
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

13 APRIL 2023

Present:

MEMBERS:

Councillor Guest (Chairman) Councillors, C Wyatt-Lowe, Beauchamp (Vice-Chairman), Durrant, Douris, Williams, Hollinghurst, Stevens, Tindall and Riddick(11)

OFFICERS:

- P Stanley (Head of Development Management)
- N Gibbs Lead Planning Officer
- K Dalton (Assistant Team Leader Planning Enforcement)
- S Robbins (Lead Planning Officer)
- R Freeman (Lead Planning Officer)
- A Parrish (Lead Planning Officer)
- A Stapleton (Principal Property Lawyer)
- K Johnston (Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the previous meeting had not been published as of yet. It was confirmed by P Stanley that this had not been done due to annual leave over the Easter holiday, and will be actioned as soon as possible.

2 APOLOGIES FOR ABSENCE

Apologies received from the Councillor Hobson, Councillor Foster is substituting on her behalf. Apologies received from Councillor McDowell.

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.

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

5a.

5b,

Councillor Wyatt-Lowe left after item 5b; the Chair sent her best wishes.

5d,

5e,

5c,

5f

5a 21/04556/MFA - Construction of 234 apartments and 1,486 sqm of commercial floor space, provided in three main buildings ranging from 5 to 9 storeys on two podiums, with associated car parking, landscaping, amenity space and service areas –

Plots 1 & 2 Maylands Avenue Hemel Hempstead HP2 4FQ

The Case Officer, Andrew Parish introduced the report to Members and said that the application had been referred to the Committee as under s.2.3.2 (1) of Part 3 of the Council's Constitution as the recommendation would have the effect of granting permission for matters previously refused by the Development Management Committee.

The Case Officer, as part of his introduction of the report, stated that there were changes to Conditions 18 and 19 in light of further comments from the Council's ECP team, making them compliance conditions.

It was proposed by Councillor Williams and seconded by Councillor Tindall to **APPROVE** the application in line with Officers recommendations, including the added condition set out in the addendum.

Cllr Douris requested that all parties investigate improvements to the access into and egress out of the site, noting the clear desire of the Development Management Committee Members for some kind of signalised junction. This was voted on and forms an additional bullet point to the decision.

Vote:

For: **7** Against: **0** Abstained: **4**

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

RECOMMENDATION

That the decision be delegated to the Group Manager Development Management with a view to approval subject to the completion of an s106 agreement to secure the following:

- Provision of at least 35% Affordable Housing
- Financial contribution to DBC of £49,254 (index-linked) in respect of the Maylands Environmental Improvement Strategy

- Financial contribution of £50,000 to DBC to upgrade the existing LEAP at Datchworth Turn / Marchmont Pond to a NEAP
- Financial contribution of £73,588 to DBC to mitigate the net biodiversity loss from the site
- To enter into a s278 agreement with the Highway Authority to secure:
 - Upgrading of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;
 - Upgrading of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road;
 - Upgrading of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'; and
 - Off-site street tree planting along the outer verges of the A414 / A4147 roundabout as shown on plan
- Provision of a Framework Travel Plan for the entire site
- Travel Plan Evaluation and Support Fee of £1,200 per annum (overall sum of £6000, index-linked RPI March 2014) to HCC
- A contribution of £913.88 per dwelling is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
- A mitigation strategy or financial contribution as necessary towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC.
- All parties investigate improvements to the access into and egress out of the site, noting the clear desire of the Development Management Committee Members for some kind of signalised junction.

Subject to any minor changes to the wording of conditions as necessary, and its referral to the Secretary of State as a Departure from the Development Plan.

