
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

20 MARCH 2014

Present

MEMBERS:

Councillor G Sutton (Chairman); Councillors Mrs G Chapman, Clark, Conway, R Hollinghurst, Killen, Macdonald, McKay, R Sutton, Whitman and C Wyatt-Lowe.

Councillors Adeleke and Organ also attended

OFFICERS:

A Chrusciak, P Doyle, N Poptani, J Henderson, P Tedd, P Bowles.

The meeting began at 7.00 pm

203. 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/2014/03/20/development-control-committee/development-control-committee>

204. MINUTES

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

205. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Guest, Reay and Rance.

Councillor R Sutton substituted for Councillor Guest.

206. PLANNING APPLICATIONS

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

**207. PLAN NO. 4//02324/13/FUL - CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 8 GYPSY 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
APPLICANT: MR M CASH**

Bovingdon Parish Councillor Glenn Povey, made a statement of objection to the application on behalf of Bovingdon Parish Council.

William Brearley, Cerda Planning, made a statement of objection to the application on behalf of Bovingdon Parish Council.

James Holmes, BBA Planning, made a statement of objection to the application on behalf of local residents.

Councillor Organ, in his capacity Ward Councillor for Bovingdon made a statement of objection to the application.

Councillor Adeleke, in his capacity Ward Councillor for Bovingdon made a statement of objection to the application.

Summary

The application is recommended for refusal.

Site Description

The site is an area of rough pasture which has previously been used for the grazing of horses. It is bounded by the Hempstead Road to the north-west, from which it is largely obscured by a row of mature Leyland Cypress. To the north-east the site is bounded by a drive serving the caravan park and dwellings to the rear of the Bobsleigh Inn. The Inn itself is to the north of the site. To the south-east are neighbouring fields and to the south-west are Highcroft Cottage and Highcroft Paddocks. Access to the site is via a field gate in the northern corner, opening from the drive. The site is located 300m from the edge of Bovingdon.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor McKay to support the Officer recommendation to refuse the application for the reasons set out below.

Voting:

10 for and 1 abstention;

whereupon it was:

Resolved:

That planning permission be refused for the reasons referred to above and subject to the following reasons:

- 1 The application site is located in the Metropolitan Green Belt as identified in the Dacorum Core Strategy (September 2013). Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in the NPPF, PPTS and DBCS Policy CS5. The proposal would constitute inappropriate development in a Green Belt area.**

The very special circumstances which have been advanced to show why planning permission should be granted are not considered to outweigh the harm of the inappropriate development. The proposal is therefore contrary to DBCS Policy CS5 and 22 and national planning policy as set out in the NPPF and the PPTS.

- 2 The development would have a harmful impact on the character and appearance of the green belt by taking a 0.9 Ha green field which is open and rural in character and introducing forms of development which would be detrimental to the character and appearance of the green belt and reduce the openness of the green belt. The development would be an unacceptable encroachment and failure to safeguard the countryside, check unrestricted sprawl nor would the development encourage recycling derelict or other urban land. The development does therefore not accord with the purposes of including land in the green belt contrary to the NPPF nor DBCS Policy CS5 due to significant impact on the character and appearance of the countryside.
- 3 In the absence of a submitted or agreed unilateral undertaking there is no mechanism in place to ensure that the impacts of the proposed development are mitigated. Insufficient information has been submitted to allow a calculation of an appropriate sum. The proposals are therefore contrary to Policy 13 of the Dacorum Borough Local Plan, as well as Supplementary Planning Document (SPD) 'Planning Obligations' (April 2011) and Policy CS35 of the DB Core Strategy (September 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 in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

- 208. PLAN NO. 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 AND OPPOSITE DRIVING RANGE, BOURNE END LANE, HEMEL HEMPSTEAD, HP1
APPLICANT: CITY PUPS - MR T SENIOR**

Tom Senior, the applicant, made a statement in support of the application.

Summary

This application is recommended for approval.

The proposed use for an outdoor dog day care centre (Sui Generis) is considered to be open in character and would not conflict with the objectives of the Green Belt within which the application site is located. The nature of the use would be more suited to a rural location and these are considered to be very special circumstances to allow such a use in the Green Belt. It is not considered that an objection could be sustained with respect to planning policy on the grounds that there would be conflicts between the dogs and livestock in surrounding

agricultural fields. Additionally Strategic Planning and Regeneration have not raised objections with respect to conflict between agricultural uses and the proposed outdoor dog day care centre.

