
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

8 DECEMBER 2022

Present:

Present:

MEMBERS:

Councillors Guest (Chair), Beauchamp (Vice Chair), Anderson, Douris, Foster, Hobson, Maddern, McDowell, Stevens, Tindall, and Wyatt-Lowe

OFFICERS:

Phillip Stanley	(Head of Development Management)
Heather Edey	(Lead Planning Officer)
Jane Miller	(Planning Officer)
Nargis Sultan	(Legal Governance Team Leader (Litigation))
K Johnston	(Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7:00pm

1 MINUTES

The minutes of the meeting held on 17th November 2022 were confirmed by the Members present.

Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Apologies received from Councillor Williams, Councillor Riddick and Councillor Hollinghurst. Councillor Williams was substituted by Councillor Anderson and Councillor Hollinghurst was substituted by Councillor Foster.

Cllr Maddern gave apologies as she will be attending late. Cllr Maddern arrived at 19:34 and was not therefore able to participate or vote in either Item 5a or 5b.

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.

5a. 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

Cllr Douris declared that he is a County Councillor for the area and is coming to the meeting with an open mind and has taken no part in any conversation regarding this item.

The Case Officer, Jane Miller introduced the report to Members and said that the application had been referred to the Committee due to contrary views of Markyate Parish Council

The Chair informed the committee that there would be no speakers on item 5a as the objecting speaker sends her apologies at short notice. Councillor Guest sent her well wishes and wished her a speedy recovery.

Cllr Douris asked for an informative to be added to the application relating to the storage of construction equipment and materials outside of the application site. This was agreed.

It was proposed by Councillor Anderson and seconded by Councillor McDowell to **GRANT** the application in line with officers recommendations.

Vote:

For: 7 Against: 0 Abstained: 2

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

RECOMMENDATION

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 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:**

Site location plan

1195-120 rev D proposed site roof plan

1195-121 rev E proposed plan and rear elevation

1195-122 proposed sectional side elevations

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. No plant, machinery or construction materials shall be deposited or located to obstruct access to and use of the amenity verge without the prior written approval of the landowner.

5b. 21/04093/FUL

Construction of a single detached dwelling with detached garages and associated works

The Grange, 8 High Street, Markyate, St Albans, Hertfordshire, AL3 8PD

Cllr Douris declared that he is a County Councillor for the area and is coming to the meeting with an open mind and has taken no part in any conversation regarding this item.

The Case Officer, Heather Edey introduced the report to Members and said that the application had been referred to the Committee due to contrary views of the Parish Council.

Councillor Maddern arrived at 19:35 half way through the presentation so took no part in voting.

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

Vote:

For: 8 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 (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. **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 preserve or enhance the character and appearance of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CS27 of the Dacorum Borough Core Strategy (2013).
3. **The windows at first floor level in the side elevation of the dwelling hereby permitted, (shown as L-03 04 on the submitted elevation plan), shall be non-opening and permanently fitted with obscured glass to a minimum of privacy level three 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).

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:**
 - hard surfacing materials;
 - location, height and materials of boundary treatments;
 - soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - details and plans showing the position of bird nesting boxes and bat boxes.

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 five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To 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. **The development hereby permitted shall not commence until metrically scaled details of the retaining walls and finished levels of the site and building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To improve the appearance of the development as required by Policy CS12 of the Dacorum Borough Council Core Strategy (2013).

6. **The trees shown for retention on the approved Tree Protection Plan (prepared by C.A.T. Landscape Consultancy drawing number TPP TG 01) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'no-dig' construction methods shall be incorporated to minimise the impact to trees proposed for retention.**

Reason: To ensure a satisfactory standard of tree work 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).

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Policy CS32 of the Dacorum Borough Core Strategy and Paragraphs 183 and 185 of the National Planning Policy Framework (2021). The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

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

L-01

L-04 Rev B

L-02 Rev B

L-03 Rev E

Tree Report/Arboricultural Impact Assessment by C.A.T Landscape Consultancy (CAT PDS 0188-20.9.2017)

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. **ENVIRONMENTAL HEALTH INFORMATIVES**

Construction Hours of Working - (Plant & Machinery) Informative

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

Construction Dust Informative

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

Noise on Construction/Demolition Sites Informative

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

HIGHWAYS INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

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

Further information is available via the County Council website at:

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

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:

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

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

CONTAMINATED LAND INFORMATIVES

Informative: Identifying Potentially Contaminated Material

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

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

Informative: The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

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.

5c.

22/00882/FHA

Demolition of garage, side extension and loft conversion.

Greymantle, Hempstead Road, Bovington, Hemel Hempstead, Hertfordshire, HP3 0HF

The Chair advised the committee that planning application 5c had been removed from the agenda following the withdrawal of the objection from Bovington Parish Council. The committee were aware of this prior to the meeting.

The Meeting ended at 7.40 pm