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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**5 SEPTEMBER 2024**

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Present:

**MEMBERS:**

Councillor Stevens (Chairman) Councillors, Hobson (Vice-Chairman), Barry-Mears, Durrant, Maddern, Riddick, Smith-Wright, Walker, Anderson and Douris

**OFFICERS:**

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

The meeting began at 7.00 pm

**1 MINUTES**

The minutes of the meeting held on 11 July 2024 and 8 August 2024. Were confirmed by the Members present.  
Hard-copy minutes were signed by the Chair

**2 APOLOGIES FOR ABSENCE**

Apologies received from Councillor Guest, Cox, Mitchell and Patterson. Councillor Anderson substituted for Councillor Guest and Councillor Douris Substituted for Councillor Wyatt-Lowe.

**3 DECLARATIONS OF INTEREST**

Councillor Stevens asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application.

**4 PUBLIC PARTICIPATION**

Councillor Stevens advised that members of public have registered to speak at this meeting and reminded any members of the public viewing the meeting about the rules of doing so.

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

5c  
5a.  
5b.  
5d.

5a.  
23/01783/MFA

**Phase One: Seven light industrial warehouse units and new open storage use; continued use of open brick storage use for unfettered open storage use (Sui Generis - Builders Merchants Use); new vehicular access from Leyhill Road; associated access roads; service yards; and car parking. Diversion of public footpath; landscaping; fencing and resurfacing**

**Bovingdon Brickworks Ltd, Leyhill Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0NW**

The Case Officer, Martin Stickley introduced the report to Members and said that the application had been referred to the Committee due to it being a 'large scale major development' (i.e. the site area is over 2 hectares) and there is a proposed s.106 agreement. It was noted that the Secretary of State had replied to the Section 77 Direction consultation and had decided not to call-in the application.

*Councillor Walker declared that he is a Parish Councillor for Bovingdon so he confirmed that he would take no part in the discussion or voting.*

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

Vote:

For:	Against:	Abstained:
8	0	1

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

That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a S106 Agreement securing the highways improvements, travel plan and biodiversity net gain; and subject to the response from the Secretary of State regarding the Section 77 Direction consultation.

**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 commencement of the development, long term groundwater monitoring shall be undertaken at a depth of 10m (the deepest borehole installed) to

ensure that the seasonally high groundwater will be at least 1m below the base of lowest deep bore soakaway (proposed at a maximum of 4m below ground). The groundwater monitoring should take place for six months starting in October to capture when groundwater levels will be highest.

The applicant shall conduct additional soakaway testing at the proposed deep borehole soakaway locations. The infiltration rate should be obtained from the third test at each location and used in the detailed design. The results of the testing shall be submitted to the Local Planning Authority for review and approval prior to the commencement of any construction activities.

The applicant shall implement any necessary modifications to the proposed development design based on the findings of the soakaway testing to ensure effective surface water drainage management and minimise flood risk.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

3. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority.

The scheme shall then be constructed as per the agreed drawings, method statement, updated detailed design from Condition 2 and Condition 3, Flood Risk Assessment and Drainage Strategy (Ref. 6947-RGP-ZZ-00-RP-C-0501, Rev. 2, dated January 2024) and Drawings (Ref. 6947-RGP-ZZ-00-DR-C-0550, Rev. P2, dated January 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.

The following will be required to satisfy this condition:

a) Following the results from the contamination investigation / remediation plan as requested by the Environment Agency and required to satisfy condition 8. The applicant shall implement any necessary modifications to the proposed development drainage design based on based on the results and resubmit for the approval from the Local Planning Authority. Likewise, should unexpected contamination, that was not identified by the contamination investigation, be encountered during the development modifications to the proposed development drainage design based on based on these findings may be required and resubmitted for the approval from the Local Authority. Unexpected contamination should be notified to the Local Planning Authority in line with Condition 9; and

b) Where required to avoid migration of any contaminants into the sensitive aquifer beneath the site, all SuDS features as proposed should be lined with an impermeable layer.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy

CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

4. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) a timetable for its implementation;

- b) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and

- c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with these details in perpetuity.

The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

5. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 2 and 3.

Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

6. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the

Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

7. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that risks from 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 183 and 185 of the National Planning Policy Framework (2023).

8. (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 (including an options appraisal and verification plan); 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 part (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; and
- (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 183 and 185 of the National Planning Policy Framework (2023).

9. Any contamination, other than that reported by virtue of Condition 8 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 183 and 185 of the National Planning Policy Framework (2023).

10. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

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

Notwithstanding the details shown on the proposed plans, the car parking spaces shall be in-line with Section 11: Car Parking Design Layout of Hertfordshire County Council's Place and Movement Planning Design Guide (2023).

The approved works shall be implemented in accordance with the details approved.

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 111 of the National Planning Policy Framework (2023). To ensure that the car parking arrangements are satisfactory and are in accordance with up-to-date guidance.

11. Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers 2018/4189/001/P11, 2018/4189/002/P11 and 2018/4189/004/P3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the 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 111 of the National Planning Policy Framework (2023).

12. Prior to the first use of the development hereby permitted any access gates, shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 5.5 metres from the edge of the highway.

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 111 of the National Planning Policy Framework (2023).

13. Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing numbers 2018/4189/001/P11 and 2018/4189/002/P11, shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.

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 111 of the National Planning Policy Framework (2023).

14. No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan (Phases 1 and 2) and the approval of the relevant Individual Phase Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overarching Travel Plan and the Individual Phase Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

15. Prior to the first use of the development hereby permitted, provision shall be made for at least 20% of the car parking spaces to have active provision for electric vehicle (EV) charging and at least 30% of the car parking spaces to have passive provision for EV charging. The EV charging points shall, as a minimum, meet the requirements of the Car Parking Standards Supplementary Planning Document (2020).

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).

16. Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

17. Prior to the first use of the 'Proposed Forklift Access' as annotated on Drawing 2018-4189-001-P11, an 'Alternative Footpath Scheme' shall be submitted to the Local Planning Authority for approval. The scheme shall be based on the illustrative details previously submitted to the council and shall include details of the proposed footpath routes, surfacing material, boundary treatment (if applicable) and any other necessary features (such as proposed gates, kissing gates and other access points).

The following shall take place prior to the first use of the new forklift access points: (a) the necessary authorisation and orders in relation to Section 257 of the Town and Country Planning Act 1990 shall be obtained; (b) the footpath diversion works on land within the applicant's control shall be completed in accordance with the S257 details and the Alternative Footpath Scheme; and (c) the footpath shall be available for use for members of the public. The Alternative Footpath Scheme shall thereafter be retained and maintained in perpetuity in accordance with these details.

Reason: To ensure construction of a satisfactory development and in the interests of highway and pedestrian 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 111 of the National Planning Policy Framework (2023). To ensure that the wider health and safety benefits associated with the re-location of the footpath are realised, which forms part of the overall planning balance.

18. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP 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;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and
- k. Phasing Plan.

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

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 111 of the National Planning Policy Framework (2023). To achieve high standards of sustainable demolition and construction; ensure that local air quality standards are maintained throughout the area; and 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 the National Planning Policy Framework (2023).

- 19. No heavy goods vehicles shall enter or leave the site via the development site access, annotated as 'ACCESS A' on the Site Plan (drawing 5040-PL-102-N); or via the internal access point, annotated as 'ACCESS B' between 23:00 and 06:00 (the following day) on any day.

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

- 20. A Noise Management Plan ("NMP") shall be provided to the Local Planning Authority prior to commencement, detailing measures to contain and reduce noise transmission to the surrounding environs. The NMP shall be enacted before first use of the site and maintained in perpetuity.

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

- 21. The proposed external lighting shall be in accordance with the 'External Lighting Proposals' (Issue 2, 12 June 2023 by Shepherd Brombley Partnership) and 'External Lighting Layout' (Drawing: 0244/E/200, Revision 2). The external

lighting shall be retained and maintained in-line with these approved specifications.

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 (2023).

22. The trees shown for retention and protection on the approved Tree Protection Plan (referenced: CAS/2022/151) shall be protected during the whole period of site demolition, excavation and construction in accordance with the details contained within the plan. The protection measures shall be retained in place and no materials, plant, soil or spoil shall be stored within the protected areas.

The tree works identified in the Arboricultural Impact Assessment and Method Statement by Cantia Arboricultural Services (dated June 2023) and the Tree Protection Plan shall be undertaken in accordance with the details provided.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023).

23. 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:

- a. all external hard surfaces within the site;
- b. other surfacing materials;
- c. means of enclosure;
- d. soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- e. minor artefacts and structures (e.g. street furniture, 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).

24. Prior to first use of the development hereby approved, a Sustainability and Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The 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 of against Part L 2021 (Building Regulations) (as amended). The Statement shall incorporate the passive and active measures set out in Section 4 of the Energy Strategy Report (Issue 1, dated 8 June 2023 by Shepherd Brombley Partnership) to ensure that all of the warehousing units achieve an EPC A rating. The development shall thereafter be constructed and maintained in accordance with the Statement.

