
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

18 FEBRUARY 2021

Present:

MEMBERS:

Councillor Guest (Chairman) Councillors, C Wyatt-Lowe (Vice-Chairman), Beauchamp, Durrant, Hobson, Maddern, McDowell, Oguchi, Riddick, R Sutton, Woolner, Tindall and Townsend

MEMBERS VIEWING:

Cllr Williams, G Sutton

Councillor also attended

OFFICERS:

Hutton (Legal Governance Team Leader (Planning and Property)), Barrett (Group Manager - Housing Development), J Doe (Assistant Director - Planning, Development and Regeneration), R Freeman (Lead Planning Officer), Gardner (Planning Officer), Johnson, A Parrish (Lead Planning Officer), P Stanley (Development Management Team Leader) and M Stickley (Lead Planning Officer)

PUBLIC PARTICIPATION AND VIEWING:

Alex Munro
Chris Coats
Cllr Garrick Stevens
Geoff Armstrong
Julian Wells
Lorraine Pitblado
Melissa Martin
Rebecca Davis
Roger Tym
Stephanie Coulton
Linda Felton

The meeting began at 6.30 pm

The minutes of the meeting held on 28 January 2021 were confirmed by the Members present.

The Chair will sign hard-copy minutes when restrictions are lifted.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Uttley.
Councillor Townsend is substituting on behalf of Councillor Uttley.

3 DECLARATIONS OF INTEREST

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

4 PUBLIC PARTICIPATION

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

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

Councillor Guest informed the committee that the items will not be held in order as we take items with public participation first.

The items were heard in the following order

- 5a – Garden Scene
- 5f – Entreat, Gossoms End
- 5h – 15 Fieldway
- 5b – Old Silk Mill, Brook Street
- 5c – Housewood End
- 5d – Dione Road
- 5e – Land at Green End Gardens
- 5g – Gable End, Threefields

5a.

ITEM 5a – 20/02754/ROC –

Variation of Condition 6 (Hard and Soft Landscaping), Condition 22 (External Electricity and Gas Meters) and Condition 24 (Approved Plans) Attached to Planning Permission 4/00658/19/MFA (Demolition of existing buildings, construction of 15 dwellings (class c3) and one retail (class a1 shop) unit and parish store room, alterations to vehicle and pedestrian accesses)

Garden Scene Chapel Croft Chipperfield Hertfordshire WD4 9EG

The Case Officer, James Gardner introduced the report to Members and said that the application had been referred to the Committee as a similar application was previously refused by DMC.

Parish Councillor Geoff Bryant was not present to speak in objection therefore Alex Munro did not have the right to invoke speaking as the application is recommended for approval.

It was proposed by Councillor Durrant and seconded by Councillor C Wyatt-Lowe that planning permission be **Granted** subject to the following conditions:

Vote:

For: **10** Against: **0** Abstained: **2**

Resolved: That planning permission be **DELEGATED** with a view to **APPROVAL** subject to the completion of a Deed of Variation.

Condition(s) and Reason(s):

1. The development hereby permitted shall be begun before 29th July 2022.
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 shall be carried out fully in accordance with the Development Phasing Plan approved under 20/03642/DRC.
Reason: To ensure a sufficient amount of retail space within the village in accordance with saved Policy 45 of the Dacorum Borough Local Plan 1991-2011 and to provide certainty with respect to Community Infrastructure Levy charging timeframes.
3. The retail Class E (a) unit hereby approved shall only be used for Class E (a) uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
Reason: To ensure a sufficient amount of shopping facilities within the village in accordance with saved Policy 45 of the Dacorum Borough Local Plan 1991-2011, and to guard against the unnecessary loss of valued facilities and services in accordance with Policy CS23 of the Dacorum Core Strategy and paragraph 92 (c) of the NPPF.
4. The trees shown for retention on the approved Tree Protection Plan (prepared by David Brown Landscape Design, dated March 2019) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'No-Dig'

construction methods shall be incorporated to minimise the impact to trees proposed for retention, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 99 and 120 of the Dacorum Borough Local Plan 1991-2011.

5. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 99 and 120 of the Dacorum Borough Local Plan 1991-2011.

6. The landscaping works shown on the Soft Landscaping Proposals (prepared by Southern Counties Landscapes Ltd) and the Site Finishes Plan (prepared by SDP) (OAK106_1080 Rev P1) shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

7. Construction of the buildings hereby permitted shall be carried out fully in accordance with the materials approved under 20/03516/DRC.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

8. 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.

