
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

10 FEBRUARY 2022

Present:

MEMBERS:

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

Councillor also attended

OFFICERS:

Fowell (Corporate & Democratic Support Officer), R Freeman (Lead Planning Officer), Lecart, A Parrish (Lead Planning Officer) and P Stanley (Development Management Team Leader), DTerry (Lead Planning Officer)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 13 Jan 2022 were confirmed by the Members present.

Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Apologies received from Cllr McDowell

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

The running order of items was changed to allow for speakers. 5(d) 5(c) and 5(e) were heard before 5(b).

- a **21/02419/FUL - Conversion of building to seven self-contained flats - Abeegale House, 13 Shrublands Road, Berkhamsted, Hertfordshire, HP4 3HY**

Cllr Stevens advised that he was speaking in objection to this item on behalf of Berkamstead Town Council so would abstain from the discussion and vote.

The report was introduced by the case officer Andrew Parrish

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

Vote:

For: 6 against: 2 Abstained: 2

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:**

**1545-BA-100
1545-BA-111 rev D
1545-BA-112 rev 112D Bin storage
1545-BA-113 rev E
1545-BA-114 rev B
1545-BA-115 rev C
1545-BA-116 rev B
1545-BA-117 rev C
1545-BA-118 rev 118E Bin storage
1545-BA-119 rev B
1545-BA-120 rev C
1545-BA-121 rev A
1545-BA-123 rev 123D Bin storage**

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

3. **No development (excluding demolition, site preparation, ground works) shall take place until samples of the materials (together with summary details) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to 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 conservation area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013), Saved Policy 120 of the Dacorum Borough Local Plan and the National Planning Policy Framework.

4. **The development shall be carried out in accordance with the approved plans and elevations and no development (excluding demolition, site preparation, ground works) shall take place until 1:20 details of the design and appearance of the following shall have been submitted to and approved in writing by the local planning authority:**

- o all new windows, replacement windows, external doors and openings (including materials, finishes, sills, window headers). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the openings;
- o dormer window;
- o bin store doors;
- o eaves joinery and rainwater goods to the new porch;
- o Balustrades.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and street scene in accordance with Policy CS12 and CS27 of the Dacorum Core Strategy September 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

5. **All replacement brickwork in association with removed or repositioned openings shall be made good and keyed into existing brickwork in a matching brickbond, brick /mortar colour / texture.**

Reason: In the interests of preserving the character and appearance of the Berkhamsted Conservation Area as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS27 of the Dacorum Borough Core Strategy (2013), saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 and Section 16 of the National Planning Policy Framework (2021).

6. **Notwithstanding any details submitted, no development (excluding demolition, site preparation, ground works) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- o hard surfacing materials;
- o means of enclosure, including height of screen fences;
- o soft landscape works including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- o trees to be retained;
- o proposed finished levels or contours;

- o sustainable drainage measures;
- o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- o retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out prior to the first use of the development hereby permitted and retained fully in position.

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 similar species, size and maturity.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character and ecology of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12, 13 and 29 of the Dacorum Core Strategy September 2013.

7. **. Prior to the use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 1545-BA-113 E in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and Page 19 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) and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

8. **Prior to the first use of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access(es) shown on drawing number 1545-BA-113 E only. Any other access(es) or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018), Policy 12 of the Dacorum Core Strategy September 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

9. **Prior to the first occupation of the development hereby permitted the proposed on-site car parking, turning area and cycle storage shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for those specific uses. The parking spaces shall at all times remain unallocated to any specific flat.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013), saved Policy 51 of the Dacorum Borough Local Plan and Section 9 of the National Planning Policy Framework (2021).

10. **Prior to the first use of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 (may be reduced to 5.5) metres from the edge of the highway.**

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy 12 of the Dacorum Core Strategy September 2013 and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

11. **11. Prior to occupation of the development hereby approved, full details of above ground Electric Vehicle Charging Point infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the Electric Vehicle Charging infrastructure has 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. **No development shall take place until details of proposed sustainability measures within the development, through submission of a CS29 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.**

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).

13. **The window(s) at first floor level in the south east elevation of the development hereby permitted shall be non-opening and 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).

14. **Notwithstanding any details submitted, no development shall take place until full details have been submitted to and approved in writing by the local planning authority to show that adequate and satisfactory space can be made available for refuse bin storage. Development shall be**

carried out in accordance with the approved details and the storage area thereafter retained for this purpose.

