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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**12 OCTOBER 2017**

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Present:

**MEMBERS:**

Councillor Guest (Chairman) Councillors, Birnie, Clark, Conway, Maddern, Matthews, Riddick, Fisher, Bateman and Mills

Councillor Armytage, Hicks and Williams also attended

**OFFICERS:**

K Mogan (Member Support Officer), B Curtain (Lead Planning Officer), Gardner (Enforcement Officer), C Gaunt (Solicitor), Horner (Group Manager - Development Management), Keen (Planning Officer), R Marber (Planning Officer), Robbins (Planning Officer) and P Stanley (Development Management Team Leader)

The meeting began at 7.00 pm

**81 MINUTES**

The minutes of the meeting held on 14 September 2017 were confirmed by the Members present and were then signed by the Chairman.

An addendum to the agenda was circulated before the meeting. A copy of the addendum can be found on the DBC website on the following link:

<https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=159&Mid=1430>

**82 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillors P Hearn and C Wyatt-Lowe.

Councillor Mills substituted on behalf of Councillor C Wyatt-Lowe.

**83 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.

**84 PUBLIC PARTICIPATION**

Councillor Guest reminded the members and the public about the rules regarding public participation.

The order of the agenda was changed to allow for those applications with public speaking to be heard first. The items are minuted in the order they were heard.

**85            4/01569/17/MFA   -   DEMOLITION   OF   EXISTING   BUILDINGS, CONSTRUCTION OF 40 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE - CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL**

I Keen introduced the report to members and it had been referred to the committee due to the contrary views of Tring Town Council.

Gill Russell spoke in objection to the application.

In his role as ward councillor, Councillor Hicks spoke in objection to the application.

Bill Macleod and Simon Hawkins spoke in support.

Councillor Matthews asked for a condition to be imposed if the committee was minded to grant this application that would ensure the driveways and paths would be of a permeable material. Also, he asked if the tree officer from the council could attend the site to examine the tree to check to see if it is safe.

C Gaunt said this could be arranged internally by officers.

It was proposed by Councillor Fisher and seconded by Councillor Matthews to grant the application in line with the officer's recommendation.

Vote

For: 2            Against: 6            Abstained: 2

Having their been no majority to grant this application, it was proposed by Councillor Conway and seconded by Councillor Mills to refuse the application.

Vote

For: 6            Against: 0            Abstained: 4

Resolved

That planning permission be **REFUSED** due to the following reasons:

**By reason of the proposed dwelling density, the number of units on the site, insufficient open space provision and the impact on and relationship of development with trees, the proposal would represent an overdevelopment of the site when considered in the context of the locality within the TCA2 (Miswell Lane) Residential Character Area, to the detriment of the appearance of the area, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.**

**86            4/02386/17/ROC - VARIATION OF CONDITION 3 (MATERIALS) ATTACHED TO PLANNING PERMISSION 4/04074/15/FHA (TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION) - 53 HOMEFIELD ROAD, HEMEL HEMPSTEAD, HP2 4B**

B Curtain introduced the item and said it had been referred to the committee because the previous application that the committee refused did not contain all or accurate information. The committee were informed that this extension had been deliberately constructed but this wasn't the case. The original application contained contradictory conditions which meant the applicant would be in breach of one of the conditions.

Garry Wright spoke in objection to the application.

Paul Roberts spoke in support of the application.

It was proposed by Councillor Matthews and seconded by Councillor Birnie to grant the application in line with the officer's recommendation.

Vote

For: 7            Against: 2            Abstained: 1

Resolved:

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

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

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

- 2        The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings 2453-4 (annotated).**

Reason: To ensure a satisfactory appearance to the development.

**87            4/03286/16/FUL - DETACHED DWELLING - 21A HALL PARK, BERKHAMSTED, HP4 2NU**

Councillor Bateman and Councillor Matthews declared an interest as they sat on the Berkhamsted Town Council alongside Town Councillor Garrick Stevens.

I Keen introduced the item to members and said it had been referred to the committee due to the contrary views of Berkhamsted Town Council.

Jane Kreckel and R Phipps spoke in objection to the application.

Town Councillor Garrick Stevens spoke in objection to the application.

