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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 14 MARCH 2019 AT 7.00 PM**  
**DBC COUNCIL CHAMBER - THE FORUM**

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 (Chairman)  
Councillor Bateman  
Councillor Birnie  
Councillor Conway  
Councillor Maddern  
Councillor Matthews  
Councillor Riddick

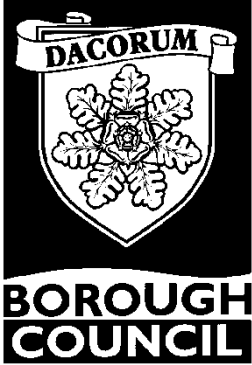
Councillor Ritchie  
Councillor Whitman  
Councillor C Wyatt-Lowe (Vice-Chairman)  
Councillor Fisher  
Councillor Tindall  
Councillor Mills

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

## **AGENDA**

- 7. ADDENDUM** (Pages 2 - 14)

# Agenda Item 7



**DEVELOPMENT MANAGEMENT COMMITTEE**  
**Thursday 14<sup>th</sup> March 2019 at 7.00 PM**

## ADDENDUM SHEET

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### Item 5a

**4/01863/18/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO STOREY EXTENSION AS A SEPARATE DWELLING –**

**1 AUSTINS MEAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JX**

No updates.

Recommendation:

As per the published report.

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### Item 5b

**4/01735/18/FUL - THREE DETACHED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING –**

**CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL**

### **Further representations**

Tring Town Council

The Town Council recommended no objection to this application. It would like, however, that instead of the proposed tulip tree specified in the replanting, a hornbeam is planted – this is a native species and is suited to the chalk ground. A tulip tree is not suited to such conditions.

38 Longfield Road

It was following my previous ignored requests for a copy of the Tree Officer's report – I've now found a copy in your Recommendation to Approve the Application!

I'm sure you agree that it is a shame that this row of trees is likely to disappear but it doesn't change our Objection to the close proximity of the proposed houses to the neighbouring properties and to the loss of long-established privacy of the gardens. I assume you also acknowledge that this is exacerbated by the building line being set back from that of the adjacent properties (plots 22 – 31).

This seems unnecessary and extremely unfair. No attempt has been to mitigate the affects of positioning these houses so close to the neighbours such as reducing their mass as was the case with plots 20/21.

May I please ask this is given urgent consideration?

Also can you confirm that permitted developments rights are removed from these houses?

#### Unknown address

At the Tring Town Council meeting last night I made the point that the replacement trees on this development should be native, and that Tulip trees would not be acceptable. Tulip trees are not native, and would not support the insect and moth species needed for the birds and bats. And, most importantly, Tulip trees need an acid or neutral soil, not chalk.

When I spoke to the Tree Officer he said he had seen them looking ok somewhere in Hemel, where they had brought in a lot of topsoil. But I think that once the roots are through the topsoil, the trees will start too suffer.

I am well aware that some native species are problematic because of diseases. But as far as I know, Hornbeam would be fine, or Whitebeam, or even Sycamore would be more beneficial to wildlife.

In any event, Mr Gaddesden was at the meeting, and he said himself that he wanted Hornbeam as replacements. He also said that the chalk is right at the surface on the site.

So, please let us have suitable native tree replacements!

#### Hertfordshire Ecology

##### *Latest comments*

It is acknowledged that tree T3 will require to be felled because of the potential danger it presents. However, since the survey identified it has having medium potential as a roost, further surveys are needed to establish the presence or absence of bats. If bats are found to be present a license from natural England will be required. In both the case of the tree and the building an Outline Mitigation Strategy demonstrating how any bats likely to be present will be adequately considered, would ensure the LPA has sufficient information to deal adequately with bats from a planning perspective, and can apply and satisfy the third test of the *Conservation of Habitats and Species*

*Regulations 2017.* Once this information has been provided I consider the application could be determined and the required bat surveys secured by condition.

