
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 DECEMBER 2014

Present

MEMBERS:

Councillor G Sutton (Chairman); Councillors Mrs Bassadone, Clark, Collins, Guest, R Hollinghurst, Killen, Peter, Mrs Rance, Reay, R Sutton, Whitman and C Wyatt-Lowe.

Councillor Tiley also attended

OFFICERS:

A Chrusciak, J Ambrose, P Doyle, I Keen, P Newton, N Poptani, C Watson, N Weeks, P Bowles.

The meeting began at 7.03 pm

123. INTRODUCTIONS

Councillor G Sutton (Chairman) introduced himself and the officers present and went through the fire safety procedure. Councillor G Sutton asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application. He also reminded the members and public about the rules regarding public participation.

An addendum to the agenda was circulated before the meeting. A copy of the addendum can be found on the DBC website on the following link:

<http://www.dacorum.gov.uk/home/council-democracy/meetings-minutes-and-agendas/events/2014/12/18/development-control-committee/development-control-committee>

124. MINUTES

The minutes of the meeting held on 27 November 2014 were confirmed by the Members present and were then signed by the Chairman

125. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Mrs G Chapman, Conway and Macdonald.

Councillor Mrs Bassadone substituted for Councillor Conway and Councillor R Sutton Substituted for Councillor Mrs G Chapman and Councillor Peter substituted for Councillor Macdonald.

126. PLANNING APPLICATIONS

Chairman

The Committee considered applications for planning permission as set out below and reached the decisions therein.

- 127. PLAN NO. 4/02320/14/MOA - CONSTRUCTION OF 16-STOREY AND FOUR BASEMENT LEVEL BUILDING COMPRISING OF UP TO 208 FLATS, OFFICES, RETAIL, LEISURE SPACE AND 228 CAR PARKING SPACES FOLLOWING DEMOLITION OF EXISTING OFFICE (CLASS B1) BUILDING (ALL MATTERS RESERVED)
SYMBIO HOUSE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH
APPLICANT: CORONA PROPERTIES LTD**

Ian Dudley (landscape Architect) and Chris Nichols (Transport Consultant), made statements in support of the application.

Deferral at Development Control Committee

The planning application was deferred at the Development Control Committee (DCC) of 27 November 2014 to allow the committee and the applicant the opportunity to consider the comments from Conservation and Design.

In response to issues raised by Conservation and Design, a Landscape and Visual Supplementary Briefing Report and an Addendum to the Visual Impact Assessment have been submitted by the applicant.

A summary of representations received following the previous committee are included at Appendix A of the report.

Councillor Rance felt that her concerns expressed at the meeting on 27th November about turning right from Whiteleaf Road onto the London Road had not been adequately addressed and asked for her concerns to be minuted.

It was proposed by Councillor Reay and seconded by Councillor C Wyatt-Lowe to grant the application subject to the following conditions (amendments were made conditions 6 and 20):

Voting:

9 for, 2 against and 2 abstentions;

whereupon it was:

Resolved:

1. That the application be delegated to the Group Manager, Development Management and Planning (or nominated substitute), with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 for the Heads of Terms detailed below and subject to the following conditions.
 - The provision of a minimum of 35% affordable housing for affordable rent (75%) and shared ownership (25%)
 - Financial contributions in accordance with Planning Obligations Supplementary Planning Document toolkit to the following:
 - Allotments
 - Outdoor pitches
 - Cycles
 - Child play space

Chairman

- Natural green space
- TravelSmart
- Financial contributions in accordance with Table 2 of the 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008' as follows:
 - Primary education
 - Secondary education
 - Youth facilities
 - Libraries
- Financial contribution towards sustainable transport infrastructure as required by the Highway Authority in accordance with the Hertfordshire County Council Planning Obligations Toolkit to be based on £625 per one-bedroom unit, £750 per two-bedroom unit and £1,125 per three-bedroom unit
- Financial contribution of £6,000 towards administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review
- Financial contribution towards improving access to the canal towpath and pedestrian links to the town centre along Two Waters Way in line with Two Waters Open Space Study;
- Financial contribution towards monitoring and administration to be 6% of total financial contributions, capped at £10,000
- Secure implementation of Green Travel Plan
- Provision of fire hydrants

3. Conditions:

- 1 **Approval of the details of the site layout as well as the siting, scale, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **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 shall have been submitted to and approved in writing by the local planning authority. The schedule of materials shall be supported by a statement**

Chairman

explaining what factors have been taken into account during the selection of materials, and how they would age and appear over time. Development shall be carried out in accordance with the approved details.