Conditions and Reasons:

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

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

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

- P01C**
- P02K**
- P03F in DAS only**
- P04J in DAS only**
- P05J in DAS only**
- P06K**
- P07J in DAS only**
- P08J in DAS only**
- P09J in DAS only**
- P10J in DAS only**
- P11J in DAS only**
- P12J in DAS only**
- P13J in DAS only**
- P14F in DAS only**
- P15F in DAS only**
- P16F in DAS only**
- P17F in DAS only**

P18D in DAS only
P19D in DAS only
P20D in DAS only
P21D in DAS only
P22F in DAS only
P23F in DAS only
P24F in DAS only
4745-TR-11
1728 (SK) 220127(03)

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

3. **The use of the commercial floorspace hereby permitted shall be limited to Class E2(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended).**

Reason: For the avoidance of doubt as to the uses permitted and in the interests of ensuring a minimum base of employment opportunities are provided in accordance with the former B1 Office use of the site and extant policies.

4. **No development (excluding demolition, tree protection works, groundworks / investigations) shall take place until samples of the materials (together with summary details) to be used in the construction of the external surfaces of the development hereby permitted shall 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 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).

5. **Notwithstanding any details submitted, no above ground development shall take place until 1:20 details of the following shall have been submitted to and approved in writing by the local planning authority.**

- Windows / panels (including set back and cross sections through the openings)
- External doors (including car park roller doors and cross sections through the openings)
- Curtain wall joinery details
- Balconies
- Balustrades
- Canopies
- Car park screens
- Rainwater goods
- Eaves / parapet wall / freestanding wall details
- Brickbond patterns

Reason: To ensure a 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. **Notwithstanding any details submitted, no development shall take place until an updated Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to**

design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved in writing by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development and No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved drawing. The details are required before commencement to ensure that tree protection is in place from the start of development.

Reason: To ensure that damage does not occur to trees and hedges during excavation and building operations 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. **Notwithstanding any details submitted, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until updated details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- o hard surfacing materials;
 - o means of enclosure;
 - o benches, planters, privacy screens and any play area equipment / fencing;
 - o soft landscape works including 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;
 - o trees to be retained;
 - o proposed finished levels or contours;
 - o habitat enhancement for bats and other wildlife;
 - o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
 - o submission of a Landscape Ecological Management Plan.

The approved landscape works shall be carried out prior to the first use of the development hereby permitted and retained fully in position.

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 ensure a satisfactory appearance to the development and to safeguard the visual character and ecology of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12, 13 and 29 of the Dacorum Core Strategy September 2013.

8. **Notwithstanding the details submitted, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until full details (in the form of scaled plans and / or written specifications) shall have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

i) Roads, footways

- ii) Cycleways
- iii) Foul and surface water drainage
- iv) Visibility splays
- v) Access arrangements
- vi) Parking provision in accordance with adopted standard
- vii) Loading areas
- viii) Turning areas
- ix) Parking Management

The development shall be carried out, and thereafter retained, in accordance with the approved details.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), saved Policy 54 of the Dacorum Borough Local Plan 1991-2011 and the Car Parking Standards Supplementary Planning Document (2020).

9. **Prior to the first occupation / use of the development hereby permitted the vehicular access improvements, as indicated on drawing numbers 1728 (P) P04 J & 4745-TR-11, shall be completed and thereafter retained in accordance with details/specifications which shall first have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

10. **Prior to the first use of the development hereby permitted, arrangements shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

11. **Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the vehicular 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), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

12. **The dwellings / commercial floorspace hereby permitted shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure shall have been provided in accordance with the details in**

Section 5.1 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. 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 dwellings / commercial floorspace hereby permitted shall not be occupied until the short and long term cycle parking facilities shall have been provided in accordance with drawings 1728 (P) P03 F, P04 J, P05 J and 1728 (SK) 220127(03), Trade literature - Two Tier Bike Rack - With Gas Strut (BDS), and the details provided in Section 5.2 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. The cycle parking facilities shall thereafter be retained in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the parking of bicycles in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018, Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

- 14. The dwellings / commercial floorspace hereby permitted shall not be occupied until the relevant refuse storage facilities serving that use shall have been provided in accordance with drawing 1728 (P) P04 J and the details in Section 5.3 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. The refuse storage facilities shall thereafter be retained and managed in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the disposal and collection of refuse from the development in accordance with Policy CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Refuse Storage Guidance Note (Feb 2016).