The mitigation strategy required will need to be provided by a suitably experienced and qualified ecologist and should take the form of a brief statement on each of tree and the building. This should detail suitable mitigation and compensation for any bats found, to safeguard them and ensure their conservation status is maintained.

### *Comments*

#### Bats

I have reviewed the 2014 Phase 1 and Initial Bat Inspection and Dusk Survey and notice that a beach tree, T3 was identified as having medium potential for a bat roost. The arboricultural report accompanying this application also identifies the tree as having cavities, confirming its potential suitability for bats. This tree is recommended for removal and if bats are present they will be affected. Consequently, without suitable mitigation the LPA does not have sufficient information to determine the application having taken bats sufficiently into account.

With regards the buildings we discussed in our phone call, the kitchen and canteen buildings are outside of the permission given for demolition that related to the previous approved application 4/03167/17/MFA. This building was described in the 2014 Preliminary Roost Assessment as having access and potential roosting features with in the roof. Consequently, whilst other buildings were assessed as having negligible potential this was assessed as negligible / very low potential. Given this, all be it very low potential and the amount of time since the survey I think it is justifiable that this building is resurveyed. This should be a Preliminary Roost Assessment (PRA) by an appropriately qualified and experienced ecologist and will give the opportunity to confirm or dismiss the potential of this building for bats. Such inspection surveys can be undertaken at any time of year and do not need to wait till the spring.

Where potential for bats is known such as in tree T3 or if the potential for bats is confirmed in the kitchen and canteen buildings, further bat activity surveys (dusk emergence / dawn re-entry) will be required. These cannot be undertaken until the coming spring when bats become active again after hibernation, where potential is confirmed an Outline Mitigation Strategy should be provided to demonstrate how any bats likely to be present will be adequately considered, to the satisfaction of the LPA. Any outstanding surveys should be secured by Condition should the application be approved.

As bats are European Protected Species (EPS), this information is required to be submitted to the LPA *prior to determination* - so the LPA can fully consider the impact of the proposals on bats consistent with legal obligations under the Conservation of Habitats and Species Regulations 2017.

If a roost is to be affected, an EPS licence will also be required from Natural England to enable the proposals to be implemented, and consequently this may need to be factored in to any development timescale

## Other matters

The accompanying plans identify four trees to be felled, this will remove potential nesting sites for birds. To ensure no harm is done to these protected species the following informative should accompany with any consent given.

*Any vegetation and building clearance should be undertaken outside the nesting bird season (March to August inclusive) 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 two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."*

The DAS mentions the planting of new trees and reinforcing the boundary vegetation with native hedge planting. In general, high quality landscaping should as standard include the use of native species particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife. The loss of nesting opportunities by the removal of existing trees should be compensated for by the inclusion of bird boxes with in the design. The type of bird box chosen should benefit the species highlighted in the section 4.4.2 of the phase 1 survey.

In addition to these compensations the planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. These Ecological issues are best dealt with by the production of a LEMP for which the previous Condition detailed in your email below can be used, likewise the condition relating to lighting remains pertinent to this new application.

## Hertfordshire Archaeology

Informal advice that the existing portacabin can be demolished prior to submission and approval of a Written Scheme of Investigation which shall be reserved by condition.

## **Considerations**

### Impact on trees, character and appearance considerations

Nothing further to add to the published report.

### Impact on neighbours

The plans for consideration under this application include Plots 1 to 3 which are identical in height, rear elevation, internal layout and siting to Plots 38 to 40 within the submitted layout considered under application 4/01569/17/MFA. Whilst this application was refused, there were no concerns raised during the Development Management Committee during the consideration of this previous application with respect to the impact of development on neighbouring properties including No. 38 Longfield Road. This has been taken into consideration and the proposal would therefore accord with the aims of Policy CS12 of the Core Strategy.