Reason: To ensure a development of high quality architecture and appearance in this prominent gateway location in accordance with the National Planning Policy Framework and Policies CS10 and CS12 of the Dacorum Core Strategy (September 2013).

5 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 disposal of surface water within the site;**
- **any ecological enhancements which could include planting of locally native species.**

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, and to minimise water run off onto the road and outside of the site in accordance with Policies CS12 and CS31 of the Dacorum Core Strategy (September 2013).

6 Prior to the first occupation of the development hereby permitted, a Car and Cycle Parking Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the following:

- **details of car parking allocation and distribution;**
- **details of the car club regarding the operation, management and implementation of the scheme;**
- **methods to minimise on-street car parking;**
- **a scheme for the provision and parking of cycles; and**
- **monitoring required of the Car and Cycle Management Plan to be submitted to and approved in writing in accordance with a timeframe agreed by the local planning authority.**

The Car and Cycle Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, or in accordance with a timeframe agreed by the local planning authority, and thereafter retained for this purpose.

Chairman

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 57 and 58 of the Dacorum Borough Local Plan 1991-2011.

7 Prior to the commencement of the development hereby permitted, full details (in the form of metrically scaled plans and / or written specifications) shall be submitted to and approved in writing by the local planning authority to illustrate the following:

- **access arrangements for vehicles expected to access the development including a swept path analysis;**
- **visibility splays in both directions of the vehicle accesses;**
- **details of the headroom clearance for the car park;**
- **all roads, footways, cycleways and pedestrian links to be provided;**
- **the location and provision of cycle parking in accordance with adopted standard;**
- **servicing areas and bin storage including loading and turning areas for service vehicles.**

Reason: To ensure sufficient access arrangements to, from and within the proposed development and to confirm proposed car parking and cycle parking arrangements in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

8 Prior to the first occupation of the development hereby permitted the proposed access, on-site car and cycle parking, shall be demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 58 of the Dacorum Borough Local Plan 1991-2011.

9 No works shall commence on site until a scheme for the provision and parking of cycles has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy CS8 of the Dacorum Core Strategy (September 2013).

10 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development would best meet Code Level 5 (or equivalent) and meet the objectives of Policies CS28, CS29 and CS31 of the Dacorum Core Strategy (September 2013) shall be submitted to and approved

Chairman

in writing by the local planning authority.

Within three (3) months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified assessor) to demonstrate full compliance with the approved Energy Statement.

Reason: To ensure the sustainable development of the site in accordance with Policies CS28, CS29 and CS31 of the Dacorum Core Strategy (September 2013).

- 11 **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 11 to 14 below have been complied with. 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 14 has been complied with in relation to that contamination.**

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,**
 - archaeological 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'.

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 CS32 of the Dacorum Core Strategy (September 2013).

12 **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 CS32 of the Dacorum Core Strategy (September 2013).

13 **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.

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 CS32 of the Dacorum Core Strategy (September 2013).

14 **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 11 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12, 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 13.

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 CS32 of the Dacorum Core Strategy (September 2013).

- 15 **Prior to commencement of the development hereby permitted, an Air Quality Report shall be submitted to and approved in writing by the local planning authority to ascertain whether the development, including the construction phases, will have a negative impact on air quality within the area and proposed mitigation measures and timeframes for implementation. Development shall be carried out in accordance with the approved details.**

Reason: To reduce impacts on the surrounding area with respect to air quality in accordance with Policy CS32 of the Dacorum Core Strategy (September 2013).

