



DEVELOPMENT CONTROL COMMITTEE
THURSDAY 20 MARCH 2014 AT 7.00 PM

ADDENDUM SHEET

5.1

**4/02324/13/FUL – CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 8 GYSPY FAMILIES, EACH WITH TWO CARAVANS AND A UTILITY BUILDING, INCLUDING THE LAYING OF HARDSTANDING (AMENDED SCHEME)
LAND WEST OF THE BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3**

Updated comments were received from the Bovingdon Action Group (BAG) planning agent on the 12 March 2014. These are substantially similar in substance to those included in the report, however they do re-iterate the action's group view that the application is very similar to the one which was withdrawn in September 2013.

Correction

Error on pg.8 – Policies section includes Circular 11/95. Only Annex A of Circular 11/95 was considered as part of this application as the rest has been replaced by the National Planning Policy Guidance (March 2014) (NPPG)

RECOMMENDATION – Refusal, as per published report

5.2

4/01997/13/FUL – CHANGE OF USE FROM AGRICULTURAL LAND TO OUTDOOR DOG DAY CARE SERVICE (SUI GENERIS), INSTALLATION OF FENCING, TWO REPLACEMENT GATES AND HARDSTANDING LAND AT UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1

Further comments were received from Rights of Way in relation to amended plans and information on 13 March 2014 stating that their original comments are still relevant and that the noise from dogs cannot be compared to the traffic particularly the A41 noting the pitch, tone and inconsistency.

RECOMMENDATION – as per published report

5.3

**4/00219/14/FHA – SINGLE STOREY AND FIRST FLOOR REAR EXTENSIONS, FRONT PORCH, LOFT CONVERSION WITH RIASED ROOF HEIGHT TO MATCH EXISTING AND TWO FRONT DORMERS
124 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JZ**

A completed Policy CS29 checklist was submitted on 17 March 2014 which demonstrates that regard has been given to the objectives of sustainable design and construction in accordance with Policy CS29 of the Core Strategy. Condition 3 will therefore be amended to read as follows:

3. The development hereby permitted shall be carried out in accordance with the approved Policy CS29 sustainability statement received 17 March 2014.

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy (September 2013).

RECOMMENDATION – as per published report, subject to the amendment to condition 3.

5.4

**4/02340/13/FHA – TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR EXTENSIONS AND ALTERATIONS
6 FIELDWAY, BERKHAMSTED, HP4 2NX**

Correction

Error on page 55 of agenda papers - Two letters of objection have been received from No. 4 and No. 8 Fieldway*.

RECOMMENDATION – as per published report

5.5

**4/00100/14/FHA – CONVERSION OF EXISTING DETACHED GARAGE INTO ANCILLARY HABITABLE ACCOMMODATION
CLUDEN, RUCKLERS LANE, KINGS LANGLEY, WD4 9ND**

Email from Cllr Anderson

I have to withdraw my objection to the above planning application, as I am forced to concede that the enforceability of a condition may not form sufficiently robust

grounds for refusing planning permission, even if the plans for the ancillary development include a kitchen sink somewhat loosely described as a 'tea area'.

However, in so doing, I would like to ask for a couple of issues to be taken into account, or passed onto the applicant:

1. I still remain concerned that the application site is so well screened that it would not be possible for anyone to test whether the development remains ancillary or not, without trespassing or alerting the occupants. Subject to the obvious restrictions of the HRA, and to whether it would be feasible, I would therefore like to ask if it would be possible to apply an additional condition controlling how the ancillary condition can be policed/enforced. (Without getting into the age old argument of 'who watches the detectives'.)

2. Whilst it is immediately irrelevant to the planning process, it is material that the application is in breach of the restrictive covenant controlling the property. The covenant requires that each plot on the extended development should contain one dwelling and one garage. To comply with the covenant, the applicant would therefore need to convert the garage into a two storey garage with ancillary floorspace above the parking, as others have done. When I looked at the plans, this looked possible, but even if it wasn't, I would strongly support an application to raise the roof slightly.

I appreciate that this would increase the cost of what the applicant is seeking to do, that I may appear to be over-protective of the green belt, and that I have an agenda to protect the highly unusual/attractive nature of the estate in which this application is located, but I hope this proposal demonstrates that I am not opposed to the applicant achieving additional ancillary floorspace.

Officer response

1. The condition as proposed is considered to meet the tests and is sufficiently clear and precise to be enforceable. It would not be appropriate to impose a further condition regarding the enforcement of an earlier condition.

One option open to the committee, if members were to share Cllr Anderson's concerns, would be for a request to be made for the Council's Enforcement Team to put the site on a rota of yearly monitoring visits.

2. A covenant is not a planning matter and therefore can be given little or no weight as part of this decision making process. If the applicant wished to make changes to comply with a covenant, they would be required to submit a new planning application which would be determined on its own planning merits.

RECOMMENDATION – as per published report