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

9. Prior to first occupation of the buildings hereby permitted, full details (in the form of scaled plans and/or written specifications) shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to illustrate the following:

A feature to prevent vehicles (e.g. bollards) from parking on the highway footway fronting the shop on Chapel Croft and full height kerb on the carriageway edge and reinstatement of the footway.

Tactile paving details at both accesses. Tactile paving would need to in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces

The works shall then be carried out in accordance with the approved particulars prior to first occupation of the buildings hereby permitted.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

10. Prior to the first occupation of the development hereby permitted the accesses and other necessary highway works shall be completed in accordance with the Hertfordshire County Council residential access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

11. Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: In order to ensure a satisfactory development and in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

12. The Construction Management Plan approved under 20/03642/DRC shall be implemented in full throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policy 57 of the Dacorum Borough Local Plan 1991-2011.

13. The development permitted by this planning permission shall be carried out in accordance with the approved the Drainage Statement carried out by Fairhurst reference 103795-100 Issue 3 dated March 2019, the following mitigation measures detailed within the FRA:

1. Limiting the surface water and foul water discharge to a maximum of 2l/s with discharge into the Thames foul water sewer; with the southern plots draining into manhole 4001 to the east of the site at 0.7l/s, and the northern plots into manhole 3003 at 1.3l/s.

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. Undertake drainage strategy to include to the use tanked permeable paving and attenuation tanks as indicated on drainage strategy drawing 103795/2001 Rev A

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

14. Construction of the buildings hereby permitted shall not take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Statement carried out by Fairhurst reference 103795-100 Issue 3 dated March 2019. The scheme shall also include;

o Exploration of opportunities for above ground features reducing the requirement for any underground storage.

o 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. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

Reason: To ensure the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013

15. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

16. The site shall not be occupied, or brought into use, until:

i. All works which form part of the Remediation Method Statement (approved under 20/03570/DRC) have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

17. Any contamination, other than that reported within the Remediation Method Statement (approved under 20/03570/DRC), encountered during the development of the site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this

contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with Policy CS32 of the Dacorum Core Strategy 2013

18. The noise mitigation measures approved under 20/03643/DRC shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure an appropriate level of residential amenity within the development with respect to noise from local traffic and the mixed use nature of the building in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

19. There shall be no installation of building services plant before a plan showing location of all plant and a Noise Impact Assessment in relation to that plant and the impact on residential amenity has been submitted and approved by the local planning authority.

Noise emitted by external building services plant and equipment shall not increase the existing typical background at any time when the plant is in operation. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window.

Development shall be carried out in accordance with the approved details.

Reason: To safeguard the residential amenities within and adjacent to the site and to conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

20. 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 and D.

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 including the Chipperfield Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 respective dwellings and it shall not be converted or adapted to form living accommodation.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013, and order to ensure that a

satisfactory level of parking is provided and retained, in accordance with the Parking Standards Supplementary Planning Document (2020).

22. Notwithstanding the approved details, external electricity and gas metres shall not be installed on the southern elevations fronting Chapel Croft of the ground floor shop and Units 13, 14 and 15 as shown on Drawing No. P20/17/S/101 C Site Layout and Roof Plans.

Reason: To positively conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

23. The retail (Class E (a)) use hereby permitted shall not operate other than within the following hours:

07:00 to 20:00 Monday to Saturday

08:00 to 16:00 Sunday

For the avoidance of doubt the retail use shall not operate during bank holidays or public holidays.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings within the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

P20/17/S/101 Rev. C Site Layout & Roof Plans

2585 PL04 Rev. B (Proposed Street Scene 1 & 2)

2585 PL05 Rev. B (Street Scene 3 & 4)

2585 PL11 Rev. C (Front Building Elevations)

2585 PL12 Rev. A (Plots 1 & 2 Floor Plans)

2585 PL13 Rev. A (Plots 1 & 2 Elevations)

2585 PL14 Rev. A (Plots 3 - 5 Floor Plans)

2585 PL15 Rev. B (Plots 3-5 Elevations)

P20/17/S/110 A Floor Plans & Elevations Plot 6

P20/17/S/111 A Floor Plans & Elevations Plot 7

P20/17/S/112 A Floor Plans & Elevations Plots 8 & 9 (9 handed)