Reason: to ensure satisfactory bin storage for the development in accordance with Policy CS12 and the Council's Refuse Storage Guidance Note.

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 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.aspx> or by telephoning 0300 1234047.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
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.

b 21/04467/FUL - Redevelopment of the site to provide three detached dwellings - The New Forge, Maple Farm, Shantock Lane, Bovington, Hertfordshire

The report was introduced by the case officer Daniel Terry

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor Maddern that it be **Granted**

Vote:

For: 11 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. **a. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

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

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

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

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

- i. **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been**

fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

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

- 3. Any contamination, other than that reported by virtue of Condition 2 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

- 4. 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).

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

- all external hard surfaces within the site;**
- other surfacing materials;**
- means of enclosure;**
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**

The hardsurfaced areas shall be constructed prior to occupation of any dwelling. 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).

6. **The area marked on drawing no. SL PA 01 Rev C shall be returned to an agricultural or paddock use prior to occupation of any dwelling. This land shall thereafter be retained in this use and shall not be used for any residential purposes, including the sitting out or provision of domestic paraphernalia.**

Reason: To preserve the openness of the Green Belt and to make the development acceptable in accordance with policy CS5 of the Core Strategy and paragraphs 148 and 149 of the National Planning Policy Framework.

7. **Prior to occupation of the development hereby approved, full details of the layout and siting of dedicated parking spaces to each dwelling measuring no less than 2.4m by 4.8m and details of the 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. **Prior to occupation of any dwelling, all existing structures and timber/open storage located on site as shown on drawing no. SL PA 01 Rev C shall be removed from the site in full.**

Reason: To ensure satisfactory appearance to the development and to safeguard the openness and visual character of the area in accordance with Policies CS5, CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

Classes A, B, C and E of Part 1, Schedule 2.

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 CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraphs 130, 148 and 149 of the National Planning Policy Framework (2021).

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

**SL PA 01 Rev C;
SL PA 02 Rev B;
SL PA 03 Rev B;
SL PA 04 Rev B;
SL PA 05 Rev B.**

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

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. 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 County Council website at: <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 highway: 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 County Council website at: <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. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

5. Guidance on how to assess and manage the risks from land contamination can be found here: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
6. Noise and Working Hours Informative:
Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

Where permission is sought for works to be carried out outside the hours stated in the above condition, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

7. Waste Management Informative:
Under no circumstances should waste produced from construction or demolition work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately. These details should be included in the CMP/DMP referred to in the above condition.
8. Air Quality Informative:
As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision across the development is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one. In addition, mitigation as listed below should be incorporated into the scheme:

All gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh or consideration of alternative heat sources.

9. Invasive and Injurious Weeds - Informative:
Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at: <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>
10. 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>.

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.

11. Affinity Water:
The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (CHOR). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

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

12. Water efficiency:

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

The infrastructure connections and diversions:

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

- c **21/02925/FUL - Change of use from Sui Generis to C3 residential. Construction of two pairs of semi detached dwellings comprising two four bedroom properties and two three bedroom properties - Land To R/O Wigginton Garage, Chesham Road, Wigginton, Hertfordshire, HP23 6EJ**

Cllr Hollinghurst declared that he was approached by residents regarding this application however he came to the item with an open mind and was able to take part in the discussion and vote

The report was introduced by the case officer Colin Lecart

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

Vote:

For: 10 against: 1 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:**

TGCR/21/PL01C

TGCR/21/PL02A

TGCR/21/PL03

TGCR/21/PL04A

TGCR/21/PL05

LP/WGTBWH/020B

Landscaping Statement (Davide Clarke Chartered Landscape Architect and Consultant Arboriculturist) (Submitted 04.02.2022)

CS29 Checklist (July 2021)

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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. **Tree protection measures before and during the construction phases of the development shall be implemented and carried out in accordance with Tree Protection Plan TPP/WGTBWH/010A and the submitted Arboricultural Method Statement (David Clarke Chartered Landscape Architect and Consultant Arboriculturist - 04.02.2022).**

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).

