



Public Document Pack **DEVELOPMENT CONTROL AGENDA**

**THURSDAY 23 FEBRUARY 2017 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor D Collins (Chairman)
Councillor Guest (Vice-Chairman)
Councillor Birnie
Councillor Clark
Councillor Conway
Councillor Maddern
Councillor Matthews

Councillor Riddick
Councillor Ritchie
Councillor Whitman
Councillor C Wyatt-Lowe
Councillor Fisher
Councillor Tindall
Councillor Imarni

For further information, please contact Katie Mogan - 01442 228221 or Member Support

AGENDA

8. ADDENDUM (Pages 2 - 18)

Agenda Item 8



DEVELOPMENT CONTROL COMMITTEE

Thursday 23rd February 2017 at 7.00 PM

ADDENDUM SHEET

Item 5a

4/02937/16/FUL - CONVERSION OF AGRICULTURAL BARN TO FORM A PAIR OF SEMI DETACHED DWELLINGS COMPRISING A TWO-BEDROOM UNIT, A STABLE MANAGER'S ONE-BEDROOM DWELLING AND A MANAGER'S OFFICE.

BARN 2, FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW

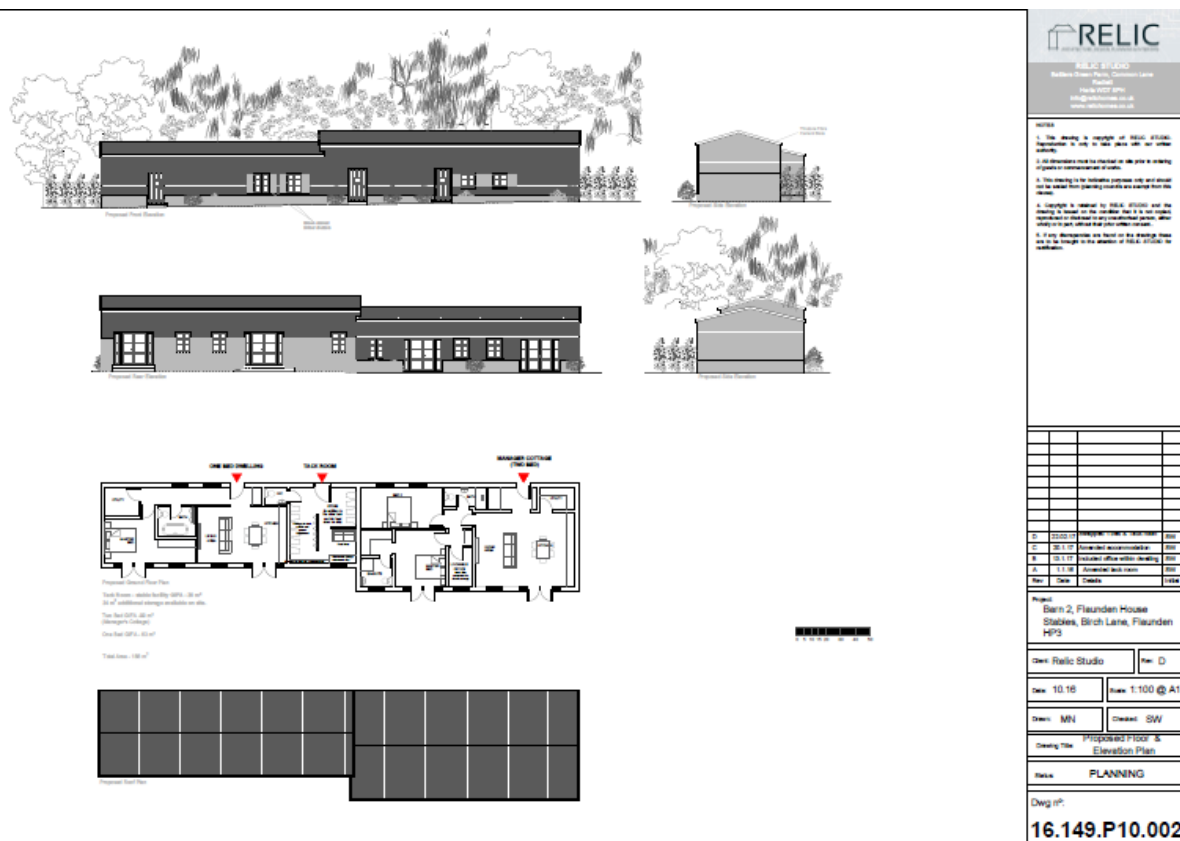
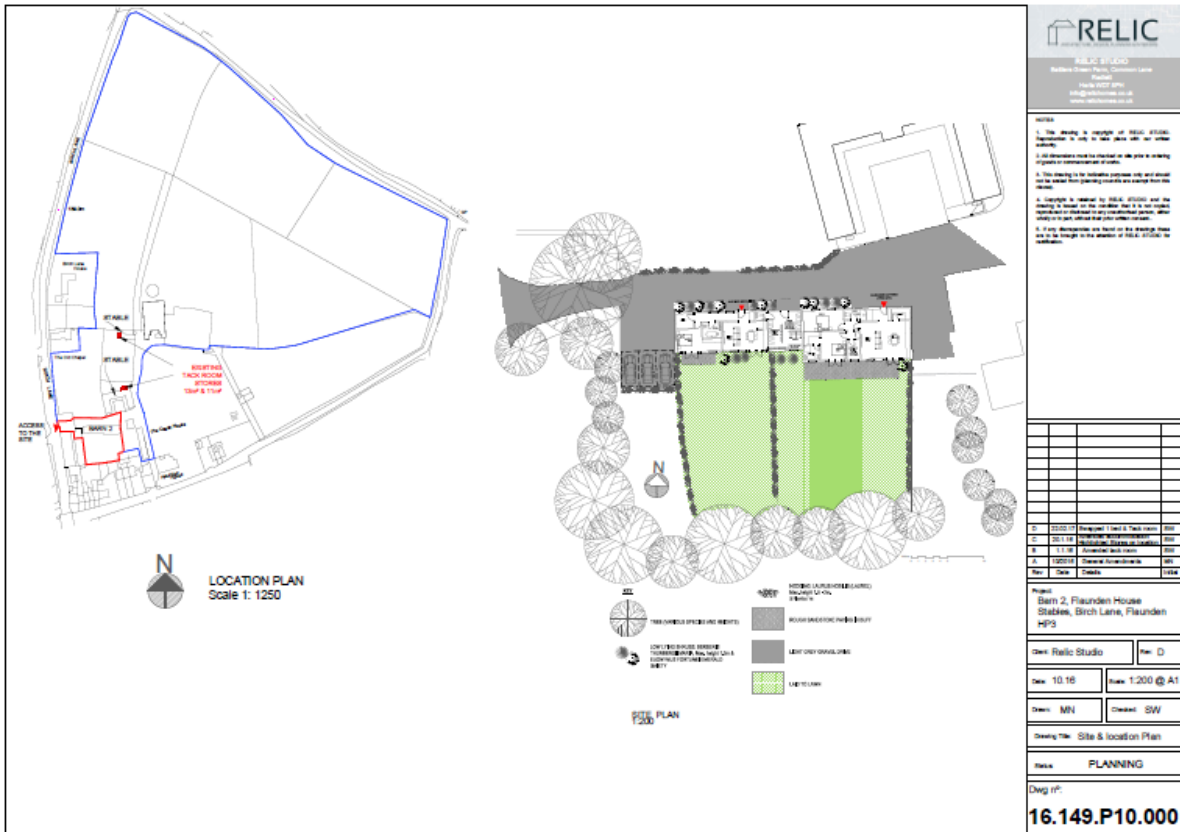
Further amendments have been made by the applicant to address concerns raised by objectors in relation to the proximity of the front door and access points of the open market dwelling to the centre of the equestrian use.

