
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

27 NOVEMBER 2014

Present

MEMBERS:

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

Councillor Ayling also attended

OFFICERS:

J Ambrose, R Butler, I Keen, P Newton, A Parrish, P Stanley, C Watson, N Weeks, P Bowles. N Gough (Herts County Council Highways Department).

The meeting began at 7.00 pm

107. 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/2014/11/27/development-control-committee/development-control-committee>

108. MINUTES

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

109. APOLOGY FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Guest.

Councillor Mrs Bassadone substituted for Councillor Guest.

110. PLANNING APPLICATIONS

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

Chairman

**111. PLAN NO. 4/02320/14/MOA - CONSTRUCTION OF 16-STOREY AND FOUR BASEMENT LEVEL BUILDING COMPRISING OF 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**

Councillors Mrs Bassadone, R Hollinghurst, Killen, Reay and G Sutton, declared a personal interest. A site visit was made by them on 24th November but they did not express their views and therefore they reserved their right to speak and vote on the application

S Budhdeo and A Singh, made a statement in support of the application on behalf of the applicant.

Councillor Ayling, in his capacity Ward Councillor for Apsley and Corner Hall made a statement expressing his concerns about specific Highways issues relating to the application.

It was proposed by Councillor Reay and seconded by Councillor C Wyatt-Lowe to defer the application in order to further consider and respond to comments received by Conservation and Design.

Voting:

11 for and 2 abstentions

whereupon it was:

Resolved:

1. That the application be deferred in order to further consider and respond to comments received by Conservation and Design.
2. That the application be considered at the next Development Control Committee on 18th December 2014.

**112. PLAN NO. 4/00925/14/MOA - RESIDENTIAL DEVELOPMENT (UP TO 43 DWELLINGS), DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, ACCESS AND PARKING, ALTERATIONS TO LEVELS, LANDSCAPING AND RELATED WORKS (OUTLINE APPLICATION - ALL MATTERS RESERVED EXCEPT ACCESS)
FORMER MARTINDALE JMI SCHOOL, BOXTED ROAD, HEMEL HEMPSTEAD, HP1 2QS
APPLICANT: HERTFORDSHIRE COUNTY COUNCIL - MR D BOWLER**

Summary

The application is recommended for approval subject to the completion of an s106 planning obligation. Outline permission is sought for up to 43 dwellings with means of access for determination. Residential development of the site for up to 43 dwellings is acceptable in principle in accordance with Policies CS1 and CS4, and is identified as a housing site (H/13) for up to 50 homes in the Pre Submission Site Allocations DPD. The loss of the community use is justified in Policy CS23 terms in accordance with the County Council's Primary School Place Strategy. The loss of the school playing fields would be mitigated by suitable replacement at

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the resurrected Halsey School playing fields, Fennycroft Road, and would therefore comply with saved Policy 75. The application is in outline with only access for consideration at this stage. This is considered acceptable and illustrative plans would indicate an acceptable form of development can be accommodated on the site. The indicative proposals seek to optimise the use of the land whilst retaining the existing trees, respecting the character of the area, and ensuring a satisfactory relationship to adjoining properties, as well as creating an attractive development. Public leisure space would be offered for adoption together with 35% of the residential units for affordable housing. In order to mitigate the impacts of this residential development, it is considered that s106 planning obligations are necessary to offset the impacts of the development in accordance with saved Policy 13 of the Borough Plan and Policies CS23 and CS35.

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

Voting:

12 for and 1 abstention;

whereupon it was:

Resolved:

1. That the application is delegated to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.
2. That the following Heads of Terms for the planning obligation be agreed:
 - The provision of a minimum of 35% affordable housing for rent (75%) and shared ownership (25%).
 - The provision and transfer to DBC of properly landscaped and equipped public open space(s).
 - Financial contribution towards the ongoing maintenance of the transferred public open space(s), equipment etc., or arrangements for the long term, community management of the spaces, equipment etc.
 - Financial contribution of £40,000 towards Warners End Valley upper play area.
 - Financial contribution as required by NHS England of £621 per dwelling to support severely constrained GP practices at Gadebridge Surgery, Parkwood Drive Surgery and Boxmoor Surgery.
 - Financial contributions in accordance with SPD Planning Obligations toolkit to the following:
 - Allotments
 - Outdoor Pitches
 - Cycles
 - Child Play Space
 - Natural Green Space
 - Travel Smart
 - Financial contributions in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 " as follows:

Chairman

Primary Education
Secondary Education
Nursery Education
Childcare
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 used as a contribution towards schemes and measures identified in the Hemel Hempstead Urban Transport Plan.
 - Provision of fire hydrants.
 - Monitoring and Administration - 6% of total contributions
3. That in the absence of agreement over (1), (2) and (3) within the statutory time period for determination of the application, the Group Manager - Development Management & Planning be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

In accordance with the Council's adopted Planning Obligations Supplementary Planning Document (SPD), The Hertfordshire County Council Planning Obligations Toolkit, financial contributions and other obligations should be provided in respect of a number of matters in order to mitigate the impacts of the development in this case. An undertaking under s106 of the Town and Country Planning Act 1990 has not been completed. In the circumstances, no legal mechanism is in place to secure the contributions and undertakings necessary in order to mitigate the impacts of the development. The proposal is therefore contrary to Policy 13 of the Dacorum Borough Local Plan 1991-2011 and its adopted SPD April 2011.

