
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

27 FEBRUARY 2014

Present

MEMBERS:

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

Councillor Laws also attended

OFFICERS:

P Newton, R Butler, P Doyle, N Gibbs, I Keen, J Henderson, N Poptani, P Tedd, P Bowles.

The meeting began at 7.00 pm

191. 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/docs/default-source/council-democracy/dcc-27-02-2014-addendum.pdf?sfvrsn=0>

192. MINUTES

The minutes of the meeting held on 6 February 2014 were confirmed by the Members present and were then signed by the Chairman

193. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

194. PLANNING APPLICATIONS

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

Chairman

**195. PLAN NO. 4/02351/13/RES - SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION 4/01477/09/MOA (RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKEY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME))
LAND AT NE HEMEL HEMPSTEAD (ADJ. NICKEY LINE), THREE CHERRY TREES LANE, HEMEL HEMPSTEAD
APPLICANT: BARRATT HOMES (NORTH LONDON)**

Councillor Sutton declared a personal interest in the application. He attended a meeting with the Ward Councillor and representatives of the developer. No views were expressed prior to the meeting and Councillor Sutton reserved his right to speak and vote on the application.

Councillor C Wyatt-Lowe declared a personal interest in the application. She is the Ward Councillor and was contacted by an objector. She also attended a meeting with representatives of the developer. No views were expressed prior to the meeting and Councillor C Wyatt-Lowe reserved her right to speak and vote on the application.

Joanne Read, a local resident, made a statement of objection to the application.

John Brindley, the applicants' agent, made a statement in support of the application.

Summary

The application is recommended for approval.

The site is subject to Outline Planning Permission 4/01477/09/MOA for 357 dwellings. There is an associated s106 Agreement and Development Brief. Access from Three Cherry Trees Lane was approved at the outline stage. The consideration of all outstanding reserved matters submission are subject to the current proposal.

The originally submitted details have been subject to comprehensive consideration with due regard to the advice of the responding technical consultees, third parties and site conditions. Modifications to some elements of the scheme and additional information have been requested. Subject to the revisions being acceptable, with due weight to the advice of the technical consultees, the reserved matters can be supported.

An Addendum Report explaining the revisions/ additional information can be viewed on the following link:

<http://www.dacorum.gov.uk/docs/default-source/council-democracy/dcc-27-02-2014-addendum.pdf?sfvrsn=0>

It was proposed by Councillor Guest and seconded by Councillor Reay to grant the application subject to the to the resolution of the outstanding matters listed below:

Voting:

6 for, 4 against and 3 abstentions;

whereupon it was:

Chairman

Resolved:

That the determination of the application be delegated to the Group Manager, Development Management, following the expiry of the consultation period and subject to agreement with the Chairman/Vice Chairman with a view to approval subject to the resolution of the following outstanding matters:

1. Drainage with specific regard to the capacity of the foul drainage system as expressed by Thames Water and the applicant's proposed phasing strategy.
2. Refuse Strategy.
3. The Nickey Line Pedestrian Link. Details of the exterior lighting.
4. Other Exterior Lighting of Individual Dwellings, especially those facing The Nickey Line, the Shop and Community Building.
5. Acoustics for the Community Building and Shop.

INFORMATIVES

Land Stability In accordance with the National Planning Policy Guidance the onus will be with the applicant to address this issue.

Highways There is full liaison with Highway Authority during the development's construction. _____

**196. PLAN NO. 4/02157/13/FHA - SINGLE STOREY REAR EXTENSION
BEEHCROFT, BROWNS SPRING, POTTEN END, BERKHAMSTED, HP4 2SQ
APPLICANT: MR D PRIOR**

Summary

The application is recommended for approval. The proposed 1.5 storey rear extension would allow for a kitchen extension and storage area. It is considered the proposal satisfactorily integrates with its residential environs and does not have any injurious harm to the character of the green belt or the village of Potten End. Likewise the proposal is considered not to offend neighbouring amenity whilst replicating an existing design feature on the applicant's property.

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

Voting:

11 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.**

Chairman

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:**

Location Plan

D1.

D2.

D3.

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.

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. 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.

