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DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

13 JUNE 2019

Present:

MEMBERS:

Councillors Riddick, Wyatt-Lowe (Chair), Beauchamp, Durrant, Oguchi, McDowell, Uttley, Woolner, Symington and Birnie

OFFICERS:

J Doe (Assistant Director - Planning, Development and Regeneration), F Bogle (Team Leader - Development Management), R Marber (Planning Officer), S Mendham (Strategic Planning and Regeneration Officer), J Seed (Lead Planning Officer), M Stickley (Planning Officer), S Dunn-Lwin (Lead Planning Officer), J Gardner (Planning Officer) and N Sultan (Lead Litigation Lawyer) and C Webber (Corporate & Democratic Support Officer)

The meeting began at 7.04 pm

209 MINUTES

Councillor Wyatt-Lowe asked the Committee if the minutes of the meeting held on 28 May could be confirmed.

Councillor Symington asked that more detail was given regarding public participation and the rules surrounding this.

Councillor Wyatt-Lowe agreed that this addition should be made.

210 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Guest and Maddern. Councillor Birnie substituted for Councillor Guest.

Councillor Beauchamp arrived at 19:19.

211 DECLARATIONS OF INTEREST

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

212 PUBLIC PARTICIPATION

Councillor Wyatt-Lowe reminded the members and the public about the rules regarding public participation as follows:

For each application the officer presents the report to the Committee, then the participants from the public are called to speak. Following this, questions are taken from the Committee along with statements and comments for debate.

213 4/01866/18/FUL - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FIVE 4 BEDROOM DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS - 57 SOUTH PARK GARDENS, BERKHAMSTED, HP4 1HZ

Councillor Beauchamp arrived at 19:19 and, therefore, did not participate or vote on Item 5a.

The Case Officer, Jason Seed, introduced the report to members and said that the application had been referred to committee due to objection from Berkhamsted Town Council on the grounds of overdevelopment, impact on the character of the surrounding area, inadequate access, impact on surrounding amenity and impacts of noise on occupiers of the new dwellings.

Martin Allen spoke in objection of the application.

Berkhamsted Town Councillor Anthony Armytage spoke in objection of the application.

Richard Farris and Krzys Lipinski spoke in support of the application.

It was proposed by Councillor Riddick and seconded by Councillor Birnie to **GRANT** the application in line with the officer's recommendation.

Vote:

For: 3 Against: 5 Abstained: 1

Councillor Wyatt-Lowe noted that the recommendation falls and asked for a motion to **REFUSE**.

Councillor Wyatt-Lowe asked for grounds for **REFUSAL**.

It was instead proposed by Councillor Riddick and seconded by Councillor Birnie to **DEFER** the application to allow for further information regarding the acoustic fencing as well as clarification on measurements.

Vote:

For: 8 Against: 0 Abstained: 2

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

214 4/02286/18/MFA - CONSTRUCTION OF 268 FLATS AND 1404.5 SQUARE METRES OF OFFICE SPACE SPLIT ACROSS SIX BLOCKS, WITH ASSOCIATED CAR PARKING, LANDSCAPING AND AMENITY SPACE. - PLOTS 2 & 3 KIER PARK, MAYLANDS AVENUE, HEMEL HEMPSTEAD, HP2 4FQ

Councillor Birnie declared that he is the ward councillor for this area but that he would be viewing the application objectively and, therefore, reserved his right to participate.

The Case Officer, Rachel Marber, introduced the report to members and said that the application had been referred to committee due to it being a large scale major which is linked to a proposed obligation under s.106 of the Town and Country Planning Act (1990).

Nicola Fisher and Marga Pelli spoke in objection of the application.

With no proposals for the officer's recommendation, Councillor Wyatt-Lowe noted that the recommendation falls and asked for a motion to **REFUSE**.

It was proposed by Councillor Birnie and seconded by Councillor Beauchamp to **REFUSE** the application on the grounds of poor daylight and sunlight levels, inadequate parking, overdevelopment, lack of architectural merit and that the application goes against CS12: (a), (b) and (c).

