
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

21 OCTOBER 2021

Present:

MEMBERS:

Councillor Guest (Chairman) Councillors, C Wyatt-Lowe (Vice-Chairman), Beauchamp, Hobson, McDowell, Oguchi, Douris, Williams, Hollinghurst, Anderson and Stevens

Councillor also attended

OFFICERS:

Edey (Trainee Planning Officer), Fowell (Corporate & Democratic Support Officer), R Freeman (Lead Planning Officer), Gardner (Planning Officer), Hassan (Litigation Barrister), Lecart, P Stanley (Development Management Team Leader) and Vernal (Trainee Planning Officer)

The meeting began at 7.00 pm

1 MINUTES

A minutes silence was held to remember MP David Amess who was tragically killed in Southend whilst undertaking his duties as a Member of Parliament

The minutes of the meeting held on 23rd September were confirmed by the Members present.

Hard-copy minutes were signed by the Chair

It was noted that the agenda states that Cllr Wyatt-Lowe was the Vice chair this has since changed and Cllr Beauchamp was now the Vice chair. This will be corrected on agendas going forward.

2 APOLOGIES FOR ABSENCE

Apologies were received from Cllr Woolner (Substitute Cllr Stevens)

Apologies received from Cllr Durrant (Substitute Cllr Anderson)

Apologies were received from Cllr Uttley

Apologies were received by Cllr Maddern

Cllr Oguchi arrived at 20.08

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 advised that members of public have registered to speak at this meeting and reminded any members of the public viewing the meeting about the rules of doing so

5 INDEX TO PLANNING APPLICATIONS

a 21/02442/FUL - Replacement of three 6 metre wide tipis with 3 cabins and 3 portaloos - Land off Pouchen End Lane, Hemel Hempstead

All conservative Councillors raised a personal interest as this application is for a member of the Conservative party, they were able to take part in the discussion and voting as the declarations were not prejudicial.

The report was introduced by the case officer Robert Freeman

It was proposed by Councillor Beauchamp and seconded by Councillor Stevens that it be **Granted**

Vote:

For: 10 against: 0 Abstained: 1

Resolved; **Granted**

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

0854/01E (Location Plan and Proposed Site Plan)

0854/03B (Proposed Shelters and Store Details)

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

3. Prior to the first use of any structures hereby permitted all tipi (or tepee) located upon the site shall be permanently removed from site.

Reason: The erection of the proposed structures would result in some undesirable impacts on the openness, character and appearance of the Green Belt. The removal of the tipi (or tepee) would result in visual mitigation in accordance with Policies CS1 and CS5 of the Dacorum Borough Core Strategy (2013).

4. No camping shall take place on the site apart from in the designated ' area (44.5 x 25m)' as defined on drawing 0854/01E.

Reason: To safeguard the amenity of the neighbouring residents in accordance with Policy CS12 of the Dacorum Borough Core Strategy, for the avoidance of doubt and to accord with the details provided by the applicant.

b 21/01209/FUL - Construction of a 4 bed dwelling - Land to the rear of 58 Lockers Park Lane, Hemel Hempstead

The report was introduced by the case officer Robert Freeman

There was a change to the recommendation and it was now:

Delegate with a view to approval subject to the satisfactory completion of a ground based assessment of the bat roosting potential of the trees to be

removed, and further surveys if necessary. This delegated authority is to include the imposition of bat conditions as required by the ground based assessment, additional surveys and mitigation strategies.

It was proposed by Councillor Williams and seconded by Councillor Douris that it be **Delegate with a view to approval**.

Vote:

For: 5 against: 1 Abstained: 4

Resolved; **Delegate with a view to approval**

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 hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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. No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

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

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- 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 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 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). The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

5. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number wren naj 20d 2021 to a maximum of 5.4 metres (4 dropped kerbs and 2 risers)

Reason: To ensure satisfactory access into the site in accordance with Policies CS8 and CS12 of the Core Strategy and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway.

Reason: To avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 23metres 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)

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

Location Plan

Wren naj 020 c 2021 Revision B

Wren naj 20d 2021 Revision S

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

INFORMATIVE

1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended

vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, 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.asp> or by telephoning 0300 1234047.

2) 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.

3) 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.

4) 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.

5) In the event that ground contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

6) Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of

asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

c **21/01743/FUL - Demolition of existing bungalow and construction of two detached dwellings with integral garages - 4 Barncroft Road Berkhamsted Hertfordshire HP4 3NL**

Cllr Stevens made a declaration of interest and will not take part in the discussion or vote.

The report was introduced by the case officer Colin Lecart

CLecart advised there was a change to condition 4 of the published report.