P20/17/S/113 A Floor Plans & Elevations Plot 10

P20/17/S/114 A Floor Plans & Elevations Plot 11

P20/17/S/115 A Floor Plans & Elevations Plot 12

P20/17/S/120 Detached Garages Plots 6, 7, 8 & 9

2585 PL10 Rev. B (Front Building Plans)

2585 PL30 Rev. A (Outbuildings Plans and Elevations)

2585 PL32 Rev. B (Site Section Through Plot 3 & Rosetas Rear Garden)

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

25. Prior to first occupation of the development hereby approved, details of fire hydrants or other measures to protect the development from fire must have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development

Reason: In order to ensure that the development is adequately served by fire hydrants in the event of fire in accordance with Policy CS12 of the Dacorum Core Strategy.

26. Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points for the shop unit and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

27. The dwellings hereby approved shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing P20/17/S/101 C.

The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

5b.

ITEM 5b - 4/02204/18/MFA –

Demolition of existing buildings. Construction of extra care scheme comprising 41 no. Apartments with associated landscaping and Parking.

–

Old Silk Mill Brook Street Tring HP235EF

Councillor Townsend declared an interest in item 5b and took no part in voting.

The Case Officer, Andrew Parrish introduced the report to Members and said that the application had been referred to the Committee as an application had first been reported to Committee in May 2019. The decision has not been issued and in the mean-time there has been a material change in circumstances that needs to be considered.

It was proposed by Councillor McDowell and seconded by Councillor Riddick that planning permission be **REFUSED**.

Vote:

For: **13** Against: **0** Abstained: **0**

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

1. The site lies within Flood Zone 3b (functional floodplain) which is defined by the South West Hertfordshire Level 1 Strategic Flood Risk Assessment March 2019 as having the highest probability of flooding. The development is classed as “more vulnerable” in accordance with table 2 of the Flood Zones and flood risk tables of the Planning Practice Guidance (PPG) Flood Risk and Coastal Change. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted. In accordance with the sequential approach of the National Planning Policy Framework, the development should be relocated to land with a lower risk of flooding. In accordance with the PPG, there is no case for an exception. The proposal is therefore contrary to National Planning Policy Framework and Policy CS31 of the Dacorum Core Strategy September 2013.

2. The Flood Risk Assessment (FRA) submitted in support of the application is not based on the most up to date available data, namely the South West Hertfordshire Strategic Flood Risk Assessment (SFRA) and its flood zone 3b allocation. An FRA is vital to making informed planning decisions. In the absence of an acceptable FRA, the flood risks posed by the development are not fully known and understood. The proposal is therefore contrary to the National Planning Policy Framework and Policy CS31 of the Dacorum Core Strategy September 2013.

3. The proposal would result in buildings being constructed over the culverted Long Marston Brook. The proposed building is for residential apartments and if there was a need to access the culvert this could create severe disruption to a residential area, and furthermore could result in flooding or other impacts in the area if for any reason the culvert were to become blocked and access could not be gained. The proposal is contrary to Policy 8 of the Hertfordshire Local Flood Risk Management Strategy 2 which states that “*In principle, no construction works should occur on the top of a culvert*”. The proposal would therefore be contrary to the National Planning Policy Framework which states that advice should be taken from the Lead Local Flood Authority on sustainable drainage systems. The proposal is also contrary to Policy CS31 of the Dacorum Core Strategy September 2013.

4. The application proposes a surface water runoff rate of 5l/s that is not the greenfield runoff rate for the site nor a rate which the Lead Local Flood Authority might otherwise be willing to accept. Nor have half drain-down times been provided for the surface water attenuation storage. In the absence of strong technical justification / additional information having been submitted and accepted, the proposal does not accord with sustainable drainage principles and is therefore contrary to the National Planning Policy Framework and Policy CS31 of the Dacorum Core Strategy September 2013.

5. There is no mechanism in place to secure the Heads of Terms for a planning obligation agreed by the Development Management Committee in May 2019. These provisions are considered necessary to mitigate the impacts of the development, are directly related to the development and are fairly and reasonably related in scale and kind to the development. The proposal is therefore contrary to saved Policy 13 of the Dacorum Borough Local Plan 1991-2011 and Policy CS35 of the Dacorum Core Strategy September 2013.

5c.

ITEM 5c - 20/03908/FUL - Demolition of 33 residential garages and construction of 3 no. dwelling houses Garage Site - At Housewood End, Hemel Hempstead, Hertfordshire

The Case Officer, Martin Stickley introduced the report to Members and said that the application had been referred to the Committee for the consideration as the site is owned by the Borough Council.

