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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 11 JUNE 2020 AT 6.30 PM
MICROSOFT TEAMS**

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 Oguchi
Councillor C Wyatt-Lowe (Vice-Chairman)	Councillor Riddick
Councillor Beauchamp	Councillor R Sutton
Councillor Durrant	Councillor Symington
Councillor Hobson	Councillor Uttley
Councillor Maddern	Councillor Woolner
Councillor McDowell	

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AGENDA

1. MINUTES (Pages 2 - 25)

To confirm the minutes of the previous meeting.

Agenda Item 1 Public Document Pack

DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

21 MAY 2020

Present:

MEMBERS:

Councillors Guest (Chairman), C Wyatt-Lowe (Vice-Chairman), Beauchamp, Durrant, Hobson, Maddern, McDowell, Riddick, Uttley, G Sutton, Taylor and Tindall

OFFICERS:

J Hutton (Legal Governance Team Leader - Planning and Property), J Doe (Assistant Director - Planning, Development and Regeneration), S Dunn-Lwin (Lead Planning Officer), H Edey (Trainee Planning Officer), E Palmer (Planning Officer), S Robbins (Planning Officer), N Robertson (Assistant Team Leader - Conservation), J Seed (Lead Planning Officer), P Stanley (Development Management Team Leader), N Sultan (Legal Governance Team Leader - Litigation), S Whelan (Group Manager - Development Management and Planning) and C Webber (Corporate & Democratic Support Officer)(Minutes)

The meeting began at 6.30 pm

1 MINUTES

The minutes of the meeting held on 12 March were confirmed by the Members present. Hard-copy minutes will be signed by the Chair when restrictions are lifted.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Sutton, Symington and Woolner.

Councillor Graham Sutton substituted for Councillor Rosie Sutton.

Councillor Tindall substituted for Councillor Symington.

Councillor Taylor substituted for Councillor Woolner.

3 DECLARATIONS OF INTEREST

Councillor Guest asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application.

4 PUBLIC PARTICIPATION

Councillor Guest reminded Members and the public about the rules regarding public participation as follows:

For each application the officer presents the report to the Committee, then the participants from the public are called to speak. Following this, questions are taken from the Committee along with statements and comments for debate.

5a 4/01866/18/FUL - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FIVE 4 BEDROOM DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS - 57 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ

The Case Officer, Jason Seed, introduced the report to Members and said that the application had been referred to the Committee due to objection from Berkhamsted Town Council on the grounds of overdevelopment, impact on the character of the surrounding area, inadequate access, impact on surrounding amenity and impacts of noise on occupiers of the new dwellings.

Martin Allen spoke in objection to the application.

Krzysz Lipinski and Richard Harris spoke in support of the application.

It was proposed by Councillor G Sutton and seconded by Councillor Wyatt-Lowe to **GRANT** the application in line with the officer recommendation.

Vote:

For: 7 Against: 3 Abstained: 2

Resolved: That planning permission be **GRANTED** subject to the following conditions:

Conditions

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>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>P/001 Site Survey P/01 rev H Proposed Site Layout P/02 rev F Plot 1 house type P/03 rev G Plots 3 & 5 house types P/04 rev F Site Perspectives P/05 rev F Site Perspectives P/06 Garages P/07 rev G Plots 2 & 4 house types Environmental Survey 183121/JDT</p>

	<p>Noise Survey DLW/7167 Noise Letter for Committee DLW/KH/7167/L2 Site plan extract with additional site dimensions</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No construction of the superstructures hereby approved shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy.</p>
4	<p>Prior to first use, the new parking areas hereby approved shall be surfaced in porous paving or material or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.</p> <p>Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety in accordance with Policy CS8 of the Core Strategy.</p>
5	<p>No development (excluding demolition and groundworks) shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.</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. 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 Core Strategy.</p>

6	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted. For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.</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 Core Strategy.</p>
7	<p>No development (excluding demolition and groundworks) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>hard surfacing materials; means of enclosure; soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; trees to be retained and measures for their protection during construction works; proposed finished levels or contours; car parking layouts and other vehicle and pedestrian access and circulation areas; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.</p> <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 Policy CS12 of the Core Strategy.</p>
8	<p>Details of the acoustic fence will be submitted to and approved by the local planning authority prior to first occupation of the any dwelling hereby approved. The approved fence will be fully erected prior to first occupation of any dwelling hereby approved and will be retained and maintained for the lifetime of the development.</p> <p>Reason: To ensure that the amenity of future occupiers is protected in accordance with Paragraph 170 of the National Planning Policy Framework.</p>
9	<p>The windows at first floor level in the easternmost elevation of Plot 1 hereby permitted and the flank elevations of Plots 2, 3, 4 and 5 shall be non-opening below 1.7m from floor level and shall be permanently fitted with obscured glass for the lifetime of the development.</p>

	Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.
10	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out on the property identified as Plot 1 without the prior written approval of the local planning authority:</p> <p>Schedule 2, Part 1, Class B</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity in accordance with Policy CS12 of the Core Strategy.</p>
11	<p>Prior to first occupation of the development hereby approved, confirmation that the proposed noise mitigation measures have achieved noise levels of 55 dB LAeq,16H or less within the screened amenity areas and 66 dB LAeq,16H or less within the remaining amenity areas will be submitted to and approved in writing by the Local Planning Authority.</p> <p>ARTICLE 35 STATEMENT</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES</p> <p>Highway Authority</p> <p>Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047.</p> <p>Storage of materials</p> <p>Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-</p>

licences.aspx or by telephoning 0300 1234047.

Obstruction of the highway

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

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

Mud on highway

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

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

Land Contamination

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

	<p>Affinity Water</p> <p>You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Berkhamsted Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.</p> <p>The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.</p> <p>For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".</p> <p>Construction Times</p> <p>The applicant is advised that the Council's Environmental Health Team only permit construction activities during the following times:</p> <p>Monday to Saturday - 7:30am to 6:30pm Sundays and Bank Holidays - no noisy activities allowed.</p>
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5b 19/03272/FUL - Construction of new chalet bungalow to the side/rear of 5 Tring Road. - Land To The Side/Rear 5 Tring Road, Dudswell, Berkhamsted, Hertfordshire, HP4 3SF

Councillor Beauchamp asked for legal advice in that he had considered this application as part of the DMC consultation on 30th April.

Legal Advisor, Nargis Sultan, gave the view that there was no prejudice in Councillor Beauchamp taking part in the meeting in light of new evidence.

The Case Officer, Heather Edey, introduced the report to Members and said that the application had been referred to the Committee as it had been called in by Cllr Pringle.

Michela Capozzi and Daniel Walker spoke in objection to the application.

Councillor Lara Pringle spoke in objection to the application.

Jonathan Tucker and Brian Kelly spoke in support of the application.

It was proposed by Councillor Durrant and seconded by Councillor G Sutton to **GRANT** the application in line with the officer recommendation.

Vote:

For: 8

Against: 3

Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the conditions below.

Conditions and Reasons:

- 1. The development hereby permitted shall begin 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. Contaminated Land Condition 1:**

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy (2013).

3. Contaminated Land Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Core Strategy (2013).

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

5. The proposed car parking spaces shall have measurements of 2.4m x 4.8m (minimum). Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.

Reason: In the interest of highway safety, in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and Saved Appendix 5 of the Dacorum Local Plan (2004).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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: Schedule 2, Part 1, Classes A, B, and E; Part 2, Classes A, B and C.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area, in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

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

PL-05 Rev A3
PL-06 Rev A3
Policy CS29 Checklist
PL-02 Rev A
PL-08 Rev A3

PL-04 Rev A3
PL-07 Rev A3
19090-DA01
PL-01 Rev A3
PL-09 Rev A3
PL-07 Rev A3
2223-001
2223-002

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

- 8. The dwelling hereby permitted shall not be occupied until details for a raised table/rumble strip to be positioned at the mouth of the site in front of the highway have been submitted to and approved by the Local Planning Authority. The raised table/rumble strip shall then be fully constructed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.**

Reason: In the interests of highway safety, in accordance with Policies CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

- 9. The dwelling hereby permitted shall not be occupied until the turning head in front of 5 Tring Road, as shown on Drawing PL-02 Rev A, has been provided. The turning head shall thereafter be clear of vehicles and remain permanently available for use as a turning head, and shall not be used for any other purpose.**

Reason: To ensure that adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policies CS8 and CS12 of the Core Strategy (2013) and the NPPF (2019).

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. ENVIRONMENTAL HEALTH INFORMATIVES:

Construction Hours of Working - (Plant & Machinery) Informative

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: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

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.

Noise on Construction/Demolition Sites Informative

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.

