
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

25 JULY 2019

Present:

MEMBERS:

Councillors Guest (Chairman), Wyatt-Lowe (Vice-Chairman), Riddick, Beauchamp, Durrant, Oguchi, McDowell, Uttley, Woolner and Symington

OFFICERS:

W Collier (Planning Officer), S Dunn-Lwin (Lead Planning Officer), R Freeman (Lead Planning Officer), N Polden (Environmental Health Officer), S Robbins (Planning Officer), P Stanley (Development Management Team Leader), N Sultan (Lead Litigation Lawyer), O Stapleford (Assistant Team Leader - Planning Enforcement) and C Webber (Corporate & Democratic Support Officer)

The meeting began at 7.00 pm

237 MINUTES

The minutes of the meetings held on 28 May and 4 July were confirmed by the Members present and were then signed by the Chairman.

238 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Maddern.

Apologies for lateness were received from Councillor Oguchi.

Councillor Oguchi arrived at 7:29pm.

239 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.

240 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.

241 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

Councillor Guest said that the application had been deferred.

Philip Stanley said that this was because they were awaiting points of technical clarification which they did not currently have.

242 4/02934/18/MFA - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE LAND FOR 17 RESIDENTIAL APARTMENTS WITHIN A MANSION BLOCK WITH ASSOCIATED, VEHICULAR ACCESS, CAR PARKING, LANDSCAPING AND ENGINEERING WORKS. - THE OLD ORCHARD, SHOOTERSWAY, BERKHAMSTED, HP4 3NG

Councillor Oguchi arrived at 7:29pm and, therefore, did not participate or vote on Item 5b.

The Case Officer, Robert Freeman, introduced the report to Members and said that the application had been referred to committee in view of the objections of Berkhamsted Town Council.

Berkhamsted Town Councillor Anthony Armytage spoke in objection of the application.

Alun Evans spoke in support of the application.

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

Vote:

For: 2

Against: 4

Abstained: 3

Councillor Guest noted that the motion fell and asked for a motion to **REFUSE**.

It was proposed by Councillor Riddick and seconded by Councillor Symington to REFUSE the application on the grounds that the application site forms part of the wider housing allocation of LA4 within the Core Strategy which, together with other matters, requires the delivery of 40% affordable housing. The proposed development does not make any provision for the delivery of affordable housing either upon the site or as part of the comprehensive development of the Site Allocation. As such the proposed development would be contrary to Policies CS19 and LA4 of the Dacorum Borough Core Strategy (September 2013), the Site Allocations Development Plan Document and the Local Allocation LA4 Masterplan SPD (July 2017).

The proposed access and parking arrangements/provision for the site would be inadequate to provide for safe and inclusive access to the site, taking into account the distance of the site to public transport connections and the town centre. Furthermore, the location of the access onto Shootersway is not considered to be practical or safe, especially when taken together with the cumulative arrangement of site accesses and recent development in the locality, and as such would result in significant harm to matters of highways safety. As such the proposals would be contrary to Policies CS8 (f) and (h), CS9 and CS12 (a) and (b) of the Dacorum Borough Core Strategy

(September 2013), Saved Policy 51 and Appendix 5 of the Dacorum Borough Local Plan (1991-2011) and the Local Allocation LA4 Masterplan SPD (July 2017).

The proposed development, in view of its scale, bulk, density and design, in particular its three-storey height and coverage across the site, is considered to result in the over development of the site. The resulting building would be harmful to the character and appearance of the site and would dominate and be out of character with the area in which it would be situated. As such the proposals would be contrary to Policies CS10, CS11 and CS12 (f) and (g) of the Dacorum Borough Core Strategy (September 2013), and the Supplementary Planning Guidance 'Area Based Policies' (May 2004) for Residential Character Area BCA 12: Shootersway.

Vote:

For: 4 Against: 1 Abstained: 4

Resolved: That planning permission be **REFUSED**.

Item 5e and Item 5f were heard next as they had members of the public speaking on the applications.

The meeting adjourned at 9:00pm.

The meeting reconvened at 9:08pm.