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).

25. 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 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.

26. No development shall take place until a geotechnical report by a qualified geotechnical engineer has been submitted to and approved in writing by the local planning authority.

The report shall provide commentary on the potential for dissolution features to arise as a result of the use of deep bore soakaways in the chalk strata and, where appropriate, recommend measures to avoid or reduce the likelihood of subsidence.

Where avoidance or reduction measures are recommended, these shall be implemented prior to first use of the development hereby approved.

Reason: In order to prevent new development from being put at unacceptable risk from, or being adversely affected by land instability, in accordance with paragraph 180 (e) of the National Planning Policy Framework (2023).

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

5040-PL-001 - SITE LOCATION PLAN  
5040-PL-101-D - BLOCK PLAN (UNITS 1-7)  
5040-PL-102-N - SITE PLAN (UNITS 1-7)  
5040-PL-122-A - LEYHILL ROAD BOUNDARY TREATMENT  
5040-PL-110-A - UNITS 1 TO 4 - FLOOR PLANS  
5040-PL-120-B - UNITS 1 TO 4 - ELEVATIONS  
5040-PL-121-C - LEYHILL ROAD STREET SCENE  
5040-PL-130 - UNITS 1 TO 4 - SECTIONS

5040-PL-131 - UNITS 1 TO 4 - ASTON MARTIN SECTION  
5040-PL-510-C - UNIT 5 - PROPOSED FLOOR AND ROOF PLANS  
5040-PL-511-B - UNIT 5 - PROPOSED FLOOR PLANS  
5040-PL-520-D - UNIT 5 - PROPOSED ELEVATIONS  
5040-PL-530-A - UNIT 5 - SECTION  
5040-PL-111-B - UNITS 1-4 PROPOSED ROOF PLAN  
5040-PL-610-A - UNITS 6 & 7 - FLOOR PLANS  
5040-PL-611-A - UNITS 6 & 7 PROPOSED ROOF PLAN  
5040-PL-620-C - UNITS 6 & 7 - PROPOSED ELEVATIONS  
5040-PL-630 - UNITS 6 & 7 - SECTIONS  
B18020-TLP-PA01-D - LANDSCAPE PROPOSAL 1/2  
B18020-TLP-PA02-C - LANDSCAPE PROPOSAL 2/2  
B18020-TLP-PA03-D - SITE SECTIONS

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

The application is also supported by the following documents:

APPLICATION FORM  
5040-PL-010 - BLOCK PLAN PRIOR TO DEMOLITION  
5040-PL-103-D - BLOCK PLAN (UNITS 8-14)  
5040-PL-104-G - SITE PLAN (UNITS 8-14)  
2018-4189-001-P11 - PROPOSED ACCESS ARRANGEMENT FULL  
PLANNING APPLICATION (PHASE 1)  
2018-4189-002-P11 - PROPOSED ACCESS ARRANGEMENTS & OFF-SITE  
HIGHWAY WORKS  
2018-4189-004-P3 - VEHICLE SWEPT PATH ASSESSMENTS PROPOSED  
ACCESS ARRANGEMENTS  
2018-4189-005-P4 - VEHICLE SWEPT PATH ASSESSMENTS HEAVY  
GOODS VEHICLES - PHASE 1  
DESIGN AND ACCESS STATEMENT  
ECONOMIC STATEMENT  
ENERGY STRATEGY REPORT (ISSUE 1)  
EXTERNAL LIGHTING PROPOSALS (ISSUE 2)  
BIODIVERSITY NET GAIN LETTER (9999/RW/001.LET.DBC)  
BIODIVERSITY NET GAIN MATRIX  
BIODIVERSITY IMPACT ASSESSMENT (9999.VIA.VF)  
SCHEDULE OF AREAS  
LANDSCAPE AND VISUAL APPRAISAL  
DESIGN AND ACCESS STATEMENT  
METHOD OF CONSTRUCTION STATEMENT  
SURFACE WATER DRAINAGE STATEMENT (6947-RGP-00-ZZ-RP-C-0500)  
TOPOGRAPHICAL SURVEY (SHEETS 1-5)  
PLANNING STATEMENT  
LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN  
SUPPLEMENTARY PLANNING STATEMENT  
SUSTAINABILITY STATEMENT  
ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT  
(CAS/2022/151)  
SOFT LANDSCAPING PROPOSALS (CAS/2022/151)

