
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

28 APRIL 2022

Present:

MEMBERS:

Councillor Councillors, C Wyatt-Lowe, Beauchamp (Vice-Chair, in the Chair), Maddern, McDowell, Douris, Williams and Hollinghurst

Councillor also attended

OFFICERS:

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 10 March 2022 were confirmed by the Members present.
Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Apologies received from Cllr Hobson, Cllr Durrant and Cllr Guest

3 DECLARATIONS OF INTEREST

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

4 PUBLIC PARTICIPATION

Councillor Beauchamp 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 21/00585/FUL - Installation of 8 parking bays on amenity green - Amenity Green Entrance To Deanfield, Bovington, Hertfordshire**

The report was introduced by the case officer Martin Stickley

It was proposed by Councillor Williams and seconded by Councillor Douris that it 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. **Within the first planting season following removal of the tree hereby authorised, a replacement tree shall be provided in accordance with the details/specifications on the Proposed Block Plan (reference: DBC/020/41, received 13th April 2022).**

All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".

If within a period of five years from planting the tree 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 of the same size and maturity.

Reason: To ensure that the loss of the tree is mitigated by a replacement 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).

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

**Site Location Plan
DBC/020/41 (Proposed Block Plan) (received 21st April 2022)**

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

Inclusion of additional informative:

Nesting Birds

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.

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. 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.
3. 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.

b 22/00099/FHA - Single storey rear extension, first floor front extension, velux windows to front and associated alterations - 5 Beckets Square, Berkhamsted, Hertfordshire, HP4 1BZ

Cllr Garrick Stevens has registered to speak on this item therefore will not be participating in the discussion or vote

The report was introduced by Patrick Doyle on behalf of Jane Miller

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

Vote:

For: 8 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 constructed in accordance with the materials specified on the application form and plans**

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

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

DD 21/166.3 A existing and proposed elevations, floor layouts and location plans (received 28.01.2022)

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.

- c 22/00438/UPA - Proposed additional storey with a maximum height of 7.38m - Hawkridge, Rucklers Lane, Kings Langley, Hertfordshire, WD4 9NF**

The report was introduced by the case officer Elspeth Palmer

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

Vote:

For: 2 against: 3 Abstained: 5

Alternative vote to support the application

It was proposed by Cllr Tindall and seconded by Cllr Maddern to grant the application

For: 3 against: 2 Abstained: 5

Resolved: **Granted**

Conditions;

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

PA 01 REV A, PA 02 REV A

Reason; For the avoidance of doubt and in the interests of proper planning

2. No development shall take place until a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust and vibration and traffic on adjoining owners or occupiers will be mitigated, has been submitted to and approved in writing by the local planning authority.

Reason: To comply with the requirements of Schedule 2, Class AA, AA.2, 3 (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015

- d 22/00910/FHA - Two storey side and rear extension - 326 Northridge Way, Hemel Hempstead, Hertfordshire, HP1 2AB**

The reports were introduced by the case officer Patrick Doyle

It was proposed by Councillor Cllr Tindall and seconded by Councillor Maddern 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:

CM-02-03-2022-1- Site Plan
CM-02-03-2022-1- Location Plan
CM-02-03-2022-2
CM-02-03-2022-3 A
CM-02-03-2022-4 A

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).

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. 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 - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.

3. 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.

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.

- e **21/04404/FHA - Single storey rear extension, entrance porch, single storey front extension, feature gable and reconfiguration of roof, reconfiguration of windows to front elevation, reconfiguration of the floor plan, associated hard landscaping incorporating retaining walls and parking area, cladding to garage block, provision of gates and front boundary treatment and alterations to associated hardstanding. (amended description) - Russett View, Dunny Lane, Chipperfield, Hertfordshire, WD4 9DD**

The report was introduced by the case officer Patrick Doyle

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor Maddern 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. **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;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;

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: in the interests of ensuring the overall quality of the development, safeguarding the residential and visual amenity of the locality, and preserving heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

3. **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, to safeguard the visual character of the area, and preserving heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

4. **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 further enlargement of the building or outbuildings, additional hardstanding or means of enclosure shall occur or development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

Class A, Class B, Class D, Class E, Class F of Part 1, Schedule 2 and; Class A, Part 2, 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, preserve heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12, CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

5. **Notwithstanding the details shown on the approved drawings, no gates, fencing or other means of enclosure shall be constructed until details of the gates, fencing or other means of enclosure have been submitted to and agreed in writing by the Local Planning Authority. The gates, fencing or other means of enclosure shall then be constructed in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development, to safeguard the visual character of the area, and preserving heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

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

Drwg No. 01 Rev C; Drwg 03 Rev G; Drwg 04 Rev F; Drwg 08 rev E; Drwg 09 rev K; Drwg Rev 10 D

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Biodiversity enhancements could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, etc. These

should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.

