

DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE

17 November 2022

Present:

MEMBERS:

Councillors Guest (Chair), Beauchamp (Vice Chair), Douris, Hollinghurst, Maddern, Riddick, Stevens, Williams, and Anderson (9)

OFFICERS:

P Stanley (Head of Development Management)
R Freeman (Lead Planning Officer)
M Stickley (Principal Planning Officer)
B Curtain (Development Management Assistant Team Leader - East Team)
S Robins (Lead Planning Officer)
N Quinn (Planning Officer)
J Miller (Planning Officer)
A Stapleton (Locum Lawyer)
K Johnston (Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7.00PM

1. MINUTES

The minutes of the meeting held on 6th Oct and 20th Oct 2022 were confirmed by the Members present.

Hard-copy minutes were signed by the Chair

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies received from the Councillor Durrant, Tindall, Wyatt-Lowe, Hobson and McDowell. Councillor Anderson substituted on behalf of Councillor Durrant. Councillor Guest sent her well wishes to Councillor Wyatt-Lowe for a speedy recovery.

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.

The order of applications were changed to allow for anyone wanting to speak on an application to be heard. Items were heard in the following order.

Item 6

5a

5b

5e

5c
5d
5f
7

Councillor Riddick left the meeting after item 5c.

5a.

21/01018/MFA Construction of a Class E limited assortment discount foodstore with associated car parking, access, landscaping and engineering works.

Land North of Jarman Centre, Jarman Way, Hemel Hempstead, Hertfordshire

The Case Officer, Martin Stickley, introduced the report to Members and said that the application had been referred to the Committee as it's a major planning application with requirement for a legal agreement.

Martin informed the committee of the following late items.

- Response from Drainage Consultant:

We would recommend a stance of No Objection based on the additional information provided because the applicant has demonstrated, in accordance with the LLFA's initial comments, that a more significant storm event can be accommodated on site with localised and contained surface water flooding to the dock/loading bay area. However, we have recommended a condition on a minor point of demonstrating that the 9m3 flooding can be contained within the car parking area. Applicant appears to have made best use of existing land and topography for attenuation measures despite the operational impacts of periodic flooding of the dock/loading bay to make sure that greenfield discharge remains achievable.

- Additional Drainage Condition

20. Prior to work proceeding above slab level (must be discharged before works proceed above ground level at which slabs would be placed), a flood map shall be provided to the local planning authority confirming that all surface water (for the 1 in 200 year +40% climate change storm event and 1 in 1000 year +40% climate change storm event) can be contained on site, including areas within the main car parking area. The Applicant will need to demonstrate that any flooding within the car parking area cannot flow from the development. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the site can adequately mitigate the risk of flooding in accordance with Policies CS31 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

- Additional Retail Condition

19. Notwithstanding the details submitted, the retail unit hereby approved shall trade as a single retail unit and shall not be subdivided into separate smaller units.

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre, and other centres nearby, in accordance with Policy CS16 of the Dacorum Core Strategy 2013 and for the avoidance of doubt.

- Update to Sustainability Condition

14. The development hereby permitted shall be carried out in accordance with the submitted and approved Energy Usage and Sustainability Statement (Issue 3, dated 5th November 2022). The passive and active design strategies, as

summarised in Section 14, shall be provided, in addition to the Alternative Low or Zero Carbon technologies.

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).

The Chair asked Members whether they had read the addendum and they confirmed they had.

It was proposed by Councillor Beauchamp and seconded by Councillor Anderson to **DELEGATED with a view to APPROVAL** in line with officers recommendations.

Vote:

For: 9 Against: 0 Abstained: 0

Resolved: That planning permission be **DELEGATED with a view to APPROVAL**. That planning permission be delegated with a view to approval subject to the completion of the Section 106 Agreement, which relates to the travel plan evaluation and support fee, and the conditions listed below.

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 Class E floorspace hereby permitted shall have a maximum gross floor area of 2,488sq.m. The net sales area of the Class E floorspace shall not exceed 1,652sq.m. The use shall be restricted to the sale of convenience goods (no more than 1,320 sq.m) and the sale of comparison goods (no more than 332 sq.m).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre, and other centres nearby, in accordance with Policy CS16 of the Dacorum Core Strategy 2013 and for the avoidance of doubt.