Vote:

For: 9 Against: 0 Abstained: 1

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

The meeting was adjourned at 20:55.

The meeting reconvened at 21:06.

215 4/03260/18/FUL - EXTENSION AND ALTERATION TO EXISTING BUILDING INCLUDING THE INSERTION OF TWO ROOF DORMERS AND FENESTRATION. CHANGE OF USE TO A 1-BED DWELLING. (AMENDED SCHEME). - FORMER TELEPHONE REPEATER STATION, DUDSWELL LANE, DUDSWELL

The Case Officer, Rachel Marber, introduced the report to members and said that the application had been referred to committee as it had been called in by Councillor Pringle.

Councillor Lara Pringle spoke in objection of the application.

Patrick Doyle, the applicant, spoke in support of the application.

It was proposed by Councillor Birnie and seconded by Councillor Durrant to **GRANT** the application in line with the officer's recommendation.

Vote:

For: 8 Against: 1 Abstained: 1

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

Conditions

No	Condition
1	The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

	<p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>DOY/19/04 DOY/19/01 DOY/19/03 Planning, Design and Access Statement</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>Prior to occupation full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>hard surfacing materials; means of enclosure; and soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual verdant aspect character of the immediate area; in accordance with Policies CS5 and CS12 of the Core Strategy (2013).</p>
4	<p>Any trees, hedges or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No new tree or hedgerow planted in accordance with condition 3 shall be pruned or cut in any manner within 5 years from the date of the occupation of the dwelling hereby approved, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with policy CS12 of the Core Strategy (2013).</p>
5	<p>No development 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.</p> <p>Reason: To ensure a satisfactory appearance to the development; in accordance with Policy CS12 of the Core Strategy (2013).</p> <p>Materials Informative</p>

	<p>Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p>
6	<p>Windows of the development hereby permitted shall be metal framed with a grey finish.</p> <p>Reason: To ensure a satisfactory appearance to the development; in accordance with Policy CS12 of the Core Strategy (2013).</p>
7	<p>The bathroom window at first floor level in the North East elevation of the extension hereby permitted shall be permanently fitted with obscured glass.</p> <p>Reason: In the interests of the residential amenities of the application site; in accordance with Policy CS12 of the Core Strategy (2013).</p>
8	<p>Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>For the purposes of this condition:</p> <p>A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.</p> <p>A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.</p> <p>A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance CS32 of the Core Strategy (2013).</p>
9	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 8 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.</p> <p>For the purposes of this condition a Site Completion Report shall record all the</p>

	<p>investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS32 of the Core Strategy (2013).</p> <p>Contamination Informative:</p> <p>The NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'</p> <p>Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk</p>
10	<p>Prior to commencement of the development hereby permitted a noise assessment shall have been submitted to and approved in writing by the Local Planning Authority. This noise assessment should be carried out on each habitable room and should identify design mitigation measures, where required.</p> <p>The development shall be carried out in accordance with these approved details.</p> <p>Reason: To ensure satisfactory level of amenity for future occupiers, in accordance with Policy CS12 of the Core Strategy (2013).</p> <p>Environmental Health Informatives</p> <p>1.) The applicant is advised to ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site, prior to the occupation of the development. In addition to the above, the developer is also advised to keep a watching brief during ground works on the site for any other potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.</p> <p>2). All noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.</p> <p>3). 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 Practicable 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.</p> <p>4). The attention of the applicant is drawn to the Control of Pollution Act 1974 relating</p>

<p>to the control of noise on construction and demolition sites.</p> <p>Ecology Informative</p> <p>In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.</p> <p>Article 35 Statement</p> <p>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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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216 4/02781/18/MFA - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 21 ONE-BED FLATS - MILBOR ENGINEERING HEMEL HEMPSTEAD LTD, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XE

The Case Officer, Rachel Marber, introduced the report to members and said that the application had been referred to committee due to the contrary views of Nash Mills Parish Council.

Alan Briggs and Miranda Kowalczyk spoke in objection of the application.

