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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**30 JANUARY 2025**

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Present:

**MEMBERS:**

Councillor Stevens (Chairman) Councillors, Guest (Vice-Chairman), Durrant, Maddern, Mitchell, Patterson, Riddick, Smith-Wright, Walker and C Wyatt-Lowe (10)

**OFFICERS:**

P Stanley (Head of Development Management)  
S Robbins (Lead Planning Officer)  
R Freeman (Lead Planning Officer)  
T Fett (Development Management Manager (Specialist Services))  
A Stapleton (Principal Property Lawyer)  
K Johnston (Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7.00 pm

**1 MINUTES**

The minutes of the meeting held on 09 January 2025, were confirmed by the Members present. Hard-copy minutes were signed by the Chair. The committee also confirmed the minutes from 12 December 2024 as they were circulated late.

**2 APOLOGIES FOR ABSENCE**

No apologies were received.

**3 DECLARATIONS OF INTEREST**

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

**4 PUBLIC PARTICIPATION**

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

**5a**

**23/01998/FUL**

**Construction of 9 Dwellings, New Pedestrian Link and Bus Drop Off Area  
Land off Astrope Lane, Long Marston, Tring**

*Councillor Smith-Wright declared that she is Ward Councillor for the area and is speaking in objection to the item. She confirmed she would step down and take no part in the discussion or voting.*

*Cllr Patterson declared that he is also the Ward Councillor for this area, and has had no discussion with Councillor Smith-Wright or anyone else regarding this application.*

The Case Officer, Robert Freeman introduced the report to Members and said that the application had been referred to the Committee due to objections from the Parish Council and at the request of Cllr Smith-Wright.

R Freeman informed the committee of the additional representations which were received subsequent to the addendum.

Councillor Smith-Wright, Tring Parish Councillor, Gill Macdonald and Richard Foster spoke in objection to the application.

Paul Thomas spoke in support of the application.

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

Vote:

|      |          |            |
|------|----------|------------|
| For: | Against: | Abstained: |
| 4    | 2        | 3          |

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

That planning permission is **DELGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended) and subject to the following planning conditions.

That the following Heads of Terms for the legal agreement are secured.

- The provision of an appropriate SANG contribution in accordance with the Chiltern Beechwoods Mitigation Strategy
- The provision of an appropriate SAMM contribution in accordance with the Chiltern Beechwoods Mitigation Strategy
- The provision of a management plan and on-going maintenance strategy for the communal open space
- A scheme for the provision, long term management and maintenance of the bus stop drop off and collection area and sensory shelter.
- The provision of fire hydrants to serve the development.

**Conditions and Reasons:**

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

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

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

**Location Plan**

P200\_SP\_0.00 P6 (Proposed Ground Floor Plan)  
 P200\_SP\_0.01 P4 (Proposed First Floor Plan)  
 P200\_SP\_0.02 P4 (Proposed Roof Plan)  
 P200\_GA\_0.01 P4 (H1 Plans)  
 P200\_GA\_0.02 P4 (H2 Plans)  
 P200\_GA\_0.03 P4 (H3 Plans)  
 P200\_GA\_1.02 P4 (Proposed Elevations H1 and H2)  
 P200\_GA\_1.03 P4 (Proposed Elevations H3)  
 P200\_GA\_0.04 P4 (H4 Plans)  
 P200\_GA\_1.04 P4 (Proposed Elevations H4)  
 P200\_GA\_0.05 P4 (H5 Plans)  
 P200\_GA\_1.05 P4 (Proposed Elevations H5)  
 P200\_GA\_0.06 P4 (H6 Plans)  
 P200\_GA\_1.06 P4 (Proposed Elevations H6)  
 P200\_GA\_0.07 P4 (H7 Plans)  
 P200\_GA\_1.07 P4 ((Proposed Elevations H7)  
 P200\_GA\_0.08 P4 (H8 Plans)  
 P200\_GA\_1.08 P4 (Proposed Elevations H8)  
 P200\_GA\_0.09 P4 (H9 Plans)  
 P200\_GA\_1.09 P4 (Proposed Elevations H9)  
 230526-RAP-XX-XX-DR-TP-3200 (Visibility Splays)  
 230526-RAP-XX-XX-DR-TP-3201 (Visibility Splays)

