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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**11 JULY 2024**

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Present:

**MEMBERS:**

Councillor Stevens (Chairman) Councillors, Guest, C Wyatt-Lowe, Hobson (Vice-Chairman), Bristow, Patterson, Mitchell, Smith-Wright, Walker, Barry-Mears and Williams

**OFFICERS:**

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

The meeting began at 7:00pm

**1 MINUTES**

The minutes of the meeting held on 20 June 2024 were confirmed by the Members present. Hard-copy minutes were signed by the Chair

**2 APOLOGIES FOR ABSENCE**

Apologies received from the Councillor Durrant, Riddick and Maddern. Councillor Williams substituted for Riddick.

**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.

5. The items were heard in the following order

5a  
5c  
5d

*Councillor Mitchell left at 8:40 before item 5b was heard.*

5b

**5a.**

**23/02972/MFA**

**Planning application for the change of use from agricultural land to Suitable Accessible Natural Green Space (SANG), together with a vehicular access, car park, paths, fencing and landscaping**

**Proposed SANG Site Castle Hill, Berkhamsted, Hertfordshire**

*Councillor Stevens declared that he is the planning Chair at Berkhamsted Town Council. He confirmed that he was coming to the meeting with an open mind and has taken no part in any discussions regarding this item.*

*Councillor Walker arrived at 19:25*

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

Emma Burrows spoke in objection to the application.

John Kelly spoke in support of the application.

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

**The need for additional public access points were added to Condition 8 and the reasons for the landscaping and fencing conditions were expanded to include avoid impacting alpacas.**

Vote:

For:	Against:	Abstained:
7	0	4

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

13.1 That planning permission be delegated with a view to **APPROVAL** subject to the completion of a section 106 agreement which secures, inter alia, the management and maintenance of the land as SANG for a minimum period of 80 years.

**Condition(s) and Reason(s):**

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

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

2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**  
**CSA/6667/115 (Rev. J) SANG Landscape Strategy**  
**CSA/6667/SK03 (Rev. A) SANG Area Exclusion Plan**  
**CSA/6667/SK04 Cricket Ballstrike mitigation fence location plan**  
**CSA/6667/06 (Rev. E) SANG Delivery Framework Document**  
**16-021-039 (Rev. C) Flood Risk Assessment (prepared by Charles & Associates)**  
**16-021-038 Rev B Transport Statement (April 2024)**

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

3. **Prior to the first use of the development hereby permitted, the vehicular accesses and pedestrian crossing points (including tactile paving) shall be provided in accordance with the approved plan (drawing number 16-021.269 Rev L) and thereafter retained.**

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013) and Policies 51 and 54 of the Dacorum Borough Local Plan (2004)

4. **Prior to the first use of the development hereby permitted, the on-site hardstanding and turning areas shall be laid out, demarcated, levelled and surfaced in accordance with the approved plans and permanently retained thereafter available for that specific use.**

Reason: To ensure a satisfactory level of parking in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy, the Dacorum Parking Standards SPD and Natural England guidance in relation to SANG.

5. **No development shall commence until a Construction Traffic Management 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 Traffic Management Statement shall include details of:**

- a. **Construction vehicle numbers, type;**
- b. **Traffic management requirements;**
- c. **Construction and storage compounds, including fencing (including areas designated for car parking);**
- d. **Timing of construction activities to avoid school pick up/drop off times;**
- e. **Provision of sufficient on-site parking prior to commencement of construction activities; and**
- f. **Maintenance of access for existing site use(s) and Right of Way.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy (2013), Policies 51 and 55 of the Dacorum Borough

Local Plan (2004) and Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

*This condition needs to be pre-commencement because any disruption to Castle Hill by construction traffic / contractor parking could result in an unacceptable impact on the free flow of traffic and potentially be detrimental to highway safety.*

6. **Prior to first use of the development hereby approved, full specifications of the car park barriers (or equivalent) and height restrictions shall have been submitted to and approved in writing by the local planning authority. The details provided shall include, but not be limited to, colour, manufacturer, height and means of operation. The car park barriers (or equivalent) and height restrictions shall be installed in accordance with the approved details and permanently retained thereafter.**

Reason: To ensure that the design of barrier is sympathetic to the rural character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

7. **Notwithstanding the SANG Delivery Framework Document, an updated document shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. It shall include details of benches and two picnic benches along the SANG circular route, with the locations shown on an updated SANG Landscape Strategy Plan. Development shall be carried out in accordance with the approved particulars and fully provided prior to first use of the site.**

Reason: To ensure that the site complies with the Natural England SANG Guidelines and the Chiltern Beechwood Mitigation Strategy.