- 15. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP / Statement shall include details of:**

- a. Construction vehicle numbers, type, routing;**
- b. Access arrangements to the site;**
- c. Traffic management requirements;**
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- e. Siting and details of wheel washing facilities;**
- f. Cleaning of site entrances, site tracks and the adjacent public highway;**
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
- h. Provision of sufficient on-site parking prior to commencement of construction activities;**
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;**

k. Phasing Plan.

The construction of the development shall be carried out in strict accordance with the approved CTMP.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018). The details are required before commencement to ensure that all waste can be suitably managed from the start of development.

- 16. Prior to the commencement of development a Demolition and Construction Management Plan (DCMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCMP / Statement shall include details of:**

- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- o measures to control the emission of dust and dirt during demolition and construction;**
- o a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.**
- o hours of demolition and construction work**
- o control of noise and/or vibration**
- o measures to control overspill of light from security lighting**

The approved DCMP / Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.

Reason: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties from the start of development in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

- 17. Works audible at the site boundary shall not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.**

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

- 18. The development hereby permitted shall be carried out in accordance with the construction phase mitigation measures contained within the submitted and approved Air Quality Assessment November 2020. The measures shall be put in place prior to the commencement of development. Notwithstanding the submitted damage cost value calculation Addendum Report, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until further details of mitigation to satisfy the air quality damage cost value shall have been submitted to and approved in writing by the local planning authority. The details as approved shall be implemented in full**

prior to the first occupation of the development and retained where appropriate at all times thereafter.

Reason: Given the locality of the proposed development to industrial units and the A414, details are required in the interests of safeguarding residential amenity and to protect public health in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

19. **The development hereby permitted shall be carried out in accordance with the mitigation proposals within the submitted and approved Noise Survey and Assessment Rev 2 November 2021 to achieve the noise levels outlined in BS8233:2014 with regards to the residential units. The scheme shall be implemented before first occupation of the residential units concerned and thereafter maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.**

Reason: In the interest of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

20. **The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist, Energy Statement and the details provided in Section 5.7 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22.**

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).

21. **Notwithstanding the submitted Drainage Strategy and Drg. Nos. C13154 0101 P2, 0102 P1 and 0103 P1, no development shall take place until the final design and surface water discharge rates from the site shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. 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). Details are required prior to the commencement of development to ensure that satisfactory drainage can be made available to serve the development.

22. **The development shall not be occupied until confirmation has been provided that either:**

1. **All foul water network upgrades required to accommodate the additional flows from the development have been completed; or**
2. **A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow development to be occupied.**

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

- 23. No development shall take place until the results of a walkover survey, together with a Landscape and Ecological Management Plan (LEMP) for the site, as recommended in the Preliminary Ecological Appraisal 2021, shall have been submitted to and approved in writing by the Local Planning Authority, to include appropriate ecological enhancements. The development shall be carried out in accordance with the approved details prior to first occupation.**

Reason: To provide suitable ecological enhancement of the site having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021). The details are required before commencement to ensure that demolition and groundworks do not destroy ecological features prior to survey.

- 24. The development shall not be occupied until a comprehensive Ecological Management Plan (EMP) in respect of the Prologis Maylands compensation site (south of the A414 Breakspear Way) shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out in detail the proposals and measures that will need to be actioned on the site to achieve a BNG of 2.07 BU in accordance with the original EMP for that site together with a further uplift of 1.73 BU.**

Reason: To provide a suitable EMP that when implemented by DBC will compensate for the net loss to biodiversity on the application site of 1.98 BU, in accordance with Paras. 174 and 180 of the NPPF (2021).

