
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

14 JULY 2022

Present:

MEMBERS:

Councillors Guest (Chair), Beauchamp (Vice Chair), Douris, Durrant, Hollinghurst, Hobson, Peter, Riddick, Stevens, Townsend and Williams

OFFICERS:

P Stanley Head of Development Management
S Robbins Lead Planning Officer
B Curtain Development Management Assistant Team Leader
C Lecart Lead Planning Officer
N Sultan Legal Governance Team Leader (Litigation)
A Kowalski Trainee Solicitor
A Stapleton Principal Property Lawyer
N Gibbs Lead Planning Officer
K Johnston Corporate & Democratic Support Officer (Minutes)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 23rd June 2022 were confirmed by the Members present. Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Apologies received from Councillor Tindall, substituting was Councillor Townsend. Councillor Peters substituted on behalf of Councillor Wyatt-Lowe and apologies received from Councillor Maddern and McDowell.

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 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.

The order of applications was changed to allow for anyone wanting to speak on an application to be heard.

The items were heard in the following order:

5a,
5b,
5d,
5f,
5g,
5c,
5e,
5h,
5i,

5a, 21/03549/MFA Demolition of existing building and construction of new building to accommodate 28 residential units.

1A Frogmore Road Industrial Estate, Frogmore Road, Hemel Hempstead, Hertfordshire, HP3 9RW

Councillor Peter declared an interest in item 5a as it was called in by himself as he is the Ward Councillor for that area. He confirmed he was coming with an open mind to the application.

The Case Officer, Colin Lecart introduced the report to Members and said that the application had been referred to the Committee as the application was called in by the Ward Councillor.

It was proposed by Councillor Beauchamp and seconded by Councillor Hobson to delegate with a view to approval.

Vote:

For: 7 Against: 2 Abstained: 2

Resolved: That planning permission be **DELEGATED with a view to APPROVAL.**

RECOMMENDATION

That planning permission be DELEGATED with a view to APPROVAL subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and inter alia, securing a mitigation package to avoid any further significant effects on the Chiltern Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

32.2 In addition to this, the recommendation is that planning permission be DELEGATED with a view to APPROVAL subject to Section 106 negotiations and the relevant agreement being signed for financial contributions for Canal Towpath maintenance, upgrade works to Durrants Hill Road Park, and offsite affordable housing

provision, as well as satisfactory drainage comments being received with any associated conditions tied to this.

Conditions and Reasons:

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.**

1399-SAP-V1-XX-DR-A-30002-S0-02
1399-SAP-V1-00-DR-A-10110-S0-06
1399-SAP-V1-01-DR-A-10111-S0-04
1399-SAP-V1-02-DR-A-10112-S0-03
1399-SAP-V1-03-DR-A-10113-S0-03
1399-SAP-V1-04-DR-A-10114-S0-02
1399-SAP-V1-05-DR-A-10115-S0-01
1399-SAP-V1-XX-DR-A-30001-S0-05
1399-SAP-V1-XX-DR-A-30310-S0-05
1399-SAP-V1-XX-DR-A-30311-S0-06
1399-SAP-V1-XX-00-DR-A-10101-S0-07
1399-SAP-V1-XX-DR-A-20210-S0-02

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

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.**

These details shall include external brickwork, mortar colour and detail, window details finishes and setbacks, roof materials, rain water goods and metalwork (balcony railings).

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 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;
- retention of the hedge to the towpath boundary

- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- location and type of bird boxes to be incorporated into the development, as well as measures for hedgehogs
- details of privacy screening for the roof terrace areas (pleached screening) and for the private terraces serving units 4, 5 (the 4m² terrace), 13 (the 4m² terrace) and 18.

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. 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.

6. **Any contamination, other than that reported by virtue of Condition 5 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.

7. **Prior to the first occupation of the development hereby permitted any access gate or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6m (5.5m if inward opening) 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 CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004).

8. **Prior to the first occupation of the development hereby permitted the proposed access arrangements/onsite car and cycle parking and servicing shall be implemented in accordance with the approved drawing number DR-A-10101-SO-05 and retained thereafter available for that specific use.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004)

9. **No development shall commence until a Construction Environmental Management Plan 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. The document should also include details of pollution prevention methods during construction. 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;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and
- k. Phasing Plan.
- l. how potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided.

