

DCC Decision list: 7 August 2014

Items: Part 1

5. Planning Applications

ITEM 5.1

4/00868/14/FUL – CHANGE OF UE FROM RETAIL (A1) TO FAST FOOD OUTLET (A5), OPENING HOURS 11AM-11PM AND INTALLATION OF AN EXTERNAL FLUE PIPE ENTREAT, GOSSOMS END, BERKHAMSTED, HP4 1DD

- Officer's recommendation overturned - application **REFUSED**

Reasons for refusal:

- 1) Insufficient evidence has been provided to confirm that the site has been comprehensively marketed to demonstrate that there is not a demand for an alternative occupier falling within Use Class A1. This is given the limited marketing period and the way the property has been advertised for sale or let. A longer and more comprehensive approach to marketing involving both traditional and electronic means is essential. The proposal is therefore found to be contrary to 'saved' policy 45 of the Dacorum Borough Local Plan.
- 2) The proposed use, which would operate to 11pm at night, would introduce a level of activity at night not currently generated by the long established existing operations within this parade. This increased night time activity and the associated noise and disturbance would have an unacceptable impact on the amenity of surrounding residents contrary to Policy CS12 of the Dacorum Core Strategy 2013.
- 3) The proposed use, which focuses on takeaway trade, would fail to provide activity or a suitably active frontage to the unit. The proposal would not enliven the frontage and would not enhance the setting of the adjacent Listed Building. The proposal is therefore found to be contrary to Policy CS27 of the Dacorum Core Strategy 2013.

Article 31 Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant, through the pre-application and the formal application stages in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome at development control committee level. 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.

ITEM 5.2

4/001299/14/FHA – PROPOSED REAR EXTENSION AND LOFT CONVERSION 5 PARK RISE, NORTHCHURCH, BERKHAMSTED, HP4 3RT

- Agreed as per the officer's recommendation – **GRANTED**

Subject to the changes as set out within the tabled Addendum Sheet:

- The removal of conditions 3 and 4
- The renumbering of condition 5 to 3 and the addition to the list of approved plans of storage of construction materials and equipment plan ref: 14/12/02 Rev E5

ITEM 5.3

4/01349/14/FHA – REAR DORMER LOFT CONVERSION 93 CROSS OAK ROAD, BERKHAMSTED, HP4 3HZ

- Agreed as per the officer's recommendation - **GRANTED**

Subject to:

- The alteration of condition 4 as set out within the tabled Addendum Sheet
- The addition of the following condition (5) to accord with the verbal update of the Officer to the committee

5. The rooflight to be installed in the development hereby permitted shall be a metal framed conservation roof-light and sit flush with the roof.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

ITEM 5.4

4/01480/14/RET – RETROSPECTIVE APPROVAL FOR THE PROVISION OF A TELEPHONE BOX AS A GARDEN ORNAMENT AND A GARDEN SHED BULBOURNE, BANK MILL LANE, BERKHAMSTED, HP4 2NT

- Agreed as per the officer's recommendation – **GRANTED**

ITEM 5.5

**4/01583/14/FUL – VEHICLE ACCESS CROSSOVER TO THREE PARKING PADS
IN FRONT OF 42, 44 AND 46
LAND IN FRONT OF 42, 44 AND 46, BROADFIELD ROAD, HEMEL HEMPSTEAD,
HP2 4DW**

- Agreed as per the officer's recommendation - **GRANTED**

Subject to:

- The alteration of conditions 3, 4 and 5 as set out within the tabled Addendum Sheet