- 25. The development hereby permitted shall be carried out in accordance with the crime prevention measures as detailed in the Design and Access Statement Oct 2021 Rev 06 received 25/08/22 (Section 5.4).**

Reason: To ensure the security of the site in accordance with the aims of Policy CS11 and 12 of the Dacorum Borough Core Strategy (2013), and Paragraphs 92 and 130 of the National Planning Policy Framework (2021).

- 26. No demolition/development shall take place until an Archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. 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. Development shall take place in accordance with the approved WSI.

Reason: To ensure that below ground archaeology is properly investigated, analysed, recorded and archived in accordance with the National Planning Policy Framework (2021), saved Policy 118 of the Local Plan (2004) and the guidance contained in the Historic Environment Planning Practice Guide. The details are required before commencement to ensure that demolition and groundworks do not destroy archaeological features and artefacts.

27. The development / or phases 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 WSI approved under condition 26 has been completed. The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis, publication and dissemination of results and archive deposition in accordance with the programme set out in the Written Scheme of Investigation approved under condition 26 has been secured and the details submitted to and approved in writing by the local planning authority.

Reason: To ensure that below ground archaeology is properly investigated, analysed, recorded and archived in accordance with the National Planning Policy Framework (2021), saved Policy 118 of the Local Plan (2004) and the guidance contained in the Historic Environment Planning Practice Guide.

28. A. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site shall have been submitted to and approved in writing by the Local Planning Authority.

B. 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.

C. 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:

o 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.

o 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.

o 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 the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2021). The details are required before commencement to ensure that all land can be properly investigated and decontaminated.

29. **All remediation or protection measures identified in the Remediation Statement referred to in Condition 28 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 that 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 the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2021).

30. **Any contamination, other than that reported by virtue of Condition 28 above encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2021).

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

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013), saved Policy 129 of the Dacorum Borough Local Plan 1991-2011 and Policies 1, 2 and 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The details are required before commencement to ensure that all waste can be suitably managed.

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. 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.

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

3. Under no circumstances should waste produced from construction or demolition 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. These details should be included in the CMP/DMP referred to in the above condition.
4. 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>

5b 21/03244/FUL - Conversion and construction of 6 dwellinghouses on brownfield site –

50 High Street Markyate St Albans Hertfordshire AL3 8HZ

Cllr Douris declared that he is the County Councillor for that area. He confirmed that he had visited the site today for the first time but has had no conversation regarding this item.

The legal advisor Adelle Stapleton confirmed that Cllr Douris could take part in the discussion and voting.

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

The Case Officer stated, as part of his introduction to the report that a further condition preventing the horizontal subdivision of Unit was recommended, in the interest of protecting the residential amenity of neighbouring properties.

Ward Councillor Jane Timmis, Markyate Parish Councillor Selma Hakki and resident Rachel Krauka spoke in objection to the application. Charles Dunn spoke in support of the application.

There was no proposer or seconder to DELEGATE WITH A VIEW TO APPRIVAL in line with officer's recommendations so the Officer recommendation fell.

It was proposed by Councillor Williams and seconded by Councillor Douris to overturn the officer's recommendation and **REFUSE** the application.

Vote:

For: **10** Against: **0** Abstained: **1**

Resolved: That planning permission be **REFUSED** for the following reasons:

- 1) By virtue of the absence of pedestrian and/or vehicular visibility splays when exiting the site, particularly when turning right, the development would result in an unacceptable risk to highway safety, contrary to Policy CS12(a) of the Dacorum Borough Core Strategy (September 2013) and paragraphs 110 and 111 of the National Planning Policy Framework.
- 2) By virtue of the scale, form and level changes of proposed Units 1-3, the proposed development would cause less than substantial harm to the Markyate conservation area, including the relationship with No.9 Albert Street (a Grade II Listed Building), which is not outweighed by the public benefits of the development. As such the development fails to comply with CS27 of the Dacorum Borough Core Strategy (September 2013) and paragraph 202 of the National Planning Policy Framework.
- 3) The private amenity space proposed for the proposed houses and flats fails to meet the requirements of Saved Appendix 3 of the Dacorum Borough Local Plan (1991-2011), both in terms of the scale and functionality of the private amenity space to be provided and also in terms of its compatibility with surrounding areas. The failure to provide adequate private amenity space in accordance with Saved Appendix 3 demonstrates the overdevelopment of the plot under the current proposals. The development is therefore also contrary to Policy CS12(g) of the Dacorum Borough Core Strategy (September 2013).

5c 21/04769/MFA - Construction of a residential care home (Class C2) and ancillary facilities, including access arrangements, car parking, amenity space, landscaping and associated works –

Land at Miswell Lane, Tring

The Case Officer, Robert Freeman introduced the report to Members and said that the application had been referred to the Committee due to contrary views of Tring Town Council. He informed the committee of the additional representation and the amended condition which was in the addendum.

It was proposed by Councillor Beauchamp and seconded by Councillor Riddick to **DELEGATE WITH A VIEW TO APPROVAL.**

Vote:

For: **4** Against: **1** Abstained: **5**

Resolved: That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to the conditions below and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended)

That the legal agreement secures the following Heads of Terms

- The restriction on occupation and use of the site for purposes falling within Class C2 (Residential Care Home)
- Restricted use of the car parking area for staff and visitors.

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:**

Plans

3135-HIA-ZZ-XX-DR-A-100 (Location Plan)
PL02 Revision E (Proposed Site Plan)
PL03 Revision B (Proposed Ground Floor Plan)
PL04 Revision C (Proposed First floor Plan)
PL05 Revision B (Second Floor Plan)
PL06 Revision D (Proposed Roof Plan)
PL07 Revision E (Proposed Elevations)
PL08 Revision E (Proposed Elevations)
PL09 Revision E (Sectional Details)
PL11 Revision C (Boundary Treatment Plan)
21007-50-01 Revision P5 (Below Ground Drainage Strategy)
21007-50-03 Revision P1 (Flood Routing Plan)
22224-01 Revision B (Visibility Splays)
22224-05 (Refuse Tracking Movements)

Documents

Arboricultural Impact Assessment by Advanced Arboriculture dated 16th September 2022
Drainage Strategy and Flood Risk Assessment Revision A (July 2022)
Below Ground Drainage Strategy prepared by Baker Hall Ltd reference 21007-50-01 Rev P5, dated 23 January 2023.
Ground Investigation Report by Applied Geology (October 2021)
Preliminary Ecological Appraisal Revision A by Griffin Ecology Ltd (April 2022)
Transport Assessment by David Tucker Associates (December 2021)
Transport Assessment Update by David Tucker Associates (October 2022)

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

3. **No construction of the superstructure of the development shall take place until samples of the materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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

4. **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,**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **a scheme for the ecological improvement and management of the site,**
- **any exterior lighting works and**
- **minor artefacts and structures including bin stores, cycle stores and pergola and**

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

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

5. **No development shall take place until the tree protection measures have been provided fully in accordance with the Tree Protection Plan contained within the Arboriculture Impact Assessment by Advanced Arboriculture. The tree protection measures shall be kept in situ for the duration of the construction period and protected areas shall be kept free from the storage of construction materials or spoil.**

Reason: To ensure the adequate protection of trees and landscape features in accordance with Policies CS12, CS25 and CS26 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan 1991-2011

6. **The development hereby approved shall be undertaken fully in accordance with the mitigation measures identified in the Preliminary Ecological Appraisal Revision A by Griffin Ecology (April 2022) . The works shall be undertaken with the supervision of an appropriately qualified Ecological Clerk of Works (ECoW)**

Reason: To ensure the adequate protection of species and habitat in accordance with Policies CS25 and CS26 of the Core Strategy.