It was proposed by Councillor Beauchamp and seconded by Councillor McDowell that planning permission be **GRANTED** subject to conditions including natural cladding.

Vote:

For: **10** Against: **0** Abstained: **3**

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

Condition(s) and Reason(s):

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

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

- 2. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Flood Risk Assessment and Drainage Strategy reference M03001-04_FR04 dated December 2020 prepared by McCloy Consulting. The scheme shall also include:**

- 1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the 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 to include permeable paving and attenuation tank.**

4. 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 for climate change event, with a supporting contributing area plan.
5. Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.
6. Exceedance routes and details of any informal flooding areas for all events over the 1 in 30 year rainfall event.

7. Maintenance and management plan for the SuDS features.

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 Dacorum Borough Core Strategy (2013) and Paragraphs 163 and 165 of the National Planning Policy Framework (2019).

3. (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology.
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with

those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

4. **Any contamination, other than that reported by virtue of Condition 3 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

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

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

7. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

8. No construction of the superstructure shall take place until full details of external lighting and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- o any external lighting;
- o boundary treatment;
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of three 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 similar species, size and maturity.

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

8. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be prepared and submitted to the Local Planning Authority. The LEMP shall describe how it is planned to incorporate biodiversity as part of the development and achieve overall net gains for biodiversity. The LEMP should refer to the recommendations in Section 8 of the Preliminary Ecological Appraisal (Bernwood Ecology, 10th September). The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure that the development contributes to and enhances the natural environment in accordance with Policy CS26 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019). These details are required prior to commencement to ensure that an overall on-site net gain for biodiversity can be achieved before construction works begin. The LEMP should include details of when the biodiversity enhancements will be introduced and this may be reliant on the construction process/timings.

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

DBC-IW-HOU-00-DR-A-0010
DBC-IW-HOU-00-DR-A-0100
DBC-IW-HOU-XX-DR-A-2205
S232-J1-IA-1
S232-J1-P1 Rev 2
S232-J1-P2 Rev 2
S232-J1-P3 Rev 2

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

5d.

ITEM 5d - 20/03819/FUL - Demolition of 31 residential garages and construction of 4 no. dwelling houses - Garage Court Dione Road Hemel Hempstead Hertfordshire

The Case Officer, Martin Stickley introduced the report to Members and said that the application had been referred to the Committee for consideration as the site is owned by the Borough Council.

It was proposed by Councillor Riddick and seconded by Councillor Hobson that planning permission be **GRANTED** subject to conditions.

Vote:

For: 10 Against: 0 Abstained: 3

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

Condition(s) and Reason(s):

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

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

2. **No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Flood Risk Assessment and Drainage Strategy reference**

M03001-04_FR05 dated December 2020 prepared by McCloy Consulting. The scheme shall also include:

1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the 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 to include permeable paving and attenuation tank.

4. 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 for climate change event, with a supporting contributing area plan.

5. Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.

6. Exceedance routes and details of any informal flooding areas for all events over the 1 in 30 year rainfall event.

7. Maintenance and management plan for the SuDS features.

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 Dacorum Borough Core Strategy (2013) and Paragraphs 163 and 165 of the National Planning Policy Framework (2019).

3. (a) The Local Planning Authority is of the opinion that the Preliminary Investigation Report submitted at the planning application stage (Document Reference: RSK Preliminary Risk Assessment 1921152-08(00) May 2020) indicates a reasonable likelihood of harmful contamination and so no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

- (ii) **The results from the application of an appropriate risk assessment methodology.**
- (b) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.**
- (c) **This site shall not be occupied, or brought into use, until:**
 - (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
 - (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to ensure that the construction of the development does not result in pollution to the environment.

4. **Any contamination, other than that reported by virtue of Condition 3 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019). The details are required before commencement to

ensure that the construction of the development does not result in pollution to the environment.

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

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

6. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

7. **No construction of the superstructure shall take place until full details of external lighting and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o any external lighting; and
- o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of three 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 similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by

saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

- 8. The window at first-floor level in the southern flank of Plot 4 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 in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

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

**DBC-IW-DIO-00-DR-A-0010
DBC-IW-DIO-00-DR-A-0100
DBC-IW-DIO-XX-DR-A-2203
DBC-IW-DIO-XX-DR-A-2204
S231-J1-IA-1
S231-J1-P1-v2
S231-J1-P2-v2
S231-J1-P3-v2**

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

5e.