It was proposed by Councillor Williams and seconded by Councillor Anderson that the application be **Granted**

Vote:

For: 9 against: 0 Abstained: 1

Resolved: **Granted**

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 carried out in accordance with the following approved plans/documents:**

AP(0)004 Rev C

AP(0)020

AP(0)021

AP(0)022

AP(0)023

AP(0)024

AP(0)025

AP(0)026

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

3. **No development (excluding demolition/ground investigations) shall take place until full 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.**

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

4. **No above ground works shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
 - o **all external hard surfaces within the site;**

- o other surfacing materials;
- o means of enclosure;
- o soft landscape works including a planting scheme with the number, size, species and position of replacement trees for those removed, plants and shrubs, as well as details for the proposed green roofs.
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

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

5. **Tree protection measures for the development hereby permitted shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan contained within the submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan report (Trevor Heaps Arboricultural Consultancy Ltd - 6th July 2021).**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

6. **Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number AP(0)004 Rev C in accordance with HCC Highways Dropped Kerbs: Terms and Conditions. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004).

7. **Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number AP(0)004 Rev C. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Local Plan (2004).

8. **The flat roof areas of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area at any time without the grant of further specific permission from the local planning authority.**

Reason: To safeguard the residential amenity of the adjacent properties in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy (2013).

9. **The windows at first floor level in the side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

10. **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).

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. Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
3. 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.

4. 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.
5. 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.
6. Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

7. In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

d 21/03021/OUT - Outline Planning: Demolition of existing detached garage and construction of a chalet bungalow. - Land To Rear Of 40 Windmill Way Tring Hertfordshire

The report was introduced by the case officer Daniel Terry

It was proposed by Councillor Anderson and seconded by Councillor Wyatt-Lowe that the application be **Granted**

Vote:

For: 5 against: 3 Abstained: 2

Resolved: Granted

Conditions:

- 1. Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

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

Location and Site Plan as Existing (001)

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

- 4. The details of access to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the dropped kerb and visibility splays to either side of the access along Christchurch Road. The development shall be constructed in accordance with the approved details.**

Reason: For the avoidance of doubt and to ensure a means of access to the development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

5. The details of landscaping to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:

- hard surfacing materials, which shall include the access road;
- 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 (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate;
- programme of management for the soft planting;
- proposed finished levels or contours;
- details of enclosure / screening of bin store locations;
- minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, etc.).

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policies CS11, CS12 and CS13 of the Core Strategy (2013) and saved Policy 100 of the Dacorum Borough Local Plan (1991-2011).

6. The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of

the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policies CS11 and CS12 of the Dacorum Core Strategy (2013).

- 7. No development shall take place until details of proposed sustainability measures in the form of a completed CS29 Sustainability Checklist shall 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 unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

- 8. Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the

Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

- 9. Prior to the commencement of the development hereby permitted details of the foul water drainage system shall be 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 be thereafter retained.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and 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 Paragraph 169 of the National Planning Policy Framework (2021).

- 10.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.**

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).

- 11.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).

12. Should any ground contamination be encountered during the construction of the development hereby approved (including groundworks), works shall be temporarily suspended, unless otherwise agreed in writing by the Local Planning Authority, and a Contamination Remediation Scheme shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning Authority. The Contamination Remediation Scheme shall detail all measures required to render this contamination harmless and all approved measures shall subsequently be fully implemented prior to the first occupation of the development hereby approved.

Should no ground contamination be encountered or suspected upon the completion of the groundworks, a statement to that effect shall be submitted in writing to the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with policy CS32 of the Core Strategy (2013) and to accord with paragraphs 174(e) and (f), 183 and 184 of the National Planning Policy Framework (2021).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:

Schedule 2

Part 1
Classes A, B, C and E

Part 2
Class A

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2021).

Informatives:

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

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different, the applicant should contact the local planning authority.

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

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: Monday - Friday 07.30am - 17:30pm, Saturdays 08:00am - 13:00pm, Sundays and Bank Holidays - no noisy works allowed.

5. Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

6. Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

- e **21/02968/FHA - Part single storey, part two storey front, side and rear extension - Greenbanks Toms Hill Road Aldbury Tring Hertfordshire HP23 5SA**

The report was introduced by the case officer Natasha Vernal

It was proposed by Councillor Hobson and seconded by Councillor Stevens that the application be **Granted**

Vote:

For: 3 against: 5 Abstained: 3

Alternative motion to refuse

It was proposed by Councillor Beauchamp and seconded by Councillor McDowell that the application be **Refused**

Vote:

For: 6 Against 2 Abstained 3

Resolved: Refused

Due to its size, bulk and massing the proposed extension would diminish the gap between Greenbanks and Trinity (Toms Hill Road), resulting in a loss of permeability and harming importing views through the site. Consequently the proposed development would be detrimental to the character and appearance of the street scene and the character and distinctiveness of the Aldbury Conservation Area. The proposals are therefore contrary to Policies CS11(b), CS12(f) and CS27 of the Dacorum Borough Core Strategy (September 2013), Saved Policy 120 of the Dacorum Borough Local Plan (1991-2011), and the Aldbury Conservation Area Character Appraisal (2008).

f **21/02796/FHA - Removal of garage, reduction in ground level to create a level garden (maximum reduction 1400mm) and construction of 8m split level rear extension - 1 The Orchard Kings Langley Hertfordshire WD4 8JR**

Cllr Anderson declared a personal interest as the ward Cllr however comes with an open mind.