Conditions:

- 1 **Approval of the details of the appearance, landscaping, layout and scale of the development (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.

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- 4 **No development shall take place until samples of the materials to be used for the external surfaces of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

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

- 5 **The details of appearance and layout to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **internal estate roads, car parking and turning areas;**
- **details of bin storage provision including recycling facilities;**
- **details of secure cycle storage;**
- **provision of functional amenity space to serve the dwellings;**
- **provision of outdoor clothes drying areas for any flats;**
- **open space areas;**
- **provision of at least 10 % of the dwellings as Lifetime Homes;**
- **physical infrastructure associated with any renewable energy measures.**

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance and functioning of the development in accordance with saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS11, CS12, CS26 and CS29 of the Dacorum Core Strategy September 2013 and saved Policy 18 of the Dacorum Borough Local Plan 1991-2011.

- 6 **The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and roof levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 7 **The details of landscaping to be submitted for the approval of the local planning authority in accordance with Condition (1) above 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;**
- **proposed finished levels or contours;**
- **external lighting;**
- **layout of a children's play area and any associated equipment;**
- **nest bricks or boxes on the new buildings to be provided for the benefit of Swifts;**

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- **minor artefacts and structures (e.g. furniture, storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines), indicating lines, manholes, supports etc.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory appearance to the development, to ensure that the internal roads and other layouts are built to required / adoptable standards and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

- 8 No development shall take place until a scheme for the protection of the existing hedges and trees shown on Drg. No. 4790/013A to be retained, shall have been submitted to and approved in writing by the local planning authority. The approved scheme of protection shall be installed in accordance with the details approved and shall be maintained in place during the whole period of site demolition, excavation and construction (including any excavation for the purposes of archaeological assessment).**

Reason: In order to ensure that damage does not occur to the trees / hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 No development shall take place until an online Sustainability Statement and an Energy Statement via C-Plan shall have been submitted to and approved in writing by the local planning authority. The statements shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

- 10 Notwithstanding any details submitted with the application, no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

(a) human health;

(b) property (existing or proposed) including buildings, crops, livestock,

- pets, woodland and service lines and pipes;
- (c) adjoining land;
- (d) groundwater and surface waters; and,
- (e) ecological systems.
- (f) 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.

- 11 **No development shall take place until 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 environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does 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. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

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 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

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 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the**

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unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 10, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 11. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 12.

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 **No development shall take place until a Construction Method and Waste Management Statement shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and free and safe flow of traffic in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 15 **No development shall take place on the site until the accesses hereby approved shall have been laid out and constructed to sub-base level, and the development shall not be occupied until the site accesses have been completed to finished surface level, unless otherwise approved in writing by the local planning authority.**

Reason: To ensure that adequate and safe access 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 in accordance with saved Policy 51 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 16 **The development shall not be occupied until the car parking and turning areas approved under Condition (1) above shall have been constructed. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate access and 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 and proposed residences in accordance with saved Policy 51 and 58 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 17 **No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) prepared by Stomar (Ref: ST2079/FRA-1306-Martindale, Rev 1, dated 28/06/14) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall be implemented in accordance with the approved details before the development is first occupied.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in line with Policy CS31 of the Dacorum Core Strategy September 2013. The applicant has demonstrated that surface water can be dealt with on site using SuDS including balancing ponds, porous paving, swales and filter strips, with some soakaways depending on further infiltration testing. This is to ensure a Greenfield run off rate can be achieved.

- 18 **No development shall take place until details of measures to be incorporated into the design of the development to ensure a secure development and minimise opportunities for 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 measures approved and shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Best Practice and Secured by Design principles and Policy CS12 of the Dacorum Core Strategy (September 2013).

- 19 **No development shall take place until details of a measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

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

**001
002A
013A
ST-2079-15
3771 - Sheet 1
3771 - Sheet 2**

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 at the pre-application stage 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.

Informatives

Highway access

1) Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/requirements regarding access for vehicles involved in the construction of the new roads; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

2) Works to be undertaken on the adjoining Highway will require an Agreement with the highway authority. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway are constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

Bats

Bats and their roosts remain protected at all times under National and European law. If bats or any evidence for them is discovered during the course of any works, all works must stop immediately and advice sought as to how to proceed from one of the following:

- A bat consultant;
- The UK Bat Helpline: 0845 1300 228;
- Natural England: 0845 6014523 or
- Herts & Middlesex Bat Group: www.hmbg.org.uk

Badgers

Note it is an offence the Badgers Act 1992, to disturb badgers and their setts. The applicant is advised that before development commences on site, it would be prudent to undertake a check for signs of badgers in case they may have moved onto the site in the mean-time.

