



DEVELOPMENT CONTROL COMMITTEE
THURSDAY 6 JUNE 2013 AT 7.00 PM

ADDENDUM SHEET

5.1

**4/00216/13MOA - RESIDENTIAL DEVELOPMENT OF UPTO 26 DWELLINGS ,
NEW ACCESS TO WESTWICK ROW, OPEN SPACE AND LANDSCAPING
(OUTLINE APPLICATION - ALL MATTERS RESERVED SAVE ACCESS)
LAND BETWEEN WESTWICK ROW AND, PANCAKE LANE, HEMEL
HEMPSTEAD**

This application has been deferred until 27 June 2013.

Amended plans were received on 20 May 2013 and neighbours were notified of the amended plans on 22 May 2013. It has come to the Council's attention that a number of local residents who had previously commented on the application had not been notified of these amended plans. Letters have been sent to the outstanding residents this week. There would not be sufficient time for the amended plans to be considered prior to this committee.

In consultation with the Committee Chairman, it was decided that the application be deferred to the following committee to allow interested parties a full opportunity to comment on the amendments to the proposal.

5.2

**4/001716/13/FUL – DEMOLITION OF EXISTING WAREHOUSING AND
REDEVELOPMENT CREATING ONE x 4 BED HOUSE, TWO x 2 BED
MAISONNETTES AND 3 x 2 BED APARTMENTS WITH PARKING AND
ANCILLARY WORKS
23 KINGSLAND ROAD, HEMEL HEMPSTEAD, HP1 1QD**

Representations Received

A number of emails were received from residents surrounding the application site following the publishing of the agenda. These were addressed to Development Control Committee Members and have been received by the case officer and the members support department also.

The emails were sent from parties who have already commented on the application and the issues raised were as follows:

- Impact of the development on neighbouring properties.
- Ownership of the southern boundary and ability to provide emergency access
- Access to the site across a public footpath and ability of turn a vehicle within the site.
- Density of the development
- Lack of amenity space
- Query over committee members site visit

RECOMMENDATION

The published report within the agenda set out the requirements for planning obligations and the completion of a legal agreement accordingly. The case officer has not received this document; therefore the recommendation must be amended accordingly:

That the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to:

1. The completion of a planning obligation under S106 of the Town and Country Planning Act 1990 to secure the following heads of terms:

- Allotments - £308.00 as per DBC Planning obligations SPD
- Outdoor pitches – HH - £2,241 as per DBC Planning obligations SPD
- Cycles - £333 as per DBC Planning obligations SPD
- Primary schools - £8,241 - as per DBC Planning obligations SPD
- Child play space - £7,808 - as per DBC Planning obligations SPD
- Natural Green Space - £122 - as per DBC Planning obligations SPD
- Travel Smart - £150 - as per DBC Planning obligations SPD
- Sustainable Transport - £4000 – as per HCC toolkit
- Libraries - £922 - as per HCC toolkit
- Secondary Schools - £7,359 - as per HCC toolkit
- Nursery - £1,394 - as per HCC toolkit
- Childcare - £498 - as per HCC toolkit
- Youth Facilities - £153 - as per HCC toolkit
- Monitoring @ 6% of DBC items - £1,152 as per DBC Planning obligations SPD

2. The conditions as published in the agenda and subject to the following amendments to the published conditions:

3 **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:**

- **hard surfacing materials;**
- **means of enclosure;**
- **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;
- 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;
- Details of areas retained for turning vehicles and details of how this shall be delineated to ensure the area is kept clear for the turning of vehicles.
- Details of informative or directional signage within the site.
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports 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.

- 12 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 13 **If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 12 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12 (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

5.3

4/02246/12/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF THREE DETACHED 4-BED DWELLINGS WITH ASSOCIATED ACCESS 37 ASHLYNS ROAD, BERKHAMSTED, HP43BL

RECOMMENDATION

As per the published report subject to an addition to the S106 heads of terms:

- Monitoring @ 6% of DBC items

5.4

**4/01167/12/FUL - THREE 2 BEDROOM APARTMENTS
R/O 7 - 11, ST. JOHNS ROAD, HEMEL HEMPSTEAD**

No update required.

RECOMMENDATION – as published report.

5.5

**4/00803/13/FUL – PROPOSED NEW MEDICAL CENTRE WITH ASSOCIATED
PARKING AND PUBLIC REALM WORKS (AMENDED SCHEME)
ADJ HIGHFIELD HALL, CAMBRIAN WAY, HEMEL HEMPSTEAD**

Further comments received

4 Mendip Way

I raise the following objections:

- Nothing of real significance has changed since the last planning application was unanimously refused. The revised planning proposals have not adequately addressed the reason for the previous refusals.
- Serious loss of light and overshadowing of the adjacent properties on Mendip Way still occur, especially so in the afternoon and evenings during the Autumn, Winter and Spring periods.
- The overbearing impact of the building, so close to the residential properties on Mendip Way, has not been properly addressed. The rear outlook from these properties will be a red brick wall, guttering and a vast expanse of Black roofing. Only 30 feet from the living room windows of some of the residents.
- No change has been made to the proposed parking provisions. They are therefore still insufficient to service the proposed development. A reason the last application was refused for.
- Although the extract vents have been moved to the ends of the building the discharge from them will still impact the adjacent residential properties. A reason the last application was refused for.
- The peace and quiet of the rear gardens of Mendip Way will be impacted by the noise from the plant room and the associated activities of the proposed new medical centre.

Hertfordshire Highways

No additional comments – refer to comments and conditions on original scheme.

Environment Agency

As this site is in Flood Zone 1 and under a hectare, you should refer to box F5 of our Flood Risk Standing Advice. This will ensure sustainable surface water management is achieved as part of the development.