- 16 **Prior to the commencement of development, an Acoustic Survey shall be submitted to and approved in writing by the local planning authority to address potential issues between the proposed commercial and residential units and the impact on surrounding uses.**

Reason: To safeguard the amenity of proposed dwellings and neighbouring properties in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 17 **No impact piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and a Piling Risk Assessment to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers has been submitted and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.**

Reason: To minimise impacts on underground sewerage utility infrastructure proximate to the proposed works and to minimise the risk of near-surface pollutants migrating into deeper geological formations and aquifers in accordance with the National Planning Policy Framework.

- 18 **The development hereby permitted shall be designed to meet *Secured by Design* standards and no development shall take place until detailed measures to design out crime shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure out crime in the interests of ensuring a secure residential environment and a sustainable development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 19 **The development hereby permitted shall be carried out in accordance with the approved Site Waste Management Plan.**

Reason: To reduce the amount of waste produced on the site in accordance with Policy CS29 of the Dacorum Core Strategy (September 2013).

- 20 **Use of the function room and gym be restricted primarily for occupiers and residents of the building and their invited guests.**

Reason: To reduce impacts on the amenity of neighbouring properties and the surrounding area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

P0.1 (site location plan).

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

Article 31 Statement

Outline planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the pre-application and determination stages which led to improvements to the scheme. The Council has therefore acted proactively 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.

Informatives

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

The applicant is advised to prepare a scheme detailing provision for on-site parking for construction workers for the duration of the construction period to ensure adequate off-street parking during construction, in the interests of highway safety.

The applicant is also advised to prepare a Construction Management Plan detailing how safe pedestrian and vehicle access will be managed for the duration of the construction period in the interests of pedestrian and vehicle safety.

PROTECTED SPECIES INFORMATIVE:

The removal of trees and shrubs should be avoided during the breeding season (March / Sept inclusive) If this is not possible then a search of the area should be made by a suitably experienced ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.

ENVIRONMENT AGENCY INFORMATIVE:

Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.

Chairman

A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.

It is recommended that developers follow the risk management framework provided in our guidance for 'Piling into Contaminated Sites' and also refer to the document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention'.

CONTAMINATED LAND 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>

NATIONAL GRID INFORMATIVE:

National Grid has identified that it has apparatus within the vicinity of your enquiry which may be affected by the activities specified.

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Affected Apparatus

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus within the vicinity)

As your proposal is in proximity to National Grid's apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Gas Distribution Pipelines Team

Requirements

Before carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consideration has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works

Chairman

are in the road or footpath the relevant local authority should be contacted.

- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead power lines'.
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Guidance

High Pressure Gas Pipelines Guidance

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22).

Excavating Safely - Avoiding injury when working near gas pipes

Standard Guidance

Essential Guidance Document

General Guidance Document

Excavating Safely in the vicinity of gas pipes guidance

Excavating Safely in the vicinity of electricity gables guidance

THAMES WATER INFORMATIVE:

Surface Water Drainage

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason: to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Thames Water requests that the applicant should incorporate within their proposal,

Chairman

protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1.The pool to be emptied overnight and in dry periods. 2.The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

WASTE AND MINERALS INFORMATIVE:

The Site Waste Management Plan must be available to any contractor carrying out work described in the plan and should be forwarded to the Waste Planning Authority

Chairman

when complete. There is no need to provide monthly progress; instead the final figures at the completion of the project would be sufficient. These should be sent to the Spatial Planning and Economy Unit, Minerals and Waste Team, Hertfordshire County Council, CHN216, County Hall, Hertford, Hertfordshire, SG13 8DN.

This application site abuts an Employment Land Area of Search for waste activities (B2 and B8 uses) and is adopted as part of the Waste Plan for Hertfordshire. ELAS175 Two Waters (west of a414) is indicated in Inset Map 006 of the Waste Site Allocations Development Plan Document (adopted July 2014). This site falls completely within Area of Search A of the Waste Core Strategy (adopted November 2012) for Local Authority Collected organic waste.

Both ELAS sites at Two Waters are located on groundwater source protection zones and are in close proximity to Flood Zones Two and Three but are completely located within Flood Zone One.