**5b.**  
**23/01784/MOA**

**Outline Planning Application - Some Matters Reserved (Phase 2) - For redevelopment of former Class B2: General Industrial Use to Flexible Class E (g) (iii): Light Industrial Use and Class B8: Storage & Distribution Use (Units 8 to 14)**

**Bovingdon Brickworks Ltd, Leyhill Road, Bovingdon, Hemel Hempstead, Hertfordshire, HP3 0NW**

*Councillor Walker declared that he is a Parish Councillor for Bovingdon so he confirmed that he would take no part in the discussion or voting.*

The Case Officer, Martin Stickleby introduced the report to Members and said that the application had been referred to the Committee due to it being a 'large scale major development' (i.e. the site area is over 2 hectares) and there is a proposed s.106 agreement. It was noted that the Secretary of State had replied to the Section 77 Direction consultation and had decided not to call-in the application.

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

Vote:

For:	Against:	Abstained:
<b>8</b>	<b>0</b>	<b>1</b>

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

That planning permission be DELEGATED with a view to APPROVAL subject to the completion of a S106 Agreement securing the highways improvements, travel plan and biodiversity net gain; and subject to the response from the Secretary of State regarding the Section 77 Direction consultation.

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

1. Details of the design and appearance of the buildings (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

3. Prior to commencement of the development, long term groundwater monitoring shall be undertaken at a depth of 10m (the deepest borehole installed) to ensure that the seasonally high groundwater will be at least 1m below the base of lowest deep bore soakaway (proposed at a maximum of 4m below ground).

The groundwater monitoring should take place for six months starting in October to capture when groundwater levels will be highest.

The applicant shall conduct additional soakaway testing at the proposed deep borehole soakaway locations. The infiltration rate should be obtained from the third test at each location and used in the detailed design. The results of the testing shall be submitted to the Local Planning Authority for review and approval prior to the commencement of any construction activities.

The applicant shall implement any necessary modifications to the proposed development design based on the findings of the soakaway testing to ensure effective surface water drainage management and minimise flood risk.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

4. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority.

The scheme shall then be constructed as per the agreed drawings, method statement, updated detailed design from Condition 2 and Condition 3, Flood Risk Assessment and Drainage Strategy (Ref. 6947-RGP-ZZ-00-RP-C-0501, Rev. 2, dated January 2024) and Drawings (Ref. 6947-RGP-ZZ-00-DR-C-0550, Rev. P2, dated January 2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.

The following will be required to satisfy this condition:

a) Following the results from the contamination investigation / remediation plan as requested by the Environment Agency and required to satisfy condition 9. The applicant shall implement any necessary modifications to the proposed development drainage design based on based on the results and resubmit for the approval from the Local Planning Authority. Likewise, should unexpected contamination, that was not identified by the contamination investigation, be encountered during the development modifications to the proposed development drainage design based on based on these findings may be required and resubmitted for the approval from the Local Authority. Unexpected contamination should be notified to the Local Planning Authority in line with Condition 10; and

b) Where required to avoid migration of any contaminants into the sensitive aquifer beneath the site, all SuDS features as proposed should be lined with an impermeable layer.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

5. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

a) a timetable for its implementation;

b) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and

c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with these details in perpetuity.

The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

6. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 3 and 4.

Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

7. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor

any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 175 of the National Planning Policy Framework (2023).

8. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that risks from 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 183 and 185 of the National Planning Policy Framework (2023).

9. (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 (including an options appraisal and verification plan); 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 part (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; and
- (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 183 and 185 of the National Planning Policy Framework (2023).

10. Any contamination, other than that reported by virtue of Condition 8 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 183 and 185 of the National Planning Policy Framework (2023).

11. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

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

Notwithstanding the details shown on the proposed plans, the car parking spaces shall be in-line with Section 11: Car Parking Design Layout of Hertfordshire County Council's Place and Movement Planning Design Guide (2023).

The approved works shall be implemented in accordance with the details approved.

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 111 of the National Planning Policy Framework (2023). To ensure that the car parking arrangements are satisfactory and are in accordance with up-to-date guidance.

12. Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers

2018/4189/001/P11, 2018/4189/002/P11 and 2018/4189/004/P3 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the 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 111 of the National Planning Policy Framework (2023).

13. Prior to the first use of the development hereby permitted any access gates, shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 5.5 metres from the edge of the highway.

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 111 of the National Planning Policy Framework (2023).

14. Prior to the first use hereby permitted the vehicular access improvements, as indicated on drawing numbers 2018/4189/001/P11 and 2018/4189/002/P11, shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.