We consider that planning permission could be granted to the proposed development as submitted if a planning condition relating to contamination is imposed.

Trees and Woodlands

With regard to the amended plans my previous comments remain valid so please use those again.

Additional comment with reference to plan 1169 (S) 02 P2 Proposed Site Plan and 1169 (S) 04 P2 Site Plan Landscaping; The tree in the southern corner of the site is located on land it is proposed to hard landscape with paving slabs. It would not be appropriate to retain this tree in a physically restricted location adjacent to the building with a compromised rooting zone. Tree removal thus would be recommended, negating the need for root protection measures at this specific location.

It would be appropriate to have grass below trees in this location and so the proposed 'new grassed area' is acceptable.

The species *Taxus baccata* (Yew) is proposed for new tree planting along the north-eastern boundary. This is a slow growing evergreen tree that will provide year round screening and interest. Should a more upright growth habit be preferred *Taxus baccata* 'Fastigiata' should be considered. Any varieties of the *baccata* 'Aurea' group would provide similar growth but with yellow tinted or yellow edged leaves.

RECOMMENDATION

As per published report subject to the addition of conditions 6 and 7 and the renumbering of condition 6 as set out in the published report to 8.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect groundwater in line with policies CS31 and CS32 of the draft core strategy and Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

- 6 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) and (b) below have been complied with.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - groundwaters and surface waters
 - ecological systems
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

7 If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (b) has been complied with in relation to that contamination.

(a) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(b) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6 (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 7(a).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

5.6 & 5.7

**4/00457/13/FUL AND 4/00458/13/CAC - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 4-BED DWELLINGS (AMENDED SCHEME)
4 PARK VIEW ROAD, BERKHAMSTED**

RECOMMENDATION

As published report subject to amendments to Condition 9 (FUL) and Condition 2 (CAC) to amend the plans numbers to read as follows:

**Site location plan
1099 01F
1099 02D
1099 05**

5.8

**4/00727/13/FHA – SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION INCLUDING NEW GABEL END TO EXISITNG HIPPED ROOF
10 WOODLANDS AVENUE, BERKHAMSTED, HP4 2JH**

Additional Comments received from Berkhamsted Town Council

Received 4 June 2013

In considering the Planning Officer’s report, and recognising that this application would now be allowed under the new Extended Permitted Development Rights, (introduced after this application was considered) Berkhamsted Town Council has asked that their objection to this application be withdrawn.

RECOMMENDATION – as published report

5.9

**4/00691/13/FHA – SINGLE STOREY REAR EXTENSION
7 CLINTON END, HEMEL HEMPSTEAD, HP2 4PD**

No update required.

RECOMMENDATION – as published report.

5.10

4/00785/13/FHA – LOFT CONVERSION WITH ALTERNATION FROM HIP TO GABLE ROOF INCLUDING TWO BRICK GABLE DORMERS TO FRONT ASPECT 51 CROSS OAK ROAD, BERKHAMSTED, HP4 3EH

Comments received from Conservation officer

51 Cross Oak Road is a late 19th Century 2 storey end house to Shrubland Terrace, a row of buildings occupying a prominent corner position to the cross roads of Cross Oak Road and Charles Street. It is located within the south west later development of Berkhamsted and contained within the town conservation area.

The terrace has a design of particular merit incorporating high quality Victorian detailing including expressed wall plaques and floor banding to the front elevation, yet all under a simple slate roof which harmonises with the roofs of the adjacent simpler cottages. The application building has a deliberate design turning the corner at the road junction and providing its principle elevation in Cross Oak Road with unity, maintained with the remainder of Shrubland Terrace through the same special architectural detailing, including a consistency in roofscape with the slate roof returned in hip form. Unfortunately the brickwork to No.51 has been painted but the strong form of the terrace remains the visual damage to the unity of the terrace caused by this painting.

The scheme which has been exceptionally well presented, proposes an extensive loft conversion which incorporates a gabled roof form to Charles Street, the introduction of steeper pitched roof with two large dormers above the bay windows to the principle elevation in Cross Oak Road.

It is considered that the proposed scheme with the changes to the basic roof form and the introduction of the front roof dormers will have a significantly harmful impact on the simple character of the roof of the dwelling. It is considered that damage would be caused to the unity and consistency of the appearance of this purposefully designed terrace but on a wider issue the historic simple nature of its roofscape, the importance of which is increased by the housing being sited on the rising ground from the valley bottom would be interrupted thereby harmful to the established character of the conservation area.

In detail the introduction of front dormers to Cross Oak Road could set a harmful precedent and the introduction of the gabled roof within Charles Street would have a particularly distracting impact when viewed in the context with the general simple grain of the roofs when ascending down Cross Oak Road towards the cross roads. This gabled roof would also result in an undue prominence when viewed from Charles Street and an unbalanced closure of space within this end of Charles Street.

Regarding the examples cited in the Design & Access Statement in an attempt to justify this proposal, I consider these to be entirely different cases since in the majority of examples these do not part of a terrace grouping rather, the case studies

show a range of individual buildings and architectural styles with no uniformity of roofscape.

It is therefore considered that the proposals are unacceptable and should be refused as the scheme fails to preserve or enhance the established character or appearance of the conservation area.

RECOMMENDATION – as published report

5.11

**4/00686/13/FHA – CREATION OF VEHICLE CROSSOVER ACROSS PUBLIC FOOTPATH AND HARDSTANDING IN FRONT GARDEN
3 BOUNDARY COTTAGES, CHIPPERFIELD ROAD, BOVINGDON, HP3 0JT**

No update required.

RECOMMENDATION – as published report.