- 128. PLAN NO. 4/01989/14/ROC - REMOVAL OF CONDITION 18 (OPENING HOURS) AND 22 (ROOF HEIGHT/PITCH) ATTACHED TO PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA) BOURNE END MILLS INDUSTRIAL ESTATE, BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ APPLICANT: ALBION LAND (2013) LTD**

Mike Pritchard, a local resident, made a statement of objection to the application.

Tim Waring, the applicants' agent, made a statement in support of the application.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Rance to refuse the application contrary to the officer's recommendation for the reasons set out below.

Voting:

Unanimously agreed

whereupon it was:

That planning permission be refused for the reason set out below:

The Council is not satisfied from the information submitted that a development higher than 10m to eaves can be integrated within the landscape without being duly intrusive, to the detriment of the character of the area and the openness of the green belt. In addition a proposal without restrictions on height and hours of use is likely to impact on residential amenity through visual impact, noise and light disturbance. The proposal therefore conflicts with Policies CS5, CS12 and CS25 of the Council's Core Strategy.

Chairman

129. **PLAN NO. 4/01988/14/RES - SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) TO OUTLINE PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
BOURNE END MILLS INDUSTRIAL ESTATE, BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ
APPLICANT: ALBION LAND (2013) LTD**

Following refusal of the previous application (4/01989/14/ROC) it was agreed to defer this application.

130. **PLAN NO. 4/01875/14/FUL - DEMOLITION OF TWO DETACHED DWELLINGS AND CONSTRUCTION OF FOUR THREE-BEDROOM SEMI-DETACHED, THREE FOUR-BEDROOM TERRACE AND ONE FOUR-BEDROOM DETACHED DWELLINGS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND TURNING FACILITIES**
43 - 45, MORTIMER HILL, TRING, HP23 5JA
APPLICANT: SHANLY HOMES - MR A ALKHALIL

Summary

The application is recommended for approval.

The application site is designated as a residential area within the town of Tring where residential development is acceptable in principle. The proposed development would be acceptable in terms of layout, the appearance of the buildings and street scene. The development would not have an adverse impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory.

The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 18 and 21 of the Dacorum Borough Local Plan 1991-2011.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Mrs Bassadone to grant the application for the reasons set out above and subject to the following conditions:

Voting:

9 for, 2 against and 2 abstentions;

whereupon it was:

Resolved:

That the application be granted subject to the following 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 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 shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 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:**

Chairman

- 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; and
- ecological enhancements in accordance with Section 6.22 of the document SH19355_Bat (Bat Survey Report).

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 Policy CS12 of the Dacorum Core Strategy (September 2013).

- 4 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

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 Dacorum Core Strategy (September 2013) and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 5 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will best meet Code Level 5 (or equivalent) and meet the objectives of Policy CS29 of the Dacorum Core Strategy (September 2013) shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28, CS29 and CS31 of the Dacorum Core Strategy (September 2013).

- 6 Visibility splays of not less than 2.4m x 43m shall be provided and thereafter maintained, in both directions from the new access, within which there shall be no obstruction to visibility between a height of 0.6m and 2.0m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS9 of the Dacorum Core Strategy (September 2013) and saved Policy 54 of the Dacorum

Chairman

Borough Local Plan 1991-2011.

- 7 **The development shall not be occupied until the access and car parking areas have been constructed. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses in accordance with Policy CS9 of the Dacorum Core Strategy (September 2013) and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 8 **Notwithstanding the details shown on the approved plans and documents, prior to the commencement of the development hereby permitted, plans and details showing a swept path analysis for a refuse vehicle shall be submitted to and approved in writing by the local planning authority.**

Reason: To ensure adequate access arrangements within the site for refuse collection and in the interests of highway safety in accordance with Policy CS9 of the Dacorum Core Strategy (September 2013) and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 9 **The windows and roof lights at first floor level in the north-eastern and south-western side elevations of the development at Plots 1, 2, 3, 4 and 5 hereby permitted shall be non-opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents and the residential amenity of dwellings within the site in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 10 **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, car ports, parking bays and driveway areas hereby permitted shall be kept available at all times for the parking and manoeuvring of vehicles associated with the residential occupation of the dwellings and these areas shall not be converted or in any way enclosed.**