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 111 of the National Planning Policy Framework (2023).

15. No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan (Phases 1 and 2) and the approval of the relevant Individual Phase Travel Plans and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overarching Travel Plan and the Individual Phase Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

16. Prior to the first use of the development hereby permitted, provision shall be made for at least 20% of the car parking spaces to have active provision for electric vehicle (EV) charging and at least 30% of the car parking spaces to have passive provision for EV charging. The EV charging points shall, as a minimum, meet the requirements of the Car Parking Standards Supplementary Planning Document (2020).

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).

17. Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In the interests of good planning and to enable a planned approach for connectivity and sustainable modes of transport and movement in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013).

18. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP 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;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and
- k. Phasing Plan.

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

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 111 of the National Planning Policy Framework (2023). To achieve high standards of sustainable demolition and construction; ensure that local air quality standards are maintained throughout the area; and 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 the National Planning Policy Framework (2023).

19. The heights of the buildings hereby permitted shall have a ground-to-ridge height no greater than 9.4 metres. Details of the building heights and slab level shall be provided to the Local Planning Authority for approval prior to the commencement of works.

Reason: To ensure that the building heights match the details provided and to protect the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Borough Core Strategy and the National Planning Policy Framework (2023).

20. No heavy goods vehicles shall enter or leave the site via the development site access, annotated as 'ACCESS A' on the Site Plan (drawing 5040-PL-104-G); or via the internal access point, annotated as 'ACCESS B' between 23:00 and 06:00 (the following day) on any day.

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

21. A Noise Management Plan ("NMP") shall be provided to the Local Planning Authority prior to commencement, detailing measures to contain and reduce noise transmission to the surrounding environs. The NMP shall be enacted before first use of the site and maintained in perpetuity.

Reason: To avoid night time disturbance in this rural/countryside location and to limit impacts on the locality in terms of residential amenity in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and paragraph 135 (f) of the National Planning Policy Framework (2023).

22. The proposed external lighting shall be in accordance with the 'External Lighting Proposals' (Issue 2, 12 June 2023 by Shepherd Brombley Partnership) and 'External Lighting Layout' (Drawing: 0244/E/200, Revision 2). The external lighting shall be retained and maintained in-line with these approved specifications.

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 (2023).

23. The trees shown for retention and protection on the approved Tree Protection Plan (referenced: CAS/2022/151) shall be protected during the whole period of site demolition, excavation and construction in accordance with the details contained within the plan. The protection measures shall be retained in place and no materials, plant, soil or spoil shall be stored within the protected areas.

The tree works identified in the Arboricultural Impact Assessment and Method Statement by Cantia Arboricultural Services (dated June 2023) and the Tree Protection Plan shall be undertaken in accordance with the details provided.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2023).

24. 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:

- a. all external hard surfaces within the site;
- b. other surfacing materials;
- c. means of enclosure;
- d. soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs; and
- e. minor artefacts and structures (e.g. street furniture, 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).

25. 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 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.

26. Prior to first use of the development hereby approved, a Sustainability and Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The 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 of against Part L 2021 (Building Regulations) (as amended). All of the warehousing units shall achieve an EPC A rating. The development shall thereafter be constructed and maintained in accordance with the Statement.

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).

27. No construction shall commence on site until a Radar Mitigation Scheme (RMS), (including a timetable for its implementation during construction), has been agreed with the Operator and approved in writing by the Local Planning Authority.

Reason: In the interests of aircraft safety, the operations of the nearby aeronautical radar and the operations of NATS En-route PLC.

28. No construction work shall be carried out above 3m above ordnance datum unless and until the approved Radar Mitigation Scheme as per condition 27 has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

Reason: In the interests of aircraft safety, the operations of the nearby aeronautical radar and the operations of NATS En-route PLC.

For the purpose of conditions 27 and 28 above;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Bovingdon Secondary Surveillance Radar and air traffic management operations of the Operator.

29. No development shall take place until a geotechnical report by a qualified geotechnical engineer has been submitted to and approved in writing by the local planning authority.

The report shall provide commentary on the potential for dissolution features to arise as a result of the use of deep bore soakaways in the chalk strata and, where appropriate, recommend measures to avoid or reduce the likelihood of subsidence.

Where avoidance or reduction measures are recommended, these shall be implemented prior to first use of the development hereby approved.

Reason: In order to prevent new development from being put at unacceptable risk from, or being adversely affected by land instability, in accordance with paragraph 180 (e) of the National Planning Policy Framework (2023).

