
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

16 NOVEMBER 2023

Present:

MEMBERS:

Councillor Stevens (Chairman) Councillors, C Wyatt-Lowe, Durrant, Hobson (Vice-Chairman), Maddern, Bristow, Cox, Barradell, Patterson, Stewart and Williams (11)

Councillor also attended

OFFICERS:

P Stanley	Head of Development Management
E Palmer	Lead Planning Officer
S Robbins	Lead Planning Officer
R Freeman	Lead Planning Officer
N Sultan	Legal Governance Manager
J Edwards	Litigation Lawyer
K Johnston	Corporate & Democratic Support Officer (Minutes)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 19 October 2023 were confirmed by the Members present.

Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Apologies received from the Councillor Guest, Riddick, Mottershead, Mitchell and C Link. Councillor Barradell substituted for Councillor Guest, Councillor B Williams substituted for Councillor Riddick and Councillor Stewart substituted for Councillor Mottershead.

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.

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

- 5e.
- a,
- b,
- c,
- d.

5a. 23/01583/FUL - Demolition of existing single storey garage building.

Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping - Land Rear Of 38-40 Windmill Way Tring Hertfordshire HP23 4EH

Cllr Patterson declared an interest in the item, and confirmed that he will not take part in the discussion or voting.

The Case Officer, Elspeth Palmer introduced the report to Members and said that the application had been referred to the Committee due to the contrary views of Tring Town Council.

Ward Councillor Brian Patterson, Town Councillor Paul De Koning and Rachael Moore spoke in objection to the application.

Greg Basmadjian spoke in support of the application.

It was proposed by Councillor Durrant and seconded by Councillor Bristow to **DELEGATE with a view to APPROVAL.**

Vote:

For:	Against:	Abstained:
5	4	1

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

RECOMMENDATION

That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

Condition(s):

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:**
Site Location Plan
Proposed Site Plan 401 Rev C
Proposed Floor Plans 402 Rev A

**Proposed Floor Plans 403 Rev A
Proposed Elevations 404 Rev A
Perspective View North
Perspective View South**

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

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

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

4. **The garage shall be demolished and the materials arising from demolition removed from the site (or the arising materials re-used or retained in a position on site as agreed by the Local Planning Authority in writing and thereafter retained) prior to the implementation of the development hereby permitted.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of protecting the neighbouring properties amenities in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013).

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

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

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

6. **Notwithstanding the details shown on the approved plans the amenity land to the front of the site (marked as grass and between the “low brick wall/picket fence” and the footpath) is to be kept permanently open and free from all domestic paraphernalia and not to be used as residential garden or as a means of parking or access to the highway.**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the amenity land to the front of the site which forms part of an open green corridor along Christchurch Road and provides residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2023).

7. **The window at first floor level and ground floor level in the north-west elevation of the development hereby permitted shall be non-opening and permanently fitted with obscured glass with a minimum of privacy level three up to 1.7 metres from the internal floor height.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2023).

8. Notwithstanding the details shown on the approved plans **no construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- all external hard surfaces within the site;
 - other surfacing materials;
 - means of enclosure with specific reference to the boundary treatment between the house and the amenity land;
 - soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
 - minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); 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 improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

9. **Works must then be carried out according to the approved details and recommendations made in the Tree Survey and Arboricultural Impact Assessment dated 10th March, 2023 by GHA Trees.**

Reason: In order to ensure that damage does not occur to the trees and their root systems covered by a Tree Preservation Order and other trees and hedges within and near the site 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 (2023).