- 3. Customers shall not be permitted on the premises other than within the following times:**

**07:00 - 23:00 Mondays to Saturdays; and
10:00 - 17:00 on Sundays and Bank Holidays.**

Reason: 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).

- 4. A Landscape and Ecological Management Plan (LEMP) including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the construction of the superstructure. The LEMP shall also describe how it is planned to incorporate biodiversity as part of the development and achieve overall net gains for biodiversity.**

The LEMP should refer to the recommendations in Sections 5.14 (badgers), 5.19 and 5.22 (bats and lighting) and 5.33 (hedgehogs) of the

Ecological Appraisal by FPCR (August 2021). The LEMP should also include the ecological enhancements set out in Sections 5.20, 5.21, 5.28, 5.34, 5.35 and 5.36 of the Appraisal, which relate to bat and bird boxes, other habitat features, replacement tree planting and the use of species to benefit to wildlife.

The approved plan shall be implemented in accordance with the approved details. Any planting must be carried out within one planting season of completing the development. Any tree or shrub which forms part of the approved landscaping scheme which within a period of three years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason: To ensure that the development contributes to and enhances the natural environment in accordance with Policy CS26 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 (d) of the National Planning Policy Framework (2021). These details are required prior to commencement to ensure that an overall on-site net gain for biodiversity can be achieved before construction works begin. The LEMP should include details of when the biodiversity enhancements will be introduced and this may be reliant on the construction process/timings.

- 5. The proposed tree works shall be carried out in accordance with the approved Arboricultural Impact Assessment by the RPS Group (January 2021) and Tree Protection Plan (Drawing 710). The tree protection fencing shall be erected during the pre-development period and remain in-situ throughout the course of development until completion of all building works. The suggested Construction Exclusion Zones shall be used to protect trees and any landscaping works within the root protection areas must be carried out by hand in the final stages of development to minimise the risk of damaging trees. All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".**

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).

- 6. Prior to the commencement of any below ground construction works including the erection of any foundations a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The plan should consider all phases (including any relevant 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:**
- 1. Demolition, construction and phasing programme;**
 - 2. Contractors access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures;**
 - 3. Prior notice and agreement procedures for works outside agreed limits and hours (construction/demolition hours shall be carried out between 07:00 hours to 18:00 hours Monday to Friday, and 08:00 hours to 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation);**
 - 4. Delivery times for construction/demolition purposes, which shall be carried out between 07:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours on Saturdays and at no time on Sundays, bank or public holidays,**

- unless otherwise agreed in writing by the local planning authority in advance;
5. Soil management strategy;
 6. Noise method, monitoring and recording statements in accordance with the provisions of BS 5228-1: 2009+A12014;
 7. Maximum noise mitigation levels for construction equipment, plant and vehicles;
 8. Vibration method, monitoring and recording statements in accordance with the provisions of BS 5228-2: 2009;
 9. Maximum vibration levels;
 10. Dust management (including wheel washing measures) in accordance with the provisions of Air Quality Management, Guidance on the assessment of dust from demolition and construction (2014);
 11. Prohibition of the burning of waste on site during demolition/construction;
 12. Site lighting;
 13. Screening and hoarding details;
 14. Access and protection arrangements around the site for pedestrians, cyclists and other road users;
 15. Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures;
 16. External safety and information signing and notices;
 17. Prior notice and agreement procedures for works outside agreed limits;
 18. Complaints procedures, including complaints response procedures; and
 19. Membership of the Considerate Contractors Scheme.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).

7. **Before any mechanical services plant including heating, ventilation and refrigeration to which the application refers is used at the premises, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the latest British Standard 4142 (noise design) requirements can be complied with. Calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 meter from the facade of the nearest first floor (or higher) noise sensitive premises. An alternative position for assessment/measurement may be used to allow ease of access, which must be shown on a map (if needed) and noise propagation calculations detailed to show how the design criteria is achieved. The proposals shall thereafter be retained in accordance with the approved scheme.**

Reason: To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

8. **(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the local planning authority which includes:**

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

10. **Prior to the commencement of any below ground construction works, including the erection of any foundations, a scheme showing tactile paving on the footways either side of the existing bellmouth access into the site from Jarman Way shall be submitted to and approved in writing by the local planning authority. The proposals shall then be implemented in accordance with the approved scheme and thereafter retained for the lifetime of the development.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).

