
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

30 MAY 2024

Present:

MEMBERS:

Councillor Stevens (Chairman) Councillors, Guest, Hobson (Vice-Chairman), Maddern, Bristow, Patterson, Riddick, Smith-Wright, Barry-Mears, Anderson and Williams

Councillor also attended

OFFICERS:

- P Stanley (Head of Development Management)
- J Edwards (Litigation Lawyer)
- M Stickley (Principal Planning Officer)
- R Freeman (Lead Planning Officer)
- J Gardner (Development Management Assistant Team Leader)
- E Palmer (Lead Planning Officer)
- K Johnston (Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7:00pm

1 MINUTES

The minutes of the meeting held on 18 April 2024. Were confirmed by the Members present. Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Apologies received from Councillors Cox, Walker and Durrant. Councillor A Williams substituted for Councillor Walker. Councillor Anderson substituted for Councillor Durrant.

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. 24/00330/MFA

Demolition of existing buildings and redevelopment of the site to provide 86 residential units (market and affordable), construction of a community hub building, together with associated landscaping, open space, parking, and highway improvement

Haresfoot Farm, Chesham Road, Berkhamsted, Hertfordshire

Councillor Stevens declared an interest in item 5a. He declared that he sits on Berkhamsted Town Council. He confirmed that he was coming with an open mind and has not taken part in any Berkhamsted Town Council discussions regarding this item.

The Case Officer, James Gardner introduced the report to Members and said that the application had been referred to the Committee due to an objection raised by Berkhamsted Town Council, on the grounds of overdevelopment, urbanisation of the countryside, inappropriate access arrangements, minimal green space to serve the development and non-compliance with national planning policy in relation to the Green Belt.

Ward Councillor Nigel Taylor and Resident Michael Bannister and Julian Davies spoke in objection to the application.

Simon Warner and Oliver Myrants Wilson spoke in support of the application.

It was proposed by Councillor Bristow and seconded by Councillor Williams to **DELEGATED with a view to APPROVAL.**

Vote:

For:	Against:	Abstained:
4	6	1

Having there been no majority to grant the application it was proposed by Councillor Guest and seconded by Councillor Anderson to overturn the officer's recommendation and **REFUSE** the application.

Vote:

For:	Against:	Abstained:
6	3	2

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

1. The proposed development of the southern quadrant of the site would constitute inappropriate development and would result in visual and spatial harm to the openness of the Green Belt. In addition, the proposals would lead to a conflict with one of the five purposes of including land in the Green Belt - i.e. to assist in safeguarding the countryside from encroachment. The benefits of the scheme taken together do not clearly outweigh the harm and other harm identified. Very special circumstances have not been demonstrated to justify the proposed inappropriate development in the Green Belt. The proposals are therefore contrary to the Policy CS5 of the Dacorum Borough

Core Strategy (2013) and paragraphs 142, 143, 152, 153 and 154 of the National Planning Policy Framework (2023).

2. The application site is located outside of the settlement boundary of Berkhamsted and in open countryside. By virtue of its distance from shops, services, amenities, places of work and a range of public transport links, and notwithstanding the measures proposed to maximise sustainable transport solutions, the site is not considered to be a suitable location for housing. The proposed development would therefore be contrary to Policy CS1 of the Dacorum Core Strategy and paragraph 109 of the National Planning Policy Framework (2023).

5b. 23/02805/FUL

**Proposed Electric Vehicle (EV) Charging Station and Cafe
Land opposite The Eagle Public House, Hempstead Road, Kings Langley**

Councillor Anderson declared an interest in item 5b and was speaking against the item. He declared that he would not participate in the discussion or the voting.

The Case Officer, Robert Freeman introduced the report to Members and said that the application had been referred to the Committee due to objections of Kings Langley Parish Council to the application and given the previous refusal of a planning application for an EV Charging Station at this site by the Development Management Committee. Kings Langley Parish Council consider the proposals to be inappropriate development in the Green Belt in view of its scale and nature.

Ward Councillor Alan Anderson spoke in objection to the application.
Planning Consultant Holly Mitchell spoke in support of the application.

It was proposed by Councillor Smith-Wright and seconded by Councillor Patterson to **GRANT** the application.