7. **The development hereby approved shall not be occupied until the arrangements for the access, parking and circulation have been provided in accordance with drawings PL02 Revision E (Proposed Site Plan) 22224-01 Revision B (Visibility Splays) and 22224-05 (Refuse Tracking Movements). The arrangements for the circulation and parking of vehicles shall thereafter be retained in accordance with the approved plans.**

Reason: In the interests of highway safety and to ensure that there is adequate space to enter and exit the site within a forward gear in accordance with Policies CS8 and CS12 of the Core Strategy and Car Parking Standards SPD.

- 8 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste);
 - h. Provision of sufficient on-site parking prior to commencement of construction activities and
 - i. a construction phase surface water management plan

Reason: In the interests of highways safety and amenity of neighbouring properties and in accordance with Policies CS8, CS12 and CS31 of the Core Strategy.

9. **Prior to the first use of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved drawing number 22224-01 Revision B (Visibility Splays) The 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 Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

10. **The development hereby approved shall not be occupied until a scheme for the installation of Electric Vehicle Charging Points and associated infrastructure has been submitted to and approved in writing by the local planning authority. The Electric Vehicle Charging points and associated infrastructure shall be provided prior to occupation and 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).

11. **No development above slab level shall be undertaken until a Sustainability Statement indicating how the development complies with Policies CS29, CS31 and CS32 of the Core Strategy, the Energy Efficiency and Conservation SPD and the Water Conservation SPD has been submitted to and approved in writing by the local planning authority. The development shall be undertaken fully in accordance with the approved details.**

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 150 and 153 of the National Planning Policy Framework (2019).

12. **The development hereby approved shall not be occupied until a scheme for the mitigation of residents against the noise from commercial premises has been submitted to and approved in writing by the local planning authority. The proposed noise mitigation measures shall be provided in accordance with the approved details prior to the occupation of effected residential rooms.**

Reason: To ensure an adequate level of amenity for future occupants of the development in accordance with Policy CS12 of the Core Strategy.

13. **The development hereby approved shall not be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.**

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

14. **The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy and Flood Risk Assessment prepared by Baker Hall Ltd Revision A, dated July 2022 and the subsequently submitted Below Ground Drainage Strategy prepared by Baker Hall Ltd reference 21007-50-01 Rev P5, dated 23 January 2023.**

- 1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the greenfield surface water run-off rate during all events up to and including the 1 in 100 year + 40% climate change storm.**
- 2. Providing attenuation storage 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. Discharge of surface water from the private network to soakaways.**

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS31 of the Core Strategy.

15. No development above slab level shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- Detailed design drainage layout drawings of the SuDS proposals including all pipes, invert and cover levels, associated volumes, discharge rates and diameters, and cross-section details.**
- Full network calculations using FEH2022 rainfall data for all events up to and including the 1 in 100 year plus 40% climate change, including half drain down times no greater than 24 hours. The calculations should demonstrate that any new and existing drainage networks have sufficient capacity to manage surface water on site.**
- A Flood Exceedance Conveyance Plan for extreme storms that exceed the 1 in 100 year +40% climate change event.**
- Infiltration testing to BRE Digest 365 standards at the exact locations and depths of proposed infiltration features, including groundwater testing and remediation plans for any contamination discovered on site where it may interact with the proposed drainage.**
- Detailed maintenance and management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element and confirmation of who will be responsible for maintenance.**

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

16. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- **As built plans;**
- **Photographs to document each key stage of the drainage system when installed on site;**
- **Photographs to document the completed installation of the drainage structures on site;**
- **The name and contact details of any appointed management company**

Reason: In accordance with Section 21 of the Flood and Water Management Act 2010 and Policy CS31 of the Core Strategy.

17. The development hereby permitted shall not be occupied until detailed proposals for the provision of fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details prior to occupation of the development.