11. **Prior to the first use of the development hereby permitted the proposed on-site car and cycle parking and turning areas shall be laid out,**

demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 12. Prior to first use of the development hereby approved, details of the 'Rapid' and 'Fast' Electric Vehicle Charging Points as illustrated on drawing PL-03 (Revision R) shall be submitted to the local planning authority and approved in writing. The Electric Vehicle Charging Points and associated infrastructure shall then be provided in accordance with the agreed specifications and provided (both active and passive provision) in accordance with drawing PL-03 (Revision R). The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained in accordance with the approved details.**

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

- 13. The landscaping works shown on the Detailed Planting Plan (9508-L-01) shall be carried out within one planting season of completing the development.**

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

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).

- 14. The development hereby permitted shall be carried out in accordance with the submitted and approved Energy Usage and Sustainability Statement (Issue 3, dated 5th November 2022). The passive and active design strategies, as summarised in Section 14, shall be provided, in addition to the Alternative Low or Zero Carbon technologies.**

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).

- 15. Prior to the first use of the development hereby permitted, a Foul Water Drainage Strategy shall be provided to the local planning authority confirming whether there is sufficient capacity within the existing sewer network to accommodate for the increased flows. The strategy shall include a phasing plan to enable Thames Water to carry out any required upgrades (if needed) within an agreed timeframe to accommodate the development. Specifically, the phasing plan shall include:
Details on timescales for the development and when it will be occupied;
The point(s) of connection for water supplies; and
The point(s) where wastewater will be discharged and whether flows will be gravity or pumped.
The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to ensure that if any reinforcement works are provided if necessary to avoid flooding and/or potential pollution incidents in accordance with Policies CS31 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

Note: The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

- 16. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system shall have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:**

**(a) a timetable for its implementation; and,
(b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.**

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021).

- 17. Prior to the construction of the buildings hereby permitted, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The external lighting scheme shall take into account the recommendations set out in Paragraph 5.19 of the Ecological Appraisal by FPCR (August 2020). 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, CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and Paragraphs 130 and 174 of the National Planning Policy Framework (2021).

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

**PL-01A - Location Plan
PL-03R - Proposed Site Plan
PL-04C - Proposed Building Plan
PL-05B - Proposed Roof Plan
PL-06B - Proposed Elevations
9508-L-01E - Detailed Planting Plan
204 - Proposed Flood Routing Plan
200H - Proposed Drainage Plan
201E - Proposed Levels Plan**

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

- 19. Notwithstanding the details submitted, the retail unit hereby approved shall trade as a single retail unit and shall not be subdivided into separate smaller units.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre, and other centres nearby, in accordance with Policy CS16 of the Dacorum Core Strategy 2013 and for the avoidance of doubt.

- 20. Prior to work proceeding above slab level (must be discharged before works proceed above ground level at which slabs would be placed), a flood map shall be provided to the local planning authority confirming that all surface water (for the 1 in 200 year +40% climate change storm event and 1 in 1000 year +40% climate change storm event) can be contained on site, including areas within the main car parking area. The Applicant will need to demonstrate that any flooding within the car parking area cannot flow from the development.**

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

Reason: To ensure that the site can adequately mitigate the risk of flooding in accordance with Policies CS31 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 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 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. 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.
3. The site has potential to support hedgehogs. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.
To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand if possible. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. It is also possible to provide enhancements for hedgehogs by making small holes (13cm x 13cm)

within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site but will be too small for most pets.

4. It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or a suitably qualified ecological consultant.

5b.

22/00353/MFA Proposed Electric Vehicle (EV) Charging Station and Café

Land at Kings Langley Service Station and adjoining Hempstead Road, Kings Langley

Councillor Anderson declared an interest in the item as he was speaking in objection as Ward Councillor to the item; he took no part in the debate or the voting.

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

Parish Councillor Alan Johnson and Ward Councillor Alan Anderson spoke in objection to the application.