243 4/01116/19/ROC - VARIATION OF CONDITIONS 12 (FLOOD RISK ASSESSMENT),19 (CONSTRUCTION PHASE MITIGATION MEASURES), 20 (NOISE MITIGATION) AND 26 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00064/17/MFA (COMPREHENSIVE REDEVELOPMENT OF THE SITE TO PROVIDE 54,714 SQM OF FLEXIBLE COMMERCIAL FLOORSPACE WITHIN USE CLASSES B1C / B2 / B8 AND ANCILLARY OFFICES, TOGETHER WITH CAR AND CYCLE PARKING, ACCESS AND LANDSCAPING) - MAYLANDS GATEWAY, MAYLANDS AVENUE, HEMEL HEMPSTEAD

The Case Officer, Simon Dunn Lwin, introduced the report to Members and said that the application had been referred to committee as it is a Large Scale Major Development which is linked to proposed planning obligation under S.106.

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor Oguchi 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:

Conditions

No	Condition
1	The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <u>Reason:</u> 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	<p>The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings to match those approved by the local planning authority under reference 4/01313/18/DRC or such other materials as may be agreed in writing by the local planning authority.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development to accord with adopted Core Strategy Policy CS12.</p>
3	<p>All hard and soft landscape works shall be carried out in accordance with the details approved by the local planning authority under reference 4/02568/17/DRC and the approved landscape works shall be carried out prior to the first occupation of any part of the development hereby permitted.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area to accord with adopted Core Strategy Policy CS12.</p>
4	<p>No part of the development hereby permitted shall be occupied prior to the implementation of the public footpath to be constructed in accordance with the details approved by the local planning authority under reference 4/02567/17/DRC and shown on Drawing No. A01-002 Rev P02 and A01-003 Rev P02.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard local footpath connections in the immediate area, to accord with adopted Core Strategy Policies CS8, CS12 and CS13.</p>
5	<p>All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".</p> <p><u>Reason:</u> To ensure a satisfactory standard of tree work in accordance with the aims of Policy 99 of the Dacorum Borough Local Plan 1991 - 2011.</p>
6	<p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with adopted Core Strategy Policy CS12.</p>
7	<p>A landscape management plan for the long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be applied to the development hereby approved in accordance with the details approved by the local planning authority under ref: 4/02538/18/DRC.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy</p>

	Policy CS12.
8	<p>Unless otherwise agreed in writing, the development shall be carried out in accordance with the Construction Traffic Management Plan approved by the Local Planning Authority under reference 4/02461/17/DRC.</p> <p><u>Reason:</u> In order to protect highway safety and the amenity of other users of the public highway and rights of way.</p>
9	<p>During the first year of occupation a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.</p> <p><u>Reason:</u> To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.</p>
10	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RPS reference RCEF39546-002R dated January 2017, Flood Risk Assessment Addendum reference RCEF55348-001R dated August 2017 and Drainage Philosophy Statement carried out by RPS reference NK018226-RPS-SI-XX-CA-D-0031 A dated 16 August 2017, and Supporting Addendum to FRA and Drainage Philosophy by Phillips Page Associates Ltd reference 180375-WDK-00-SI-RP-D-00001 dated 01/05/2019 and the following mitigation measures:</p> <ol style="list-style-type: none"> 1. Implementing appropriate SuDS measures to include attenuation tank, porous surfacing and attenuation pond. 2. Providing 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. Discharge into Thames Water Sewer restricted to greenfield run-off rate <p>The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p><u>Reason:</u> To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</p>
11	<p>Prior to the first occupation of the development hereby permitted, or as otherwise agreed in writing by the local planning authority, the surface water drainage scheme for the site approved by the local planning authority under reference 4/02462/17/DRC, shall be implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p>