10. **Prior to the occupation of development hereby permitted, details of refuse storage for domestic refuse/recyclable materials and collection arrangements shall be submitted and approved in writing by the Local Planning Authority. Thereafter, all refuse and recyclable materials associated with the development shall be stored within this dedicated refuse storage area as approved. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.**

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

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

Schedule 2

Part 1 Class A, B, D, E and F

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity for the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 of the National Planning Policy Framework (2023) to ensure there are no porch projections into the amenity land or hardstanding areas beneath the protected trees which may affect their root system

12. **No construction of the superstructure shall take place until a sustainability checklist providing details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning**

Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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 (2023).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. 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.
3. 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.
4. 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.
5. 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 website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

6. The proposed new driveway would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the new driveway would need to be collected and disposed of on site.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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>

12. 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
13. The safe and secure occupancy of the site, in respect of land contamination, lies with the developer.
The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2023.
The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

5b 23/00023/FUL - Demolition of existing outbuildings and construction of a new bungalow –

Lower Farm End Luton Road Markyate St Albans Hertfordshire AL3 8PZ

Cllr Barradell declared an interest in item 5b as it is in his Ward, he confirmed that he had no interest in the item and had come to the meeting with an open mind.

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 Markyate Parish Council.

Ward Councillor Jane Timmis spoke in objection to the application.

It was proposed by Councillor Maddern and seconded by Councillor Hobson to **DELEGATE with a view to APPROVAL**.

Vote:

For:	Against:	Abstained:
7	0	4

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

That planning permission be DELEGATED with a view to APPROVAL subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

Conditions and Reasons:

- 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 buildings / structures labelled as ‘machinery, hay and feed store’, stables’ and ‘container’ on drawing no. WRIG/22110/EXISTSITE shall be demolished and all the materials removed from site prior to the construction of the new dwelling hereby permitted.**

Reason: To safeguard the visual amenities of the Green Belt in accordance with Dacorum Borough Core Strategy (2013) Policy CS5.

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 (2023).

4. **a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written Preliminary Environmental Risk Assessment Report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

5. **Any contamination, other than that reported by virtue of Condition 4 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.**

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

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

6. **The development hereby permitted shall not progress beyond damp proof course level 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. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made for inspection.**

Specific details of the following shall be submitted to the Local Planning Authority for approval:

- o **Sample panels of brickwork**
- o **Roof material sample**
- o **Cladding material sample**
- o **Details of window and door frames**
- o **Rainwater goods.**

Development shall be carried out in accordance with the approved details.

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

7. **Prior to the occupation of the development hereby approved, details of the timber entrance gates shall be submitted to and approved in writing by the Local Planning Authority.**

Development shall be carried out in accordance with the approved details, which shall be installed prior to occupation and retained as such in perpetuity.

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the area and to preserve the setting of the designated heritage asset in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies CS24 and CS27 of the Dacorum Borough Core Strategy (2013)

8. **Prior to the occupation of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:**

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

The approved landscape works shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved.

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).

9. **The development shall be carried out in accordance with the ecological enhancement opportunities detailed in the Preliminary Ecological Appraisal by Samsara Ecology (report date December 2022). The scheme of enhancements shall be initiated prior to the commencement of the approved development and thereafter so retained.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2023).

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

Schedule 2, Part 1, Classes A, AA, B, C and E

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 in accordance with Policies CS5 and CS12 of the Dacorum Borough Core Strategy (2013).

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

WRIG/22301/SITE1A

WRIG/22310/PLANE

Preliminary Ecological Appraisal by Samsara Ecology (dated December 2022)

Planning Statement by A P Whiteley Consultants Ltd (dated 3rd January 2023)

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

Informatives:

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
2. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.
Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047
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.

4. Working Hours: 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.

5. Construction Dust: 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.

6. Waste Management: 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.

7. Air Quality: 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.

8. 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>.

9. The Contaminated Land conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021. Guidance on how to assess and manage the risks from land contamination can be found here: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
10. 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.

5c. 23/01905/FHA - Single storey side extension, conversion of garage, new porch and replacement pillars –

Holly House, 8 Kilfillan Gardens, Berkhamsted

Cllr Stewart declared an interest in the item and confirmed that he will take no part in the discussion or voting.

The Chair Councillor Stevens stepped down as Chair and Vice Chair Hobson stepped up as Chair. Cllr Stevens will take no part in the discussion or voting.