James Hodgkinson spoke in support of the application.

It was proposed by Councillor Stevens and seconded by Councillor Hollinghurst to GRANT the application.

Vote:

For: 2 Against: 3 Abstained: 3

Having there been no majority to grant the application, It was proposed by Councillor Maddern and seconded by Councillor Williams to overturn the officer's recommendation and **REFUSE** the application.

Vote:

For: 4 Against: 2 Abstained: 2

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

"The proposed development would comprise inappropriate development within the Green Belt and would result in harm to the open character and appearance thereto. This harm is not clearly outweighed by the economic and social benefits put forward as very special circumstances in this case. The applicants have not adequately demonstrated that there are not alternative locations for the development outside of the Green Belt. For these reasons the proposals would be contrary to paragraphs 149 and 150 of the National Planning Policy Framework and Policy CS5 of the Core Strategy"

5c.

22/00578/FUL Construction of a new dwelling, including a new vehicle access, demolition of existing outbuildings and cessation of existing vehicle repair and sales business

Shothanger House, Box Lane, Hemel Hempstead, Hertfordshire, HP3 0DJ

Councillor Riddick declared an interest in item 5c as the application was called in by himself.

He took no part in the debate or voting.

The Case Officer, Martin Stickley, introduced the report to Members and said that the application had been referred to the Committee as it was called -In by Councillor Riddick.

Martin informed the committee of the below items.

- Update to wording in paragraphs 4.7, 9.31 and 9.22

4.7 The use of hedging and landscaping to separate the existing/proposed plots, to mask the fencing.

9.31 The concerns over the subdivision of the site have been addressed by masking the proposed fencing and providing hedgerows, which, over time would provide a suitable boundary between the existing and proposed plots.

9.22 The proposed above-ground floorspace has reduced considerably (some 86sq.m) as a result of design evolution and submergence of more of the ground floor level.

It was proposed by Councillor Maddern and seconded by Councillor Beauchamp to **DELEGATED with a view to APPROVAL** in line with officers recommendations.

Vote:

For: 5 Against: 1 Abstained: 2

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

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 (SAC) through financial contributions secured by legal agreement.

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:**
PL-001 P2 - Site Location Plan
PL-003 P3 - Proposed Site Plan
PL-004 P2 - Proposed Ground Floor Plan

PL-005 P1 - Proposed First Floor Plan
PL-006 P1 - Proposed North and East Elevations
PL-007 P1 - Proposed South and West Elevations
PL-008 P1 - Proposed North Elevation Long
PL-009 P1 - North and East Elevation (Brick Wall)
PL-010 P1 - West Elevation (Brick Wall)
SK02 P2 - Proposed Hard Surfaces

- 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. **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, AA, B, E and F; and
Schedule 2, Part 2, Class A.
The removal of permitted development rights applies to both Shothanger House and the property (and their respective plots) approved under this application.
Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness and character of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2021).
5. **Prior to the first occupation of the dwellinghouse hereby approved, the outbuildings listed as 'outbuildings (to be removed)' on the Drawing PL-003 P3 and the existing hardstanding illustrated for removal on Drawing SK01 P1 shall permanently be removed from the site.**
Reason: In the interests of safeguarding the openness and character of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2021).
6. **The existing vehicle car sales and repair business shall permanently cease prior to first occupation of the residential unit hereby approved. The entirety of the land will then return to residential use.**
Reason: In the interests of safeguarding the openness and character of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2021).
7. **Prior to the first occupation of the development hereby permitted pedestrian and vehicular visibility splays shall be provided in full accordance with the details indicated on the approved plan number 20026/101 "Development Access Proposals". The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**
Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).
8. **Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position**

shown on the approved plan and highway specification 20026/101 "Development Access Proposals" attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 9. Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the edge of the highway as shown on drawing number 20026/101 "Development Access Proposals".**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 110 and 112 of the National Planning Policy Framework (2021).

- 10. The proposed tree works shall be carried out in accordance with the approved Tree Survey and Arboricultural Impact Assessment by Elite Ecology (January 2022). The management and protective measures shall be carried out in full. All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".**

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).

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

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

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

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- minor artefacts and structures (e.g. bin stores, etc.).

