
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

25 MAY 2023

Present:

MEMBERS:

Councillor Stevens (Chairman) Councillors, Guest, C Wyatt-Lowe, Durrant, Hobson (Vice-Chairman), Bristow, Cox, Link, Patterson, Riddick, Silwal and Mitchell **(12)**

OTHERS OBSERVING:

Councillor Weston

OFFICERS:

P Stanley (Head of Development Management)
J Miller (Planning Officer)
N Sultan (Legal Governance Manager)
K Johnston (Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 16 March and 13 April 2023. Were confirmed by the Members present.

Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Councillor Maddern gave her apologies.

3 DECLARATIONS OF INTEREST

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

4 PUBLIC PARTICIPATION

Councillor Stevens 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.

Councillor Riddick asked if Member Support could send the speakers list to the committee and not just the Chair, Vice Chair and Planning.

5a 21/04038/FUL Conversion of existing former commercial building (E1) to dwelling house (C3) and construction of part first, part 1.5 storey side extension with soft and hard landscaping.

10 Church End, Markyate, St Albans, Hertfordshire, AL3 8PY

The Case Officer, Phillip Stanley introduced the report to Members on behalf of Joan Reid and said that the application had been referred to the Committee due to an objection from the Parish Council.

P Stanley informed the committee of a typo on Paragraph 9.7 of the DMC report. This was highlighted in the addendum. It should read that there is 20sq.cm difference between the proposed and the existing and not 20sq.m as stated.

Mr John Collins and Markyate Parish Councillor, Sheila Pilkinton spoke in objection to the application.

David Lomas spoke in support of the application.

It was proposed by Councillor Riddick to move Officer's recommendation to **DELEGATED with a view to APPROVAL**, and was seconded by Councillor Guest.

Vote:

For: 11 Against: 0 Abstained: 1

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

RECOMMENDATION

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 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:**

21.058 2A
21 058 1A
K0422-E-S1

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

3. **The parking space shown on the approved plan shall be in place prior to the first occupation of the dwelling and kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose thereafter.**

Reason: In accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Section 9 of the National Planning Policy Framework (2021).

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

A, B, C, E.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the openness of the Green Belt and the protection of the neighbouring properties amenities in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 149 and 150 of the National Planning Policy Framework (2021).

5. **No development (excluding demolition/ground investigations) shall take place until details of the materials, including the joinery, to be used in the construction of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area and to preserve the setting of the Heritage Assets in accordance with Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

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

For the purposes of this condition:

(i) A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

(ii) A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

(iii) A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

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

7. **All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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).

- 8. Development shall not begin until a detailed written scheme for protecting the development, including external amenity areas, from transport related noise has been submitted to and approved in writing by the Local Planning Authority. This scheme shall have due regard to the provision of appropriate levels of ventilation and air quality. All measures which form part of the scheme approved by the Authority shall be carried out prior to the first occupation of the development and shall thereafter be retained.**

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).

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.

- 5b 23/00367/FHA Removal of covered passageway roof, single-storey side extension, removal of external canopy and internal alterations. Removal of roller-shutter door and infilling with door/windows and brickwork. New Window to bathroom.**

14 Trooper Road Aldbury Tring Hertfordshire HP23 5RW

The Case Officer, Jane Miller, introduced the report to Members and said that the application had been referred to the Committee due to an objection from the Albury Parish Council.

It was proposed by Councillor Guest and seconded by Councillor Patterson to **GRANT** the application.

Vote:

For: 11 Against: 0 Abstained: 1

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

That planning permission is 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 constructed in accordance with the materials specified on the application form and approved documents/plans**

Reason: To preserve or enhance the character and appearance of the designated heritage asset area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

3. **No development (excluding demolition) shall take place until full details of the windows hereby approved, including details of position within the reveal, opening and glazing, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To preserve or enhance the character and appearance of the designated heritage asset and safeguard the visual character of the area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

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

Reason: To preserve or enhance the character and appearance of the designated heritage asset and safeguard the visual character of the area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).

5. **No development (excluding demolition) shall take place until details of the materials to be used for the side return elevation and roof hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**
Reason: To preserve or enhance the character and appearance of the designated heritage asset and safeguard the visual character of the area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).
6. **Notwithstanding the details shown on drawing number 2222 /02, plans / elevations as proposed, no development (excluding demolition) shall take place until further details of the breathability of the partitioning, between numbers 14 and 16 Trooper Road within the carriageway, hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Within the undercarriage, no materials should be fixed in any way to the listed building.
Reason: to safeguard the character, appearance and historic significance of the adjacent listed building in accordance with Section 16 of the NPPF and Policy CS27 of the Core Strategy 2013
7. **The new rooflights hereby approved shall be metal flush fitting conservation style rooflight (s), with black or dark grey framing and thereafter maintained as such.**
Reason: To ensure that the character or appearance of the designated heritage asset is preserved or enhanced as required per Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013) and Section 16 of the National Planning Policy Framework (2019).
8. **The new windows hereby approved shall have painted timber frames and thereafter be retained as such.**
Reason: To preserve or enhance the character and appearance of the designated heritage asset area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS11, CS12 and CS27 of the Dacorum Borough Core Strategy (2013).
9. **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**
1. **The programme and methodology of site investigation and recording**
 2. **The programme for post investigation assessment**
 3. **Provision to be made for analysis of the site investigation and recording**
 4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 5. **Provision to be made for archive deposition of the analysis and records of the site investigation**

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 194 of the National Planning Policy Framework (2021).

10. i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 9.

ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9. The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 194 of the National Planning Policy Framework (2021).

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

site location plan

2222/02 plans / elevations as proposed

Design and Access Statement / Heritage Statement

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

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

2. Environmental Health Informatives

Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

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.

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.

Waste Management Informative

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.

Air Quality Informative.

As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may 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. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

Invasive and Injurious Weeds - Informative

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

6 APPEALS UPDATE

P Stanley provided the committee with some commentary of the different types of appeal procedures, and their processes and timescales, as well as the Costs procedures for unreasonable behaviour.

P Stanley also introduced the 'Appeals Update', drawing the committee's attention to the colour-coding within the report (that shows how an application was determined). P Stanley highlighted that it was a relatively busy period in terms of appeals being received and that the large majority of appeals allowed related to householder planning applications.

Cllr Riddick raised points regarding repeat planning applications and specific enforcement matters within his ward. P Stanley explained that the Planning Department could refuse to accept a repeat application, though we also need to be mindful of whether the scheme or its context has changed that means it would have to be re-considered. The Chair confirmed that this meeting would not consider the Enforcement questions raised.

The report was noted by Members.

The Meeting ended at 8.35 pm