The proposed development would be well screened by the incorporation of landscaping so that it would not compromise the open character or visual amenity of the site, the wider field or the Green Belt.

The use and development would not have an adverse impact on the amenity of neighbouring properties.

The car parking arrangements are sufficient.

The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS5, CS12 and CS25 of the Dacorum Core Strategy (September 2013).

It was proposed by Councillor McKay and seconded by Councillor Mrs G Chapman to grant the application for the reasons set out above and subject to the following conditions:

Voting:

8 for, 1 against and 2 abstentions;

whereupon it was:

Resolved:

That planning permission be granted for the reasons referred to above and 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 use hereby permitted shall not commence and 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:**

- means of enclosure;
- car parking layouts and other vehicle access and circulation areas;
- hard surfacing materials;
- position and appearance of entrance gates;
- proposed finished levels and contours;
- details of new hedges to be planted to all site boundaries including species.

The landscape works shall then be constructed in accordance with the approved details prior to the first occupation of the development hereby permitted. Hedges must thereafter be maintained in perpetuity in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard

the visual character of the Green Belt and the open countryside in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 3 **The application site shall not be used for any purpose other than an outdoor dog day care centre unless otherwise agreed in writing by the local planning authority.**

Reason: To safeguard the Green Belt, the character and appearance of the open countryside and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 4 **There shall be no parking other than in accordance with the approved details, and there shall be no more than two vehicles parked on the site at any one time. There shall be no parking of cars and no external storage overnight.**

Reason: To ensure a satisfactory appearance to the site and to safeguard the openness and the character and appearance of the Green Belt and the open countryside in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 5 **No buildings, additional hardstanding, or exterior lighting shall be installed on the land outlined in red on the 1:1250 site location plan on Drawing No. P001 Revision P0 (received 1 November 2013).**

Reason: To safeguard the open character of the Green Belt, the character and appearance of the countryside, and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 6 **Notwithstanding the details shown on Drawing No. P002 Revision P0 (received 1 November 2013), this permission does not extend to the additional fencing around the two accesses off Upper Bourne End Lane which do not form part of the boundaries of the land outlined in red (on the 1:1250 site location plan on Drawing No. P01 Revision P0 received 1 November 2013).**

Reason: To safeguard the open character of the Green Belt and the character and appearance of the open countryside in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 7 **The use and development hereby permitted shall not commence until a timetable of implementation of works has been submitted for approval in writing by the local planning authority. This program shall indicate that the proposed boundary hedge and fencing hereby approved shall be planted and installed simultaneously, and after a period of five years following planting and installation the top 0.356m of the post and wire fencing shall be removed. The height of the fence shall not be increased above this point without the prior written approval of the local planning authority.**

Reason: To safeguard the Green Belt, the character and appearance of the open countryside and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013).

- 8 **The existing two vehicle accesses to the site off Upper Bourne End Lane shall be properly constructed prior to the commencement of the proposed use.**

Reason: To ensure highway safety by providing a durable surface to allow more efficient manoeuvres in and out of the site in accordance with saved Policy 54 of the

Dacorum Borough Local Plan 1991-2011.

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

P001 Revision P0 (site location plan) received 1 November 2013;
P002 Revision P0 (proposed block plan) received 1 November 2013;
Sketch No. MP2 (typical hedge and fence section) received 28 February 2014;
and
X fence Badger Specification Sheet received 28 February 2014.

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

NOTE 1:

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at pre-application stage, and subsequently through positive engagement with the applicant during the determination process 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.

- 209. PLAN NO. 4/00219/14/FHA - SINGLE STOREY AND FIRST FLOOR REAR EXTENSIONS, FRONT PORCH. LOFT CONVERSION WITH RAISED ROOF HEIGHT TO MATCH EXISTING AND TWO FRONT DORMERS.
124 HIGH STREET, MARKYATE, ST. ALBANS, AL3 8JZ
APPLICANT: MS CLACHER**

Markyate Parish Councillor Hunt, made a statement of objection to the application on behalf of Markyate Parish Council.

Summary

The application is recommended for approval.

The proposed extensions and alterations would be of a satisfactory design and would be suitably integrated with the original dwelling, the terrace row of which it forms a part, and the wider street scene. The development would not compromise the appearance of the nearby Conservation Area. The development would not have an adverse impact on the amenity of neighbouring properties. The car parking arrangements are acceptable. The proposal is therefore in accordance with the National Planning Policy Framework, Policy CS12 of the Dacorum Core Strategy (September 2013).