8. **Notwithstanding the submitted details, prior to first use of the development hereby approved, an updated landscaping plan shall be submitted to and approved in writing by the local planning authority. The landscaping plan shall include:**
  - **Additional pedestrian accesses into the SANG at each corner of the site where this coincides with a public right of way;**
  - **Full details of SANG signage within the site; and**
  - **Details of landscaping to protect the western boundary of the triangular-shaped paddock land to the north of the Dutch Barn**

**The development shall subsequently be carried out in accordance with the approved particulars, be in place prior to first use of the development hereby approved and permanently retained and maintained thereafter.**

Reason: To ensure an appropriate level of permeability, to maximise public usage of the site, and in the interests of ensuring the safety of livestock in paddock to the north of the Dutch Barn.

9. **Should any heritage assets (archaeology) 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 Written Scheme of Investigation shall be submitted to (as soon as practically possible) and approved in writing by, the Local Planning**

**Authority.** The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- f) **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

10. **Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 9.**

**The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

11. **Prior to first use of the development hereby approved a scheme of permanent heritage interpretation and display at the site shall have been submitted to and approved in writing by the local planning authority, in accordance with a detailed historical research, materials, design and long-term maintenance proposal and timetable for implementation. The approved scheme of interpretation and the timetable for its implementation shall be carried out in accordance with the approved details.**

Reason: To ensure that the public benefits justifying the less than substantial harm to the scheduled monument is secured and maintained in perpetuity, in accordance with Policy CS27 of the Dacorum Local Plan and paragraph 208 of the NPPF.

12. **Prior to first use of the development hereby approved a Heritage Management Plan, including a long-term maintenance proposal and timetable shall have been submitted to and approved in writing by the Local Planning Authority. The Heritage Management Plan shall thereafter be implemented in accordance with the approved details.**

Reason: The LPA wishes that the legibility and long-term upkeep of the Scheduled Monument and its setting benefits from a detailed management plan to ensure its long term future.

13. **Prior to first use of the development hereby approved, full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in the Labosport Cricket Ball Strike Assessment (ref: LSUK.24-0203\_CBA), shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in full before the development is first occupied and thereafter managed and maintained in accordance with the approved details.**

Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field or sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the adjacent sports facilities.

14. **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).

*This condition needs to be pre-commencement as insufficient information has been provided to satisfy the Local Planning Authority that damage to trees would not occur, and as trees being living organisms, this damage could be irreparable.*

15. **There shall be no use of the SANG car park between sunset and sunrise (as set out by the Met Office). During these hours the gate / barrier(s) to the site shall be permanently locked, and details of its operation are to be submitted to and approved in writing by the local planning authority prior to the car park being first brought into use.**

Reason: In the interests of the amenity of neighbouring properties and in order to reduce / limit the potential / fear of crime, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Paragraph 96 (b) of the National Planning Policy Framework (2023).

16. **The SANG shall be permanently open to members of the public 7 days per week, 365 days a year for no charge.**

Reason: To ensure that the site offers a credible alternative to Ashridge Woods and Common for the purposes of outdoor recreation, and for the avoidance of doubt.

17. **The drainage measures proposed in Appendix D of the Flood Risk Assessment (16-021-039 Rev C) prepared by Charles & Associates shall be implemented prior to first use of the development hereby approved and thereafter permanently retained and maintained.**

Reason: To ensure that the site is adequately drained and to avoid the mobilisation of contaminants which could find their way into the aquifer, in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (2013).