## Ecology

The proposed recommendation shall be revised to allow the submission of an Outline Mitigation Strategy which will demonstrate how bats likely to be present will be adequately addressed. Whilst Hertfordshire Ecology would prefer for this information to be submitted during the application process, it would not prevent a recommendation to grant being presented to the Development Management Committee. The conditions set out in the main report remain, with the exception of an amended landscape condition to include submission and approval of a Landscape and Ecological Management Plan in accordance with Policy CS29 of the Core Strategy and paragraph 170 of the National Planning Policy Framework.

## Archaeology

Based on the above, the archaeological conditions have been revised so that they are no longer pre-commencement.

### **Recommendation:**

As noted above, the recommendation shall be amended as follows:

1. That the application be **DELEGATED** to the Head of Development Management with a view to approval subject to the completion of a Deed of Variation under Section 106 of the Town and Country Planning Act 1990 and subject to the submission of a satisfactory Outline Mitigation Strategy.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

The on-site provision of a total of 12 affordable housing units, adding Plot 18 of the approved plan under 4/03167/17/MFA as an additional affordable unit.

3. That the following conditions are included:

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>Construction of the buildings hereby permitted shall not take place until the following details have been submitted and approved in writing by the local planning authority:</p> <p>Details of the materials to be used in the construction of the external surfaces of the dwellings; Details of the materials of hardstanding; Proposed finished levels and contours relative to the nearest adjacent</p>

	<p>properties.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013 and paragraph 127 of the National Planning Policy Framework</p> <p>Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p>
3	<p>Prior to the commencement of the development hereby permitted, the trees shown for retention on the approved Drawing No. 18/3473/10 Rev C and approved Tree Protection Plan (Nov 2018) shall be protected during the whole period of site excavation and construction in accordance with the Tree Protection Plan or alternative method(s) for protection to be submitted and approved in writing by the local planning authority.</p> <p>Reason: In order to ensure that damage does not occur to the trees for the duration of development including site clearance to enable their retention and to safeguard the landscape character of the site in accordance with Policies CS11, CS12 and CS25 of the Dacorum Core Strategy and paragraph 127 of the National Planning Policy Framework.</p>
4	<p>Construction of the buildings hereby permitted shall not 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:</p> <p>means of enclosure;</p> <p>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 location, numbers/densities of planting where appropriate;</p> <p>car parking layouts and other vehicle and pedestrian access and circulation areas;</p> <p>proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc).</p> <p>a Landscape and Ecological Management Plan, incorporating the following:</p> <ol style="list-style-type: none"> <li>a) Description and evaluation of features to be managed;</li> <li>b) Ecological trends and constraints on site that might influence management;</li> <li>c) Aims and objectives of management;</li> <li>d) Appropriate management options for achieving aims and objectives, including specifications and precise locations for the provision of integrated bird nest boxes in new buildings;</li> <li>e) Prescriptions for management actions;</li> <li>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);</li> <li>g) Details of the body or organization responsible for implementation of the plan;</li> <li>h) Ongoing monitoring and remedial measures.</li> </ol>

	<p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013 and paragraph 127 of the National Planning Policy Framework and to secure net gains for biodiversity in accordance with Policy CS29 of the Core Strategy and paragraph 170 of the National Planning Policy Framework.</p>
5	<p>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.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS11, CS12 and CS25 Dacorum Core Strategy 2013 and paragraph 127 of the National Planning Policy Framework.</p>
6	<p>Visibility splays of not less than 2.4 m x 43 m 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, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.</p> <p>Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013.</p>
7	<p>The demolition of buildings identified on the approved Site Location Plan shall not commence before submission of either of the following for approval by the local planning authority:</p> <p>up to three dusk emergence / dawn re-entry surveys, which shall be undertaken during the months of May to August (inclusive) to determine whether bats are roosting or not and, should this be the case, submission of a Bat Mitigation Strategy for approval;</p> <p>copy of approved licence from Natural England where the development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Phase 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report.</p> <p>The development shall be carried out and retained in accordance with approved details.</p> <p>Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with the National Planning Policy Framework and Policy CS29 of the Dacorum Core Strategy 2013.</p>
8	<p>The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Phase 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report. Demolition of buildings shall</p>