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 CS12 of the Dacorum Core Strategy (2013) and Save Policy 54 of the Dacorum Local Plan (2004)

10. **The parking spaces hereby permitted shall be unallocated and be retained as such in perpetuity.**

Reason: To ensure the number of parking spaces provided complies with the provision requirements of the Parking Standards Supplementary Planning Document (2020).

11. **No development shall take place until a Demolition and Construction Method Statement detailing all proposed earthmoving, and construction works (including foundation details),and construction and future maintenance/management of the access onto the towpath have first been submitted to and agreed in writing by the Local Planning Authority. These details shall also include an assessment of the retaining wall to the site boundary with the Grand Union canal (including its depth and foundations) and any necessary mitigation measures or remedial works that may be required and a timetable for their completion.**

The development shall thereafter only be carried out in accordance with the agreed Method Statement and the mitigation measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Grand Union canal in accordance with Policy

106 of the Dacorum Local Plan (2004) and Paragraphs 174 & 183-184 of the National Planning Policy Framework (2021)

12. **No development (excluding demolition/ground investigations) shall take place until details of any floodlighting, security lighting or other external means of lighting the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the development.**

Reason: To ensure that the lighting is designed to minimise problems of glare, protect residential amenity, to minimise impacts on biodiversity and avoid unnecessary light pollution in accordance with Policies CS12 and CS26 of the Dacorum Borough Core Strategy (2013) and Saved Policy 106 of the Dacorum Local Plan (2004)

13. **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. These details shall build upon the information within the submitted Sustainability Checklist and Design and Access Statement to show how the energy consumption of the development will be reduced. 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).

14. **No demolition or groundworks shall take place until details of measures to recycle and reduce demolition and construction waste that may otherwise go to landfill, shall have been submitted to and approved in writing by the Local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the relevant waste planning policies, such as Policy CS29 of the Dacorum Borough Core Strategy (2013) and Paragraph 8 (c) of the National Planning Policy Framework (2021).

15. **The Development shall be carried out in accordance with the submitted flood compensation scheme referenced in plan 6801770-SK01 detailing the following mitigation measure:**

- Compensation storage shall be provided through the lowering of external levels to the bin storage area levels and the relocation of the ramp to ensure no net loss of floodplain storage as a result of the proposed development.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Paragraph 167 of the NPPF (2021) and Policy CS31 of the Dacorum Core Strategy (2013).

16. **No development (excluding demolition/ground investigations) shall take place until a scheme to ensure the maintenance of the undercroft parking 'void' has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.**

Reason: To ensure the space is kept clear of debris to reduce the risk of flooding to the proposed development and future occupants in accordance with Paragraph 167 of the NPPF (2021) and Policy CS31 of the Dacorum Core Strategy (2013).

17. **The following windows on the development hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority:**

The south eastern facing windows serving units 03 and 11.

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).

18. **The following windows on the development hereby permitted shall be non-opening and permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority:**

The south eastern facing windows serving unit 06.

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).

19. **The roof terrace are at first floor level, as indicated on plan 1399-SAP-V1-01-DR-A-10111-SO-REV4, shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority. No chairs, benches, tables or other furniture shall be placed within this area at any time. This area shall be only used as a walkway between the canal towpath and the development, as well as escape in the event of an emergency.**

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).

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/developer is advised that there are fibre optic cables within the vicinity of the site along the towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The Canals and Rivers Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that all the proposed works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust."
3. The applicant is advised that licences and commercial agreement would be required for any access to the towpath or the erection of fencing, barriers, foundations, landscaping, balconies etc. on or encroaching onto the Canal & River Trusts' property. The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk to discuss any necessary licences or commercial agreements and to ensure that are obtained prior to any works being carried out on Trust owned land. For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.
4. 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.
5. Precautionary measures relating to lighting, nesting birds and hedgehogs are suggested in the submitted Preliminary Ecological Assessment and Bat Survey (4 Acre Ecology Limited) should be followed.
6. Extent of Highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/extent-of-highways.aspx
7. 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.

7. 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.
8. 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.

5b. 21/01720/FUL Change of use of agricultural land to dog walking paddock with the use of West Leith Farm existing car parking for customer/ visitor parking.

West Leith Farm, West Leith, Tring, HP23 6JR

Councillor Townsend declared an interest in item 5b, as he has registered to speak against the application and took no part in voting.

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

Ward Councillor Townsend, Tring Town Councillor Brian Patterson and Resident Mark Johnson spoke in objection to the application.