ITEM 5e – 20/03753/FUL - Construction of five dwellings, access road, landscaping and ancillary works. - Land at Green End Gardens, Hemel Hempstead

The Case Officer, Robert Freeman introduced the report to Members and said that the application had been referred to the Committee at the request of Councillor Hobson.

Cllr Hobson stated that the application was called in by herself as residents had brought it to her attention. She declared that she has come to the meeting with an open mind and is not predetermined in respect of Item 5(e).

The committee expressed how angry they were about the loss of tree before the application went ahead and wished for this to be noted.

Cllr McDowell proposed refusal of item 5e. Having there been no seconder to refuse the application it was proposed by Councillor Riddick and seconded by Councillor Durrant that planning permission be **GRANTED** in line with officer's recommendations.

Vote:

For: **8** Against: **1** Abstained: **4**

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

Conditions

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

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

2. No development of the superstructure shall take place until samples of the materials to be used upon the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

PLANS

- BDML.01 Revision D (Material Layout)**
- CSE.01 Revision D (Coloured Street Elevations)**
- GAR.01.pe Revision C (Double Garage Plans)**
- HT.1335-1.e Revision C (House Type 1335 Elevations Option 1)**
- HT.1335-2.e Revision B (House Type 1335 Elevations Option 2)**
- HT.1335-p Revision B (House Type 1335 Floor Plans)**
- HT.1557.e Revision D (House Type 1557 Elevations)**
- LP.01 Revision C (Location Plan)**
- SL.01 Revision E (Site Layout)**
- 18527-HEME-5-100 Revision G (Site Access Plan)**
- 18527-HEME-5-102 Revision D (Site Access Fire Vehicle Tracking)**

DOCUMENTS

- Preliminary Ecological Appraisal by ACD Environmental (MAT22683PEA A)**
- Sustainability Statement by Thrive Architects (MATT190214) (April 2020)**
- Transport Statement Revision A by Woods Hardwick (August 2020)**

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

4. Prior to the first occupation / use hereby permitted the vehicular access (indicated for improvement on drawing number 18527-HEME-5-100 rev G) shall be upgraded / widened to a minimum width of 4.8 metres in accordance with the Hertfordshire County Council residential /industrial access construction specification.

Reason: To ensure the provision and retention of adequate access and parking facilities for the site in accordance with Policies CS8 and CS12 of the Core Strategy.

5. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4m x 34m metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Prior to the first occupation the development hereby permitted the proposed access, on-site car and cycle parking, servicing, loading and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with 18527-HEME-5-100 rev G and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018)

8. No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;

- **An assessment of the proposed landscaping using a Biodiversity Impact Calculator**
- **finished levels and contours in relation to existing site levels, eaves and ridge heights of neighbouring properties;**
- **any exterior lighting works and**
- **the siting and design of any bird boxes, bat boxes and other habitat creation as outlined within the submitted Preliminary Ecological Report.**

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

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

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

10. If the Local Planning Authority is of the opinion that the report which discharges condition 9, above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

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

11. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of 10, above; has been submitted to and approved by the Local Planning Authority.

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

12. This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 16 above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

13 The development, hereby approved, shall not be occupied until full details of the Electric Vehicle Charging Points including the type of charger, power supply and a scheme for the maintenance and management of charging points has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation and shall thereafter be retained.

Reason: In the interests of access and highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD.

5f.

**ITEM 5f – 20/03089/ROC - Variation of condition 3 (Opening hours) attached to planning permission 4/00868/14/FUL (Change of use from retail (A1) to fast food outlet (A5), opening hours 11am-11 pm and installation of an external flue pipe). Allowed on appeal ref APP/A1910A/14/2227697 –
Entreat 59B Gossoms End Berkhamsted Hertfordshire HP4 1DF**

Cllr Woolner declared an interest in item 5f and took no part in voting.

The Case Officer, Andrew Parrish introduced the report to Members and said that the application had been referred to the Committee due to contrary views of Berkhamsted Town Council.

Town Councillor Garrick Stevens spoke in objection to the application. It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Beauchamp that planning permission be **GRANTED**.