Reason: To secure sufficient on-site parking provision for future residents and in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

- 11 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 Class B

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of dwellings

Chairman

within the site and of neighbouring properties in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 12 **Prior to the commencement of works including demolition, two emergence / re-entry surveys shall be undertaken during the months of May to August shall be submitted to the local planning authority. If during either of these surveys, bats are observed to be using the building, a further (third) emergence / re-entry survey must be undertaken.**

If bats are found to be using the building, appropriate mitigation will be required and shall be established on the completion of the emergence surveys but as a minimum shall include the following:

- **Inspection of the roof void 24 hours prior to demolition by a bat licenced ecologist;**
- **Soft stripping of roof materials under the supervision of a bat licenced ecologist;**
- **Consideration of bats with the lighting scheme;**
- **Bat access tiles installed onto the roofs of new buildings to provide crevice dwelling opportunities; and**
- **Bat roost boxes incorporated into buildings.**

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

Reason: In the interests of ecology in accordance with Policies CS26 and CS30 of the Dacorum Core Strategy (September 2013).

- 13 **If bats are not found to be using the buildings following the emergence / re-entry surveys required under Condition 12, bat boxes and / or bat access tiles shall be incorporated into the development in accordance with document SH19355_Bat (Bat Survey Report), details of which shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of ecology in accordance with Policies CS26 and CS30 of the Dacorum Core Strategy (September 2013).

- 14 **Prior to the commencement of the development hereby permitted, details of the bird boxes to be incorporated into the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The boxes shall be fixed to north or east facing elevations, 2.4m high and sited away from platforms e.g. tops of fences or walls. Development shall be carried out in accordance with the approved details.**

Reason: To replace nesting opportunities lost by clearance of trees and shrubs in the interests of ecology in accordance with Policies CS26 and CS30 of the Dacorum Core Strategy (September 2013).

- 15 **The development hereby permitted shall be carried out in accordance with the recommendations under Section 6 of the document SH19355_Bat (Bat Survey Report).**

Reason: In the interests of ecology in accordance with Policies CS26 and CS30 of the Dacorum Core Strategy (September 2013).

16 **The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

**1210_PLN_207 Revision A (site location plan);
1210_PLN_201 Revision B (proposed block plan);
1210_PLN_203 Revision A (Plots 1-4 proposed floor plans and elevations);
1210_PLN_204 Revision A (Plot 5 proposed floor plans and elevations);
1210_PLN_205 Revision B (Plots 6-8 proposed floor plans and elevations);
1210_PLN_202 Revision B (proposed street scenes);
1210_PLN_206 Revision A (proposed car port floor plans and elevations);
1210_PLN_209 Revision A (proposed boundary treatment plan); and
SH19355_Bat (Bat Survey Report).**

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted through positive engagement with the applicant during the pre-application and determination stages which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Informatives

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

Best practical means shall be taken at all times to ensure that all vehicles leaving the site during demolition and construction, are in a condition, such as to not emit dust or deposit mud, slurry or other debris on the highway; to minimise the impact of construction vehicles and improve the amenity of the local area.

HERTFORDSHIRE ENVIRONMENTAL RECORDS CENTRE INFORMATIVE:

Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following:

- A bat consultant;
- The UK Bat Helpline: 0845 1300228;
- Natural England: 0845 6014523; or
- The Herts and Middlesex Bat Group website: www.hmbg.org.uk

THAMES WATER INFORMATIVE:

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water

Chairman

where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

The meeting was adjourned at 9.04pm and reconvened at 9.10pm

**131. PLAN NO. 4/03051/14/FUL - CONSTRUCTION OF A DWELLING ON PART OF THE GARDEN OF EDEN HOUSE AND ASSOCIATED MODIFICATIONS TO EDEN HOUSE
EDEN HOUSE, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NP
APPLICANT: MR REEVEY**

Councillor Collins declared a personal interest. The applicant is Councillor Collins' dentist, but he had not discussed the application with him or expressed a view and therefore reserved his right to speak and vote on the application

Berkhamsted Town Councillor Julian Ashbourn, made a statement of objection to the application on behalf of Berkhamsted Town Council.