Nash Mills Parish Councillor Nicola Cobb spoke in objection of the application. With no proposals for the officer's recommendation, Councillor Wyatt-Lowe noted that the recommendation falls and asked for a motion to **REFUSE**.

It was proposed by Councillor Riddick and seconded by Councillor Beauchamp to **REFUSE** the application on the grounds of overdevelopment, dominance and that the application goes against CS11: (a), (e) and (f) and against CS12: (a), (b), (c) and (g).

Vote:

For: 8 Against: 0 Abstained: 2

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

217 4/03028/18/FUL - TEMPORARY CHANGE OF USE TO NURSERY AND CONSTRUCTION OF SINGLE-STOREY SIDE/REAR EXTENSION - 6 ALSTON ROAD, HEMEL HEMPSTEAD, HP1 1QU

Councillor Uttley declared her personal interest in the application and stood down.

The Case Officer, Martin Stickleby, introduced the report to members and said that the application had been referred to committee as it had been called in by former Councillor Janice Marshall.

John Ebdon and Mrs J Townsend spoke in objection of the application.

Councillor Claire Hobson spoke in objection of the application.

Hayden Todd spoke in support of the application.

It was proposed by Councillor Riddick and seconded by Councillor Durrant to **GRANT** the application in line with the officer's recommendation.

Vote:

For: 5 Against: 1 Abstained: 3

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

Conditions

No	Condition
1	<p>The use hereby permitted shall be occupied only by Flower Pots Day Nursery and shall be for a limited period of 2 years from first use of the building as a nursery. Thereafter, the nursery use hereby permitted shall be discontinued and the land restored to former use unless otherwise agreed in writing by the Local Planning Authority.</p> <p><u>Reason:</u> In order that the premises are operated by Flower Pots Day Nursery and ensure that the measures provided in the planning submission are carried out. To allow Local Planning Authority to assess impact of use on amenity of neighbours in relation to noise and disturbance, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).</p>
2	<p>The hours of site operation shall be restricted to Monday-Friday (07:30 – 18:30 hours. No site activity on Saturday, Sundays or Bank Holidays. No external amenity use outside of 09:00 – 17:00 hours.</p> <p><u>Reason:</u> To protect the residential amenities of the locality, having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).</p>
3	<p>The number of children using the nursery hereby approved shall be limited to 45 in total.</p> <p><u>Reason:</u> In order to protect the amenities of adjoining occupiers and to ensure adequate parking provision, having regard to saved Appendix 5 of the Dacorum Borough Local Plan (2004), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).</p>
4	<p>A Noise Management Plan shall be implemented. A log of periodic monitoring and actions be kept. Together with a log of complaints; together with corrective actions undertaken.</p> <p><u>Reason:</u> To protect the residential amenities of the locality, having regard to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).</p> <p>NOTE: This will be reviewed at the end of the two-year temporary permission.</p>
5	<p>At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan Statement should include a Parking Management Plan to ensure that on-street parking in the vicinity of the site is</p>

	<p>minimised and that sufficient provision is made for safe pick up and drop off. The approved Travel Plan Statement shall be implemented at all times.</p> <p>Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).</p>
6	<p>The use hereby permitted shall not commence until a plan indicating the positions, design, materials and type of boundary treatment to be erected around the play area, details of any landscaping works to the proposed play area and details of cycle parking facilities has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented fully in accordance with the approved details prior to first use of the building.</p> <p>Reason: To ensure a satisfactory appearance to the development in order to safeguard the visual character of the immediate area and children's' safety; in accordance with policy CS12 of the Core Strategy (2013).</p>
7	<p>Prior to the commencement of development hereby approved, a Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how the trees on the development sites boundaries 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.</p> <p>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 170 of the National Planning Policy Framework (2019).</p>
8	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>wren naj 57d 2018 - Proposed Floor Plans wren naj 57e 2018 - Proposed Elevations</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>INFORMATIVES</p> <p>1). Un-expected Contaminated Land Informative</p> <p>Considering the nature of the proposed end use with; the site within 116m of a former contaminated land uses which includes a coal yard, former garage and tank etc., there is a possibility that this may have affected the application site with potentially contaminated material. Therefore, I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.</p> <p>2). Construction Hours of Working – (Plant & Machinery) Informative</p>