Julian Castle spoke in support of the application.

It was proposed by Councillor Mills and seconded by Councillor Fisher to grant the application in line with the officer's recommendation.

Vote

For: 2                  Against: 5                  Abstained: 3

Having there been no majority to grant this application, it was proposed by Councillor Matthews and seconded by Councillor Riddick to refuse the application.

Vote

For: 5                  Against: 2                  Abstained: 3

Resolved:

That planning permission be **REFUSED** due to the following reasons:

**By reason of the size, scale and design of the proposed dwelling, the development would represent a large and overbearing feature within its plot to the detriment of the appearance of the area, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.**

**88                  4/01574/17/FUL - CONSTRUCTION OF NEW DWELLING CONNECTED TO EXISTING SEMI-DETACHED PROPERTIES. EXTERNAL REFURBISHMENT OF EXISTING TWO PROPERTIES - 3 GROVE FARM COTTAGE, MARSHCROFT LANE, TRING, HP23 5PP**

P Stanley introduced the item to members and said it had been referred to the committee due to the contrary views of Tring Town Council. He said additional conditions were in the addendum.

Town Councillor Mike Hicks spoke in objection to this application but believes the Town Council misunderstood the plans submitted.

It was proposed by Councillor Birnie and seconded by Councillor Matthews to grant the application in line with the officer's recommendation.

Vote

For: 9                  Against: 0                  Abstained: 1

Resolved:

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

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

Reason: To comply with the requirements of Section 91 (1) of the Town and

Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on Drawing No. Proposed Site Plan 2446 04 D shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Adopted Core Strategy CS12

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

**Proposed Site Plan 2446 04 D  
Proposed Perspectives 06  
2446 06 C  
2446 05**

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

4. **The development shall be carried out in accordance with the Schedule of Materials submitted on 12/10/17.**

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

5. **No development 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:**

- **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.**

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

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

### Article 35 Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**89            4/01677/17/FHA - SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH FRONT AND REAR DORMERS - 3 NASH CLOSE, BERKHAMSTED, HP4 1FB**

S Robbins introduced the item to members and said it had been referred to committee due to the contrary views of Berkhamsted Town Council.

Town Councillor Anthony Armytage spoke in objection to the application.

Due to a lack of proposer and seconder to grant the application, it was proposed by Councillor Matthews and seconded by Councillor Bateman to refuse this application.

Vote

For: 6            Against: 0            Abstained: 4

Resolved:

That planning permission be **REFUSED** due to the following reasons:

**The proposal would not respect the typical individual plot density in the area resulting in overdevelopment of the site and would not preserve the attractive streetscape. The development would not integrate with the streetscape character or respect adjoining properties in terms of layout, scale and bulk. The dormer windows would appear prominent within the street scene and would have a detrimental impact upon the character and appearance of the house and surrounding area. This proposal is therefore contrary to Core Strategy (2013) Policies CS11 parts a) and b), CS12 parts f) and g) and Saved Appendix 7 of the Local Plan (2004).**

**90            4/01339/17/FHA - SINGLE STOREY FRONT AND REAR EXTENSIONS. ALTERATIONS TO ROOF. VELUX WINDOWS, FRONT AND REAR DORMERS - 25 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS**

P Stanley introduced the item to members and said it had been referred to the committee due to the contrary views of Markyate Parish Council. He said additional conditions were in the addendum.

Gareth Ginn spoke in support of the application.

It was proposed by Councillor Birnie and seconded by Councillor Maddern to grant the application in line with the officer's recommendation.

Vote

For: 8                  Against: 1                  Abstained: 1

Resolved:

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

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

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

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

**Wren naj 36a 2017**

**Wren naj 36b 2017**

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

**Informative**

The site is located within the vicinity of potentially contaminative current and former land uses (2no. builder's yards, a breakdown depot and an area unknown filled ground). There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. The developer is advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

**Article 35 Statement**

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

- 91        **4/02027/17/FUL - DEMOLITION OF EXISTING BUILDING. CONSTRUCTION OF 4 NO. 5 BEDROOM DWELLINGS - HASTOE HILL RIDING STABLES, HASTOE HILL, HASTOE, TRING, HP23 6LP**

B Curtain introduced the item to members and said it had been referred to committee due to the contrary views of Tring Town Council.