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of three years from planting fails to become established, becomes seriously damaged or diseased, dies or for any

reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

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

13. (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 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 an intrusive site investigation 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

14. **Any contamination, other than that reported by virtue of Condition 13 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 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 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. 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.
4. 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.
5. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
6. 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.

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.
8. 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.
9. 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.

10. 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.
11. 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 rate of 1 vehicle charging point per 10 spaces (unallocated parking) 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 as it is much cheaper to install one (even if solely the wiring and ducting) at the point of building than to retrospectively 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.

12. 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>

5d.

22/02345/ROC

Variation of Condition 10 (approved plans) attached to planning permission 20/03821/FUL - Demolition of 34 residential garages and construction of 2 no dwelling houses and 6 no apartments

Garage Court, Sleddale, Hemel Hempstead, Hertfordshire

The Case Officer Sally Robins, introduced the report to Members and said that the application had been referred to the Committee Dacorum Borough Council is the applicant.

It was proposed by Councillor Maddern and seconded by Councillor Anderson to **DELEGATED with a view to APPROVAL** in line with officers recommendations.

Vote:

For: 7 Against: 0 Abstained: 1

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

That the application 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 (SAC) through financial contributions secured by legal agreement.

Condition(s) and Reason(s):

1. **The development hereby permitted shall begin before the 6th April 2024.**

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

2. **No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy reference M03001-04_DG04 dated December 2020 prepared by McCloy Consulting. The scheme shall also include:**
 1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the Thames surface Water sewer.
 2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 3. Implement drainage strategy to include permeable paving and attenuation tank.
 4. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event, with a supporting contributing area plan.

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

6. Maintenance and management plan for the SuDS features

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraphs 167 and 169 of the National Planning Policy Framework (2021).

3. **(a) The development hereby approved shall be carried out in accordance with the Site Investigation (Phase II environmental risk assessment) report approved under application ref. 22/00785/DRC.**
(b) The development hereby approved shall be carried out in accordance with the Remediation Method Statement report approved under application ref. 22/03054/DRC.
(c) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

4. **All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 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 Paragraphs 183 and 185 of the National Planning Policy Framework (2021).

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

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

6. **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:**

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

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

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

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

7. **The development hereby approved shall be carried out in accordance with the Landscape Ecological Management Plan (LEMP) approved under application ref. 22/01815/DRC.**

Reason: To ensure that the development contributes to and enhances the natural environment in accordance with Policy CS26 of the Dacorum Borough

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

8. **Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

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

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

1246-MEPK-SL-00-DR-P0405 (Revision P01) - Site location plan

1246-MEPK-SL-00-DR-A-P0401 (Revision P05) - Proposed site plan

1246-MEPK-SLH01-ZZ-DR-A-P0402 (Revision P03) - Floor plans and elevations - Houses

1246-MEPK-SL-ZZ-DR-A-P0403 (Revision P04) - Floor plans and elevations - Flats

1246-MEPK-SL-ZZ-DR-A-P0404 (Revision P04) - Sitewide sectional elevations

Design Statement to accompany S73 Application - revised 16-09-2022

S236-J1-IA-1 - Arboricultural Report by John Cromar's Arboricultural Company Limited (dated 4th September 2020)

S236-J1-P1 Rev 2 - Tree Value Assessment

S236-J1-P2 Rev 3 - Tree Retention & Tree Protection Measures

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

10. **No construction of the superstructure shall take place until details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s) unless further written approval for an alternative scheme is gained from the Local Planning Authority.**

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

11. **The obscure glazed windows at first and second floors on the western (rear) elevation of the apartment block (illustrated as greyed out on drawing 1246-MEPK-SL-ZZ-DR-P0403 - Revision P04) hereby permitted shall be non-opening below 1.7 metres from floor level 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).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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. Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network

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. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network

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>.

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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

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

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. 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.
7. 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.
 8. Contamination
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.
 9. Stopping up of highway: Highway rights will need to be extinguished across the area of land affected in accordance with a Stopping Up order to be made by the Secretary of State for the Department of Transport under Section 247 of the Town and Country Planning Act 1990 before development can commence. Further information is available on the Planning Portal at: https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14 and on the government website: <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>
 10. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
 11. 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.
 12. 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.