18. **Prior to first use of the development hereby approved, a Car Park Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of measures to prevent use of the car park associated with the development for a period in excess of 3 hours and provide a timeline for the construction / erection of the requisite infrastructure - e.g. ANPR cameras, signage etc.**

**The Car Park Management Plan shall be implemented concurrently with the site being brought into first use and permanently operated in accordance with the approved details.**

Reason: To ensure that sufficient parking is available for the proposed use and that a lack thereof does not result in unacceptable impacts on the local highway network, in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013), Policy 51 of the Dacorum Local Plan (2004) and paragraph 111 of the NPPF (2023).

19. **Notwithstanding the details submitted, prior to first use of the development hereby approved, full details of the stock proof fencing shown on drawing no. CSA6667/115 (Rev. J) shall be submitted to and approved in writing by the local planning authority.**

**The details shall also indicate the provision of stock proof fencing along the southern boundary of the site, contiguous with the boundaries of the dwellings on Castle Hill.**

**Development shall subsequently be carried out in accordance with the approved particulars, be in place prior to first use of the development hereby approved and permanently retained and maintained thereafter.**

Reason: In the interests of the appearance of the area and the safety of livestock in the paddock to the north of the Dutch Barn.

## **INFORMATIVES**

### **ENVIRONMENTAL HEALTH**

#### **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](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

#### Construction Dust

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### Waste Management

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

#### Air Quality

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

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements. These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

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

#### Invasive and Injurious Weeds

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>

## HIGHWAYS

AN1) 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN2) Obstruction of public highway land: 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 website:

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

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. 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>

AN4) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:

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

Councillor Mitchell left at 8:40 before item 5b was heard.

5b.

23/02195/FUL

**Construction of 9 dwellings including the creation of a new vehicular access, parking and landscaping**

**Land West Of Tring Road, Tring Road, Wilstone, Tring, Hertfordshire**

The Case Officer, Martin Stickleby introduced the report to Members and said that the application had been referred to the Committee due to the item being called in by the Ward Councillor Smith-Wright.

*Councillor Smith-Wright declared that she would take no part in the discussion or voting as she called the item in.*

*Councillor Patterson declared that he was the Ward Councillor and was coming with an open mind and has taken no part in any discussions regarding this application.*

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

Vote:

For:	Against:	Abstained:
6	0	3

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

That planning permission be DELEGATED with a view to APPROVAL subject to a Section 106 legal agreement securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation and the footpath, play area and associated management responsibilities.

**Condition(s) and Reason(s):**

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

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

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

3. **Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority.**

The CEMP shall set out, as a minimum, the proposed demolition, earthworks and construction methodology. The CEMP shall outline site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements, by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP.

The SWMP shall, as a minimum, describe how materials will be managed efficiently and disposed of during the construction of the works, explaining how the re-use and recycling of materials will be maximised. It shall provide details on how measures have been taken to reduce the amount of waste produced on site and shall contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type

The development shall be carried out in accordance with the approved details.

Reason: To reduce the environmental impact of the construction and impact on the public highway and amenities of neighbouring residents in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004), Policies CS8, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 109, 112, 114 and 192 of the National Planning Policy Framework (December 2023).

4. **Prior to occupation of the development hereby approved, a Sustainability and Energy Compliance Statement shall be submitted to and approved in writing by the local planning authority. The Compliance Statement shall provide detail on energy demand and supply, carbon emissions, waste and materials, water supply and demand and climate resilience. It shall provide details of measures to demonstrate and achieve reduced regulated carbon emissions against Part L 2021 (Building Regulations) as per the Energy Statement (Revision 4) by Cass Design, dated February 2024.**

Reason: To ensure that the development combats climate changes, provides a sustainable development and reduces carbon emissions in compliance with Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), as well as Section 14 of the National Planning Policy Framework (2023).

5. **Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall describe how it is planned to incorporate ecology and biodiversity as part of the development. The LEMP should refer to the recommendations set out in the Ecology Department's consultee comments and shall include the habitat creation measures set out at points (a) to (d) and the integrated bird and bat boxes. The development shall be carried out in accordance with the approved LEMP.**

Reason: To ensure that the development contributes to and enhances the natural environment in accordance with Policy CS26 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023). These details are required prior to commencement to ensure that the ecological and biodiversity enhancements can be achieved

before construction works begin. The LEMP should include details of when the biodiversity enhancements will be introduced and this may be reliant on the construction process/timings.