	<p>In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.</p> <p>3). Construction Dust Informative</p> <p>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 Practicable 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.</p> <p>4). Noise on Construction/Demolition Sites Informative</p> <p>The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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218 4/00630/19/FUL - CHANGE OF USE OF VACANT BARN TO DWELLING. - THE BARN, NETTLEDEN ROAD, FRITHSDEN, HEMEL HEMPSTEAD, HP4 2RF

The Case Officer, Simon Dunn-Lwin, introduced the report to members and said that the application had been referred to committee as the recommendation was contrary to the Parish Council response.

It was proposed by Councillor Birnie and seconded by Councillor Riddick to **GRANT** the application in line with the officer’s recommendation.

Vote:

For: 8 Against: 0 Abstained: 2

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

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 (1) of the Town and Country</p>

	Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>443.8.2C - Site Layout Plan Received on 24th May 2019 with red line boundary. 443.8.3A - Proposed floorplan, elevations & section. 443.8.4 OS Location Plan. B/NR/1 - Site Plan. Unnumbered floor plans/elevations/cross section (existing).</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development 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.</p> <p>Reason: To ensure a satisfactory appearance to the development.</p>
4	<p>The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on Drawing No. 443.8.2B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.</p> <p>Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.</p>
5	<p>Prior to the first use of the development hereby permitted any vehicular access gate(s) shall be hung to open inwards, set back, and thereafter retained at a minimum distance of 6 metres from the edge of the highway.</p> <p>Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p>
6	<p>There shall be no external lighting.</p> <p>Reason: In the interest of maintaining the rural character of the area.</p>
7	<p>The existing hedge and trees on the boundary of the site with Nettleden Road shall be permanently retained at a height of not less than 3 metres above ground level. Any part of the hedge or any trees which become 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 species, size and maturity to be approved by the local planning authority.</p> <p>Reason: To preserve the character and appearance of the Chilterns AONB in accordance with Policy CS24 of the Adopted Core Strategy 2013.</p>
8	<p>No development shall take place until details of facilities for the storage of refuse shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained.</p> <p>Reason: To accord with Saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.</p>

9	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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:</p> <p>Schedule 2 Part 1 Classes A, B, C, D, E, F, G and H Part 2 Classes A, B and C</p> <p>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.</p>
10	<p>No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <ul style="list-style-type: none"> • appropriate hard surfacing materials in the Green Belt/AONB; • means of enclosure; • soft landscape works which shall include planting plans and detailing native species composition for the new hedgerow on the southern boundary; with written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; • trees to be retained and measures for their protection during construction works; • proposed finished levels or contours; • car parking layouts and other vehicle and pedestrian access and circulation areas; • minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); • proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); • retained historic landscape features and proposals for restoration, where relevant. <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.</p> <p>Article 35</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>Hertfordshire County Council Highways Informatives</p>

	<p>1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.</p> <p>2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.</p> <p>Hertfordshire Ecology Informatives</p> <p>1. In the event of bats or evidence of them being found during before construction, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.</p> <p>2. It is possible that birds are using the barn and/or nearby trees and shrubs for nesting. Consequently, any tree/shrub and building clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.</p>
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219 4/00658/19/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 15 DWELLINGS (CLASS C3) AND ONE RETAIL (CLASS A1 SHOP) UNIT AND PARISH STORE ROOM, ALTERATIONS TO VEHICLE AND PEDESTRIAN ACCESSES - GARDEN SCENE CHIPPERFIELD, CHAPEL CROFT, CHIPPERFIELD, KINGS LANGLEY, WD4 9EG

Councillor Riddick declared that he operates within this ward, however that he had had no input on the application and reserved his right to participate.

The Case Officer, James Gardner, introduced the report to members and said that the application had been referred to committee as a similar application had been refused by committee.