Vote:

For:	Against:	Abstained:
5	4	1

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

Conditions:

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:**

E001 Issue 0 (Site Location Plan)

P100 Issue 2 (Proposed Site Layout)
P101 Issue 1 (Proposed Landscaping)
P200 Issue 2 (Floor Plans)
P400 Issue 0 (Proposed Sections)
P450 Issue 2 (Elevations)

Biodiversity Net Gain Assessment by Aval Consulting Group dated November 2023
Design and Access Statement by Paper Architecture
Drainage Strategy by Patrick Parsons dated November 2023
Energy and Sustainability Statement by Aval Consulting Group dated November 2023
Planning Statement by simplyplanning dated November 2023
Preliminary Ecology Appraisal Revision C by Aval Consulting Group dated November 2023
Transport Assessment by Aval Consulting Group dated November 2023

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

3. **No development of the superstructure shall take place until full details and samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. These details shall include details of any variation to the spacing and arrangement of cladding upon the principle elevations of the building hereby approved. 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 development shall take place, until full details of hard and soft landscaping works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**
- details of the location and nature of tree any tree protection measures,
 - all external hard surfaces within the site,
 - all means of enclosure to the site,
 - soft landscaping works including a planting scheme with the number, size, species and position of trees, plants and shrubs,
 - cross sectional details and planting plans or the proposed pond,
 - minor artefacts and structures and
 - a detailed landscape and ecological maintenance and management plan.

All planting shall be completed within one planting season of the first use of 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

5. **The development, hereby permitted, shall not be brought into use until a lighting strategy including lux diagrams showing the extent of coverage of external lighting shall be submitted to and approved in writing. The building shall only be illuminated in accordance with the approved lighting strategy.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy.

6. **No development shall take place, until full details of the Electric Vehicle chargers have been submitted to and approved in writing by the local planning authority. These technical specifications shall provide for the rapid charging of Electric Vehicles. The charging infrastructure shall be provided fully in accordance with the approved details and shall thereafter be permanently maintained.**

Reason: To ensure construction of a satisfactory development in accordance with Policies CS8, CS12 and CS29 of the Core Strategy.

7. **No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

- a) **Clarification as to how vehicles entering the EV site would safely enter from the Hempstead Road without interfering with any vehicles exiting the existing petrol station site and**
- b) **measures given to giving priority to vehicles entering the EV site to prevent vehicles potentially waiting and causing an obstruction on the highway, whilst another vehicle exits the petrol station site.**
- c) **signage and associated highway markings.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

8. **The proposed access shall not be used until such time as the measures approved in accordance with condition 7 have been provided fully in accordance with the approved details. Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. **Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should consider all phases (excluding demolition) of the development. The construction of the development shall only be**

carried out in accordance with the approved Construction Management Plan which shall include details of:

- construction vehicle numbers, type and routing;
- traffic management requirements;
- construction and storage compounds (including areas designated for car parking);
- siting and details of wheel washing facilities;
- cleaning of site entrances, site tracks and the adjacent public highway;
- timing of construction activities (to avoid school pick up/drop off times);
- provision of sufficient on-site parking prior to commencement of construction activities;
- post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- construction or demolition hours of operation; and
- dust and noise control measures.

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 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework

- 10 The development hereby approved shall be carried out in accordance with the Energy and Sustainability Statement by Aval Consulting Group dated November 2023 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 (2021).

- 11 The development hereby approved shall not be occupied until the measures identified for the drainage of foul and surface water have been provided in accordance with the details in the Drainage Strategy by Patrick Parsons dated November 2023.**

Reason: To ensure that appropriate provision for drainage of the site in accordance with Policies CS31 and CS32 of the Core Strategy.

- 12. The development hereby permitted shall not be brought into use until a Parking Plan, showing the location of parking spaces for employees, has been submitted and approved by the Local Planning Authority. Employee vehicles shall thereafter only park in the approved employee parking spaces. The remaining parking spaces shall only be occupied by Electric Vehicles.**

Reason: This development is inappropriate development and has only been granted due to the very special circumstance of providing electric vehicle charging points and associated linked facilities. As such this condition is required to ensure that the use of the associated hub remains ancillary to the use of the charging facilities hereby permitted in the interests of the openness

and visual amenity of the Green Belt in accordance with the NPPF and Policy CS5 of the Core Strategy.

- 13. Should any ground contamination be suspected or 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, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), 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.

INFORMATIVE

Planning permission has been granted for this proposal. The applicants have provided amendments to the planning submission in accordance with officer advice and this has resulted in an acceptable form of development. The Council has therefore acted pro-actively in line with the requirements of the Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Birds

All wild birds, nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that site clearance, vegetation removal, demolition works, etc. between March and August (inclusive) may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September - 28 February wherever possible. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Contamination

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.

Environmental Health

Invasive and Injurious Weeds – Informative

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

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.