Town Councillor Mike Hicks spoke in objection to the application.

James Holmes and Richard Jarman spoke in support of the application.

It was proposed by Councillor Matthews and seconded by Councillor Mills to grant the application in line with the officer's recommendation.

Vote

For: 8                  Against: 1                  Abstained: 1

Resolved:

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

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

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

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

**0163 - 002 Rev A05 - Existing Site Plan**  
**0163 - 005 Rev A03 - Existing Elevations**  
**0163 - 006 Rev A03 - Existing House Elevations**  
**0163 - 012 Rev A09 - Proposed Site and Ground Floor Plan**  
**0163 - 013 Rev A07 - Proposed First Floor Plan**  
**0163 - 014 Rev A04 - Proposed Elevation A and B**  
**0163 - 015 Rev A04 - Proposed Elevation C and D**  
**0163 - 016 Rev A04 - Proposed Long Elevations**  
**0163 - 102 Rev A01 - Existing Site Plan surface treatmentd**  
**0163 - 112 Rev A04 - Proposed Ground Floor Plan**  
**Planning, Design and Access Statement**  
**Area Schedule - Rev F**

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

- 3        **No development shall take place until samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. 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 a satisfactory appearance to the development in accordance with Policy Cs12 of the Core Strategy.

Reason: To safeguard the character and appearance of this part of the Chilterns Area of Outstanding Natural Beauty in accordance with Policy CS24 of the Core Strategy.

- 4 **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, G and H  
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.

- 5 **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 the dwellings hereby approved and they shall not be converted or adapted.**

Reason: In the interests of highway safety.

- 6 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, and circulation, shown on Drawing No. 0163-112 Rev A04 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 7 **No development shall commence on the building (above ground works) of the dwellings hereby approved until a plan for integrating bat and bird boxes into the dwellings has been submitted to and approved in writing by the LPA. The devices shall be installed prior to the first occupation and retained thereafter.**

Reason: To conserve and enhance biodiversity in accordance with NPPF.

- 8 **The demolition of the existing buildings should be undertaken outside of the bat active period March – October and a Watching Brief by a bat ecologist must be provided for those parts of the buildings where corrugated sheeting overlies walls, to ensure that any bat evidence can be assessed and advice provided accordingly on-site if necessary.**

Reason:

INFORMATIVE: • *If bats, or evidence for them, are discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900*

- 9 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further**

investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 10 **All remediation or protection measures identified in the Remediation Statement referred to in Condition (XXX) 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.

Informative:

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

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

- 11 **No development shall commence on the building (above ground works) of the**

**dwelling hereby approved 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:**

- **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;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and thereafter maintained as such.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

Article 35:

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**HIGHWAY INFORMATIVES;**

1. **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.

2. **Road Deposits:** It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the

party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

INFORMATIVES;

- The applicant is reminded that;

***“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 (particularly in the areas highlighted by Herts Ecology), work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”***

As the rules of the Development Management Committee state, at 10pm, it was proposed by Councillor Guest and seconded by Councillor Maddern to continue the meeting until 10.30pm.

Vote

For: 7                                  Against: 1                                  Abstained: 2

**92                                  4/01630/17/MFA - RESIDENTIAL DEVELOPMENT ON FORMER MARTINDALE SCHOOL SITE TO PROVIDE 65 NEW DWELLINGS (AMENDED SCHEME) - MARTINDALE JMI SCHOOL, BOXTED ROAD, HEMEL HEMPSTEAD, HP1 2QS**

R Marber introduced the item to members and said it had been referred to committee because Dacorum Borough Council is the applicant and the land owner. Amendments have been made following consultations and objections from residents.

It was proposed by Councillor Maddern and seconded by Councillor Birnie to grant the application in line with the officer's recommendation.

Vote

For: 10                                  Against: 0                                  Abstained: 0

Resolved:

1. That the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other

terms as the Committee may determine, be agreed:

- Provision of Fire Hydrants
- Monitoring cost of travel plan and construction management plan- financial contribution of £6,000

Provision of 50% (32 units) affordable housing for social use, comprising 8 x 2 bedroom houses, 5 x 3 bedroom houses, 15 x 1 bedroom flats and 4 x 2 bedroom flats.