6. **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:**
- o all external hard surfaces within the site;
  - o other surfacing materials;
  - o means of enclosure;
  - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
  - o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.).

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 five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To 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).

7. **Prior to occupation of the development hereby approved, full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until these measures have been provided in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

8. **Prior to commencement of the development, a Lighting Design Strategy (LDS) shall be submitted to and approved in writing by the Local Planning Authority. The LDS shall take account of the Principles of Lighting Design for Bats (Document ID74, paragraphs 12 and 13), and any necessary lighting requirements to secure road adoption or highway safety (if applicable). The strategy shall:**

- Identify those areas/features on site that are particularly sensitive for birds and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

- Demonstrate that the canal waterway is protected from excessive glare and that additional lighting does not raise its illumination above 0.5 lux; and

- Show how and where external lighting will be installed, including street lighting (through the provision of appropriate lighting contour plans and technical specifications), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

**All external lighting shall be installed in accordance with the specifications and locations set out in the LDS, and these shall be maintained thereafter in accordance with the LDS.**

Reason: To ensure habitat protection and enhancement within the landscape of the development in compliance with saved Policy 113 and Appendix 8 of the Dacorum Borough Local Plan (2004), Policies CS10, CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (December 2023).

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

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; to use natural resources prudently in accordance with the National Planning Policy Framework (December 2023), and in accordance with Policy CS29 of the Dacorum Core Strategy (2013).

- 10. Prior to occupation of the development hereby approved, details of fire hydrants or alternative emergency water supply to protect the development from fire have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied/used until such measures have been implemented in accordance with the approved details.**

Reason: To ensure that the development complies with Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013).

- 11. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number A1-01 P 20.**

**The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Core Strategy (2004), Policies CS8 and CS9 of the Dacorum Borough Core Strategy (2013) and Paragraph 115 of the National Planning Policy Framework (December 2023).

- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking and re-enacting that order with or without modification), no development within Plots 1-7 (inclusive) and covered by Class A, E and F of Part 1; Class A of Part 2 of Schedule 2; or Classes B, C, D and I of Part 14 of that Order shall be carried out without the express written consent of the Local Planning Authority.**

Reason: In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the canal and in accordance with the advice and guidance on land stability contained in paragraphs 180 and 189-190 of the

National Planning Policy Framework (December 2023) and the National Planning Practice Guidance.

- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification) the garages for Plots 8 and 9 hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.**

Reason: In order to ensure a satisfactory level of off-street parking and to protect highway safety and the amenity of other users of the public highway, in accordance with saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013), Paragraphs 110 and 112 of the National Planning Policy Framework (December 2023) and the Dacorum Borough Parking Standards Supplementary Parking Document (2020).

- 14. (a) 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.**

**(b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.**

**(c) 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 (b) 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 189 and 191 of the National Planning Policy Framework (December 2023).

- 15. Any contamination, other than that reported by virtue of Condition 15 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 189 and 191 of the National Planning Policy Framework (December 2023).

16. **Finished floor levels shall either be set a minimum of 300mm above all sources of flood risk or be a minimum of 150mm above the surrounding ground levels, sloping away from all doorways.**

Reason: To provide flood resilience in any exceedance flood events in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (December 2023).

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

**G4611\_A1-01\_Site Plan\_REV22**

**G4611\_A1-02\_Plots 1\_2\_3\_Plans\_Elevation\_REV08**

**G4611\_A1-03\_Plots 4-7\_Plans\_Elevations\_REV07**

**G4611\_A1-04\_Plots 8-9\_Plans\_Elevations\_REV12**

**G4611\_A1-06\_Ramp Sections\_REV02**

**LN00728 -OUT-L-100 - General Arrangement Plan\_REV07**

**LN00728-OUT-L-400 - Softworks Plan\_REV05**

**P20-553 Flood Risk Assessment & Drainage Strategy - Issue 02 (June 2024)**

**RECORD - P20-553 WIP SK01 P6 DRAINAGE STRATEGY**

**200224 Energy Statement HE5348 - Wilstone Rev4**

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

### **Informatives**

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Environmental Health Informatives
  - (a) Land 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-lcrm> and here: <https://www.dacorum.gov.uk/docs/default->

source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f\_8

(b) 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](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

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.