It was proposed by Councillor Peter and seconded by Councillor Hobson to delegate with a view to approval, as per officer recommendations.

Vote:

For: 7 Against: 1 Abstained: 2

Resolved: That planning permission be **DELEGATED with a view to APPROVAL.**

Recommendation

That planning permission be DELEGATED with a view to APPROVAL subject to consultation with Natural England.

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 use of the land hereby permitted shall only be for the walking of dogs and not for training or dog classes and shall be discontinued on or before 15 months from the date of this decision and this permission is only to be operated by the occupiers of West Leith Farm.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy (2013) , saved Policy 97 of Dacorum Borough Local Plan (2004), the Chilterns Conservation Management Plan 2019 to 2024 and Part 15 of the National Planning Policy Framework.

3. **There shall be a maximum of 3 dogs and one owner for each booking for use of the whole of the application site at any time and there shall be no more than 7 vehicle movements to and from the site in any one day by visitors when the application site is being used for the development hereby permitted.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy (2013) , saved Policy 97 of Dacorum Borough Local Plan (2004), the Chilterns Conservation Management Plan 2019 to 2024 and Part 15 of the National Planning Policy Framework.

INFORMATIVE : During the temporary use it will be essential that the Applicant records each days level of use for both the number of dogs and vehicular movements.

4. 'Notwithstanding the submitted details, the use hereby permitted shall only be between 10.00 and 15.00 hours Mondays to Fridays each week and therefore not during Saturdays and Sundays and not during Bank Holidays'.

(1).Alternative Car Park Arrangement : The Agent / Applicant is considering the request to change the parking arrangements and has been sent the submitted annotated plan. Members will be updated at the meeting.

(2). The 'Alpaca trekking' business. Based upon the available information, it is considered that this would require separate planning permission

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy (2013) , saved Policy 97 of Dacorum Borough Local Plan (2004), the Chilterns Conservation Management Plan 2019 to 2024 and Part 15 of the National Planning Policy Framework.

5. **There shall be no loudspeaker system and music used in connection with the use hereby permitted and no exterior lighting shall be installed.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy (2013) , saved Policies 97, saved Policy 113 and Appendix 8 of Dacorum Borough Local Plan (2004), the Chilterns Conservation

Management Plan 2019 to 2024 and the National Planning Policy Framework Paragraph 185(c).

6. **There shall be no parking of vehicles within the field to be used for the dog training and access to the area for all users shall only be from the gate shown by the approved plan.**

Reason: In the interests of the residential amenity of the locality and the Chilterns AONB in accordance with Policy CS12, and CS32 of Dacorum Core Strategy (2013).

7. **A 30 metre wide area of land inside and lying parallel with the north western boundary of the land coloured green by Plan No. PH/LB 002/B shall be demarcated to permanently exclude any dog walking use. This land shall be demarcated physically before the first use fully in accordance with details to be submitted to and approved in writing by the local planning authority.**

Reason: In the interests of the residential amenity of the locality in accordance with Policies CS12 and CS32 of Dacorum Core Strategy (2013).

8. **A long term site cleaning management scheme shall be submitted to and approved by the local planning authority within 1 month of the first use of the application for the use hereby permitted.**

Reason: In the interests of the residential amenity of the locality in accordance with Policy CS32 of Dacorum Core Strategy (2013).

9. **Subject to the other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following approved plans:**

**Location Plan
PH/LB 002/B**

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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.

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.

3. Contact with Hertfordshire Fire & Rescue Service

It is expected that Hertfordshire Fire & Rescue Service is contacted before the use is commenced to ensure that arrangements are agreed in the event that emergency services are required to access the site.

5c. 21/04605/RET Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept).

Basement At 65 High Street, Hemel Hempstead, Hertfordshire, HP1 3AF

Councillor Beauchamp declared an interest in item 5c, and took no part in the voting as he has had conversations with the agent and called the application in.

The Case Officer, Nigel Gibbs introduced the report to Members and said that the application had been referred to the Committee as it was called in by Councillor Beauchamp.

It was proposed by Councillor Williams and seconded by Councillor Hobson to Grant the application.

Vote:

For: 4 Against: 5 Abstained: 1

Having there been no majority to grant the application It was proposed by Councillor Hollinghurst and seconded by Councillor Peter to overturn the officer's recommendation and defer the application.