Suggested planning conditions:-

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

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

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

**Proposed Site Plan: 1521\_PL\_003 Rev G**  
**Site Sections: 1521\_PL201 Rev B**  
**T1 House type: Plans & Elevations: 1521\_PL100**  
**T1A House type: Plans & Elevations: 1521\_PL101**  
**P1 House type: Plans & Elevations: 1521\_PL102 Rev A**  
**P2 House type: Plans & Elevations: 1521\_PL103 Rev A**  
**P2A House type: Plans & Elevations: 1521\_PL104 Rev A**  
**Apartments Ground Floor Plan: 1521\_PL105**  
**Apartments First Floor Plan: 1521\_PL106**  
**Apartments Second Floor Plan: 1521\_PL107**  
**Apartments Third Floor Plan: 1521\_PL108**  
**Apartment Elevations: 1521\_PL109 Rev A**  
**Additional Geo-environmental Site Investigation Report September 2017**  
**ST-2079-13-B- Indicative Drainage Strategy**  
**Preliminary Ecological Appraisal and Bat Roosting Assessment May 2013**  
**Flood Risk Assessment June 2017**  
**Travel Plan Statement 11/06/17**  
**Design + Access Statement September 2017**  
**Tree Constraints Plan 8099/01**

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

- 3 **The windows at second floor level in the side elevation of house type T1A, first floor bathroom windows of house types P2 and P2A and ground, first and second floor bathroom windows of the apartment block hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future residents of the development; in accordance with Policy CS12 of the Core Strategy (2013).

4 **Prior to construction from the date of this permission 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:**

- **Hard surfacing materials (including roads/footpaths/driveways/courtyards etc);**
- **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; and**
- **external lighting.**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

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 (2013).

5 **The trees and hedges shown for retention on the approved Drawing No. 1521\_PL\_003 Rev G shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

Reason: In order to ensure that damage does not occur to the trees during building operations; in accordance with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

6 **Prior to construction from the date of this permission details of facilities for the storage and collection points of refuse shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development, in accordance with Saved Policy 129 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

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 H  
Part 2 Classes A, B, C and L.**

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 Core Strategy (2013).

- 8 **The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Flood Risk Assessment a carried out by Stomor reference ST2079/FRA-1705-Martindale Rev 0 dated May 2017, submitted and the following mitigation measures detailed within the FRA:**

1. **Limiting the surface water run-off rates to maximum of 9l/s with discharge into Thames surface water sewer.**
2. **Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
3. **Implement drainage strategy as indicated on the proposed drainage strategy drawing no. ST-2079-13-B utilising swales, detention basins, permeable paving and attenuation tanks.**

**The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.**

Reason: To reduce the risk of flooding to the proposed development and future occupants; in accordance with Policy CS31 of the Core Strategy (2013).

- 9 **Prior to construction from the date of this permission the final design of the drainage scheme should be completed and sent to the LPA for approval. The scheme shall also include;**

1. **Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.**
2. **Any areas of informal flooding with flood extents and depths.**
3. **Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of

surface water from the site; in accordance with Policy CS31 of the Core Strategy (2013).

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

**For the purposes of this condition:**

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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 11 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

Informative:

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

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

- 12 **Prior to construction from the date of this permission details of a measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

**Good practice templates for producing SWMPs can be found at:**

**<http://www.smartwaste.co.uk/> or**

**[http://www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_management\\_planning/index.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (2013) and Saved Policy 129 of the Dacorum Borough Local Plan (2004).

- 13 **Prior to construction the date of this permission a construction management plan detailing provision for on-site parking for construction workers, storage of materials and wheel washing facilities for the duration of the construction period shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off-street parking during construction in the interests of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 14 **Occupation of the development hereby permitted shall not be commenced until the site access has been constructed and completed to the satisfaction of the local planning authority.**

Reason: In the interests of highway safety and the free and safe flow of traffic; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

Affinity Water Informative:

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply, comprising of a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

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.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors.