Reason: To ensure that adequate arrangements are made for the fighting of fire in accordance with Policy CS35 of the Core Strategy.

18. The development hereby approved shall not be occupied until the off-site highway works have been implemented in accordance with drawing 22224-03 Revision A or any subsequent plan for such works as may be approved under a legal agreement under Section 278 of the Highways Act 1980 (As Amended)

Reason: In the interests of highways safety and in accordance with Policies CS8 and CS12 of the Core Strategy.

5d 22/02560/FUL - Removal of temporary dry bay practice structure, replacing with a permanent teaching and practicing building

Ashridge Golf Club Golf Club Road Little Gaddesden Berkhamsted Hertfordshire HP4 1LY

Cllr Douris declared that he is the Ward Councillor for Ashridge, He confirmed that he is coming to the meeting with an open mind and has confirmed that he has taken no part in any discussion regarding this application.

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

Little Gaddesden Parish Councillor Jim Townsend spoke in objection to the application.

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

Vote:

For: **8** Against: **0** Abstained: **2**

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

That planning permission be **GRANTED**

Condition(s) and Reason(s):

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

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

2. **No development (other than groundworks) shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all external hard surfaces within the site
- other surfacing materials
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.

The hard and soft landscape works, including planting, must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policies CS12 (e) and CS24 of the Dacorum Borough Council Core Strategy (2013).

3. **No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:**

- o A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs)
- o The sequential order of events required for tree protection
- o The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable)

- o The position and specification of ground protection in accordance with BS5837:2012 (as applicable)
- o Details of hard surfacing constructed using no-dig techniques where proposed over the RPA of retained trees (as applicable)
- o Details of proposed levels
- o The position of service routes and drainage, and means of installation if these encroach through the RPA of retained trees.

There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed. The works must be carried out according to the approved details.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations 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).

4. **No development (excluding groundworks) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the countryside, the Chilterns Area of Outstanding Natural Beauty and the Historic Park and Garden, in accordance with Policies CS7, CS12, CS24 and CS27 of the Dacorum Borough Core Strategy (2013).

5. **No new floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated at the site.**

Reason: To preserve the rural amenity of the locality, to minimise impacts on biodiversity and to avoid unnecessary light pollution in accordance with Policies CS7, CS24 and CS26 of the Dacorum Borough Core Strategy (2013) and Paragraphs 130 and 174 of the National Planning Policy Framework (2021).

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

001 P4 (Site Location, Block and Aerial Plans and site photos)

002 P4 (Plan on new facility)

003 P3 (Perimeter Elevations and Cross Section)

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 proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

5e 22/03454/FUL - Construction of a Single Dwelling –

Land at The Willows, Potten End Hill, Water End, Hemel Hempstead

Cllr Douris declared that this application is in his area. He is happy to take part and confirmed that he has had no discussion regarding this application.

The Case Officer, Robert Freeman introduced the report to Members and said that the application had been referred to the Committee due to the contrary recommendations of the Parish Council.

Great Gaddesden Parish Councillor Louise Wilson and Resident Malcom Livesey and Mark Griffin spoke in objection to the application.
David and Alex Robins spoke in support of the application.

It was proposed by Councillor Durrant and seconded by Councillor Riddick to **DELEGATE WITH A VIEW TO APPROVAL.**

Vote:

For: **6** Against: **0** Abstained: **4**

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 a planning obligation under Section 106 of the Town and Country Planning Act 1990 (As Amended) and the conditions below:

10.2 That the following Heads of Terms are included within the legal agreement

- The restriction of occupancy to the Robins family and a carer
- A contribution of £913.88 is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
- A contribution of £4,251.71 is secured towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

Conditions:

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

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

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

EB/WL-01 (Location and Block Plan)
EB/WL-02 (Proposed Ground Floor Plan)
EB/WL-03 (Proposed First Floor Plan and Carers Annex)
EB/WL-04 (Proposed Elevations)

**EB/WL-05 (Internal Room Floor Areas)
Design and Access Statement
Sustainability Checklist**

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

- 3. No development shall commence until details of the finished slab level, eaves and ridge heights to the proposed building have been provided in relation to existing site levels and those of neighbouring development.**

Reason: To ensure that the dwelling has an appropriate relationship with neighbouring properties in accordance with Policies CS11 and CS12 of the Core Strategy.