	<p><u>Reason:</u> To reduce the risk of flooding to the proposed development and future users.</p> <p><u>Informative:</u> For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/</p>
12	<p>Construction of the development hereby approved shall be carried out in accordance with the Site Waste Management Plan approved by the local planning authority under reference 4/02463/17/DRC.</p> <p><u>Reason:</u> To ensure the sustainable construction in the development of the site in accordance with Policies CS29 of the Dacorum Core Strategy.</p> <p><u>INFORMATIVE:</u></p> <p>Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:</p> <p>http://www.smartwaste.co.uk/ or http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html</p>
13	<p>The development hereby permitted shall be carried out in accordance with the approved sustainability and energy statement submitted by Turley Sustainability dated December 2016 and Gyron HH4 Datacentre Sustainability Statement reference HH4-ESS dated 04 June 2019.</p> <p><u>Reason:</u> To ensure the sustainable development of the site in accordance with Policies CS28, CS29 and CS31 of the Dacorum Core Strategy.</p>
14	<p>The development shall be constructed fully in accordance with the construction phase mitigation measures, as detailed within Section 7, sub-section 7.2 (pages 29 and 30) of the Air Quality Assessment; Project No. JAP9002; Revision: 4; RPS; 18 August 2017 and the Air Quality Assessment by Air Quality Assessments Ltd reference J0321/1/D3 dated 01 May 2019.</p> <p><u>Reason:</u> To safeguard the local environment in terms of air quality in accordance with Policy CS32 of Dacorum Core Strategy and to accord with section 7, subsection 7.2 of the following document: Air Quality Assessment; Project No. JAP9002; Revision: 4; RPS; 18 August 2017.</p>
15	<p>Before the development hereby approved is occupied, a noise mitigation / control scheme shall be submitted for the approval of the LPA based on the</p>

	<p>findings of the AAD Report (Proposed Computer Data Centre Plant Noise Assessment, Dated 30th April 2019, Ref: 19033/001/js/a). The assessment and mitigation / control scheme shall be compiled by appropriately experienced and competent persons. The mitigation / control measures shall be fully implemented in accordance with the approved scheme and appropriately validated (where necessary) before coming into first operation and, retained thereafter.</p> <p><u>Reason:</u> To safeguard the local environment in accordance with Core Strategy Policies CS12 and CS32.</p>
16	<p>Noise from industrial processes and plant within the development shall not exceed a rating level of 43 dB LArTr during any 1 hour period of the daytime 07:00 to 23:00 hours (i.e. 5 dB below the representative daytime baseline noise levels of 48 dB LA90); nor exceed a rating level of 38 dB LArTr during any 15 minute period of the night-time 23:00 to 07:00 hours (i.e. 5 dB below the representative night-time baseline noise levels of 43 dB LA90). Rating levels should be determined in accordance with BS 4142:2014 and assessed at a free-field location representative of the nearest residential properties to the site.</p> <p><u>Reason:</u> To safeguard the local environment in accordance with Core Strategy Policies CS12 and CS32.</p>
17	<p>The development hereby permitted shall be carried out in accordance with the details of measures to ensure reptiles will not be harmed as approved by the local planning authority under reference 4/02539/17/DRC.</p> <p><u>Reason:</u> To avoid harming reptiles which may potentially be present and to accord with adopted Core Strategy Policy CS26.</p>
18	<p>The development hereby permitted shall be carried out in accordance with the scheme for the provision of a fire hydrant(s) to serve the development as approved by the local planning authority under reference 4/02540/17/DRC. The development shall not be occupied until the approved scheme of fire hydrant(s) has been installed.</p> <p><u>Reason:</u> To ensure water supplies are provided to adequately serve the site in accordance with BS 9999.</p>
19	<p>Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied and implemented in accordance with the approved details.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS32.</p>
20	<p>Prior to the occupation of Unit 4 for any use other than as a data centre, details of the reinstatement of the vehicular parking, loading bays and dock levellers, and the removal of all external plant and machinery shall be submitted to and approved in writing by the Council and all works carried out in accordance with these details.</p>

	<p><u>Reason:</u> To ensure that parking and servicing arrangements for alternative uses do not detrimentally impact on the surrounding highway network and safeguard highway safety to comply with Policies CS9 and CS34 and the NPPF.</p>
21	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>A01-001 Rev P02 – Site Location Plan A01-002 Rev P02 – Landscape Proposal A01-003 Rev P02 – Landscape Section A20-000 Rev P03 – Ground Floor A20-010 Rev P03 – First Floor A20-020 Rev P02 – Roof Plan A20-700 Rev P03 - Elevations A21-902 Rev P01 – Security Fence</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p> <p><u>Article 35 Statement</u></p> <p>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.</p>