Arboricultural Report by Ruskins Tree Consultancy  
 Badger Survey by Cherryfield Ecology  
 Design and Access Statement Revision 1 by TAS Architects  
 Ecology Appraisal and Survey by Cherryfield Ecology  
 Hedgerow Survey by Cherryfield Ecology  
 Heritage Statement by KDK Archaeology Ltd  
 Newt Survey by Cherryfield Ecology  
 Flood Risk Assessment by Price & Myers  
 Flood Risk Mitigation Addendum  
 Reptile Survey by Cherryfield Ecology  
 Stage 1 Road Safety Audit by Rappor  
 Transport Assessment/Statement by Rappor  
 Addendum – Updated School Access Strategy

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

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

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

4. **No development shall take place until full details of the finished slab, floor and ridge level in relation to existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to ensure that properties are adequately protected from flood risk in accordance with Policy CS12 and CS31 of the Core Strategy (2013)

5. **No construction of the buildings hereby permitted 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;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- tree protection measures
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- means of enclosure

**The approved planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.**

Reason: The condition is required prior to the commencement of works to ensure that the building is appropriately located on the site having regard to the change in topography. The condition is required to ensure a satisfactory appearance to 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 I of the Dacorum Borough Council Core Strategy

- 35 The dwellings hereby approved shall not be occupied until full details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of lux levels within the site. The development shall be constructed in accordance with the approved details and no exterior lighting shall be provided thereafter without the express authorisation of the Local Planning Authority.**

Reason: In the interests of the visual amenities of the area in accordance with Policy CS12 of the Core Strategy.

7. **No development shall take commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include assessment of significance and research questions; and:**

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that appropriate measures are undertaken to ensure the monitoring, preservation and recording of archaeology deposits or artefacts in accordance with the NPPF and Policy CS27 of the Core Strategy.

- 8. The development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.**

**The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that appropriate measures are undertaken to ensure the monitoring, preservation and recording of archaeology deposits or artefacts in accordance with the NPPF and Policy CS27 of the Core Strategy.

- 9. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. An appropriately assigned ecological clerk of works should be appointed to undertake all activities, and works shall be carried out, in accordance with the approved details. The CEMP shall include the following:**

- Fully assessing the impact on reptiles following the measures stated in section 4.3 of the reptile report.
- Appropriate mitigation for badgers that may have colonised the site.
- The location and timing of sensitive works to avoid harm to nesting birds.
- 2m buffer zone, and protection of the species-rich hedgerow.
- The role and responsibilities on site of the ecological clerk of works (EcoW).

**The development shall be undertaken in accordance with the approved details.**

Reason: To ensure the adequate protection of ecology in accordance with the NPPF and Policies CS26 and CS28 of the Core Strategy (2013)

- 10. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.**

**The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.**

Reason: To ensure the adequate protection of ecology in accordance with the NPPF and Policies CS26 and CS28 of the Core Strategy (2013)

- 11. Prior to the commencement of development, a final, detailed surface water drainage strategy will be submitted to and approved by the Local Planning Authority. The final drainage strategy shall include:**

- Final construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms.
- Confirmation of a final, clear outfall route from the site to Gudgeon Stream or Tring Bourne, downstream of Long Marston. This shall include

a detailed survey of the proposed ditch route post-remediation, demonstrating flows from the site will be unobstructed.

- Detailed hydraulic network calculations for all storm events up to and including the 1 in 100 year + 40% climate change event, using a CV of 1 and FEH2013 or 2022 rainfall data.

- Consideration of a further reduced discharge rate through provision of additional attenuation on site.

