



DEVELOPMENT CONTROL COMMITTEE
THURSDAY 4 SEPTEMBER 2014 AT 7.00 PM

ADDENDUM SHEET

5.1

4/01317/14/MFA – CONSTRUCTION OF A FOODSTORE (CLASS A1) WITH RESIDENTIAL DEVELOPMENT (30 UNITS) ABOVE TOGETHER WITH CAR-PARKING, LANDSCAPING, ACCESS, LANDSCAPING AND ASSOCIATED ENGINEERING WORKS

LIDL – LAND FORMERLY ROY CHAPMAN LTD AND DAVIS AND SAMSON, GOSSOMS END, BERKHAMSTED, HP4 3LP

Additional information / comments received from applicant

- Happy in principle to agree a condition (subject to wording) limiting any permission to a discount foodstore.
- Agreed the number of affordable units at 11.
- Agreed to submit a C-Plan sustainability statement.
- Questions and does not agree that the strand 2 highway contributions of £56,000 are justified under the CIL regulations as it is sought without clarity of what it is to be spent on.

Parking Provision

- Our client's transport consultant John Lowe will shortly provide you with a short statement containing justification of the car parking provision proposed for the store.
- In terms of short-term cycle parking for the store the cycle parking would be located behind the proposed trolley parking area. A specification showing the trolley area and proposed cycle parking is attached for your information. The cycle parking proposed would accommodate approximately 10 bicycles which is considered sufficient to serve the foodstore.
- In terms of the long term cycle parking for the residential part of the development the cycle storage areas indicated on the attached plans. The plans indicate that 30 secure cycle parking spaces will be provided i.e. 1 per residential unit including 18 spaces in the basement car park and 12 spaces in the ground floor cycle storage area.

Design

- In response to your comments the architect is currently investigating options for the design of the brickwork panels along the car park frontage. Further to your request the adverts shown along this frontage will be removed from this elevation. However, ground cover planting along this elevation is not

considered necessary. If we are unable to reach an agreement on the design of the brickwork panels along this frontage prior to determination then we would be willing to agree that a condition be attached requiring further details to be submitted prior to the commencement of development.

- In accordance with Saved Policy 18 it has been confirmed that 10% of the apartments can be made Lifetime Homes compliant.
- Please find attached, for your information, an elevation showing the front boundary treatment to Gossoms End. The architect has confirmed that the existing timber fence within the curtilage of Turner Court will be retained. The existing boundary treatments within the application site includes an open mesh fence and timber close boarded fence which are largely in a poor state of repair. These fences within the application site will be removed and replaced by a new 2.1 metre close boarded timber fence. On the foodstore side of the fence ornamental shrubs will be planted which will grow up to a height of 0.6m. It is considered that this boundary treatment, without any additional tree planting, would offer a significant improvement on the existing situation. It is considered that the proposed foodstore and boundary treatments would have a positive visual impact compared to the existing situation. Flats in Turner Court would have views over the proposed Lidl car park towards the Lidl foodstore and residential units. The proposals have been sensitively designed to be in keeping with the character of the local area. The proposal will provide significantly improved views from the flats in Turner Court compared to the views they currently have over adjacent car showroom and builder's yard.

Foodstore Operation

- The foodstore opening hours would be Mon-Sat 08:00 to 22:00 and Sundays and Bank Holiday Mondays 10:00 to 18:00.
- In terms of the hours of servicing and delivery please see para 6.5 of Planning and Retail Statement prepared by GVA. This paragraph states that typically Lidl foodstores only receive one delivery per day. Deliveries to the foodstore will normally occur outside of store opening hours and usually early in the morning.
- The trolley park is located within the foodstore car park as indicated on the Proposed Site Plan.
- I can confirm that Lidl are willing to accept a condition requiring the details of the proposed lighting to be submitted to the LPA.

Energy/ Sustainability

- I have attached, for your information, a copy of the Code for Sustainable Homes report which shows that the application is compliant with Code Level 3. Our client's consultants RED have also prepared a Code for Sustainable Homes report which confirms that the proposed Dwelling Emission Rate (15.79kg/sqm/yr) (DER) is significantly below the Target Emission Rate (17.66kg/sqm/yr) (TER). This represents an additional 10.6% reduction against the TER for the residential units.
- I have also attached, for your information, a copy of the Building Regulations L2A 2010 report for the non-residential part of the development. This report indicates that the proposed Building Emission Rate (22.1kg/sqm/yr) (BER) is significantly below the Target Emission Rate (18.7kg/sqm/yr) (TER). This

represents an additional 15.4% reduction against the TER for the residential units.

- It is therefore considered that the proposals are able to demonstrate compliance with Code level 3 (for residential) and Part L2A 2010 Building Regulations (non-residential development) plus the additional 5% CO2 reductions for both residential and non-residential development.
- In terms of the Sustainability Statement we are able to provide a Sustainability Statement if necessary, however, we feel that the matters covered by the C-Plan statement i.e. details of land use and design, nature, community, employment and access etc. are all adequately dealt with in the separate documents.