Vote:

For: 7 Against: 1 Abstained: 2

Councillors collectively agreed to defer the application to seek clarification and gain more information on Environmental Health and Licensing Controls and Use Class of a 'cloud kitchen', as well as the possibility of changing the opening times.

Resolved: That planning permission be **DEFERRED** to gain more information on Environmental Health and Licensing controls and the Use Class of a 'cloud kitchen', as well as the possibility of changing the opening times.

5d. 22/01214/FUL Replacement dwelling

2 Bulbourne Close, Berkhamsted, Hertfordshire, HP4 3QA

Councillor Steven Garrick declared an interest in item 5d as he has registered to speak in objection to this application so will take no part in voting.

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

Berkhamsted Town Councillor Garrick Stevens spoke in objection to the application. Chris Hill and Vicky Augustine spoke in support of the application.

It was proposed by Councillor Douris and seconded by Councillor Durrant to move officer's recommendation and grant the application.

Vote:

For: 9 Against: 0 Abstained: 1

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

RECOMMENDATION

That planning permission be **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 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).

3. **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:**

- a) all external hard surfaces within the site
- b) other surfacing materials
- c) means of enclosure
- d) waste and refuse storage facilities
- e) 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: 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).

4. **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).

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

**Location Plan
Wren naj 19e 2022**

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

Informatives:

1. 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.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, 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.

2. 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.
3. Under no circumstances should waste produced from construction 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.
4. 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.
5. 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.
6. 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.

5e. 22/01245/MFA Demolition of Existing Kennels and the Construction of Two Dwellings with New Access. Retention of Existing Staff Accommodation and its Use as a Market Dwelling (Amended Scheme)

Hazel Corner Dog Hotel, Windmill Road, Markyate

Councillor Douris declared a personal interest in item 5e. He came to the meeting with and open mind.

Briony Curtain introduced the report to Members on behalf of the Case Officer, Robert Freeman, and said that the application had been referred to the Committee due to the contrary recommendation of the Parish Council.

It was proposed by Councillor Beauchamp and seconded by Councillor Peter to delegate with a view to approval.

Vote:

For: 10 Against: 0 Abstained: 1

Resolved: That planning permission be **DELEGATED WITH A VIEW TO APPROVAL**.

RECOMMENDATION.

That planning permission be **DELEGATED** with a view to **APPROVAL** subject to appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (CBSAC) through financial contributions secured by legal agreement and to the conditions below:

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:**

**473-198- A (Location Plan)
473-300-C (Proposed Block Plan)
473-301-A (Proposed Layout)
473-302-C (Plot A)
473-303-D (Plot B)
473-304-B (Street Scene)
3912 SK01 (Swept Paths)
3912 SK02 (Swept Paths)
P0659/13/G (Staff Accommodation)
201040-P-10 (Tree Survey)
201040-PD-10 (Tree Schedule)
1674 SK01 dated 06/05/2021 (Visibility Splay)
Planning Statement by DLA Town Planning dated April 2022 reference 22/192**

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

3. **No development of the superstructure shall commence until samples of the materials to be used on the external surfaces 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).

4. **The dwellings, hereby approved shall not be occupied until details of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- all external hard surfaces within the site,
- all means of enclosure to the site
- soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs and
- minor artefacts and structures.

All planting shall be completed within one planting season of the completing of 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. **All existing structures shown for demolition in plan ref: 473-300C shall be demolished, including their footings/foundations and associated hardstanding around the structures, and the materials removed from the site prior to the first occupation of the development hereby permitted. The area occupied by these buildings shall be laid as lawn prior to the occupation of the dwellings hereby approved.**

Reason: To safeguard and maintain the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the National Planning Policy Framework

7. **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 473-300-C in accordance with HCC Highways Design Guide. 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 carriageway.**

Reason: To ensure satisfactory access into the site and 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) and Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

8. **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 plan number 1674 SK01 dated 06/05/2021. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: 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), Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

9. **Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:**

- **construction vehicle numbers, type and routing;**
- **traffic management requirements;**
- **construction and storage compounds (including areas designated for car parking);**
- **siting and details of wheel washing facilities;**
- **cleaning of site entrances, site tracks and the adjacent public highway;**
- **timing of construction activities (to avoid school pick up/drop off times);**
- **provision of sufficient on-site parking prior to commencement of construction activities;**
- **post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- **construction or demolition hours of operation; and**
- **dust and noise control measures.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

10. **No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the Local Planning Authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

- (i) **A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**
- (ii) **A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**
- (iii) **A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

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

- 11. All remediation or protection measures identified in the Remediation Statement referred to in Condition 10 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

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

- 12 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).