The report was introduced by the case officer James Gardner, who stated that there was an error in Condition 4 in that this should read 'the larger of the two bedrooms' and not 'the smaller of the two bedrooms'.

It was proposed by Councillor Williams and seconded by Councillor McDowell that the application be **Granted**

Vote:

For: 9 against: Abstained: 2

Resolved:

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 carried out in accordance with the following approved plans/documents:**

PP1 - Proposed Parking (received on 21/09/21)

PP1 - Proposed Parking (received on 09/09/21)

Proposed Elevations (received on 16/07/21)

Proposed Floorplans (received on 16/07/21)

Location Plan 45 Degree Rule (received on 07/10/21)

Proposed Rear Elevation 45 Degree Rule (received on 07/10/21)

Street Scenes Front (received on 07/10/21)

Street Scenes Side (received on 07/09/21)

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

- 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

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).

- 4. The window serving the larger of the two bedrooms at Raised Ground Floor level, as shown on the Proposed Floor Plan (received on 16/07/21), in the western elevation of the extension hereby permitted shall be non-opening below 1.7 metres from finished floor level and permanently fitted with obscured glass (minimum of Level 3 on the Pilkington Scale) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of no. 3 The Orchard in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

- 5. Prior to the first use of the extension hereby permitted the vehicular access and parking areas shall be completed and thereafter retained as shown on drawing number PP1 (received on 21/09/21). Arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway concurrently with the access being brought into use.**

Reason: To ensure satisfactory access into the site, a satisfactory level of parking and to avoid extraneous material or surface water from impacting the highway, in accordance with Policies CS12 and CS31 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

Informatives:

1. 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.
2. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of

such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

4. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<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. Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.
6. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has

been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

7. Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

g 21/01961/FHA - Replacement fence and gates - Moorings 13 Anglefield Road Berkhamsted Hertfordshire HP4 3JA

Cllr Stevens declared a declaration of interest and did not contribute in the discussion or voting

The report was introduced by the case officer Heather Edey

It was proposed by Councillor Anderson and seconded by Councillor Beauchamp that the application be **Granted**

Vote:

For: 2 against: 6 Abstained: 2

Alternative motion to refuse

It was proposed by Councillor Williams and seconded by Councillor McDowell that the application be **Refused**

Vote:

For 6 Against 0 Abstained 4

Resolved: Refused

Due to its height, length across the frontage of the site, and solid massing, the proposed fencing and gates have a very jarring appearance at odds with the prevailing soft and verdant character of the street scene, thereby causing significant harm to the character and appearance of the area. The proposals are therefore contrary to Policy CS12 of the Dacorum Borough Core Strategy (September 2013) and Supplementary Planning Guidance 'Area Based Policies' (2004) BCA12

6 APPEALS UPDATE

Philip Stanley introduced this item, highlighting a number of key appeal decisions within the report, and was happy to take questions from the committee.

Cllr Hobson asked about the applications that they have refused at committee that has then been allowed at appeal, meaning that they could or should on balance have been granted. She wanted to know if his assessment was that as a committee they were performing well in relation to ones that they had refused and were the decisions they were making consistent with the appeal outcome. From that she had read in the report and listening to the statistics PStanley had read she felt like they were performing ok. She asked for PStanley's view on this

PStanley said he felt that that was a fair summary that the committee are doing well, however it's generally the controversial items that come before committee therefore it is not a fair comparison between the percentages of delegated decisions and the percentages of decisions that come to Development Management Committee. In 2021 of the 6 decisions brought to Development Management where members had voted against the officer's recommendation, 3 were allowed and 3 were refused at appeal. They may well be lessons to be learnt when it comes to appeal decisions and he was happy to run some training, they could look at the decisions that were allowed at appeal. However he felt that Cllr Hobson's assessment was fair and that the committee were performing well.

Cllr Anderson said that it can be a sensitive area when they talk about how the committee are performing. It could be argued that, is there such a thing as a right decision, is the right decision not getting it overturned

by the planning inspectorate, or is the right thing getting it right according to your own planning beliefs and judging each case on its own merits. They do have a performance indicator that's included with the other performance indicators about the proportion of appeals allowed that is reviewed quarterly by the SPAE OSC and it's a tricky area, and he thought that if someone were to take a view that it's a sign of good performance if no decisions were overturned then that's great, if one was to take the view that on occasion the planning decision was different to the point where it ultimately got overturned and that could be judged as good performance. It's very subjective, he thinks that their turnover numbers are quite low which shows that they are making their decisions stick.

Cllr Anderson referenced the appeal decision for Wilstone, he said that he felt that member should pay close attention to that, they refused at committee one for a smaller number of properties in Markyate and that has now gone to appeal and they will await the decision on that.

RFreeman wanted to comment and say that it was worth noting that as of yet, despite us making a decision that the inspectorate hasn't agreed with, they are not opening themselves up to claims for costs at the moment which is important he feels it's testament to the committee that even though they may not agree on the recommendations there are defensible planning reasons associated with those.

7 ADDENDUM

The Meeting ended at 10.07 pm