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

5040-PL-001 - SITE LOCATION PLAN  
5040-PL-103-D - BLOCK PLAN (UNITS 8-14)  
5040-PL-104-G - SITE PLAN (UNITS 8-14)  
5040-PL-122-A - LEYHILL ROAD BOUNDARY TREATMENT  
B18020-TLP-PA01-D - LANDSCAPE PROPOSAL 1/2  
B18020-TLP-PA02-C - LANDSCAPE PROPOSAL 2/2  
B18020-TLP-PA03-D - SITE SECTIONS

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

The application is also supported by the following documents:

APPLICATION FORM  
5040-PL-010 - BLOCK PLAN PRIOR TO DEMOLITION  
5040-PL-102-N - SITE PLAN (UNITS 1-7)  
2018-4189-001-P11 - PROPOSED ACCESS ARRANGEMENT FULL  
PLANNING APPLICATION (PHASE 1)  
2018-4189-002-P11 - PROPOSED ACCESS ARRANGEMENTS & OFF-SITE  
HIGHWAY WORKS  
2018-4189-004-P3 - VEHICLE SWEEP PATH ASSESSMENTS PROPOSED  
ACCESS ARRANGEMENTS  
2018-4189-005-P4 - VEHICLE SWEEP PATH ASSESSMENTS HEAVY  
GOODS VEHICLES - PHASE 1  
DESIGN AND ACCESS STATEMENT  
ECONOMIC STATEMENT  
ENERGY STRATEGY REPORT (ISSUE 1)  
EXTERNAL LIGHTING PROPOSALS (ISSUE 2)  
BIODIVERSITY NET GAIN LETTER (9999/RW/001.LET.DBC)  
BIODIVERSITY NET GAIN MATRIX  
BIODIVERSITY IMPACT ASSESSMENT (9999.VIA.VF)  
SCHEDULE OF AREAS  
LANDSCAPE AND VISUAL APPRAISAL  
LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN  
DESIGN AND ACCESS STATEMENT  
METHOD OF CONSTRUCTION STATEMENT  
SURFACE WATER DRAINAGE STATEMENT (6947-RGP-00-ZZ-RP-C-0500)  
TOPOGRAPHICAL SURVEY (SHEETS 1-5)  
PLANNING STATEMENT  
SUPPLEMENTARY PLANNING STATEMENT  
SUSTAINABILITY STATEMENT  
ARBORICULTURAL IMPACT ASSESSMENT AND METHOD STATEMENT  
(CAS/2022/151)  
SOFT LANDSCAPING PROPOSALS (CAS/2022/151)

**5c.**  
**23/01211/FUL**  
**Demolition of frontage buildings and redevelopment of site for 7 dwelling houses**

**23 Water End Road and Land To Rear Of 21 Water End Road Potten End Berkhamsted Hertfordshire**

*Councillor Douris Declared that the applicant is an acquaintance, he confirmed that he would take no part in the discussion or voting.*

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 Nettleden and Potten End Parish Council

Dave Newman and Councillor Dina Westenholz-Smith spoke in objection to the application.

Councillor Douris and David Groom spoke in support of the application.

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

Vote:

For:	Against:	Abstained:
<b>4</b>	<b>3</b>	<b>2</b>

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

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.

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

- 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.
- The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**  
**2714 A Proposed Plan 3-Bed Cottages Plots 4 and 5**  
**2714.23 C Proposed Site Layout**  
**2714.25 Proposed Plans 2-Bed Cottages Plots 1, 2 and 3**  
**2714.26 A Proposed Elevations 2-Bed Cottages Plots 1, 2 and 3**  
**2714.28 B Proposed Elevations 3-Bed Cottages Plots 4 and 5**  
**2714.29 B Proposed Floor Plans New Cottages**  
**2714.31 Proposes Street Scene Sketch**  
**2714.REF A Refuse Collection Vehicle Tracking**
- Reason: For the avoidance of doubt and in the interests of proper planning.  
**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 dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**



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

INFORMATIVE:

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

4. **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;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

The approved planting must be carried out within one planting season of completing the development and the approved hard landscape works shall be completed prior to first occupation of the dwellings.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 3 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)

5. **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, 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;
- i) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- j) Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with saved Policies 51 and

54 of the Dacorum Borough Local Plan (2004), Policy CS8 of the Dacorum Borough Core Strategy (2013) and Paragraphs 114 and 116 of the National Planning Policy Framework (December 2023).

This condition needs to be pre-commencement due to the constrained nature of the site and because any disruption to Water End Road by construction traffic / contractor parking could result in an unacceptable impact on the free flow of traffic and potentially cause an unacceptable level of inconvenience to local residents and road users.