It was proposed by Councillor McKay and seconded by Councillor Mrs G Chapman to grant the application for the reasons set out above and subject to the following conditions:

Voting:

8 for, 1 against and 2 abstentions;

whereupon it was:

Resolved:

That planning permission be granted for the reasons referred to above and subject to the following amended 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 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 Policy CS12 of the Dacorum Core Strategy (September 2013).

- 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).

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

**13/07/LP1 (site location plan) received 5 February 2014;
13/07/P01 (existing floor, loft and roof plans) received 5 February 2014;
13/07/P02 (existing elevations and sections) received 5 February 2014;
13/07/P07 Revision A (proposed floor and roof plans) received 5 February 2014; and
13/07/P08 Revision B (proposed elevations and sections) received 5 February 2014.**

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

NOTE 1:

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the course of the previous application and prior to the submission of the current application 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.

210. **PLAN NO. 4/02340/13/FHA - TWO STOREY SIDE AND SINGLE STOREY FRONT AND REAR EXTENSIONS AND ALTERATIONS.
6 FIELDWAY, BERKHAMSTED, HP4 2NX
APPLICANT: MR TYLER AND MRS GILLETT**

Berkhamsted Town Councillor Garrick Stevens, made a statement of objection to the

application on behalf of Berkhamsted Town Council.

Summary

The application is recommended for approval. The application site is located within an existing residential area of Berkhamsted wherein extensions to properties are acceptable in accordance with Policy CS11 and CS12 of the Core Strategy. The two storey side extension would respect the typical density intended within the area, avoid visual intrusion and loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties, and integrate with the street scape character. The proposed side extension would be flush with the front elevation and would extend till in line with the existing rear elevation of the main dwelling. The extension would retain a 800mm set back from the common boundary shared with No. 8 Fieldway and this would also create an access to the rear garden along with maintaining the detached character of the area. The proposed extension would therefore comply with CS11 and CS12 of the Core Strategy as well as Appendix 7 of the DBLP.

Due to the lower ground level of No. 8 Fieldway and the position of their attached garage, the original plans submitted by the applicant managed to maintain the detached character of the area, however the original plans were amended in order to further increase the spacings between the properties and to create an access to the rear of the property.

It was proposed by Councillor Conway and seconded by Councillor Mrs G Chapman to grant the application for the reasons set out above and subject to the following conditions:

Voting:

8 for, 2 against and 1 abstention;

whereupon it was:

Resolved:

That planning permission be granted for the reasons referred to above and 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:**

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

Drawing No. 1066 PL - 1.01 Rev B
Drawing No. 1066 PL - 2.02A Rev D

- 3. The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials 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 and Appendix 7 of the DBLP.

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.

**211. PLAN NO. 4/00100/14/FHA - CONVERSION OF EXISTING DETACHED GARAGE INTO ANCILLARY HABITABLE ACCOMMODATION
CLUDEN, RUCKLERS LANE, KINGS LANGLEY, WD4 9ND
APPLICANT: MR K BARNES**

Summary

The application is recommended for approval. The proposed conversion of the existing detached garage into ancillary habitable accommodation, would be used as a non-self-contained accommodation as part of the main dwelling. The proposed annexe would be lived in by the applicants family member. The existing detached garage measures approximately 9m x 5.5m and is sited approximately 10 metres away from the main dwelling. The site is located within the Green Belt, and is considered to be in accordance with CS5 of the Core Strategy.

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

Voting:

9 for and 2 abstentions;

whereupon it was:

Resolved:

That planning permission be granted for the reasons referred to above and 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 change of use of the detached garage to be used as a granny annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Cluden.**

Reason: For the avoidance of doubt and to safeguard and maintain the strategic policies of the local planning authority by ensuring the granny annexe remains ancillary to the main dwelling, prevents further sub-division of the plot, respects the character of the area and provides adequate parking and amenity space in accordance with Policies CS5, CS11, CS12 and Appendix 7 of the Core Strategy

2013.

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

Drawing No. 1106.3 Rev A

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

Article 31:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

212. APPEALS

Noted the following reports:

1. Appeals Lodged;
2. Forthcoming Inquires;
3. Decisions on Appeals

The meeting ended at 8.45 pm