	<p>not commence before details of the location, number and type of bird and bat boxes shall be submitted and approved by the local planning authority together with timeframes of their installation to ensure adequate compensation is available prior to commencement of works affecting bat roost sites. The bird and bat boxes shall be installed in accordance with the approved details and agreed timeframes.</p> <p>Reason: In the interests of biodiversity and in accordance with Policy CS29 of the Dacorum Core Strategy 2013.</p>
9	<p>Prior to construction of the buildings hereby permitted, a lighting design strategy for biodiversity as recommended in the submitted Phase 1 Study, shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.</p> <p>Reason: To protect bat movement corridors and compensatory roosting features in accordance with Policy CS29 of the Dacorum Core Strategy 2013.</p>
10	<p>No development (excluding demolition) shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> <li>1.The programme and methodology of site investigation and recording</li> <li>2.The programme for post investigation assessment</li> <li>3. Provision to be made for analysis of the site investigation and recording</li> <li>4. Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>5. Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ol> <p>Reason: In order to ensure investigation and preservation of archaeological findings for the duration of the construction and development in accordance with Policy CS27 of the Dacorum Core Strategy 2013.</p>
11	<p>Any demolition/development shall take place in accordance with the Written</p>

	<p>Scheme of Investigation approved under Condition 10.</p> <p>The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 10 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>Reason: In order to ensure investigation and preservation of archaeological findings in accordance with Policy CS27 of the Dacorum Core Strategy 2013.</p>
12	<p>Prior to the commencement (excluding demolition of existing buildings) 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.</p> <p>For the purposes of this condition:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013.</p>
13	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 12 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.</p> <p>For the purposes of this condition a Site Completion Report shall record all the</p>

	<p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013.</p>
14	<p>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 to Plots 1 and 3 identified on approved drawing 18/3473/10 Rev C (site layout) falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Class A</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.</p>
15	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of their respective dwellings and they shall not be converted or adapted to form living accommodation.</p> <p>Reason: To ensure adequate parking provision for the development in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.</p>
16	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Site Location Plan (no reference)  18/3473/10 Rev C (site layout)  18/3473/11 (Plot 1)  18/3473/12 (Plot 2)  18/3473/13 (Plot 3)  18/3472/14 (street scene)  18/3473/15 (garages)  Tree Protection Plan (dated Nov 2018)  Arboricultural survey to British Standard B.S. 5837:2012 'Trees in relation to design, demolition and construction - Recommendation' at Former St Francis House School Aylesbury Road Tring Addendum (dated 29 November 2018)  Sustainability Statement</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

## Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage in order to carry out a full assessment and which led to improvements to the scheme. The Council has therefore acted in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### Hertfordshire Highways Informatives

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

### Ecology Informative

Any vegetation and building clearance should be undertaken outside the nesting bird season (March to August inclusive) 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 two days in advance of vegetation clearance by a competent

	Ecologist and if active nests are found, works should stop until the birds have left the nest.
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**Item 5c**

**4/03191/18/FUL - DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF TWO 3-BED AND TWO 4-BED DWELLINGS, ACCESS DRIVE, PARKING AND LANDSCAPING (RESUBMISSION) –**

**39A ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP**

MEMBER CALL IN INFO;

Application called in by Cllr Adrian England;

*I see that this site has come back with an incremental change, which appears to address one of the three grounds for refusal given earlier in 2018.*

*The neighbours are clearly very concerned about the road safety issue with this site having multiple dwellings using the one access-point, close to Mountfield Road and have asked me to again call it in to Development Control.*

Recommendation:

As per the published report.

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**Item 5d**

**4/02937/18/FHA - TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR EXTENSION –**

**2 THE MEADS, TRING, HP23 5JF**

Recommendation:

As per the published report

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