbuilding and Main Dwelling adjacent to the footpath?

EDF Energy (through its predecessors) have a Wayleave across the Developers land:

Please refer to attached Titles HD546944 and HD480794, section C (Charges Register), clause 3: "A Wayleave consent dated 10 January 1964 under the hand of Herbert V Doggett relates to the laying and maintenance of an underground electricity cable close to the longer of the south eastern boundaries of the land in this title". These title deeds together identify the land occupied by the Storage Outbuilding, Dwelling adjacent to the footpath and Parking Area retaining wall.

Referring to attached "High Voltage Distribution Cable" document, which is an extract from an EDF Energy's (UK Power Networks) plan obtained last month. It confirms there are High Voltage Primary Distribution Cables (11KV to 33KV) located directly under the Storage Outbuilding and a new retaining wall, and are close to the foundations of Plot 1A. It is understood the Cables are around 0.7m below ground and are then within the scope of building works. Did the developer gain permission from EDF Energy to carry out his Development over and near the High Voltage Cables, which could be very hazardous? Furthermore if the High Voltage Cables are compromised or being stressed by the weight of the Storage Outbuilding they may fail and affect the supply to hundreds if not thousands of dwellings. Also any repairs would be delayed because EDF Energy can't maintain their cables under the Storage Outbuilding.



Please will you advise what powers Dacorum has to investigate further and enforce any remedial action? What is the best course of action going forward?

Officer Response

EDF ENERGY

EDF were not consulted on application suffix NMA as by its nature this is a change to a planning permission that has no material impact on the original planning permission. There is no statutory duty to consult them nor need to do so in respect of the changes thereto. In relation to application 22/00603/FUL, the proximity of the outbuilding to the substation was raised with UK Power Networks, but ultimately we were not in receipt of an objection thereto. I am not able to provide advice in respect of any requirements under Building Regulations and/or the Party Wall Act as these are separate legislative frameworks. This is not a material planning consideration in this case.

C: CONSTRUCTION:

You say in paragraph 8.21 of the attached Development Management pack "It is assumed that the proposed buildings have been constructed to a high standard of thermal efficiency under the Building Regulations". Given the Developers track record of enforcement investigations and stop notices why would you assume that?

Furthermore, as you may be aware the Building Regulation regarding Thermal Efficiency was revised in 2021, which was after the Developer gained Building Control approval. So should the Developer be required to upgrade the Thermal Efficiency of the dwellings to comply with the latest more stringent requirements?

EDF Energy stated in their response:

If "works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996". Was there a Party Wall agreement between the Developer and EDF Energy for the Storage Outbuilding (I am aware this can't be enforced retrospectively)?

Officer Response

CONSTRUCTION

As indicated in your email, the applicants have Building Regulations approval and as such I can only assume that they have complied with the relevant thermal efficiency requirements in the Building Regulations as at the time of approval. It would not be reasonable for the planning authority to insist on a higher standard than that covered by the associated legislation. I note your comments in respect of updated thermal efficiency requirements under the Building Regulations. It will be for an approved Building Inspector

to consider how these changes may be applicable to the development being proposed in this instance and the need for any additional approvals.

D: EV CHARGING:

Attached previous Decision Notice 21/04265/ROC Condition 3 states “plans should show... the location and type of EV charging infrastructure”. The Conditions stated in the attached Development Management pack do not include this requirement, which I assume must include a minimum of one EV charging point per dwelling. Please can I also ask you to check and confirm all previous Conditions have been carried forward?

Officer Response

EV CHARGING

I note the comments in respect of EV charging facilities. I understand that under Part S2 and Regulation 44E of the Building Regulations that there would be a requirement to install one EV charging facility per dwelling as a result of this development. Although a planning condition could be added to request that a space per dwelling is required, this would appear to duplicate the requirements of the Building Regulations and thus unnecessary in this instance.

E: NO DIG CONSTRUCTION METHOD:

You say in Condition 6 of the attached Development Management pack that “Prior to the first occupation of the development hereby permitted details outlining a no dig construction method for the parking bays shall have been submitted to and approved in written by the Local Planning Authority”. Clearly the Developer has already constructed retaining walls with foundations, removed soil and started to backfill parking areas with Type 2. So can this “no dig” Condition be applied retrospectively (at first occupation)? Also how would the root damage be repaired and site returned to its original “no dig” condition?

Officer Response

NO DIG CONSTRUCTION

The previous planning approvals for the development of this site seeking to protect trees on the boundaries of the site from damage during construction through the use of a condition preventing development taking place until a “no dig” method statement had been provided for the construction of parking spaces. The need to amend this condition given the construction of two dwellings at the site needs to be considered.

The trees are not subject to protection via a TPO nor worthy of preservation by TPO, but have clear amenity value for neighbouring properties. Construction material has already been laid forming the base of the parking spaces subject to this application and any further

damage to the RPA of trees on the site appears unlikely. In the circumstances this condition appears to serve no useful purpose.

Recommendation

The following amendments be made to the published report.

Condition 6 – This condition shall be removed.

New Condition

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

- Location Plan
- 76BLHH-SITE Revision F
- 76BLHH-601A
- 76BLHH-602A
- 76BLHH-603A
- 76BLHH-604A

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

Item 5b

23/02781/ROC Removal of Condition 4 (side window obscure / non opening) and Condition 5 (Dormer windows) attached to planning permission 21/03742/FHA (Single storey rear and side extension and loft conversion)

17 Vicarage Lane Kings Langley Hertfordshire WD4 9HS

No updates required.

Recommendation

As per the published report.