5. **The landscaping works shown on drawing LPWGTBWH/020B and detailed within the submitted Landscape Statement (David Clarke Chartered Landscape Architect and Consultant Arboriculturist - submitted January 2022) must be carried out within one planting season of completing the development.**

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

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the

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

6. **No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan:**

The Construction Management Plan / Statement shall include details of:

- a. **Construction vehicle numbers, type, routing;**
- b. **Access arrangements to the site;**
- c. **Traffic management requirements**
- d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. **Siting and details of wheel washing facilities;**
- f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. **Provision of sufficient on-site parking prior to commencement of construction activities;**

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) and Policy CS8 of the Dacorum Borough Core Strategy (2013).

7. **Condition 1:**

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

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

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

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

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

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

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

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

- 8. Any contamination, other than that reported by virtue of Condition 7 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

Informative:

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

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

- 9. 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).

10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.**

Reason: In order to ensure a satisfactory level of off-street parking and to protect highway safety and the amenity of other users of the public highway, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Paragraphs 108 and 110 of the National Planning Policy Framework (2019) and the Dacorum Borough Parking Standards Supplementary Parking 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. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.
3. All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

d 21/04265/ROC - Variation of Condition 2 (Approved Plans) attached to

planning permission 4/00726/17/FUL (Two three bed detached dwellings) - Land to the rear of 76-78 Belswains Lane, Hemel Hempstead

Cllr Oguchi arrived part way through item 5d and was not able to take part in the discussion or vote.

Cllr Maddern advised that she had been approached by a resident however did not take part on any discussions, she came with an open mind and was able to take part in the debate and vote.

The report was introduced by the case officer Robert Freeman

It was proposed by Councillor Williams and seconded by Councillor Hobson that the application be **Granted** with the removal of Class A Permitted Development Rights

Vote:

For: 5 against: 5 Abstained: 1

Cllr Guest used her casting vote as Chair and voted in favour of the officers recommendation with removal of Class A Permitted Development Rights

Resolved: Granted with an additional condition, requiring the removal of Schedule 2, Part 1, Class A Permitted Development Rights

Conditions):

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

**76BLHH-601
76BLHH-602
76BLHH-603
76BLHH-604**

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

2. **The development hereby permitted shall be constructed in accordance with the materials specified on the plans hereby approved.**

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 approved, shall not be occupied until details of the access circulation and parking arrangements shall have been submitted and approved in writing by the local planning authority. These plans should show the provision of adequate visibility splays to the site entrance, the provision of two parking spaces per unit, the location and type of EV charging infrastructure and appropriate circulations space within the site to enter and exit the site in a forward gear. These parking arrangements shall be provided and shall thereafter retained in accordance with the approved drawings.**

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).

4. **The development hereby permitted shall not commence until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.**

Reason: To ensure that any contamination of the site is remediated in accordance with Policy CS32 of the Core Strategy and is fit for residential use.

5. **The development hereby approved shall not be occupied until full details of both hard and soft landscape works have 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

6. **The development hereby approved shall not be occupied until details of the sustainable construction measures incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details.**

Reason: To ensure that appropriate sustainable construction measures are incorporated in the design of the proposals in accordance with Policy CS29 of the Core Strategy.

- e** **21/03837/FUL - Installation of 1No. 17.5m high monopole and 2No. equipment cabinets, together with ancillary apparatus. Existing monopole and cabinet to be removed - South Side Of Station Road, Station Road, Tring, Herts**

The report was introduced by the case officer Colin Lecart

There was no proposer or seconder for the officer's recommendation therefore there was an alternative vote for refusal with planning reasons

It was proposed by Councillor Hobson and seconded by Councillor Durrant that the application be **Refused**

Vote:

For: 11 against: 0 Abstained: 1

Resolved: **Refused**

It is considered the proposed mast would fail to satisfactorily integrate with the open character of the street scene due to its overall size, height and appearance. The development therefore does not comply with Policy CS12(f) of the Core Strategy (2013) and Policy 126 of the Local Plan (2004).

- f** **21/03794/FHA - Construction of top lit rear dormer, top lit extension to existing rear dormer, and front rooflight - 5 Hamilton Road, Berkhamsted, Hertfordshire, HP4 3EF**

Cllr Stevens declared that he has received comments on this application to Berkhamsted Town Council and abstained from the discussion and vote.

The report was introduced by Philip Stanley on behalf of the case officer Briony Curtain.