It was proposed by Councillor Birnie and seconded by Councillor McDowell to **DELEGATE** the application **TO THE GROUP MANAGER WITH A VIEW TO APPROVAL** in line with the officer's recommendation.

Vote:

For: 8 Against: 0 Abstained: 2

Resolved: That planning permission be **DELEGATED TO THE GROUP MANAGER WITH A VIEW TO APPROVAL** subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990.

That the following Heads of Terms for the planning obligation be agreed:

- Affordable Housing – 35%

That the following conditions be agreed:

Conditions

- 1 **The development hereby permitted shall be begun 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 hereby permitted, a Development Phasing Plan shall be submitted to and approved in writing by the local planning authority. The Development Phasing Plan shall include details of and timeframes for:**

the removal of the existing buildings to be demolished;
the reinstatement of the existing Class A1 (shop and post office) use on the site and timeframes for its closure during construction works;
any phasing plans for construction across the site.

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

Reason: To ensure a sufficient amount of retail space within the village in accordance with saved Policy 45 of the Dacorum Borough Local Plan 1991-2011 and to provide certainty with respect to Community Infrastructure Levy charging timeframes.

- 3 **The retail Class A1 unit hereby approved shall only be used for Class A1 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

Reason: To ensure a sufficient amount of shopping facilities within the village in accordance with saved Policy 45 of the Dacorum Borough Local Plan 1991-2011.

- 4 **The trees shown for retention on the approved Tree Protection Plan (prepared by David Brown Landscape Design, dated March 2019) shall be protected during the whole period of site clearance, excavation and construction by the erection and retention of protective fencing positioned beneath the outermost part of the branch canopy of the trees. In areas where tree protection fencing does not sufficiently cover Root Protection Areas, the use of 'No-Dig' construction methods shall be incorporated to minimise the impact to trees proposed for retention, unless otherwise agreed in writing by the local**

planning authority.

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 99 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 5 **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the building for its permitted use.**

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 99 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 6 **Construction of the buildings hereby permitted shall not take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials, including to the access roads;**
- **means of enclosure both within and around the site;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12, CS25 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

- 7 **Construction of the buildings hereby permitted shall not take place until details of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **schedule of external materials, including samples of brick and roof tiles;**
- **details of brick bond and mortar;**
- **metrically scaled at 1:20 details of joinery and finish;**
- **rainwater goods;**
- **eaves details.**

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

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013, saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

- 8 **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 species, size and maturity to be approved by the local planning authority.**

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

- 9 **Prior to first occupation of the buildings hereby permitted, full details (in the form of scaled plans and/or written specifications) shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, to illustrate the following:**

- **A feature to prevent vehicles (e.g. bollards) from parking on the highway footway fronting the shop on Chapel Croft and full height kerb on the carriageway edge and reinstatement of the footway.**
- **Tactile paving details at both accesses. Tactile paving would need to in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces**

The works shall then be carried out in accordance with the approved particulars prior to first occupation of the buildings hereby permitted.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

- 10 **Prior to the first occupation of the development hereby permitted the accesses**

and other necessary highway works shall be completed in accordance with the Hertfordshire County Council residential access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

- 11 **Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaces and drained in accordance with the approved plans and retained thereafter available for that specific use.**

Reason: In order to ensure a satisfactory development and in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

- 12 **The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policy 57 of the Dacorum Borough Local Plan 1991-2011.

- 13 **The development permitted by this planning permission shall be carried out in accordance with the approved the Drainage Statement carried out by Fairhurst reference 103795-100 Issue 3 dated March 2019, the following mitigation measures detailed within the FRA:**

- **Limiting the surface water and foul water discharge to a maximum of 2l/s with discharge into the Thames foul water sewer; with the southern plots draining into manhole 4001 to the east of the site at 0.7l/s, and the northern plots into manhole 3003 at 1.3l/s.**
- 1. **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
- 2. **Undertake drainage strategy to include to the use tanked permeable paving and attenuation tanks as indicated on drainage strategy drawing 103795/2001 Rev A**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 14 **Construction of the buildings hereby permitted shall not take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Statement carried out by Fairhurst reference 103795-100 Issue 3**

dated March 2019. The scheme shall also include;