A licence will be required from Natural England for any development works liable to affect an active badger sett, or to disturb badgers whilst in the sett. There is no provision in law for the capture of badgers and therefore a licence for translocation is

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not possible. Guidance from NE on Badgers and Development advises that foraging areas should be maintained or new foraging areas created, and access between setts and foraging areas maintained or new ones created.

Potable water

The site is located within the groundwater Source Protection Zone (SPZ) corresponding to Piccotts End Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

It is recommended that construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

Waste water disposal

The developer should liaise with Thames Water Developer Services to finalise the details of sewer connections, discharge rates and adoption.

Contamination

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>

**113. PLAN NO. 4/03013/14/FUL - DEMOLITION OF GARAGE AND CONSTRUCTION OF THREE BEDROOM HOUSE
13 COBB ROAD, BERKHAMSTED, HP4 3LE
APPLICANT: MR P BYRNE**

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

Tom Cummins, a local resident, made a statement of objection to the application.

Philip Byrne, the applicant, made a statement in support of the application.

The application is recommended for approval.

Resolved:

Voting

1. It was proposed by Councillor Rance and seconded by Councillor R Hollinghurst to grant the application in line with the officer's recommendation.
2 for, 7 against and 4 abstentions;
2. It was proposed by Councillor Reay and seconded by Councillor Macdonald to refuse the application contrary to the officer's recommendation for the reasons set out below.

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7 for, 2 against and 4 abstentions.

Whereupon it was:

Resolved:

That the application be refused for the following reasons:

- 1) The proposed development will have a harmful impact on the streetscene due to the introduction of a terrace and uncharacteristic dormer windows and is therefore contrary to Core Strategy Policies CS11(a) and CS12 (f) and (g).
- 2) Due to the positioning of the proposed dwelling on elevated land and in close proximity to Nos. 15 and 17 Cobb Rd, it will have a dominant and harmful impact on their amenities in terms of visual intrusion. It is therefore found contrary to Core Strategy Policy CS12 (c).

**114 PLAN NO. 4/03090/14/RET - RETENTION OF EXTENDED CONSERVATORY TO WHOLE WIDTH OF HOUSE AND 2 ROOFLIGHTS IN REAR ROOFSCAPE.
162 HIGH STREET, NORTHCHURCH, BERKHAMSTED, HP4 3QU
APPLICANT: MR K AHMED**

Summary

The application is recommended for approval.

This application has been submitted after the existing rear extension was widened on both sides and two rooflights inserted into the rear roofscape. Neither of these elements were included on the recent planning approval granted at DCC. It is considered that the increased width of the rear extension and the rooflights have no harmful impact on neighbouring amenities or on the appearance of the dwelling and therefore complies with Core Strategy policy CS12.

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 conditions:

Voting:

12 for 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.

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- 2 **The materials to be used in the completion 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 compliance with Core Strategy policy CS12.

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

**Site location plan
2003 rev A
2004 rev A**

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.

115. **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 FLOORSACE 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**

Resolved:

That at the request of the applicant and with the agreement of the Chairman, this application be deferred. The application will be considered together with the associated Reserved Matters application at the Development Control Committee on 18th December 2014.

116. **PLAN NO. 4/03035/14/FUL - REPLACEMENT BALCONIES
165 - 215, LONGLANDS, HEMEL HEMPSTEAD, HP2 4EN
APPLICANT: DACORUM BOROUGH COUNCIL**

Summary

It is recommended that planning permission should be granted. Due to safety risks linked with the structural integrity of the existing balconies, this application proposes the construction of replacement balconies. The replacement balconies would be an improvement in comparison

Chairman

to the existing, constructed with more robust and resilient materials. The proposed work would have a minimal impact on the appearance of the building and would not lead to any other detrimental impact on the residents or the surrounding area.

It was proposed by Councillor Conway and seconded by Councillor Collins 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 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 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 The development hereby permitted shall be carried out in accordance with the following approved plans:**

SK-01B
SK-02

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.

117. APPEALS

Noted the following report:

Chairman

Appeal Lodged

119. 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 (minutes 119, 120, 121 and 122):

LGA 1972 Schedule 12A, Part 1, Paragraphs 2 and 7 as amended by The Local Government (Access to Information) (Variation) Order 2006.

The Chairman announced that he would change the order of the Part 2 items and bring forward the 'Failure to Comply with an Enforcement Notice' in order to allow Councillor Ayling to speak on the item and then withdraw from the meeting.

119. FAILURE TO COMPLY WITH OBLIGATIONS OF A S.106 AGREEMENT.

Councillor Ayling, in his capacity Ward Councillor for Apsley and Corner Hall made a statement in support of the Officers recommendation.

Resolved

Full details are in the Part 2 minutes

120. FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE.

Resolved

Full details are in the Part 2 minutes

121. FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE

Resolved

Full details are in the Part 2 minutes

122. UPDATE TO MEMBERS REGARDING ENFORCEMENT NOTICES.

Resolved

Full details are in the Part 2 minutes

The meeting ended at 9.10 pm

Chairman