(c) Waste Management

Under no circumstances should waste produced from the development 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.

(d) 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 NO<sub>x</sub> emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NO<sub>x</sub>/Kwh or consideration of alternative heat sources.

(e) 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>

3. Thames Water Informatives

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. [https://www.thameswater.co.uk/developers/larger-scale-](https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes)

[developments/planning-your-development/working-near-our-pipes](https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes)

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. [https://www.thameswater.co.uk/developers/larger-scale-](https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes)

[developments/planning-your-development/working-near-our-pipes](https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes)

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

4. AN 1) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN 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.

AN 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.

AN 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. UK Power Networks

Please note there are HV and LV overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

**5c.**  
**24/00390/FHA**

**Two storey front extension, second storey side extension and raising of the ridge height, single storey rear extension, alterations of windows, over cladding of first floor, internal remodelling, new external drive configuration and landscaping.**

**Chedworth, Hemp Lane, Wigginton, Tring, Herts, HP23 6HE**

The Case Officer, Elspeth Palmer, introduced the report to Members and said that the application had been referred to the Committee due to the item being called in by the Ward Councillor.

Peter Bryant and Tom Raftery spoke in support of the application.

It was proposed by Councillor Guest and seconded by Councillor Williams to **REFUSE** the application in line with officer's recommendations.

Vote:

For:	Against:	Abstained:
3	6	2

Having there been no majority to **REFUSE** the application in line with the officer's recommendation, it was proposed by Councillor Wyatt-Lowe and seconded by Councillor Bristow to **GRANT** the application.

Members confirmed that the reasons to grant this application was that due to the varied character to the street scene, the proposed development would not have an adverse impact on the character and appearance of the area and would therefore in accordance with Dacorum Borough Core Strategy Policies CS1, CS6 and CS12

Vote:

For:	Against:	Abstained:
6	3	2

Resolved: That planning permission be **GRANTED, subject to the following 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:**

**Site Location Plan 24 702 PL01**

**Proposed Elevations 24 702 PL05**

**Proposed Floor Plans 24 702 PL04**

**Existing and Proposed Block Plan 24 702 PL03**

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

**3. The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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).

5d.

**24/00866/FHA**

**Hip to gable loft conversion with rear dormer and front roof lights & new first floor side window.**

**16 Dellfield Avenue, Berkhamsted, Hertfordshire, HP4 1DX**

*Councillor Stevens declared an interest in the item and stepped down as Chair. He took no part in the discussion or voting. Vice-Chair Councillor Hobson stood up as Chair.*

*Councillor Smith-Wright left the room so she was unable to take part in the vote or discussion.*

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.

Town Councillor Stewart and Bryony Glenn spoke in objection to the application. Richard Brand spoke in support of the application.

It was proposed by Councillor Guest and seconded by Councillor Wyatt-Lowe to **GRANT** the application, with an additional condition requiring obscured glazing.

Vote:

For:	Against:	Abstained:
2	4	3

Having there been no majority to **GRANT** the application, it was proposed by Councillor Bristow and seconded by Councillor Barry-Mears to **REFUSE** the application.

Vote:

For:	Against:	Abstained:
4	2	3

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

**The proposed hip-to-gable loft conversion would increase the bulk and visual presence of the host property when viewed from the adjacent flats and their private amenity spaces. The scale and height of the hip-to-gable enlargement, coupled with the rear dormer, would result in an unacceptable impact in terms of visual intrusion. There would also be significant adverse impacts on the levels**

**of daylight and sunlight received by these neighbouring properties and their private gardens. The proposed development therefore conflicts with Policy CS12 (c) of the Dacorum Borough Core Strategy (2013) and paragraph 135(f) of the National Planning Policy Framework (December 2023).**

**INFORMATIVE**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

**9 PLANNING ENFORCEMENT QUARTERLY REPORT**

K Dalton gave an in depth update on the enforcement reports.  
Cllr Hobson commended the team's proactive approach to monitoring compliance of conditions and s.106s for Majors.

The report was noted.

The Meeting ended at 10:12pm