3. Exploration of opportunities for above ground features reducing the requirement for any underground storage.
 - Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

Reason: To ensure the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 15 **Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.**

Reason: To ensure the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 16 a) *No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental 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.*

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

- c) *This site shall not be occupied, or brought into use, until:*

- (i) *All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.*
- (ii) *A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.*

Reason: To ensure that any contamination affecting the site is dealt with in a manner

that safeguards human health, the built and natural environment and controlled waters in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 17 *Any contamination, other than that reported by virtue of Condition 16, 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.*

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 18 **Construction of the building containing the retail (Class A1) unit and residential units labelled Plots 14 to 15 (inclusive) on approved Drawing No. PL10 Rev. B shall not take place until a Noise Mitigation Scheme proposing measures against externally generated traffic and mixed use noise has been submitted to and approved in writing by the local planning authority. The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.**

Reason: To ensure an appropriate level of residential amenity within the development with respect to noise from local traffic and the mixed use nature of the building in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 19 **There shall be no installation of building services plant before a plan showing location of all plant and a Noise Impact Assessment in relation to that plant and the impact on residential amenity has been submitted and approved by the local planning authority.**

Noise emitted by external building services plant and equipment shall not increase the existing typical background at any time when the plant is in operation. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window.

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

Reason: To safeguard the residential amenities within and adjacent to the site and to conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

- 20 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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, C and D.

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 including the Chipperfield Conservation Area in accordance with Policies CS11, CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

- 21 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the respective dwellings and it shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

- 22 **Notwithstanding the approved details, external electricity and gas metres shall not be installed on the southern elevations fronting Chapel Croft of the ground floor shop and Units 13, 14 and 15 as shown on Drawing No. 2585 PL03 Rev B (proposed site layout).**

Reason: To positively conserve and enhance the character and appearance of the Chipperfield Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

- 23 **The retail (Class A1) use hereby permitted shall not operate other than within the following hours:**

**07:00 to 20:00 Monday to Saturday
08:00 to 16:00 Sunday**

For the avoidance of doubt the retail use shall not operate during bank holidays or public holidays.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings within the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

2585 PL03 Rev. D (Proposed Site Layout)

2585 PL12 Rev. A (Plots 1 & 2 Floor Plans)

2585 PL14 Rev. A (Plots 3 - 5 Floor Plans)

2585 PL16 Rev. B (Plot 6 Floor Plans)

2585 PL18 Rev. B (Plot 7 Floor Plans)

2585 PL20 Rev. A (Plot 8 Floor Plans)

2585 PL34	Rev.	(Plot 9 Floor Plans)
2585 PL22	Rev. A	(Plot 10 Floor Plans)
2585 PL24	Rev. A	(Plot 11 Floor Plans)
2585 PL26	Rev. A	(Plot 12 Floor Plans)
2585 PL10	Rev. B	(Front Building Plans)
2585 PL13	Rev. A	(Plots 1 & 2 Elevations)
2585 PL15	Rev. B	(Plots 3-5 Elevations)
2585 PL17	Rev. B	(Plot 6 Elevations)
2585 PL19	Rev. B	(Plot 7 Elevations)
2585 PL21	Rev. A	(Plot 8 Elevations)
2585 PL35	Rev.	(Plot 9 Elevations)
2585 PL23	Rev. A	(Plot 10 Elevations)
2585 PL25	Rev. A	(Plot 11 Elevations)
2585 PL27	Rev. A	(Plot 12 Elevations)
2585 PL11	Rev. C	(Front Building Elevations)
2585 PL28	Rev. B	(Single Garage Plans and Elevations for Plots 6-9)
2585 PL04	Rev. B	(Proposed Street Scene 1 & 2)
2585 PL05	Rev. B	(Street Scene 3 & 4)
2585 PL30	Rev. A	(Outbuildings Plans and Elevations)
2585 PL32	Rev. B	(Site Section Through Plot 3 & Rosetas Rear Garden)

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

- 25 **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: In order 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.