6. **The development hereby approved shall not be occupied until the access road has been widened as shown on drawing no. 2714.23 C (Proposed Site Layout).**

Reason: In the interests of highway safety and to ensure a safe and satisfactory means of access for all users, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

7. **Prior to first occupation of the dwellings hereby permitted, details of a scheme to alert motorists of the potential presence of pedestrians on the access road shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation and permanently retained.**

Reason: In the interests of pedestrian safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

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

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

- i. **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
- ii. **The results from the application of an appropriate risk assessment methodology.**

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

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

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

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

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

This condition needs to be pre-commencement as any development (other than that necessary to carry out the relevant testing) has the potential to mobilise contaminants which could be harmful to human health and the natural environment.

- 9. **Any contamination, other than that reported by virtue of Condition 8 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

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

- 10. **Prior to first occupation of the development hereby approved, details of fire hydrants or other measures to protect the development from fire must 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 until such measures have been implemented in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development.**

Reason: To ensure that the development is adequately served by fire hydrants in the event of fire in accordance with Policy CS12 of the Dacorum Core Strategy.

- 11. **No development shall commence until a Noise Impact Assessment (NIA), compiled by appropriately experienced and competent persons, has been submitted to and approved in writing by the Local Planning Authority.**

**The NIA shall detail the noise levels associated with the car repair workshop (presently occupied by B & H Autos) to the south-west of the application site, and include an analysis of whether any noise mitigation measures are required to control noise levels in relation to both the interior and exterior areas associated with Plots 4 and 5 (and if so, full details of these measures), and a timescale for the implementation of these noise mitigation measures. The approved details shall be implemented in accordance with the approved details and permanently retained thereafter.**

Reason: In the interests of the amenity of future occupiers of Plots 4 and 5 and to ensure that an existing business does not have unreasonable restrictions placed on it as a result of subsequent development in the area, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and paragraphs 135 (f) and 193 of the NPPF (2023).

This condition needs to be pre-commencement in order to ensure that the necessary mitigation to make the development acceptable in noise terms is built in to the final design of the dwellings.

If works

commence and progress too far, this could prejudice the ability to provide this mitigation.

12. **The dwellings hereby approved shall not be occupied until Electric Vehicle Charging Points and associated infrastructure has been provided in accordance with drawing no. 2714.23 C**

**The Electric Vehicle Charging Points shall have the following minimum specification:**

**7kW Mode 3 with Type 2 connector**

**230v AC 32 Amp Single Phase dedicated supply**

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

13. **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:**

**Plot 2:**

**Schedule 2, Part 1, Class A**

**Plots 1, 2, 3, 4, 5, 7 & 8:**

**Schedule 2, Part 1, Classes B and C**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of highway safety, and the residential amenity of the future occupiers of Plot 2, in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013), Policy 51 of the Dacorum Local Plan and Paragraph 135 of the National Planning Policy Framework (December 2023).

14. **Prior to first occupation of the dwellings hereby approved, the rear amenity areas shall be provided and laid out in accordance with drawing no. 2714.23 C (Proposed Site Layout) and thereafter permanently retained.**

Reason: In order to ensure that the dwellings have (and retain) sufficient amenity space, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Appendix 3 of the Dacorum Local Plan (2004).

15. **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt, to ensure a satisfactory form of development and in the interests of the residential amenity of the surrounding dwellings, in accordance with saved Appendix 3 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

16. **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 174 of the National Planning Policy Framework (2021).

17. **No development above slab level shall take place until details of how ecological improvements will be incorporated within the development scheme have been submitted to and approved in writing by the Local Planning Authority. The ecological improvements shall be informed by the Preliminary Ecological Appraisal prepared by Philip Irving (report date February 2023) and shall include details of the location of at least seven Swift Bricks and other ecological enhancements to be installed. All measures shall be implemented prior to first occupation of the development; or, in the case of planting, planted within one planting season of completing the development.**

Reason: In the interests of strengthening biodiversity corridors, establishing a coherent ecological network which is resilient to current and future pressures, and integrating opportunities to improve biodiversity into the design of the development, in accordance with Policy CS26 of the Dacorum Core Strategy (2013) and paragraph 180 (d) and 186 (d) of the NPPF (2023)

**Informatives:**

Highways

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on

land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

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

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

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

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles

leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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.