3. CONTAMINATED LAND INFORMATIVE:

Informative:

The above conditions are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

4. HIGHWAY 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

4. Section 278 Agreement: The proposal includes works to the Highway verge to widen the existing driveway. The applicant is required to enter into a Section 278 agreement for this work. This will ensure that all work undertaken on the highway is constructed to the Highway Authority's current specification to an appropriate standard and by a contractor who is authorised to work on the public highway. In accordance with Hertfordshire County Council publication, 'Roads in Hertfordshire – A Guide for New Developments', a Section 278 agreement will be required before any such works are undertaken.

5c 19/02696/FUL - Demolition of existing bungalow, construction of 8 new semi-detached houses (2 x 2 bedroom, 2 x 3 bedroom and 4 x 4 bedroom), access, turning and parking areas, landscape planting and ancillary development. - Rosecroft, 49 Chesham Road, Bovington, Hemel Hempstead, Hertfordshire, HP3 0EA

The Case Officer, Simon Dunn-Lwin, introduced the report to Members and said that the application had been referred to the Committee as the recommendation was contrary to the Parish Council view.

It was proposed by Councillor Maddern and seconded by Councillor Uttley to **GRANT** the application in line with the officer recommendation.

Vote:

For: 8 Against: 1 Abstained: 3

Resolved: That planning permission be **GRANTED** subject to the conditions set out below.

Conditions and Reasons:

1. **The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

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

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

- 19_378_PL01 Existing Site and Location Plan
- 19_378_PL02 G Proposed Site Plan
- 19_378_PL03 A House Type A Proposed Floor Plans
- 19_378_PL04 B Proposed House type A Proposed Elevations
- 19_378_PL05 A House Type B Proposed Floor Plans
- 19_378_PL06 B House Type B Proposed Elevations
- 19_378_PL07 House Type C Proposed Floor Plans
- 19_378_PL08 House Type C Proposed Elevations
- 19_378_PL09 A Proposed Front Aerial View
- 19_378_PL10 A Proposed Rear Aerial View
- 19_378_PL11 A Proposed View 1

19_378_PL12 A Proposed View 2
19_378_PL13 A Proposed View 3
19_378_PL14 -16 A Sun Path Study March, June and December
19_378_PL20 C Proposed Site Plan (showing adjoining site developed)
KMC18049-001C Fire Appliance Swept Path Analysis
KMC18049-002C Standard Refuse Vehicle Swept Path Analysis
KMC18049-003C Large Refuse vehicle Swept Path Analysis
KMC18049-004C Large Car Swept Path Analysis

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

3. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- all external hard surfaces within the site;
 - other surfacing materials;
 - means of enclosure;
 - soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
 - minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
 - external lighting scheme

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority

of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

6. Any contamination, other than that reported by virtue of Condition 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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 off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019)

7. No part of the development (excluding demolition/ground investigations) shall take place until the means of access have been constructed in accordance with the approved drawing 19_378_PL.02 C and constructed in accordance with "Roads in Hertfordshire A Guide for New developments".

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

8. Before first occupation or use of the development the access roads and turning and parking areas as shown on the approved plan(s) shall be provided and maintained thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

9. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the new accesses, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety and free and safe flow of traffic.

10. Before the approved development is occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

11. Upon completion of the development and prior to occupation, any unused access points not incorporated in the development hereby permitted shall be stopped up 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: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

12. Prior to commencement of the development (excluding demolition/ground investigations) a ventilation strategy shall be submitted for the approval of the LPA to suitably protect the future

occupiers of new housing from exposure to road transportation noise ingress in conjunction with adequate ventilation and mitigation of overheating. The ventilation strategy should therefore address how:

- the ventilation strategy impacts on the acoustic conditions
- the strategy for mitigating overheating impacts on the acoustic condition

And where justified include a more detailed overheating assessment to inform this.

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

Reason: To protect the residential amenities of future occupants, having regard to Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

13. The first floor side window(s) on the north elevation of Plot 1 (House Type A) and the south elevation of Plot 4 (House Type B) hereby permitted shall be non-opening to a height of 1.7m above finished floor level and permanently fitted with obscured glass to minimum level 4 obscurity for the lifetime of the development.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

14. Prior to the occupation of the development, biodiversity enhancements in accordance with the recommendations set out in Section 7 of the submitted Ecological Assessment by Green Environmental Consultants dated April 2020 shall be implemented and thereafter so retained to the satisfaction of the Local Planning Authority.

Reason: To ensure suitable ecological enhancements are provided within the development having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The above conditions 5 and 6 are considered to be in line with paragraphs 170 (e) & (f) and 178 and 179 of the NPPF 2019. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially

Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land.