- 4. No development above slab level shall commence until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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

- 5. No development above slab level shall commence until full details of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

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

All planting shall be completed within one planting season of the completing of development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

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

- 6. No development above slab level shall commence until full details of the sustainability measures to be incorporated in the development have been submitted and approved in writing by the local planning authority. The development shall not be occupied until the sustainability measures have been provided in accordance with the approved details.**

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).

- 7. The development hereby approved shall not be occupied until full details of facilities for the Charging of Electric Vehicles have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the charging facilities have been provided in accordance with the approved details.**

Reason: In the interests of sustainable transport and in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

- 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the local planning authority**

**Schedule 2 Part 1 Classes A, B, C, D, E and F
Schedule 2 Part 2 Class A**

Reason To ensure the adequate protection of the Green Belt in accordance with Policy CS5 of the Core Strategy.

INFORMATIVE

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

Highway Informative

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.

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.

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.

The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

Contamination

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed. This is because the safe development and secure occupancy of the site lies with the developer.

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

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

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.

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.

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-plantsrelevant>

The Chair proposed that they carried on the meeting past 10.30pm to get all of the items heard, it was seconded by Cllr Williams.

For against

6 0

Resolved that the meeting will carry on until all items are heard.

5f **23/00195/FHA - Garage Conversion, Replacement Windows and Doors, Smooth Rendered Finish to Existing and New Walls, Single Storey Rear Extension, Cladding / Rendering of Existing Out-building / Garage Block.**

**Russett View Dunny Lane Chipperfield Kings Langley Hertfordshire
WD4 9DD**

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

It was proposed by Councillor Durrant and seconded by Councillor Douris to **GRANT** the application.

Vote:

For: **8** Against: **0** Abstained: **2**

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

RECOMMENDATION

That planning permission be **GRANTED**

Condition(s) and Reason(s):

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

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

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

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

3. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no further enlargement of the building or outbuildings, additional hardstanding or means of enclosure shall occur or development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:
Class A, Class AA, Class B, Class E of Part 1, Schedule 2**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality, preserve heritage assets and Green Belt openness in accordance with Policies CS5, CS11, CS12, CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 and Chapters 13 and 15 of the National Planning Policy Framework (2021).

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

01 Rev K (Location and Block Plan)

02 Rev L (SE and S Elevations)

03 Rev N (W and N Elevations)

04 Rev M (NW and NE Elevations)

08 Rev J (Proposed Lower Ground)

09 Rev M (Proposed Ground Floor)

10 Rev K (Proposed Roof)

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

Informatives:

1. 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.
2. 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.
3. 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.
4. 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.

5. Invasive and Injurious Weeds: 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>

With reference to the above planning application, please be advised Environmental Health would have no objections or concerns re noise, odour or air quality. However I would recommend the application is subject to informatives for waste management, construction working hours with Best Practical Means for dust, air quality and Invasive and Injurious Weeds which we respectfully request to be included in the decision notice.

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

6 PLANNING ENFORCEMENT REPORT

Kyle Dalton presented the report informing Members of the planning enforcement formal action status for April 2023. Kyle Dalton highlighted some enforcement cases that had been closed due to compliance with their Enforcement Notices, detailed the new Enforcement Notices served and provided an update on the 2023 priorities for the team.

Cllr Riddick asked about the new case adjacent to Threefields, Sheethanger Lane and Kyle Dalton detailed the steps taken so far and the potential future steps.

The Meeting ended at 10.50 pm