#### Air Quality Informative

The development should incorporate of good design principles and best practice measures as detailed in Chapter 5 of the following industry guidance document entitled 'EPUK & IAQM Land-Use Planning & Development Control: Planning For Air Quality - January 2017' to minimise emissions.

#### Ecology Informative

- 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 development 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.

- An updated ecological walkover survey should be undertaken prior to any works taking place to confirm the continued absence of, or the potential for, protected species on the site.

#### Highway Informative

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Article 35 Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**93                    4/00601/17/FHA - CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY CONSISTING OF GYM AREA AND DETACHED GARAGE - 17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY**

P Stanley introduced the item to members. Councillor Riddick was concerned about the different plans within the agenda and the lack of information on the website regarding previous applications on this site.

Councillor Guest suggested that this application should be deferred to allow for accurate documents to be submitted to the committee.

It was proposed by Councillor Matthews and seconded by Councillor Birnie to defer the application.

Vote

For: 10                      Against: 0                      Abstained: 0

Resolved:

That this application be **DEFERRED** to allow for accurate information to be submitted.

**94            4/01491/17/FUL   -   DEMOLITION   OF   EXISTING   DWELLING.  
CONSTRUCTION OF TWO 3 BEDROOM CHALET BUNGALOW STYLE  
DWELLINGS - LYNDHURST, 32 HARDY ROAD, HEMEL HEMPSTEAD,  
HP2 5EG**

J Gardener introduced the item to members and said it had been referred to committee as Councillor England had called in the application.

It was proposed by Councillor Birnie and seconded by Councillor Maddern to grant the application in line with the officer's recommendation.

Vote

For: 9                      Against: 0                      Abstained: 1

Resolved:

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

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

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

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

**AGS/32A/200    Revision D  
AGS/32B/201    Revision C  
AGS/32B/202    Revision D  
AGS/Site/104**

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

- 3        **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development.

- 4        **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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**

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.

- 7 **Prior to the occupation of the development, hereby permitted, a visibility splay measuring 43m x 2.4m shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from obstruction between 600mm and 2m above the level of the adjacent highway.**

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

- 8 **The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.**

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

- 9 **The development hereby permitted shall not be occupied until full details of bin storage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved particulars.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

Article 35 Statement

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

**INFORMATIVES**

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



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:**

<b>DBC/014/022a</b>	<b>Rev</b>	<b>A</b>
<b>1:1250</b>	<b>Os</b>	<b>Extract</b>
<b>Application</b>		<b>form</b>
<b>Design and Access Statement.</b>		

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

- 3 **Prior to the access road being bought into use, two replacement trees shall be planted fully in accordance with details which shall have been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of visual amenity and in accordance with Policies CS12 and saved policies 57, 116 and area based policies (HCA1) of the Dacorum Borough Local Plan.

#### HIGHWAY INFORMATIVES;

AN1) 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. 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. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Storage of materials

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Obstruction of the highway

AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway

AN4) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

**96                    4/01792/17/RET - RETENTION OF A SINGLE STOREY REAR EXTENSION -  
83 DEACONSFIELD ROAD, HEMEL HEMPSTEAD, HP3 9JA**

B Curtain introduced the item to members and said it had been referred to committee as the applicant is the husband of a council employee.

It was proposed by Councillor Birnie and seconded by Councillor Maddern to grant the application in line with the officer's recommendation.

Vote

For: 10                    Against: 0                    Abstained: 0

Resolved:

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

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

CHM/3645/A1 sheet 2  
CHM/3645/A1 sheet 1 Rev A

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

Article 35:

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 (paragraphs 186 and 187) and in accordance with the Town and Country

Planning (Development Management Procedure) (England) (Amendment No. 2)  
Order 2015.

**97 PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT  
(OCTOBER 2017)**

P Stanley introduced the item to members. He said it had been a busy quarter with several notices served and a successful prosecution. He said if the number was underlined then this meant the case concerned had been updated since the previous quarterly report.

Councillor Birnie congratulated officers on all their hard work

**98 APPEALS UPDATE**

The following appeals were noted:

1. Lodged
2. Dismissed
3. Allowed

The Meeting ended at 10.45 pm