- 13 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:**

**Schedule 2 Part 1 Classes A, B, C and E
Schedule 2 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 Policy CS12 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

INFORMATIVE

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.

Contamination

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>

5f. 22/01208/FHA Double side extension with internal remodelling

15 Cedar Road, Berkhamsted, Hertfordshire, HP4 2LA

Councillor Stevens declared an interest in item 5f as he was speaking in objection to the application. He was also going to read out resident Joel Stern's prepared statement, so took no part in the discussion and voting.

The Case Officer, Sally Robbins introduced the report to Members and said that the application had been referred to the Committee due to contrary view of Berkhamsted Town Council. The Case Officer confirmed that the proposed development was not CIL liable.

Ward Councillor Garrick Stevens spoke in objection to the application. Councillor Stevens also read a statement in objection on behalf of resident Joel Stern as he was unable to attend.

Grahame Elton spoke in support of the application.

It was proposed by Councillor Townsend and seconded by Councillor Hobson to grant the application.

Vote:

For: 8 Against: 1 Abstained: 1

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

RECOMMENDATION

That planning permission be **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 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).

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

**PP-001 LOCATION PLAN
PP-002 SITE PLAN
PP-005 PROPOSED GROUND FLOOR GA PLAN
PP-006 PROPOSED 1ST FLOOR PLAN (received 10 June 2022)
PP-009 PROPOSED ELEVATIONS (received 10 June 2022)
PP-011 PROPOSED LOFT PLAN
PP-023 PROPOSED BLOCK PLAN (received 10 June 2022)
PP-024 PROPOSED HARD STANDING**

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

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

5g. 22/00991/FHA Two storey side/rear extension and single storey rear extension (amended scheme)

24 Finch Road, Berkhamsted, Hertfordshire, HP4 3LH

Councillor Stevens declared an interest in item 5g, and spoke in objection to the application. He took no part in the discussion or voting.

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

Town Councillor Garrick Stevens spoke in objection to the application.
Chris Hlaing spoke in support of the application.

It was proposed by Councillor Williams and seconded by Councillor Peter to grant the application.

Vote:

For: 9 Against: 0 Abstained: 1

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

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:
Condition(s) and Reason(s) :

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

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

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

**3068.02.11
3068.05.06
3068.04.12
Design and Access Statement**

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 and approved plans.**

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

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.

5h. 522/01353/FHA Single Storey Side and Rear Extensions, Hip to Gable Roof Extension and Associated Works

9 Parkfield, Markyate

Briony Curtain introduced the report to Members on behalf of the Case Officer, Robert Freeman, and said that the application had been referred to the Committee due to the contrary recommendation of the Parish Council.

It was proposed by Councillor Douris and seconded by Councillor Beauchamp to Move officer's recommendations and grant the application.

Vote:

For: 9 Against: 0 Abstained: 2

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

That planning permission be GRANTED subject to the following conditions:

Conditions:

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

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

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

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

SC/2005923 02

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

INFORMATIVE

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.

5i. 22/01856/LBC Advertising Board and hanging sign

97 High Street Hemel Hempstead Hertfordshire HP1 3AH

Councillor Hobson declared a personal interest in the item and took no part in voting.

The Case Officer, Sally Robbins introduced the report to Members and said that the application had been referred to the Committee as the applicant is a DBC Councillor.

It was proposed by Councillor Peter and seconded by Councillor Williams to grant the application.

Vote:

For: 9 Against: 0 Abstained: 1

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

RECOMMENDATION

That listed building consent be **GRANTED**.

Condition(s) and Reason(s):

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

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 (4) 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:**

LOCATION PLAN
01 PLANS AND ELEVATIONS

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

Informatives:

1. Listed building consent 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.

11 APPEALS UPDATE

The Appeals Update for the period 18 April 2022 to 01 July 2022 was presented by Philip Stanley. Philip Stanley highlighted that the team had had a 100% dismissed appeal record in the period and that this had improved the appeals performance across 2022.

Councillor Hobson drew attention to decision at No.40 Valleyside, where the Inspector concluded street scene concerns, as well as parking.

The appeals were noted.

It was proposed by Councillor Beauchamp and seconded by Councillor Peter to note the appeals.

Vote:

For: 11 Against: 0 Abstained: 0

The Meeting ended at 10.25 pm