197. **PLAN NO. 4/02177/13/ADV - SIGNAGE ASSOCIATED WITH NEW TROLLEY BAY SHELTER, TWO INTERNALLY ILLUMINATED FASCIA SIGNS, ONE INTERNALLY ILLUMINATED TOTEM SIGN AND VARIOUS CAR PARK SIGNAGE
UNIT 1, FORMER BERKHAMSTED DELIVERY OFFICE, 300 HIGH STREET, BERKHAMSTED, HP4 1ZZ
APPLICANT: Marks and Spencer Plc**

Summary

The application is recommended for approval.

The signage proposed has been reduced in size and the format amended in order to overcome concerns raised by the Council's Conservation and Design team and the Berkhamsted Town Council. In addition the totem signage has been reduced in size and relocated to a less prominent location.

With regard to these amendments the proposal are now considered to meet the relevant Policies CS12, CS13, and CS27 of the Core Strategy, and Policies 112 and 120.

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

Voting:

Chairman

10 for and 3 abstentions;

whereupon it was:

Resolved:

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

1. This consent is granted for a period of five years commencing on the date of this notice.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to: -

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control

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of Advertisements) Regulations (England) 2007.

7. The intensity of illumination shall comply with the recommendations set out in Chapter 8 of the Institution of Lighting Engineers' Technical Report Number 5 – "Brightness of Illuminated Advertisements" (Third Edition 2001).

Reason: In the interests of public safety and visual amenity in accordance with Policy CS12 and CS27 of the Core Strategy and Saved Policy 112 of the Local Plan.

**198. PLAN NO. 4/02317/13/FUL - PROPOSED NEW DWELLING.
LAND ADJ. HOLLY HOUSE, DOCTORS COMMONS ROAD, BERKHAMSTED,
HP4 3DR
APPLICANT: Mr & Mrs Marsden**

Daniel Willis, a local resident, made a statement of objection to the application.

Craig Whiddle, a local resident, made a statement of objection to the application.

Peter Knightley, the applicants' agent, made a statement in support of the application.

Councillor Laws, in her capacity Ward Councillor for Berkhamsted East made a statement of objection to the application.

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

Voting:

11 for and 2 abstentions

whereupon it was:

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

1. The proposed dwelling, by reason of its size, site coverage, layout, proximity to boundaries and its design incorporating a flat roof together with the proposed external materials would represent an overdevelopment of the site with insufficient parking and private amenity space, would not be in keeping with adjoining properties and therefore would fail to positively conserve and enhance the character and appearance of the Berkhamsted Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, Policies CS12, CS25 and CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011.
2. The proposed dwelling, by reason of its height, the extent of glazing to the rear and proximity to No. 29 Kings Road together with its siting in an elevated position would appear overbearing and lead to unreasonable overlooking to No. 29 Kings Road to the detriment of their residential amenity. The proposal would therefore be contrary to the aims of Policy CS12 of the Dacorum Core Strategy (September 2013) and Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011.
3. The proposed development, by reason of its layout and associated vehicle crossover would result in substandard and unacceptable parking and access arrangements with limited manoeuvring space to the parking area. Due to the existing highway conditions in the area

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the proposal is likely to result in conditions prejudicial to pedestrian and highway safety contrary to Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

NOTE 1:

Article 31 Statement

Planning permission has been refused for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant during the determination process; however Members were of the view that the proposed amendments did not overcome fundamental objections, and have suggested that a smaller scheme may be acceptable. As the Council has attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and the Council has acted in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**199. PLAN NO. 4/00067/14/FUL - SINGLE STOREY REAR EXTENSION
THE SUNRISE CAFE, 16 STONEYCROFT, HEMEL HEMPSTEAD, HP1
APPLICANT: MR.A. ALTUNALB**

Summary

This application is recommended for approval

The site is located within the Warners End Local Centre where catering establishments are appropriate in accordance with Policies 4 and 16 of the adopted Core Strategy. The proposal is for ancillary functions for the cafe, is of small scale and of an appropriate design so that it will have no undesirable impact on adjoining property and the surrounding area and there are no implications for highways, access and parking arrangements. There would be no adverse impact on the amenity of nearby residential properties. The proposal will provide a replacement for presently unauthorised storage structures.

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

Voting:

12 for 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.

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- 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 adopted Core Strategy.

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

0370/01

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

Article 31 Statement

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.