James Holmes, the applicants' agent, made a statement in support of the application.

Summary

The application is recommended for approval.

The principle of residential development within the character area of Shootersway (BCA12) is considered acceptable. The surrounding area is within an existing residential area, where large detached dwellings are considered appropriate and encouraged.

The proposed development would be sited within the residential garden of Eden House with alterations also carried out to the existing dwelling to ensure the privacy of the current occupiers of Eden House and the future residents of the proposed dwelling is not adversely effected. The current and proposed dwelling would retain trees and hedges along the boundary of the site, would benefit from a sufficient amenity area and number of car parking spaces. It is therefore considered the proposal would be in accordance with the National Planning Policy Framework, Policy CS4, CS11 and CS12 of the Core Strategy 2013, Policy 10 of the Dacorum Borough Local Plan and The Area Based Policy for Shootersway (BCA12).

It was proposed by Councillor Guest and seconded by Councillor R Hollinghurst to grant the

Chairman

application for the reasons set out above and subject to the following conditions:

Voting:

7 for, 4 against and 2 abstentions;

whereupon it was:

Resolved:

The application be approved subject to the following 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 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and design and access statement as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development in accordance with CS12 of the Core Strategy

- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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, D, E, F and G

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.

- 4 **Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 5 **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. 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**

Chairman

Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.

(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:

- 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,
 - archaeological sites and ancient monuments;
- 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.

(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

Chairman

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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (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 32 of the Core Strategy.

6 The development hereby permitted shall be carried out in accordance with the following approved plans:

**108-102 REV P02
108-103 REV P02
108-110 REV P02
108-111 REV P02
108-112 REV P02
108-113 REV P02
108-114 REV P02
108-115 REV P02
108-116 REV P02
108-117 REV P02
108-118 REV P02**

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

Article 31 Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Chairman

132. **PLAN NO. 4/03072/14/FUL - CHANGE OF USE TO FORM MEDICAL CENTRE AND TEMPORARY STAFF ACCOMMODATION FOR USE BY TRING PARK SCHOOL FOR PERFORMING ARTS, WITH ALTERATIONS TO INCLUDE ADDITION OF EXTERNAL STAIRS, CONVERSION OF GARAGE NEW RAMPED ACCESS AND CHANGES TO FENESTRATION.
9 MANSION DRIVE, TRING, HP235BD
APPLICANT: MR S FOUND**

Councillor Rance declared that she had attended a meeting of Tring Town Council when this application was considered but said she came to this meeting with an open mind and therefore reserved her right to speak and vote on the application.

Summary

The application is recommended for approval.

It was proposed by Councillor Whitman and seconded by Councillor Reay to grant the application for the reasons set out above and subject to the following amended conditions (as denoted in the addendum):

Voting:

11 for, 1 against and 1 abstention;

whereupon it was:

Resolved:

That planning permission be granted subject to the following 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 **The medical centre hereby permitted shall only be occupied ancillary to Tring Park School for Performing Arts and shall not be occupied for public services.**

Reason: The change of use from residential to a medical centre for use only by the school is only acceptable due to particular restraints on the school site and particular requirements for the students. It is in exceptional circumstances therefore that the loss of a part of the residential unit is found acceptable and as such no such circumstances would exist for a public medical centre. Also the levels of parking and activity at the property is found acceptable only on the basis that it is linked to the school and is not used for any public or commercial service.

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

**001 Rev 01
002 Rev 00**

Chairman

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

Article 31 Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**133. PLAN NO. 4/01759/14/FUL - PART TWO STOREY PART SINGLE STOREY EXTENSION TO FORM A ONE BED HOUSE
79 CRAWLEY DRIVE, HEMEL HEMPSTEAD, HP2 6DB
APPLICANT: MR J STEVENSON**

Councillor C Wyatt-Lowe declared a personal interest. She had spoken to the applicant, but she had not expressed a view and therefore reserved her right to speak and vote on the application

Jim Stevenson, the applicant, made a statement in support of the application.