Additional Considerations

An amendment to Condition 27 can potentially be made with regards to the limitation on use to a discount foodstore.

The agreement to provide 11 affordable units is welcomed. An error in transcript from the Strategic Housing comments in respect of the proportion of affordable rent to shared ownership is amended in the Heads of Terms (75% affordable rent and 25% shared ownership).

Confirmation of compliance with Code Level 3 (full code) for the residential element and Part L2A 2010 Building Regulations for the commercial element plus 5% CO2 reductions for both the residential and commercial elements is welcomed. The C-Plan sustainability statement however, which has been promised, is awaited and an update will be given at the meeting. Given the information submitted, a separate C-Plan energy statement is not now considered necessary and this amendment is made to the recommendation.

The Highway Authority has been requested to provide further justification of the sustainable transport contributions sought. However, based on the total sum requested being £56,000 and not some greater figure, (based on strand 1 and 2 contributions of 32,000 and 30,000 as mentioned in the highway authority comments) the applicant has orally agreed to accept this figure. The figure should be reduced by the amount of the Travel Smart contribution in accordance with the Highway Authority comments. This change is made to the Heads of Terms. The further comments of Highway Authority have been received and have been forwarded to the applicant for their further information/comment. However, officers are satisfied that the request meets the CIL tests:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development;
- (iii) Fairly and reasonable related in scale and kind to the development,

It is therefore considered to be justified in planning terms.

Justification of the car parking provision is awaited from the applicant's transport consultants and an update will be given at the meeting.

Details of the design of the brickwork panels along the car park elevation as promised are awaited and an update will be given at the meeting. If necessary, details can be the subject of a condition. The omission of the posters is welcomed.

Provision of 10% of the apartments as Lifetime Homes compliant is welcomed.

Amended Recommendation

1. That the application is **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the list of conditions below.
2. That the following Heads of Terms for the planning obligation be agreed:
 - The provision of a minimum of 35% (11 units) affordable housing for rent (75%) and shared ownership (25%).
 - Financial contributions in accordance with SPD Planning Obligations toolkit as follows:

Outdoor Pitches	£12,810
Cycles	£4,215
Child Play Space	£31,680
Natural Green Space	£495
Travel Smart	£750
Monitoring and Administration - 6% of total	- £4,205.88.
 - A financial contribution in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 " as follows:

Primary Education	£15,496
Secondary Education	£6,102
Youth	£188
Libraries	£2,613
 - A financial contribution towards sustainable transport infrastructure as required by the Highway Authority in accordance with the Hertfordshire County Council Planning Obligations Toolkit of £56,000, reduced by the amount of the Travel Smart contribution.
 - Provision of fire hydrants.
3. Provision of a C-Plan Sustainability Statement
4. That in the absence of agreement over (1), (2) and (3) within the statutory time period for determination of the application, the Group Manager – Development Management & Planning be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

In accordance with the Council's adopted Planning Obligations Supplementary Planning Document (SPD), The Hertfordshire County Council Planning Obligations Toolkit, and the Council's Affordable Housing SPD, financial contributions and other obligations should be provided in respect of a number of matters in order to mitigate the impacts of the development in this case. An undertaking under s106 of the Town and Country Planning Act 1990 has not been completed. In the circumstances, no legal mechanism is in place to secure the contributions and undertakings necessary in order to mitigate the impacts of the development. The proposal is therefore contrary to Policy CS35 of the Dacorum Core Strategy September 2013, saved Policy 13 of the Dacorum Borough Local Plan 1991-2011 and its adopted SPD April 2011 and January 2013.

5.2

4/01819/14/FUL – DETACHED DWELLING AND GARAGE 328 HIGH STREET, BERKHAMSTED, HP4 1HT

Additional Material received since the publication of the report

Additional Plan: Garage Foundations

In response to the advice of the Trees & Woodlands Officer an additional plan has been received showing pile and beam foundations. This is to safeguard the health and future of the existing trees adjoining the site.

Comment: This proposed approach is acceptable, as confirmed by Trees & Woodlands Officer.

Planning Obligation

The applicants have queried the approach to the Planning Obligation with specific regard to Commuted Payment Requirements in the Recommendation.

Comment: Reference to Outdoor Pitches should be excluded.

Additional Representations received since the publication of the report

Trees & Woodlands Officer

Initial Advice

There are no significant trees worthy of retention within the site. Although there are several fruit trees on the site, they are not worthy of retention.