- Detailed design of the access road crossing arrangement including impact assessment to demonstrate no adverse impact on local drainage.

The scheme shall then be constructed as per the FRA & Drainage Strategy prepared by Price & Myers, reference 29042 Revision P1 and the approved details and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Dacorum Borough Council. The proposed discharge rate is acceptable; however, in light of local drainage issues we recommend a further reduced rate could be considered under condition.

12. **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 monitoring and 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 for the duration of the construction phase. 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 prevent flooding and pollution offsite in accordance with the NPPF

13. **Prior to the first occupation of the development, a detailed verification report shall be submitted to and approved (in writing) by the Local Planning Authority, appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.**

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Dacorum Borough Council.

- 14 **Prior to the commencement of the development, details of all flood resilient and resistant measures (such as raised Finished Floor Levels) shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.**

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Dacorum Borough Council.

15. **No building hereby permitted shall be occupied until a management and maintenance plan for the long term management and maintenance of the**

**sustainable drainage system for the site has been submitted to and approved in writing by the local planning authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

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 181 of the National Planning Policy Framework (2024).

- 16. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the accesses where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 17. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers 230526-RAP-XX-XX-DR-TP-3201 and 230526-RAP-XX-XX-DR-TP-3200 in accordance with details/specifications to be submitted to and approved in writing by the highway authority at the section agreement stage. 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 satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 18. 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. Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and**
- 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;**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

- 19 No development shall take place 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.**

**If the Local Planning Authority is of the opinion that the report 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:**

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

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.

- 20. No development approved by this permission (other than that necessary for the of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of Condition 19, above; has been submitted to and approved by the Local Planning Authority.**

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

- 21. 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 conditions 19 and 20 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 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.

- 22 Any contamination, other than that reported by virtue of condition 18 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.

- 23 No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. These details shall reflect those principles identified in the Sustainability section of the submitted Design and Access Statement. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 164 and 166 of the National Planning Policy Framework (2024).

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

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; to use natural resources prudently in accordance with the National Planning Policy Framework (December 2024) and in accordance with Policy CS29 of the Dacorum Core Strategy (2013).

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

## **Schedule 2 Part 1 Classes A, B, E and F**

### **Schedule 2 Part 2 Class A and B**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and in the interest of flood risk in accordance with Policies CS12 and CS31 of the Dacorum Borough Core Strategy (2013) and Paragraphs 135, 181 and 182 of the National Planning Policy Framework (2024)

### **INFORMATIVES**

#### Article 35

Planning permission has been granted for this proposal. Advice given to the applicant at the pre-application stage has been followed. 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

#### Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 “Code of Practice for Noise Control on Construction and Open Sites” and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays – no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days’ notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

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 Informative

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

#### Waste Management Informative

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

#### Invasive and Injurious Weeds – Informative

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

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

#### Protected Species

If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance 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.

#### Contamination

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

**5b.**

**24/01541/FUL**

**New build 4-bedroom house with associated landscaping  
Little Farm, Rucklers Lane, Kings Langley, Hertfordshire**

The Case Officer, Sally Robins introduced the report to Members and said that the application had been referred to the Committee due to the contrary views of the Parish Council.

Councillor Anderson spoke in objection to the application.  
Simon Knight spoke in support of the application.

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

Vote:

|      |          |            |
|------|----------|------------|
| For: | Against: | Abstained: |
| 7    | 1        | 2          |

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

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

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

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

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

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

Approved Plans:

**328-LFK\_07\_001 P1  
328-LFK\_07\_010 P2  
328-LFK\_07\_110 P2  
328-LFK\_07\_111 P2  
328-LFK\_07\_112 P2  
328-LFK\_07\_311 P1  
328-LFK\_07\_310 P1  
328-LFK\_07\_211 P1  
328-LFK\_07\_210 P1  
328-LFK\_07\_010**

Supporting Documents:

**- TREE SURVEY AND ARBORICULTURAL IMPACT ASSESSMENT dated 28th May 2024 by GHA Trees  
- Planning, Design and Access Statement dated July 2024 by Simon Knight Architects  
- Tree Protection Plan dated Nov 2024 by GHA Trees  
- Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech**

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

3. **No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:**

**a) Risk assessment of potentially damaging construction activities.  
b) Identification of "biodiversity protection zones".**

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

i) Demonstrate how the development will protect the ancient woodland from any potentially damaging construction activities, and should also include how the works will be carried out under a minimum 15m buffer (outlined in Table 1 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech).