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

Vote:

For: 10 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:**

DBC / 21 / 6 / 2B

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

3. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed within the roof, other than the roof lights to the existing flat roof permitted under 21/01883/FHA.**

Reason: to safeguard the residential amenities the residential amenities of the locality, having regard to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

4. **The rear and side elevations of the new dormer and the dormer extension hereby permitted shall be entirely lead clad, shall not comprise any glazing/fenestration, and shall be thereafter maintained as such.**

Reason: For the avoidance of doubt and to protect the residential amenities of the locality, having regard to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

5. **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 and to safeguard the character and appearance of the Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant before and 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.

- g 21/04291/FHA - Installation of Air Source Heat pump adjacent to North east facing wall of the dwelling - 12 Fieldway, Berkhamsted, Hertfordshire, HP4 2NX**

This was Cllr Stevens own application so he was not able to take part in the discussion or vote.

The report was introduced by Robert Freeman on behalf of the case officer Heather Edey

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

Vote:

For: 10 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 fully in accordance with the following approved plans/documents and shall be thereafter maintained as such:**

**Drawing B
Location Plan
Comments for Installation Document
Viessmann Vitocal 200-A Datasheet Document**

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

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.
- h **22/00190/NMA - Non-material amendment to planning permission 4/03034/18/FHA (Demolition of existing garage and sheds and construction of a new garden studio, workshop and garage) - 12 Puller Road, Hemel Hempstead, Hertfordshire, HP1 1QL**

The report was introduced by Robert Freeman on behalf of the case officer Briony Curtain

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

Vote:

For: 11 against: 0 Abstained: 1

Resolved: **Granted**

Condition(s) and Reason(s):

1. No conditions.

Informatives:

1. The amendments shown on the submitted drawings and set out on the application form are considered to be non-material to planning permission; as the proposed changes are not significant, would not be materially different to that originally approved and would not contravene any planning policy.

Therefore, this application has been approved for the amended drawings; PR.PL.102.B, PR.PL.110.G

All conditions placed on the original consent remain valid. This application applies to the amendments listed below:

Material Changes - zinc roof replaced with roof tiles to match the parent property and walls to be brick to match in place of timber cladding.
Re-siting of the outbuilding 600mm further away from the rear boundary.

6 PLANNING ENFORCEMENT REPORT

Philip Stanley was happy to take questions based on the report.

He wanted to share that there are resource issues currently due to the Assistant Team Leader Olivia Stapleford leaving.

They have struggled to fill the post despite advertising three times. They had employed a contractor however he is also leaving.

The team were meant to have an additional team member to reduce the case load down however an existing team member left so that 1 year placement backfilled that role.

This makes it difficult to process any of the cases within the report.

The DMC committee wished Julian Thomas well in his future career.

Cllr Beauchamp asked for an update on behalf of Cllr Allen regarding 55-59 St Johns road, these were DBC properties.

Phil Stanley confirmed he did have an update that he would share with the committee and wider members via email after this meeting.

A.P – Philip Stanley to share the update.

Cllr Tindall referred to the shortage of Enforcement officers, is this the same with other neighbouring authorities, he asked if there was scope to collaboration to overcome the issue of staffing shortages.

Philip Stanley confirmed that not just in enforcement but planning in general there is a shortage of experienced officers. He said that they were fortunate that they have excellent investigative officers, the issue they are finding is that when an issue required formal action they need to serve the enforcement notice, this is where they require the experience to make sure that the notices are drafted correctly and served correctly so it can be defended properly. Neighbouring authorities would not have the capacity to support them with those types of things.

What they were doing is sharing the formal work across the team on an interim basis, some cases are time critical, and if they did not serve the notice it could become lawful through the passage of time. They will serve notices where appropriate however they do not have the capacity to follow up on all cases as they would like.

Cllr Hollinghurst referred to item 10 Lila's Wood on the report, he asked what the relationship between all the back applications, appeals and enforcement notices with the current appeal. He said that this was possibly in its 7th year and wondered if they could say to the inspector that the applicant is deliberately abusing the appeal process.

Philip Stanley said that he wasn't up to speed with all the latest information however not just in this case but with several other enforcement cases that the applicant will submit amendments to schemes rather than comply with a Notice. He said he would need to come back to Cllr Hollinghurst with a full response to the exact nature of this application and how it differs from previous applications. They do as a department have the right to refuse to validate such applications, this one was validated, and it was considered and was now going through the appeal route, this means they cannot take any further enforcement action at this time until the appeal has been determined.

7 ADDENDUM

The Meeting ended at 10.09 pm