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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**13 JULY 2023**

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Present:

**MEMBERS:**

Councillor Stevens (Chairman) Councillors, Guest, C Wyatt-Lowe, Durrant, Bristow, Cox, Link, Patterson, Riddick, Silwal, Mitchell, Stewart and Weston

Councillor also attended

**OFFICERS:**

- P Stanley (Head of Development Management)
- P Doyle (Principal Planning Officer)
- N Sultan (Principal Property Lawyer)
- R Freeman (Lead Planning Officer)
- K Johnston (Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7.00 pm

**1 MINUTES**

The minutes of the meeting held on 22 June 2023. Were confirmed by the Members present.  
Hard-copy minutes were signed by the Chair

**2 APOLOGIES FOR ABSENCE**

Apologies received from the Councillor Maddern.  
Cllr Hobson was substituted by Cllr Weston. Cllr Mottishead was substituted by Cllr Stewart.

**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.

**5a 22/02354/FUL - Construction of a Single Dwelling - 31 Hempstead Lane, Potten End**

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

Parish Councillor Simon Nelson spoke in objection to the application.

Adam Kennedy spoke in support of the application.

It was proposed by Councillor Riddick and seconded by Councillor Weston to **DELEGATED with a view to APPROVAL.**

Vote:

For: 12 Against: 0 Abstained: 1

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

**RECOMMENDATION.**

That planning permission be **DELEGATED** with a **VIEW TO APPROVAL** subject to 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

- 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:**

**SU.000 Revision PL3 (Site Location Plan)**  
**01.000 Revision PL4 (Proposed Site Plan)**  
**01.001 Revision PL3 (Proposed Floor Plans)**  
**01.002 Revision PL3 (Proposed Elevations)**  
**01.003 Revision PL3 (Proposed Street Scene)**  
**01.01 Revision TPP1 (Tree Protection Plan)**  
**01.10 Revision PL3 (Tree Location and Protection Plan)**

## **Planning Design and Access Statement by denhofdesign**

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 shall take place until tree protection measures have been provided fully in accordance with the Tree Protection Plans. These protective measures shall remain in-situ for the duration of the construction period.**

Reason: To ensure the adequate protection of off-site trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

7. **The new driveway hereby approved shall be constructed with a 'no-dig' surface layer (BodPave 40 or equivalent) as set out in drawing number 01.010 Revision PL3 (Tree Protection Plan)**

Reason: To ensure the adequate protection of off-site trees in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

8. **Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 01.010 PL3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.**

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

9. **The dwelling hereby approved shall not be occupied until the photovoltaic panels shown on drawing No 01.002 Revision PL3 (Proposed Elevations) have been installed and are operational. The dwelling shall also not be occupied 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).

10. **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)

11. **The dwelling(s) shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.**

Reason The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; to use natural resources prudently in accordance with

the NPPF, and in accordance with Policies CS29, CS31 and CS32 of the Dacorum Core Strategy (2013).

## **INFORMATIVE**

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.

### Highway Informative

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

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

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

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

AN 4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

### 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](mailto: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>

#### **5b. 23/00413/FUL - CONSTRUCTION OF DWELLING - LAND EAST OF CYRITA, HOGPITS BOTTOM, FLAUNDEN, HERTFORDSHIRE**

The Case Officer, Patrick Doyle, introduced the report to Members and said that the application had been referred to the Committee due to contrary views of Parish Council and it was call in by Councillor Riddick

*Councillor Riddick declared an interest in item 5b as he had called the item in as it is in his Ward. He confirmed that he would take no part in the discussion or voting for this reason.*

Rob Nugent and Councillor David Imroth spoke in objection to the application.

It was proposed by Councillor Bristow to **DELEGATED with a view to APPROVAL**, in line with Officers recommendations. As there was, no seconder the motion fell.

Having there been no majority to grant the application it was proposed by Councillor Weston and seconded by Councillor Guest to overturn the officer's recommendation and **REFUSE** the application for the following reasons:

1. *The proposed development, in view of its design, site coverage, and scale would appear cramped and incongruous to the pattern of development locally and the wider character and appearance of the area in which it is located. The proposed development would cause substantial harm to the rural character and appearance of the area and harm to the appearance of the Green Belt contrary to the NPPF and Policies CS5, CS6, CS10, CS11 and CS12 of the Core Strategy.*

2. *The application does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and in the absence of an appropriate legal agreement to mitigate such adverse impact, the proposed development is contrary to the requirements of the*

*Habitats Regulations 2017 and 2019, the NPPF and Policies CS25 and CS26 of the Core Strategy.*

Vote:

For: 9      Against: 1      Abstained: 2

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

## **6            APPEALS UPDATE**

Philip Stanley presented the report explaining that we had a lot of minor appeals.

In this period there were 8 dismissed and 4 allowed appeals.

He emphasised that the appeals are taking a longer time to go through the process.

Cllr Riddick asked about the appeals at The Old Oak, Hogpits Bottom and Gable End, Threefields.

The report was noted.

## **7            PLANNING ENFORCEMENT QUARTERLY REPORT**

*21:03 Cllr Weston left the meeting*

Kyle Dalton presented the report informing Members of the planning enforcement formal action status for April 2023. Nine Notices had been served in the quarter, and progress against the 2023 Local Enforcement Plan priorities was highlighted.

The report was noted.

Questions related to future planning enforcement action were moved to Part 2 of the meeting, upon the completion of Part 1.

## **8            AMENDMENTS TO THE PLANNING CODE OF PRACTISE**

The following changes and additions are proposed:

- (1) Reference to the Assistant Director (Planning, Development and Regeneration) be replaced by Assistant Director – Planning.
- (2) Reference to the Group Manager (Development Management and Planning) be replaced by Head of Development Management.
- (3) A new Section 3.4 be added, which states:

*“If Members are approached by developers asking to meet regarding pre-application or application proposals, such meetings must always take place with Officer support. Members must not meet with developers on their own.”*



(4) A new Section 8.4.1 be added (with subsequent sections re-numbered accordingly) which states:

*“Fully read the agenda and any addendum prior to attending the Committee meeting”*

The report was noted and agreed.

The Meeting ended at 9.25 pm