244 4/00070/19/FUL - PART TWO STOREY, PART FIRST FLOOR SIDE/REAR EXTENSION AND CONVERSION INTO TWO 3-BED DWELLINGS - 34 GREEN DELL WAY, HEMEL HEMPSTEAD, HP3 8PX

Sally Robbins introduced the report to Members on behalf of the Case Officer and said that the application had been referred to committee as it had been called in by Councillor Sutton on the grounds of visual amenity, insufficient parking and danger to highway safety.

It was proposed by Councillor Durrant and seconded by Councillor Beauchamp to **DELEGATE** the application **WITH A VIEW TO APPROVAL** in line with the officer's recommendation.

Vote:

For: 8 Against: 1 Abstained: 1

Resolved: That planning permission be **DELEGATED WITH A VIEW TO APPROVAL** **subject to the completion of a Unilateral Undertaking** and 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><u>Reason:</u> 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy 2013.</p>
3	<p>Prior to the occupation of the additional dwelling hereby approved 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;</p> <p>The approved landscape works shall be carried out in accordance with the agreed details and thereafter maintained as such.</p> <p><u>Reason:</u> 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.</p>
4	<p>The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on Drawing No. 0795/PL01 B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.</p> <p><u>Reason:</u> To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.</p>
5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes A, B, C, D, E, and F</p>

	<p><u>Reason:</u> 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 and to ensure adequate provision of parking.</p>
6	<p>Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.</p> <p><u>Reason:</u> In the interests of highway safety.</p>
7	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>0795/PL01 B 0795/PL02A</p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35;</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 National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>HIGHWAY INFORMATIVES:</p> <p>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/</p> <p>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.</p> <p>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</p>

	<p>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</p> <p>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.</p>
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**245 4/00755/19/FHA - ENCLOSED OUTDOOR SEATING AREA - 28
SILVERTHORN DRIVE, HEMEL HEMPSTEAD, HP3 8BU**

The Case Officer, Will Collier, introduced the report to Members and said that the application had been referred to committee as the recommendation is contrary to parish objection.

Marta Thomas spoke in objection of the application.

Nash Mills Parish Councillor Alan Briggs spoke in objection of the application.

David Conway spoke in support of the application.

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor Woolner 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:

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><u>Reason:</u> 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>DA-BR 001-A3-REV B DA-PL/005 02 REV B DA-PL 006 REV A</p>

	<p>DA-PL/008 02 REV B DA-PL/009 02 REV C</p> <p>DESIGN AND ACCESS STATEMENT July 2019 NOISE REPORT (Ref 297479-02(00) July 2019)</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>There shall be no use of the enclosed outdoor seating area before the full implementation of the noise mitigation measures specified in the RSK report 'Enclosed Outdoor Seating Area' - 28 Silverthorn Drive Noise Assessment 297479-02(00) July 2019. Mitigation measures shall be implemented in accordance with Plan DA-PL009-02-REV-B Proposed elevations which include a double-brick wall up to ceiling level with an acoustic absorbent material along the cavity, extended along the length of the southern (boundary facing No. 26) and eastern sides of the structure; and shall be retained thereafter.</p> <p><u>Reason:</u> To mitigate harm from noise associated with the outdoor seating area in accordance with Policy CS32 of the adopted Dacorum Borough Core Strategy.</p>
4	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out on the development hereby permitted (outdoor seating area) without the prior written approval of the local planning authority: Schedule 2 Part 1 Class A, B, C and G</p> <p><u>Reason:</u> 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.</p>
5	<p>The external brickwork of the proposed cavity walls on the southern and eastern elevations shall be of a similar appearance in size, colour and texture the existing external brickwork on the northern elevation of the structure.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development.</p> <p><u>Article 35 Statement</u></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>

246 4/01327/19/FUL - CONSTRUCTION OF 3 X TWO BEDROOM DWELLINGS INCLUDING WIDENING OF THE ACCESS ROAD AND ASSOCIATED PARKING, AMENITY SPACE AND REFUSE STORAGE - LAND ADJACENT 35-36 WEST DENE, GADDESSEN ROW, HEMEL HEMPSTEAD, HP2 6HU

The Case Officer, Sally Robbins, introduced the report to Members and said that the application had been referred to committee as it was a Dacorum Borough Council scheme and was contrary to the view of the Parish Council.