#### Ecology

The Recommendations in section 6 in the Preliminary Ecological Appraisal by Philip Irving (report date February 2023) represent precautionary measures and best practice which should be followed to avoid the risk of harm to extant protected species

#### 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>

**5d.**

**23/02172/FUL**

**Change of use of land to facilitate the construction of a residential access road  
The Bungalow Farm, Venus Hill, Bovingdon, Hemel Hempstead, Hertfordshire,  
HP3 0PG**

*Councillor Walker declared that he is a Parish Councillor for Bovingdon so he confirmed that he would take no part in the discussion or voting.*

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

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

P Stanley added that there needs to be clarification to condition 2 to ensure that the roadway also serves the yard immediately to the south of the dwelling house as shown on the submitted drawings.

Vote:

For:	Against:	Abstained:
5	3	1

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

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

**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 roadway hereby permitted shall only serve the dwellinghouse subject to extant Planning Permission 20/00087/FUL and the yard immediately to the south of the approved dwellinghouse as shown on the submitted drawings.**  
Reason: To safeguard the Green Belt in accordance with Policy CS5 of Dacorum Core Strategy (2013) and Part 13 of the National Planning Policy Framework (2013).
- 3. The surfacing of the roadway and turning area hereby permitted shall have a loading capacity of at least 12.5 tonnes and be surfaced in a brown gravel at all times.**  
Reason: To ensure that the dwellinghouse is served by a safe fire/ emergency access at times and in the interests of the character of the area. in accordance with Policies CS8 and S12 of Dacorum Core Strategy (2013), Saved Policies 51 and 54 of Dacorum Borough Local Plan (2004) and the Part 9 (especially Paragraph 116) of the National Planning Policy Framework (2023).
- 4. Prior to the first use of the roadway hereby permitted, the existing hedging shall be cut back in accordance with Plan 22/0293/01 Rev E. Thereafter, the existing hedging shall be retained and maintained fully in accordance with Plan No. Plan 22/0293/01 Rev E.**  
Reason: In the interests of highway safety and the character and appearance of the area in accordance with Policies CS1, CS5, CS8 and CS12 of Dacorum Core Strategy (2013), saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004) and Part 9 of the National Planning Policy Framework (2023).
- 5. Any exterior lighting installed to serve the development hereby permitted shall only be fully in accordance with details submitted to and approved by the local planning authority. Once installed the approved lighting shall be retained and maintained fully in accordance with the approved details.**  
Reason: To protect the sensitive countryside environment in accordance with Policies CS1, CS25, CS29 and CS32 of the Dacorum Core Strategy (2013), Saved Policy 113 and Appendix 8 of Dacorum Borough Local (2004) and Paragraph 191 (c) of the National Planning Policy Framework (2013).
- 6. The gates serving the new access road and Bungalow Farm, and the repositioned existing gate serving the existing paddock shown by the approved plans, shall open inwards at all times and shall be provided before the first use of the roadway hereby permitted.**



Reason: In the interests of highway safety and the character and appearance of the area in accordance with Policies CS1, CS5, CS8 and CS12 of Dacorum Core Strategy (2013), saved Policies 51 and 54 of the Dacorum Borough Local Plan (2004) and Part 9 of the National Planning Policy Framework (2023).

7. **The whole length of double width hedge shown by the approved Plan 22/0293/01 Rev E shall be planted its entire length within or following the first planting season following first use of any part of the roadway hereby permitted. The hedge planting shall comprise of mature hedging at between 0.8m and 1.8m high and maintained at no lower than 2m for the hedge's entire length. Any part of the hedge which within a period of 15 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 section of hedge of the same or similar species, size and maturity. In the event that after 15 years the hedge partially or fully removed a new hedge shall be planted fully in accordance with the approved scheme and thereafter permanently retained and maintained at height at no less than 2m for its entire length. For the purposes of this condition, the planting season is from 1 October to 31 March.**

Reason: In the long term interests of the environment and to biodiversity as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) , Policy CS12 (e) and CS29 (i) of the Dacorum Borough Council Core Strategy (2013) and the aforementioned lighting policies.

8. **The development hereby approved shall be carried out in accordance with the following drawing:  
22/0293/01 Rev E**

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

**Informatives:**

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) Order 2015.

Access Road Construction

Given the potential dangers associated with large vehicles / construction traffic along this part of Venus Hill on a bend, the implications of potential blockages of the existing internal access way during construction, as well as the purpose of the application, it is strongly recommended that the access road is constructed prior to the commencement of works in relation to the construction of approved dwelling.

Highways

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public

highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

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

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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.

#### Ecology

Nesting Birds. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

The Meeting ended at 8.50 pm