13. 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.
14. As per Agenda Item 14 (Page 3 of 6) of Cabinet dated 16th September 2014 (Update on Garage Disposal Strategy), all of those residents who currently rent a garage in a block earmarked for disposal will be offered an alternative garage. The Garage Management Team will wherever possible, offer a garage to rent in another garage site owned by Dacorum Borough Council in the vicinity of the development site.

5e.

22/02747/FHA

Proposed half width first floor rear extension above existing ground floor back addition

33 Cowper Road, Markyate, St Albans, Hertfordshire, AL3 8PP

Councillor Douris declared an interest, as he is a County Councillor within whose division the application lay. He confirmed that he has not been in any discussion regarding the application and has come to the meeting with an open mind.

The Case Officer, Briony Curtain presented the report on behalf of Jane Miller, and said that the application had been referred to the Committee due to contrary views of Markyate Parish Council

Markyate Parish Councillor Selma Hakki spoke in support of the application.

Resolved: That the planning application be **DEFERRED** until the next meeting. It was agreed by the committee to differ the application to the next meeting due to miss communication between Member Support and the applicant. Due to staff annual leave, the applicant was not informed that he was able to speak in support of the application as an objector had registered to speak.

5f.

22/02796/FHA Changes to fenestration and single storey rear extension

17 Wroxham Avenue Hemel Hempstead Hertfordshire HP3 9HF

The Case Officer, Briony Curtain presented the report on behalf of Nicole Quinn, and said that the application had been referred to the committee, as the applicant is a DBC employee.

Briony informed the committee of the added amendment in the addendum.

Additional condition:

The proposal includes a new first floor side facing ensuite bathroom window. To ensure no harm to the residential amenities of No. 19 it is recommended that following condition be included should permission be granted.

The new window at first floor level hereby permitted shall be non-opening and permanently fitted with obscured glass of at least Pilkington level 3 and shall be non-opening (unless the part of the window that opens is above 1.7m from the floor level of the room the window serves).

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).

It was proposed by Councillor Beauchamp and seconded by Maddern Councillor to **GRANT** the application.

Vote:

For: 7 Against: 0 Abstained: 1

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

That planning permission be **GRANTED** subject to 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:**
Drg No. wren naj 057b 2022
Site Location Plan
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).
5. **The new window at first floor level hereby permitted shall be non-opening and permanently fitted with obscured glass of at least Pilkington level 3 and shall be non-opening (unless the part of the window that opens is above 1.7m from the floor level of the room the window serves).**
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.

6.

Confirmation of 5 x Article 4 Directions

Maylands, Park Lane, Doolittle Meadows all at Hemel Hempstead;

Northbridge Road and River Park at Berkhamsted; and Icknield Way, Tring

The Case Officer, Philip Stanley, introduced the report to Members.

Officers Recommendation: That the Article 4 Directions be confirmed.

It was proposed by Councillor Anderson and seconded by Councillor Stevens to

GRANT the application.

Vote:

For: 9 Against: 0 Abstained: 0

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

It is recommended that the Council confirm the Directions to ensure the protection afforded to the Article 4 Areas will continue in effect beyond 15 January 2023.

7.

Appeals Update

Philip Stanley gave an update on the appeals. There have been 61 appeals up until the end of October this year, a similar number to last year (58).

Philip highlighted that there were a lot of dismissed appeals, with many of them on Green Belt grounds. As a result the planning team are arranging a green belt training course for Officers and asked Members if this would be of interest to them. Members confirmed that it would be and Cllr Guest asked for this training to be arranged.

Philip mentioned that there was no enforcement appeal activity in the period.

Philip highlighted that appeal performance remains excellent with three-quarters of appeals being dismissed across 2022, and said that this reflects the hard work and good job the team are doing in defending appeals.

Philip drew Members attention to the three upcoming Public Inquiries and said that no dates had yet been received for these, but that they will be very resource heavy for Officers.

Cllr Anderson queried the Fast Track appeal process. Cllr Guest asked for a Briefing Note explaining the difference between Fast Track and standard appeals to be circulated to Members.

The meeting ended at 21:42