Panagiotis Velentzas spoke in objection of the application.

Mr. Mark Longworth spoke in support of the application.

It was proposed by Councillor Durrant and seconded by Councillor Wyatt-Lowe to **DELEGATE** the application **WITH A VIEW TO APPROVAL** in line with the officer's recommendation.

Vote:

For: 5 Against: 3 Abstained: 2

Resolved: That planning permission be **DELEGATED with a VIEW to APPROVAL subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990** and 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><u>Reason:</u> 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>No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:</p> <ul style="list-style-type: none"> a. Construction vehicle numbers and type b. Access arrangements to the site c. Traffic management requirements d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas) e. Cleaning of site entrances, site tracks and the adjacent public highway f. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times g. Provision of sufficient on-site parking prior to commencement of construction activities h. Post construction restoration/reinstatement of the working areas i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

	<p><u>Reason:</u> In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies CS8 and CS12 of the Core Strategy (2013).</p>
3	<p>No development other than groundworks and site clearance shall take place until details of hard landscaping and boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <ul style="list-style-type: none"> - Hard surfacing materials - Means of enclosure <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Chilterns Area of Outstanding Natural Beauty, in accordance with Policies CS12 and CS24 of the Core Strategy (2013).</p>
4	<p>Prior to the first occupation of the development hereby permitted the proposed access and on-site car parking areas shall be laid out, demarcated, levelled, surfaces and drained in accordance with the approved plan and retained thereafter available for that specific use.</p> <p><u>Reason:</u> To ensure permanent availability of the parking / manoeuvring area, in the interests of highway safety, in accordance with Policy CS8 of the Dacorum Core Strategy.</p>
5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes A and B</p> <p><u>Reason:</u> To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality, in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).</p>
6	<p>The development hereby permitted shall be constructed in accordance with the materials specified on page 20 of the submitted Design and Access Statement.</p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development, in accordance with Policies CS11 and CS12 of the Core Strategy (2013).</p>
7	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>19 WDGR SL01 (SITE LOCATION PLAN) 18 WDGR SP02 Rev E (SITE CONTEXT & PARKING IN WEST DENE) 18 WDGR SP03 Rev F (PROPOSED SITE PLAN)</p>

**18 WDGR PE01 Rev D (PROPOSED PLANS AND ELEVATIONS)
Design & Access Statement (Materials on Page 20)**

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

Article 35 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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 applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, 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 and requirements. Further information is available via the website:

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

2. 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. Paragraph 179 of the NPPF (2019) states that where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner.

**247 4/00954/19/RET - RESTORE AND DOUBLE GLAZE ORIGINAL SASH
WINDOWS - 18 KITSBURY ROAD, BERKHAMSTED, HP4 3EG**

Philip Stanley introduced the report to Members on behalf of the Case Officer and said that the application had been referred to committee due to the contrary views of Berkhamsted Town Council.

It was proposed by Councillor Riddick and seconded by Councillor Woolner to **GRANT** the application in line with the officer's recommendation.

Vote:

For: 9 Against: 0 Abstained: 1

Resolved: That planning permission be **GRANTED**.

248 APPEALS

That the following appeals were noted:

- A. LODGED**
- B. WITHDRAWN**
- C. FORTHCOMING INQUIRIES**
- D. FORTHCOMING INQUIRIES**
- E. DISMISSED**
- F. ALLOWED**

249 QUARTERLY ENFORCEMENT REPORT

Olivia Stapleford went through the Quarterly Enforcement Report and noted a number of items.

Councillor Riddick queried a number of items which Olivia Stapleford and Philip Stanley answered.

The Meeting ended at 9.44 pm