- 26 **The proposal includes the planting of forty nine new trees. In order for this to fully compensate for the removed trees and to provide biodiversity gain in line with the aims of the NPPF, these should be composed of native species and species with a known benefit to wildlife. The proposal is also accompanied by a picture of integrated bat and bird boxes.**

Reason: Together these measures will provide a biodiversity gain for the site. The number and location of bat/ bird boxes of the type shown, and the number and species of tree being planted, should be included in a Landscape and Ecological Management Plan (LEMP).

INFORMATIVES

Hertfordshire Highways

Extent of Highway

Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

Agreement with Highway Authority

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Environmental Health

Construction Hours of Working – (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

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.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Thames Water

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures

he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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

Hertfordshire Ecology

In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians to cross. Clearance of existing vegetation should be undertaken progressively using hand-held tools, where appropriate, towards boundaries to allow any animals present to escape to contiguous areas of retained habitat.

Where any tall vegetation, long grass or scrub are to be cleared, this work should be carried out in two phases. The first cut should be to >100mm to decrease the suitability of the vegetation for reptiles and encourage any reptiles present to move to retained areas of habitat.

Where potential for reptiles to be present remains, following a minimum period of seven days, a second cut to ground level should be carried out in order to render the habitat unsuitable; cleared areas should be maintained to prevent re-colonisation prior to works commencing; and potential hibernacula or refugia such as loose stones or dead wood should be removed by hand.

Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on and if an amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm's way.

Any excavations have a ramp left to allow trapped animals to escape easily / provided with a means of escape for any animals that may have become trapped - this is particularly important if holes fill with water.

Any vegetation should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

220

4/03077/18/FHA - PROPOSED CAR PORT - KILBRACKEN, HUDNALL COMMON, LITTLE GADDESSEN, BERKHAMSTED, HP4 1QW

The Case Officer, James Gardner, introduced the report to members and said that the application had been referred to committee due to it being contrary to the views of Little Gaddesden Parish Council.

It was proposed by Councillor Birnie and seconded by Councillor Durrant to **GRANT** the application in line with the officer's recommendation.

Vote:

For: 8 Against: 0 Abstained: 2

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

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.</p> <p>Reason: To ensure a satisfactory appearance to the development.</p>

221 4/00891/19/FHA - CONSTRUCTION OF NEW CAR PORT - WOODLAND VIEW, ROSSWAY, BERKHAMSTED, HP4 3UD

Fiona Bogle introduced the report to members on behalf of the Case Officer and said that the application had been referred to committee as the application is recommended for refusal contrary to the views of Wigginton Parish Council.

Marita Henry spoke in support of the application.

It was proposed by Councillor Birnie and seconded by Councillor Uttley to **REFUSE** the application in line with the officer's recommendation.

Vote:

For: 7 Against: 2 Abstained: 1

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

That the reason for refusal is as follows:

The application site is located within the Green Belt and Chilterns Area of Outstanding Natural Beauty. The proposed extension would result in a materially larger dwelling on

the site than that granted planning permission and the original building thereon and as such would constitute inappropriate development within the Green Belt. This would be definition be harmful to the open character and appearance of the Green Belt contrary to the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. The building in view of its siting is also considered to result in harm to the openness of the area and would be detrimental to the character and appearance of the countryside contrary to the NPPF, Policies CS5 and CS24 of the Core Strategy and the Chilterns Building Design Guide SPD.

222 APPEALS

That the following appeals were noted:

- A. LODGED**
- B. WITHDRAWN**
- C. FORTHCOMING INQUIRIES**
- D. FORTHCOMING INQUIRIES**
- E. DISMISSED**
- F. ALLOWED**

223 ARTICLE 4 AREAS FOR PROTECTING DACORUM'S EMPLOYMENT AREAS

Article 4 Areas for protecting Dacorum's Employment Areas were agreed.

The Meeting ended at 11.03 pm