Vote:

For: 7 Against: 3 Abstained: 1

Cllr Oguchi did not maintain full connection so didn't take part in the voting

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: drawings numbered 980/1A and 980/2G and the Sustainable Design and Construction Statement submitted to the Council by email dated 11 June 2014.**

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

2. To reduce temporary period to 12 months, as follows:
**The use shall not take place other than between the hours of:
11.00 to 23.00 Mondays to Saturdays and
11.00 to 23.00 Sundays
with the exception of use of the premises in connection with deliveries only which are permitted for a temporary period ending 1st March 2022, to take place between the hours of:
11.00 to 00.00 Sundays to Wednesdays and
11.00 to 01.00 Thursdays to Saturdays**

Reason: To protect the residential amenities of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019). A temporary period of extended hours is considered appropriate to allow the authority to review the impact on residential amenities at the end of the period given the extended hours would not normally be permitted in this location but regard has been had to the particular circumstances relating to the pandemic.

3. **The details of equipment to control the emission of fumes and smell from the premises approved under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed, operated and maintained in accordance with those details and the manufacturers instructions.**

Reason: To avoid odour ingress, noise/vibration nuisance and loss of amenity to surrounding properties/premises in accordance with Policy CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

4. **The details of measures to improve sound insulation between the unit and the existing first floor flat as approved under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed and maintained in accordance with the approved details and the manufacturer's instructions.**

Reason: To protect the residential amenities of the first floor flat, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

5. **The details of plant and machinery and its operation agreed under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed and maintained in accordance with the approved details and the manufacturer's instructions.**

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

6. **The facilities for the disposal of waste and litter approved under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed and maintained in accordance with the approved details.**

Reason: To safeguard the residential and visual amenities of the locality, protect the environment and prevent obstruction to pedestrian movement in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004) and Policy CS29 of the Dacorum Borough Core Strategy (2013).

7. **Prior to this permission being implemented the parking spaces shown on drawing 980/G shall be laid out within the site and shall be permanently kept available in a clean and tidy condition to serve the A5 use.**

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Section 9 of the National Planning Policy Framework (2019).

8. **The approved scheme of external lighting under application ref: 4/01657/15/DRC on 29.07.2015 shall be installed before the use hereby permitted begins and thereafter it shall be retained and maintained in full in accordance with the approved details.**

Reason: To ensure that the lighting is designed to minimise problems of glare, protect residential amenity, to minimise impacts on biodiversity and avoid unnecessary light pollution in accordance with Policy 113 of the Dacorum Borough Local Plan 1991-2011 and Para 180 of the National Planning Policy Framework (2019).

9. **Prior to the extended delivery hours permitted by Condition 2 being implemented, details of the arrangements for delivery vehicles that will be put in place shall be submitted to and approved in writing by the local planning authority.**

9.12 Subject to a condition as recommended by the EHO to restrict the extended hours to delivery only, and to a condition requesting details of the arrangements for delivery vehicles that will be put in place, there would be no material detriment to residential amenities and the proposal would therefore accord with Policy CS12.

Reason: To protect the residential amenities of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).

Informatives:

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

5g.

ITEM 5g – 21/00090/RET - Use and extend the original walls, and use the original foundation slab, of the former garage and car port to create on the same site a two storey hipped roofed end of terrace dwelling; change of use from agriculture to front hardstanding and rear garden. – Gable End 1 Threefields Sheethanger Lane Felden Hemel Hempstead Hertfordshire

The Case Officer, Philip Stanley introduced the report to Members and said that the application had been referred to the Committee in accordance with the authorisation given by Members in the Part II decision at DMC on 05.11.20”.

Councillor Woolner declared an interested in item 5g as the applicants are known to her, she took no part in voting.

It was proposed by Councillor Riddick and seconded by Councillor C Wyatt-Lowe That planning permission be **GRANTED**.

Vote:

For: **10** Against: **1** Abstained: **1**

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

Condition(s) and Reason(s):

1. **The current gable end roof to Gable End shall be hipped in accordance with Drawing 9407-L-00-03 Rev.C within eighteen months of the date of this decision.**
REASON: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.
2. **All exterior window frames shall be painted black within six months of the date of this decision. The windows, whether the existing windows or any future windows, shall thereafter permanently retain this black colour.**

REASON: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

3. **Within three months of the date of this decision the new 1.2 metre high post and rail fencing, shown on approved Drawing 9407-L-00-04 Rev.C (Block Plan) shall be erected; and thereafter a fence of the same height, design and location shall be permanently retained.**