- 200. PLAN NO. 4/01528/13/FHA - TWO STOREY FRONT AND SIDE EXTENSION, CONVERSION AND EXTENSION OF EXISTING SINGLE STOREY GARAGE 1 KINGS CLOSE, CHIPPERFIELD, KINGS LANGLEY, WD4 9ES
APPLICANT: MS K MINNS**

Katie Minns, the applicants' agent, made a statement in support of the application.

Summary

The application is recommended for approval

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

Voting:

12 for and 1 abstention;

whereupon it was:

Resolved:

That planning permission be 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.

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2 **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/hedges to be retained and measures for their protection during construction works;

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, to safeguard the visual character of the immediate area and to accord with Policies CS11 and CS12 .

3 **The roofspace shall not be utilised for living accommodation and there shall be no further addition of rooflights or dormers without the prior approval of the local planning authority.**

Reason: For the avoidance of doubt, to ensure the proposal does not result in overlooking of neighbouring properties and to accord with Policy CS12 of the Adopted Core Strategy 2013.

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

KCC/PL/01/C
KCC/PL/02
KCC/PL/03
KCC/PL/04
KCC/PL/05
KCC/PL/06/C
KCC/PL/07/C
KCC/PL/08/C
KCC/PL/09/C

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

5 **No development shall take place until samples of the materials proposed to be used on the building including details of windows and doors shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details..**

Reason: To ensure a satisfactory appearance to the development and to accord with Policy CS12 of the Adopted Core Strategy 2013.

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage

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and during the determination process 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.

- 201. PLAN NO. 4/02214/13/FUL - REFURBISHMENT OF EXISTING BUILDING AND CONSTRUCTION OF SIX NEW RESIDENTIAL UNITS (FOUR 1-BED FLATS AND TWO 2-BED FLATS) INCLUDING NEW REFUSE PROVISION AND CYCLE STORES**
165 - 215, LONGLANDS, HEMEL HEMPSTEAD, HP2 43L
APPLICANT: Dacorum Borough Council - Ms K Taylor

Update to previous report

This application was presented to committee on the 17 January 2014 and the recommendation to delegate to Group Manager with a view to approval was agreed by the committee. However, since the committee meeting further information has been received on the application which changes the recommendation. This relates to Highways matters and also the Heads of Terms for the Legal Agreement of Planning Obligations.

The report details and explains these changes to the recommendation.

The original submission of this application did not make it clear the new residential units were for Affordable Housing units, through being developed by the housing department, with the intention of providing housing of tenure for the allocation from the housing list. As a result the planning obligations were calculated on the basis of private tenure. The planning obligations have now been recalculated on the basis of social tenure.

In addition late comments from the Highways Authority have also been taken into account and obligations for sustainable transport have been provided.

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

Voting:

12 for and 1 abstention;

whereupon it was:

Resolved:

That determination of the application be delegated to the Group Manager, Development Management and Planning, with a view to Grant subject to the completion of a Section 106, containing the following heads of terms and subject to an amendment to Condition 2:

Allotments	£236
Outdoor Pitches	£1726
Cycles	£256
Primary Schools	£2510
Child play space	£6016
Natural Green Spaces	£94
Travel Smart	£150

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Libraries	£316
Sustainable Transport	£4500
Secondary Education	£578
Youth Facilities	£16
Monitoring	£499.68
Fire Hydrants - as noted in Legal Agreement (provision of)	

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, albeit the colour of the render main elevations is to be detailed to match the colour of the existing brickwork to neighbouring properties; 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 Adopted Core Strategy.

- 3 **No works shall be carried out on the site until full details of the proposed works to the Queens Plaque currently positioned centrally on the front elevation have been submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with the details so approved.**

Reason: To safeguard the character and appearance of the building and the retention of the asset, in accordance with CS12 of the Core Strategy.

- 4 **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;
- car parking layouts and other vehicle and pedestrian access and circulation areas; and
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc).

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and thereafter retained.

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

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the visual character of the immediate area in accordance with CS12 of the Adopted Core Strategy.

- 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 provide for renewable energy and conservation measures, and sustainable drainage and water conservation 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 CS28 and CS29 of the Adopted Core Strategy.

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

**100B
101B
104D
105A
107A
108
109**

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 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.

202. APPEALS

Noted the following reports:

1. Appeals Lodged;
2. Decisions on Appeals

The meeting ended at 10.12 pm

Chairman