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 view of Berkhamsted Town Council. The Town Council objects to the design of the proposed works and the impact on the street scene.

Bruce O'Brien and Roberts Anderson spoke in objection to the application.

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

Vote:

For:	Against:	Abstained:
7	0	2

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

RECOMMENDATION.

That planning permission be **GRANTED** subject to the conditions below:

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:**

23004 AL (0) 110 Revision F
23004 AL (0) 111 Revision F
23004 AL (0) 112 Revision C
23004 AL (0) 120 Revision F

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

3. **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**

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

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.

Contamination

Guidance on how to assess and manage the risks from land contamination can be found here

[https://www.gov.uk/government/publications/land-contamination-risk-management/crm](https://www.gov.uk/government/publications/land-contamination-risk-management/management/crm)

- 5d **23/00767/FHA - Demolish the existing ground floor rear outrigger to allow the construction of a new rear ground and first floor extension alongside a rear roof dormer window –**

43 Highfield Road Berkhamsted Hertfordshire HP4 2DD

Councillor Stevens declared an interest in item 5d as he is speaking in objection to the item, for this reason he will take no part in the discussion or voting. Vice Chair Councillor Hobson stepped up as the Chair.

The Case Officer, Sally Robbins, introduced the report to Members and said that the application had been referred to the Committee due to contrary views of Berkhamsted Town Council. Sally Robbins also advised Members that this application had been appealed on the grounds of non-determination and therefore Members are being asked for how they would have decided the application.

Ward Councillor Garrick Stevens and Paul Chamber spoke in objection to the application.

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

Vote:

For:	Against:	Abstained:
4	0	6

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

N Sultan sought clarity as to why there were six abstentions. The relevant Members confirmed that this was due to the non-determination appeal and that therefore the Planning Inspectorate would be the decision-maker for this application.

RECOMMENDATION

That planning permission be **GRANTED** subject to conditions.

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. **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. Details to include:**

- Brickwork
- Roof tiles
- Glazing
- Dormer window cladding material
- Rainwater goods
- Joinery details and finish.

Development shall be carried out in accordance with the approved details.

Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

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

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

- LP01 Location Plan
- 201 Ground & First Floor Plan
- 202 Second Floor & Roof Plan
- 203 Section 02 & 03
- 204 Section 03, 04 & 05
- 205 Front & Rear Elevation

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

Informatives:

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

5e 23/02040/RET - Retention of replacement raised decking with proposed modifications incorporating removal of lower platform –

7 Olivers Close, Potten End, Berkhamsted, Hertfordshire, HP4 2SL

The Case Officer, Robert Freeman introduced the report on behalf of Victor Unuigbe and said that the application had been referred to the Committee due to contrary views of Nettleden with Potten End Parish Council.

Parish Councillor John Berry, Ward Councillor Terry Douris, Liz Ruyter and Nick Walpole spoke in objection to the application.

Liz Fitzgerald spoke in support of the application.

It was proposed by Councillor Barradell and seconded by Councillor Hobson to **GRANT** the application.

Vote:

For:	Against:	Abstained:
2	7	1

Having there been no majority to **GRANT** the application it was proposed by Councillor Wyatt-Lowe and seconded by Councillor Maddern to **REFUSE** the application.

Vote:

For:	Against:	Abstained:
8	0	3

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

- 1. The proposed development (Retention of replacement raised decking with proposed modifications incorporating removal of lower platform) results in a significant detrimental impact on the amenities of the occupiers of the adjoining neighbouring property to the east at No. 8 Olivers Close, by reason of direct overlooking of, and loss of privacy to the rear garden and rear ground floor habitable rooms of that property. The proposal is therefore contrary to the aims of the National Planning Policy Framework 2023 and Policy CS12 of the Dacorum Core Strategy 2006-2031.**

6 APPEALS UPDATE

Philip Stanley gave a brief update on the appeals.

The report was noted.

The Meeting ended at 9.50 pm