Summary

The application is recommended for approval. The application is substantially similar to approved extension and formation of new dwelling approved by planning ref: 4/00362/14/FUL for a two storey side and single storey rear extension to form a new self-contained 1 bed house.

It was proposed by Councillor Reay and seconded by Councillor Whitman to grant the application for the reasons set out above and subject to the following conditions:

Voting:

7 for, 5 against and 1 abstention;

whereupon it was:

Resolved:

That planning permission be granted subject to the following 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 The development hereby permitted shall be carried out in accordance with the following approved plans:**

PL/001D
PL/002B

Chairman

PL/003B
PL/004D
PL/005D

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

- 3 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development in accordance with Core Strategy Policies CS11 & CS12 and saved DBLP Appendices 3 & 7.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A, B, & E

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 proposed dwellings and the locality in accordance with Core Strategy policies CS11 and CS12 and saved DBLP appendix 3 & 7.

Article 31 Statement

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

- 134. PLAN NO. 4/01369/14/OUT - DEMOLITION OF SIDE EXTENSION TO NUMBER 20 AND CONSTRUCTION OF DETACHED FAMILY DWELLING AND PEDESTRIAN ACCESS - OUTLINE APPLICATION (INCLUDING ACCESS, APPEARANCE, LAYOUT AND SCALE) WITH CAR PARKING IN AREA OF DEMOLISHED GARAGE AND PEDESTRIAN PATH ONLY TO DWELLING. LAND TO REAR 18 & 20 MILLFIELD, BERKHAMSTED, HP4 2PB
APPLICANT: MR & MRS PELOW**

Berkhamsted Town Councillor Peter Matthews, made a statement of objection to the application on behalf of Berkhamsted Town Council.

Edward Caddle and John Cartwright, local residents, made statements of objection to the application.

It was proposed by Councillor Reay and seconded by Councillor Collins to refuse the application contrary to the officer's recommendation for the reasons set out below.

Voting:

Chairman

9 for and 4 abstentions

whereupon it was:

Resolved:

That planning permission be refused for the following reason:

The proposed tandem development would cause significant harm to the character of the area whilst the parking arrangement would fail to provide a safe and satisfactory means of access for all users, including ambulance service, as well as disturbance to neighbour and is therefore contrary to Core Strategy policy CS11 and CS12 (a) and (b), and that part of (c) relating to disturbance; Supplementary Planning Guidance paragraph 2.6.5 and Berkhamsted Character Area (BCA) 7 of the Saved Local Plan.

**135. PLAN NO. 4/02903/14/RET - RETENTION OF GARDEN ROOM IN REAR GARDEN.
9 LYME AVENUE, NORTHCHURCH, BERKHAMSTED, HP4 3SG
APPLICANT: MRS A CHEN**

Summary

The application is recommended for approval.

This application seeks retrospective consent for an outbuilding situated at the end of a residential garden and used as ancillary to the house. Without its pitched roof it would comply with Permitted Development rights. Such outbuildings are not out of keeping within this residential environment, evidenced by a number of substantial extensions. The building is attractively built and does not have an unduly harmful impact on neighbouring amenities and thus complies with the relevant planning policies.

It was proposed by Councillor Whitman and seconded by Councillor Rance to grant the application for the reasons set out above and subject to the following conditions:

Voting:

Unanimously agreed;

whereupon it was:

Resolved:

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be retained as in accordance with the following approved plans:**

Location plan, and 2486 - 1

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

Article 31 Statement

Retrospective planning permission has been granted for this outbuilding that was constructed without the benefit of planning consent. Discussion with the applicant

Chairman

has taken place to ascertain its use and construction details. 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.

136. APPEALS

Noted the following reports:

1. Appeals Lodged;
2. Decision on Appeal

137. EXCLUSION OF THE PUBLIC

Resolved:

That, under s.100A of the Local Government Act 1972 Schedule 12A Part 1, Paragraph 12 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to proposed action by the Council in connection with the investigation and prosecution of a crime (Minute 138).

138. FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE.

Resolved

Full details are in the Part 2 minutes

The meeting ended at 11:10pm