REASON: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

4. **The area shown to the west of the new fencing, shown on approved Drawing 9407-L-00-04 Rev.C (Block Plan), shall not be used for any residential purposes, including any residential uses ancillary to the property known as Gable End, Threefields, Sheethanger Lane.**

REASON: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

5. **The alterations to the site frontage hard landscaping, and the planting of the soft landscaping, shown on approved Drawing 9407-L-00-04 Rev.C (Block Plan), must be carried out within twelve months of the date of this decision.**

The areas immediately to the north, east and south of the three parking spaces shown on Drawing 9407-L-00-04 Rev.C (Block Plan) shall thereafter remain soft landscaped and shall not be used for the purposes of the parking of vehicles.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason: In the interest of the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and also in the context of the extant Enforcement Notice at the site.

6. **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, AA, B, C, D, E and F

Schedule 2, Part 2, Classes A and C

Reason: To enable the Local Planning Authority to retain control over the development in the interests of the openness and visual amenity of the Green Belt, in accordance with Policy CS5 of the Dacorum Borough Core Strategy (2013).

7. **7. Within three months of the date of this decision, details of the provision of an Electric Vehicle active charging point shall be submitted to the Local Planning Authority. These details shall include its location, the type of charger and the power supply. Within three months of the approval of these details, the Electric Vehicle active charging point shall be fully installed in accordance with the approved details, and shall**

thereafter be retained. There shall be no use of any of the three parking spaces hereby permitted unless the approved Electric Vehicle active charging point has been installed in accordance with the approved details within 18 months of the date of this decision.

Reason: In the interest of the sustainability of the dwelling in accordance with Dacorum Parking Standards Supplementary Planning Document (2020).

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

9407-L-00-LP Rev. B (Location Plan)

9407-L-00-04 Rev.C (Block Plan)

9407-L-00-03 Rev.C (Proposed Structure: Floor Plans and Elevations)

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

5h.

ITEM 5h – 20/03054/FHA - Roof extension including two rear dormers, roof lights, front bay window, amended front gable, single storey rear extension, new parking space cross over and associated alterations – 15 Fieldway Berkhamsted Hertfordshire HP4 2NX

The Case Officer, Martin Stickley introduced the report to Members and said that the application had been referred to the Committee due to the Contrary views of Berkhamsted Town Council

Town Councillor Garrick Stevens spoke in objection to the application.

Stephanie Coulton spoke in support of the application.

It was proposed by Councillor Maddern and seconded by Councillor Durrant that planning permission be **GRANTED** subject to conditions.

Vote:

For: **11** Against: **2** Abstained: **0**

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

Condition(s) and Reason(s):

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

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

2. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form and approved plans.**
Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. **Prior to first use of the development hereby permitted the driveway associated with the development hereby approved shall not be brought into use until arrangements have been made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. Such arrangements shall be retained in perpetuity.**
Reason: To ensure that the site is subject to an acceptable drainage system serving the development.

4. **Prior to the first occupation / use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.**
Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. **Prior to first use of the development hereby permitted, vehicular visibility splays shall be provided, and thereafter maintained in full accordance with the details indicated on the approved plan number 20-19_PL11 rev C Highways Plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway**
Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**
20-19_PL06 rev B existing and proposed site location plans and block plans
20-19_PL10 rev A proposed elevations
20-19_PL09 rev A proposed plans
20-19_PL08 rev A existing elevations
20-19_PL07 rev A existing floor plans
20-19_PL11 rev C highways plan
Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council

has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. HIGHWAYS INFORMATIVES

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

4. 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 top 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, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

5. To ensure construction of a satisfactory access, the Highway Authority requires that the gradient of the vehicular access shall not exceed 1:20 (or 1:10 for private driveways) for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
2. The applicants attention is drawn to the fact that Highway Structures (including retaining wall) must comply fully with the requirements of the Department for Transport's DMRB Standard CG 300: Technical Approval of Highway Structures. Further details can be obtained from the Highway Authority by telephoning 0300 1234047 or by email: highway.structures@hertfordshire.gov.uk

6 APPEALS UPDATE

Philip Stanley introduced the Appeals Update, outlining the new format of the report. He explained that the Appeals Update now contains a summary of all appeal decisions, a link to the Planning Inspectorate website where the full decision could be read, and some statistical analysis of how Dacorum Borough Council are faring in appeals in 2021.

The Appeals Update was noted.

The Meeting ended at 9.49 pm