3. 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 - 07:30 to 17:30 on Monday to Friday, 08:00 to 13:00 on Saturday and no works are permitted at any time on Sundays or bank holidays.
4. Dust from operations on the site should be minimised by spraying with water or 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.
5. 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.
6. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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 guidance under sections 167 & 168 in the National Planning Policy Framework. 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>.

7. AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the 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.

AN 2) 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.

AN 3) 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.

6 APPEALS UPDATE

PStanley introduced the appeals update and was happy to take questions from the members.

Cllr Tindal asked Philip Stanley to explain why apps 4 & 5 were in red, he noted there were some in green and in blue, and he asked if the colour coded could be explained.

Philip Stanley referred to section 6.9 the appeals dismissed in 2022 and explained that the colour coding was explained there that runs through the whole report. A non determination appeal is blue and delegated report was green, a Development Management decision in line with officer recommendations was amber and the a Development Management decision contrary to officers recommendation was in red.

7 LOCAL ENFORCEMENT PLAN (2022 PRIORITY)

Philip Stanley introduced the report and explained this was approved by the Development Management committee with final approval from the portfolio holder a couple of years ago. As part of the new local enforcement plan they have created an annual insert that allows them each year to look at the priorities and projects that had been raised by residents or by members. It does need to take into account the resources and capacity of the enforcement team at that moment in time. Members will be aware that they are currently without an assistant team leader in enforcement which was the head of enforcement post and an additional enforcement officer which explains the lateness of bringing this report to members in terms of agreeing the 2022 priority, it also explains why the recommendation id that the priority is to focus on a particular section of historic caseloads.

The team have worked really well in difficult circumstances and they have produced capacity to bring down the live caseload within the enforcement service from around 620 cases to around 500, however with that figure it is still not possible to focus on every single historical case as well as the new cases that they were receiving, they were receiving around 30-40 new cases a month.

The recommendation was to focus on a section of historical cases whereby if they do not take action it would be too late to take action as they would become immune from action due to the passage of time. This related to the 4 year rule for operation development which was the building works or the 10 year rule for changes of use, other than changes of use for residential where the 4 year applies. They have looked at cases from 2012/2013 for the 10 year rule and cases from 2018-2019 in respect of the 4 year rule.

Members will see in the report an action plan where each month a specific target will be need to be hit to ensure they have taken appropriate action in time, so should a really harmful

development still be outstanding in their books then it would not be allowed to stay permanently through inaction.

It was proposed by Councillor Hollinghurst and seconded by Councillor Williams that they approve the 2022 priority as explained by Philip Stanley.

For 9 against 0 abstain 1

8 PLANNING ENFORCEMENT REPORT

Philip Stanley introduced the Enforcement report. He said the report was a reflection of the absence of two members of staff within the enforcement team, he would have liked to have progressed a number of the items on this report, there were far too many of them saying compliance check required. He explained that they have an interim assistant team leader starting on the 9th of May, he hoped that by the time the next quarterly update was presented there would be some more positive progress on a lot of these cases. Philip ran through parts of the report and was happy to take questions.

Cllr Tindal referred to items 8 & 9 St Johns road, he said he had noticed the new fenestration was due in February, they were not in April, he asked if the work had been completed, if not why has it now and was there an explanation from the department responsible.

Philip Stanley confirmed the work had not yet taken place due to access issues to the properties.

Cllr Tindall asked if it could be pushed for the work to be completed as this was an embarrassment as they were DBC properties, it's been a long running sore that has been around for around 5 years.

Philip Stanley noted Cllr Tindall's request.

The meeting ended at 20.19

9 ADDENDUM

The Meeting ended at 8.19 pm