Highways

Extent of Highway:

Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

Agreement with Highway Authority:

The applicant is advised that in order to comply with any planning 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 website:

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

Protected Species

It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail.

Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or a suitably qualified ecological consultant.

Rail Infrastructure

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

No works should take place until Network Rail are involved and approve works. Future works please use the Link to ASPRO ACE Portal for all new enquiries ASPRO Network Rail Implementation (oraclecloud.com)

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

5c. 23/02861/FUL

Demolition of existing detached dwelling and garage and construction of a pair of semi-detached dwellings.

8 King Street, Markyate, St Albans, Hertfordshire, AL3 8JY

The Case Officer, James Gardner 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.

Collin Crampton spoke in objection to the application.

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

Vote:

For:	Against:	Abstained:
7	2	2

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.

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. **Prior to the commencement of development hereby approved, an 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 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.**

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 180 of the National Planning Policy Framework (December 2023).

3. **No development shall commence until a Construction Management Plan (or Construction Method Statement) 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 / Statement shall include details of:**

- a. Construction vehicle numbers and type
- 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.

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 CS8 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **No development above slab level 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.**

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).

Informative: Materials should be kept on site and arrangements made with the Planning

Officer for inspection.

5. **No development above slab level 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**
 - **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs.**

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 Policies CS12 (e) and CS26 of the Dacorum Borough Council Core Strategy (2013).

6. **Should any ground contamination be suspected or 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, with supporting documentation e.g. photographic record of ground conditions and geotechnical logs (if applicable), 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.

7. **The first floor windows of the dwellings hereby approved, as shown on side elevation (1) and (2) on drawing no. 07_PL, shall be non-opening below a level of 1.7m above internal floor level and permanently fitted with obscured glass with a minimum privacy level of 3, and retained as such in perpetuity.**

Reason: In the interests of the residential amenities of the occupants of surrounding dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 135 f) of the National Planning Policy Framework (December 2023).

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

06_PL Rev A

07_PL

08_PL Rev A

**Preliminary Roost Assessment by Clive Herbert dated 2023
(received on 15 December 2023)**

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

Informatives:

1. Identifying Potentially Contaminated Material: Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to: Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.
2. Introduction of Soft Landscaped Garden or Amenity Areas: Any soils, whether imported or site-won, to be used in the provision of soft landscaped garden and amenity areas should be known to be chemically suitable (un-contaminated) for the intended end use and meet the requirements of BS3882:2015 and BS8601:2013.
The above contaminated land condition and informatives are required because the existing buildings are to be demolished and the area of the existing gardens is being slightly altered.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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>.

11. 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.

5d. 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

Councillor Patterson declared an interest in the item as he was speaking in objection to the item, he confirmed that he would take no 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 an objection from Tring Town Council.

Parish Councillor Robert Farrow, Ward Councillor Brian Patterson and Residents Philip & Rachel Moore and Kate Steel spoke in objection to the application.

Greg Basmadjian spoke in support of the application.

It was proposed by Councillor Guest and seconded by Councillor Riddick to **DELEGATE with a view to APPROVAL.**

Vote:

For:	Against:	Abstained:
8	1	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 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 100 Rev F
Proposed Site Plan 400 Rev H
Proposed Ground Floor and First Floor Plans 402 Rev F
Proposed Basement and Roof Plans 403 Rev F
Proposed Elevations 404 Rev F
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).
Reason: To accord with the approved plans and for the avoidance of doubt.
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 135 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 135 (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 180 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 135 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 159 and 162 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.

- 5e. 23/02934/FUL - Demolition of existing garage and rear/side extensions. Addition of new rear/side extension and conversion from one dwelling to two - Greymantle, Hempstead Road, Bovington, Hemel Hempstead, Hertfordshire, HP3 0HF**

Item 5(e) was not heard and was deferred to the next Development Management Committee.

- 5f. 23/02235/FUL - Demolition of existing stable buildings. Construction of 1 no. residential dwelling and alterations to vehicular access - The Stables, 11 Piccotts End Lane, Hemel Hempstead, Hertfordshire, HP2 6JH**

Item 5(f) was not heard and was deferred to the next Development Management Committee.

- 5g, 24/00368/FHA - Reinstatement of existing 3.5m wide gated access to western end of rear garden. New 5 rail timber field gate - Spring Lodge, Hollybush Close, Potten End, Berkhamsted, Hertfordshire, HP4 2SN**

Item 5(g) was not heard and was deferred to the next Development Management Committee.

6 APPEALS

The Appeals Update Report was noted.

The Meeting ended at 10:35pm