There are, however, several mature trees on the grass verge along the Northern boundary of the site in St Johns Well Court. This verge is privately owned and is not managed by the Council. The trees appear to be just outside the Conservation Area but have good amenity value and merit retention. These are 2 oaks and 2

sycamores. The proposed garage and paved area will encroach on the Root Protection Area (RPA) of these trees and this will cause considerable damage to the health and the stability of these trees. The RPA of the larger trees is 6 metres. To protect these trees, I recommend that the proposed buildings are positioned outside the RPA of these trees (at least 6 m away).

Response to Revised Plan showing Pile Foundations for the Garage

The proposal in the attached document is acceptable and in my opinion has little impact on the RPA and the health of the mature trees referred to as T1, T2, T3 and T4. The T & W Officer was not aware of the existence of a concrete slab covering large parts of the RPA of some trees. This was due to lack of access to the site and measurements were taken from outside. The construction methods referred to provide adequate protection for the trees. There are no further concerns or comments.

Conservation & Design

This is a resubmission of a previous application though there have been some changes from the previous submissions.

The staggered parking at the entrance of the site has now become the location for a garage., The south elevation proportion to the folding doors has altered giving six instead of five sections, and the first floor window on the same elevation has become a four sectioned opening consisting of two fixed and two openable full length sections with a Juliet balcony the full length of the opening. C & D does not support these changes.

It is also noted that the west elevation glazing at first floor no longer has a horizontal glazing bar and is not tucked up into the eaves, and that the proportions of the left hand side double window shows lengthening, whilst the smaller window located nearer to the door has increased in proportions. C & D would like to see the double window returned to its former scale and design but is prepared to accept the increase in the small window providing the central horizontal glazing bar is introduced.

The proportions of both first and ground floor windows of the north elevation have been changed. Again C & D would like to see those returned to the August 2012 HS/11 241 proportions with glazing bars reintroduced. This has also been the case with the east elevation. C & D would prefer to see this reverted to the Aug 2012 proportions and detailing.

The garage is acceptable but the door should appear as two doors even if up and over, include door furniture, and a central recessed panel to give the appearance of two side hung centrally opening garage doors. The window to the south elevation of the garage should also be revised to follow the alterations requested on the house fenestration.

Samples of all materials are to be supplied including details of all hard landscaping.

Neighbours

No. 330 High Street:

'I would be wasting my time by attending, as local Council, including Dacorum has no power to stop it. I'm sure when they approve a multi storey Carpark on the Berkhamsted castle site, your name will be on the document'.

Officer response the on the additional representations

Trees & Woodlands

The additional plan showing the use of pile and ground beam foundations safeguards the long term health of the adjoining trees.

Conservation & Design

No objection is raised to the principle of the garage's relocation. C & D's detailed recommended design changes could not be insisted upon as individually and cumulatively they are not fundamental to the overall appearance of the development which accords with Policies CS12, CS27 and DBLP Policy 119.

Neighbour

The decision lies with the DCC which will take into account all the representations and consider those made verbally by any registered speaker. Reference to another site and a potential application at this site is immaterial to the consideration of the current application.

Additional Recommended Condition

6. The garage hereby permitted shall be constructed with pile and ground beam foundations fully in accordance with Ground Foundation Plan received by the local planning authority on 1 September 2014 unless alternative foundations are otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees adjoining the site are safeguarded in accordance with Policies CS12, CS27 and CS29 of Dacorum Core Strategy.

Modified Condition 6 – Renumbered 7

The development hereby permitted shall be carried out in accordance with the following plans subject to the requirements of the other conditions of this planning permission:

Drawing Nos. HSI11 110, HSI11 272, HSI11 111, HSI11 270 B, HSI11 271B and Garage Foundation Plan dated 1 September 2014

Modified Article 31 Statement:

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage

and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Recommendation – GRANT, subject to the deletion of the Outdoor pitches from the planning obligation, and the amendments to the conditions as set out above.

5.3

**4/01721/14/FUL – DEMOLITION OF TWO GARAGES AND CONSTRUCTION OF FOUR BEDROOM HOUSE
LAND ADJ. HOLLY HOUSE, DOCTORS COMMONS ROAD, BERKHAMSTED,
HP4 3DR**

A completed Unilateral Undertaking has been submitted to secure the financial contributions outlined in the report.

The recommendation will therefore be amended to grant subject to conditions.

Recommendation – GRANT subject to conditions set out in report

5.4

**4/01627/14/OUT – DEMOLITION OF SINGLE-STOREY OUTBUILDING,
CONSTRUCTION OF TWO TWO-BEDROOM SEMI-DETACHED DWELLINGS
AND ONE DETACHED THREE-BEDROOM DWELLING (ACCESS, LAYOUT AND
SCALE SOUGHT)
REAR OF 35-39 CAVENDISH ROAD, MARKYATE, ST. ALBANS, AL3 8PT**

Error in report

Fifth paragraph on page 109 under 'Impact on layout, appearance of street scene and surrounding area' is to be removed as there is no condition in the recommendation to grant which removes permitted development rights for roof extensions. The imposition of such a condition is not considered reasonable or necessary.