3. Construction Hours of Working - (Plant & Machinery) Informative

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: 0730hrs to 1730hrs on Monday to Friday, 08:00 - 13:00 Saturday and no works are permitted at any time on Sundays or bank holidays.

Construction Dust Informative

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.

Noise on Construction/Demolition Sites Informative

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.

4. Highway Authority 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. This may mean that the developer will have to enter into a legal Section 278 agreement. The applicant will 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.

5d 20/00089/FUL - Raising of Roof, Change of Roof Pitch, Conversion of Barn to Residential Use and Changes to Fenestration. - Barn A, Flaunden Stables, Birch Lane, Flaunden, HP3 0PT

The Case Officer, Elspeth Palmer, introduced the report to Members and said that the application had been referred to the Committee due to the contrary view of the Flaunden Parish Council.

It was proposed by Councillor Maddern and seconded by Councillor Tindall to **GRANT** the application in line with the officer recommendation.

Vote:

For: 10 Against: 1 Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the following conditions:

Conditions and Reasons:

1. The development hereby permitted shall begin 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 (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces between the windows of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

3. The development hereby permitted shall be constructed in accordance with the materials specified on the application form with the exception of those which describe boundary treatment and the materials between the windows - these are to be addressed via other conditions which require details of boundary treatment and materials.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

4. Prior to the commencement of development hereby approved, a Tree Protection Plan must be prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how the trees along the western side of Barn A shall be protected during the construction of the approved development and the footpath along the western side of the Barn and how the type of footpath will ensure protection of the trees and their root system in the future, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

5. As shown on the approved plans the full size windows at ground floor on the eastern elevation must be non - opening.

Reason: To avoid any encroachment into the Green Belt by the construction of a footpath along this side boundary and therefore to comply with the NPPF and CS 5 Green Belt.

6. All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) of planning application 4/01658/16/FUL 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.

7. 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:

Schedule 2 Part 1 Classes [A, B, C, D, E, F and G]
Part 2 Classes [A, B and C].

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 Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of an agricultural building in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

8. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - o hard surfacing materials;
 - o means of enclosure: no fencing will be permitted along the western side of the Barn.
 - o soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 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.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

9. Notwithstanding the details shown on the approved plans, prior to construction/installation of the garage doors details shall be provided showing the design and materials of the garage doors to blend in with the rural character of the barn conversion. The approved works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: In the interests of protection of the rural character of the countryside and the Flaunden Conservation Area. To comply with CS5 and CS27.

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

A. 47499. 04H Proposed Plans and Elevations
Supplementary Planning Statement
Proposed Site Plan

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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 the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-and-developer-information.aspx>.
4. 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.
5. 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

6. Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.
7. Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

5e 20/00593/FUL - Change of use from dwellinghouse (use class C3) to children's care home (use class C2) - 27 Eight Acres, Tring, Hertfordshire, HP23 5DB

The Case Officer, Sally Robbins, introduced the report to Members.

It was proposed by Councillor McDowell and seconded by Councillor G Sutton to **GRANT** the application in line with the officer recommendation.

Vote:

For: 11 Against: 0 Abstained: 1

Resolved: That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin 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. Notwithstanding the provisions the Town and Country Planning (Use Classes Order) 1987 (as amended) the use hereby approved shall be restricted to that of a children's care home for children up to the age of 18 and no other purpose within Use Class C2.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

3. The maximum number of children occupying the premises at any one time shall not exceed 4.

Reason: In the interests of safeguarding the residential amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

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

Location Plan
Site Plan
Ground Floor Plan
First Floor Plan

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

5. Prior to the first use of the children's care home hereby approved, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall cover all matters including: governance of the care home; control of the behaviour of resident children; and control over the use of the outside amenity space. The Operational Management Plan shall be implemented prior to first occupation in accordance with the agreed details.

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

5f 20/00394/LBC - Replace close boarded fence and gate due to storm damage - The Old Bakery, 31A Frogmore Street, Tring, Hertfordshire, HP23 5XA

The Case Officer, Neil Robertson, introduced the report to Members and said that the application had been referred to the Committee due to the contrary view of the Town Council.

It was proposed by Councillor Maddern and seconded by Councillor Wyatt-Lowe to **GRANT** the application in line with the officer recommendation.

Vote:

For: 10 Against: 0 Abstained: 2

Resolved: That Listed Building Consent be **GRANTED**.

6 APPEALS

That the following appeals were noted:

- A. LODGED**
- B. DISMISSED**
- C. ALLOWED**
- D. WITHDRAWN**

The Meeting ended at 9.44 pm