Any external lighting should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

The development shall be carried out in accordance with the mitigation measures and recommendations set out in Table 4 of the Preliminary Ecological Appraisal & Preliminary Roost Assessment dated 16th May 2024 by arbtech, with respect to nesting birds, badgers, hedgehogs and reptiles.

The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (2024).

4. **Prior to the commencement of the development hereby approved, the tree protection measures shown on the approved 'Tree Protection Plan' dated Nov 2024 by GHA Trees shall be implemented and thereafter retained until completion of the development. There shall be no excavation, changes in levels, storage of materials or access within the root protection areas of retained trees unless previously specified and agreed.**

Reason: In order to ensure that damage does not occur to trees 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 187 of the National Planning Policy Framework (2024).

5. **No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**
1. The programme and methodology of site investigation and recording
  2. The programme and methodology of site investigation and recording as required by the evaluation
  3. The programme for post investigation assessment

- 4. Provision to be made for analysis of the site investigation and recording
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 207 of the National Planning Policy Framework (2024).

- 6. **The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 5.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 207 of the National Planning Policy Framework (2024).

- 7. **The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis and publication where appropriate.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 207 of the National Planning Policy Framework (2024).

- 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 condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**

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

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

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

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

- 11. Notwithstanding the details submitted, the development hereby approved shall not progress beyond damp proof course until a Biodiversity Enhancement Plan has been submitted to, and approved in writing by, the local planning authority. The Biodiversity Enhancement Plan should include the following:**

**o One integrated bird box, and one integrated bat box should be incorporated into the building plan. The location and type of box should be outlined**

**o One bat box, and one bird box should be erected on retained trees at the northern boundary of the site**

**o One hedgehog gap per fence (where applicable).**

**The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy (2013) and Section 15 of the National Planning Policy Framework (2024).

12. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- o all external hard surfaces within the site
  - o other surfacing materials
  - o means of enclosure
  - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

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:**

**Schedule 2, Part 2, Classes A, AA, B and E**

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 135 of the National Planning Policy Framework (2024).

#### **Informatives:**

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

construction works commence. Further information is available via the County Council website at:

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

3. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
4. Contaminated Land: Guidance on how to assess and manage the risks from land contamination can be found here: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm> and here: [https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f\\_8](https://www.dacorum.gov.uk/docs/default-source/environment-health/development-on-potentially-contaminated-land.pdf?sfvrsn=c00f109f_8)
5. 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.
6. 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.
7. 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.
8. 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.

9. 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>
10. Article 35 Statement: Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

*Cllr Wyatt-Lowe left after Item 5b and therefore did not hear Items 6 or 7.*

## **6. Appeals Update**

Philip Stanley provided the update. The presentation covered appeals from 16 September 2024 to 31 December 2024 and drew out key information from appeals dismissed and allowed, costs, and appeal performance.

There were no Member questions, but Cllr Stevens noted that appeals only represented a small part of Planning's overall caseload.

The report was noted by members.

## **7. Planning Enforcement Quarterly Report.**

Tobias Fett provided the update. The presentation covered the latest formal planning enforcement action, both in terms of cases recently closed and new Notices served, and the priorities and projects in the Local Enforcement Plan.

Cllr Durrant asked about the proportion of reactive versus proactive enforcement cases. Cllr Maddern confirmed that the Red Lion PH was in Kings Langley and not Nash Mills.

The report was noted by members.

The Meeting ended at 8.55 pm