Recommendation – GRANT as per published report

5.5

**4/00978/14/FUL - PROPOSED GENERATOR COMPOUND
LAND AT THAMES WATER SEWAGE WORKS, BULLBEGGARS LANE,
BERKHAMSTED**

Removal of Condition 8

Planning should not be used to control matters covered by other legislation. The fallback position of the site is as operational land which will still from time to time generate the need for large vehicles to attend. If there are any issues with the bridge or roads they should be restricted under the highways act.

Recommendation - That the application be **DELEGATED** to the Group Manager, Development Management and Planning, with a view to approval subject to the consultation response from the National Grid’s Gas Distribution Pipelines Team and the deletion of condition 8.

5.6

**4/01151/14/FUL – PARKING OF A HORSE BOX ANCILLARY TO THE
EQUESTRIAN STABLES ON BLOCK COLOURED GREEN AND SEASONAL USE
OF THE LAND HATCHED GREEN FOR JUMPING EXERCISES AND TRAINING
OF HORSES / PONIES
LAND ADJ. STOCKS ROAD, STOCKS ROAD, ALDBURY, TRING**

No update required.

Recommendation – GRANT as per published report

5.7

**4/01260/14/FHA – GROUND FLOOR REAR EXTENSIONS
50 KITSBURY ROAD, BERKHAMSTED, HP4 3EA**

Town Council

Berkhamsted Town Council has provided the following comments in response to the revised plans:

We are pleased to note the alterations to the roof, as suggested in our previous comments and have no objection to this amendment. We remain concerned about the width of the extension for the reasons given previously, and would welcome some guidelines on layout from Conservation and Design.

We refer again to the established principle that in a Conservation Area, the rear of properties are as important as the front.

Officer response

The wider point made by the Town Council is noted. However, the Conservation officer has assessed the merits of this specific application and recommended approval.

Recommendation – GRANT as per published report

5.8

**4/01463/14/FUL – DEMOLISH EXISTING HOUSE AND REPLACE WITH NEW DWELLING
THE RAMBLERS, DUDSWELL LANE, DUDSWELL, BERKHAMSTED, HP4 3TQ**

The application has been withdrawn by the applicant and is no longer under consideration by the planning committee.

5.9

**4/01301/14/FUL – DEMOLITION OF EXISTING BUNGALOW, CONSTRUCTION OF TWO-STOREY FIVE BEDROOM DWELLING AND ALTERATIONS TO VEHICLE CROSSOVER
LITTLE ORCHARD, HEMP LANE, WIGGINTON, TRING, HP23 6HF**

The proposal description has been amended to remove reference to the habitable roof space which formed part of the original scheme, and has been agreed with the agent.

Recommendation – GRANT as per published report

5.10

**4/01388/14/FUL – ERECTION OF BOUNDARY TREATMENT IN ACCORDANCE WITH AGRICULTURAL USE
LAND AT UPPER BOURNE END LANE AND OPPOSITE DRIVING RANGE,
BOURNE END LANE, HEMEL HEMPSTEAD, HP1**

No update required.

Recommendation – GRANT as per published report

5.11

**4/01575/14/FHA – SINGLE-STOREY REAR EXTENSION AND ACCOMPANYING DISABLED ACCESS RAMP
82 BOXTED ROAD, HEMEL HEMPSTEAD, HP1 2QL**

Additional information

An amended plan is awaited but has not been received. However, an update will be given at the meeting.

Recommendation – REFUSE as per published report

5.12

**4/01631/14/FHA – CONVERSION OF LOFT TO A BEDROOM
12 SHRUBLANDS AVENUE, BERKHAMSTED, HP4 3JH**

No update required.

Recommendation – GRANT as per published report

5.13

**4/01771/14/FHA – DETACHED GARDEN BUILDING
3 MARLIN CLOSE, BERKHAMSTED, HP4 3JX**

No update required.

Recommendation – GRANT as per published report

5.14

**4/01632/14/FHA – DEMOLITION OF GARAGE AND CONSTRUCTION OF TWO
STOREY EXTENSION, PORCH, SINGLE STOREY EXTENSION AND
RELOCATION OF VEHICULAR ACCESS
SHANTOCK HOUSE, SHANTOCK LANE, BOVINGDON, HEMEL HEMPSTEAD,
HP3 0NG**

No update required.

Recommendation – GRANT as per published report

5.15

**4/01015/14/FUL – RETENTION OF AGRICULTURAL STORAGE BARN AND
ACCESS TRACK
LAND IN FIELD OPP. WIDMORE COTTAGES, SOUTHINGS FARM, GADDESSEN
ROW, HEMEL HEMPSTEAD**

No update required.

Recommendation – GRANT as per published report