Amended plans have been submitted by the applicant moving the one bedroom dwelling to the end of Barn 2 (western side) nearest the exit. The front door of the one bedroom dwelling will not be opposite the stable block. The occupants will be able to walk to their car and leave the site without travelling through the equestrian area.

See amended plans attached:

16.149.P10.000 Rev D Location and site plan

16.149.P10.002 Rev D Proposed Floor and Elevation Plan



Recommendation

As per the published report

Item 5b

**4/02514/16/FUL - CHANGE OF USE FROM SHOP (A1) TO MIXED
SHOP/DRINKING ESTABLISHMENT (A1/A4) USE**

104 HIGH STREET, BERKHAMSTED, HP4 2BL

Recommendation

As per the published report

Additional representations – Please see below

8 Station Road, Berkhamsted

I've just been looking up a few bits of personal admin and thought I would see the status of the above application 4/02514/16/FUL "granting of A1/A4 planning consent for the Berkhamsted Brewery Shop"

I emailed my objections in good time to you and you obviously accepted this as you originally listed it in full on the Council's website. However, now I notice that my concerns have been removed completely as have many others. Where has the response from Berkhamsted Town Council gone? Has it been removed because they said that the applicants had to close the outside spaces from 6pm? I also have it on good authority that a group of local residents engaged a Solicitor to object on their behalf. I have seen the letter so I know that it exists. Why has that not been included on the website? I believe the removal of certain comments is not the correct way to behave.

You have no grounds to remove my objections and I expect them to be reinstated immediately.

The issues I raised may have been included elsewhere in other objections but that doesn't excuse the fact that my letter was a unique complaint which stated legitimate objections in my own words. By failing to include every response you undermine the strength of feeling against or for the proposed application and are therefore misrepresent the overall feeling on the proposal - in this case against the application.

To refresh your memory my complaint was in summary that the Brewery Shop does not trade as a shop but is actually a pub.

Customers drink extensively in the business and hardly anyone takes alcohol away.

The applicants frequently extend their opening hours. This is not fair to pubs and is therefore directly opposed by NPPF 2.23 concerning encouraging fair trade and developing a vibrant High Street. How can you say that the application will do that when you are deliberately allowing the applicants to run their premises as a pub and pay zero business rates for this year.

This is also against NPPF 8.70a and 8.70b which specifically states that you should guard against the loss of community facilities such as public houses, which you could do for example by legitimising a competitor to trade without paying business rates! I would also like it recorded that over 4,000 people signed a petition because they wanted to drink alcohol in the shop and that the applicants themselves stated on the record that they allow people to buy a drink and consume it on site and leave without doing any shopping.

I also referred to the noise and disturbance that the beer garden causes against NPPF 12c and CS 16. I also mentioned the unauthorised awning that I know lots of other people complained about as it clearly has a negative impact on the built environment, which is against NPPF 7.67, CS11 and CS27 but every mention of the awning seems to have been deliberately removed.

I have deliberately included all the references to the National Planning Framework and the Core Strategy just in case you were tempted to suggest that the complaints I raised were not relevant planning concerns.

Therefore, in conclusion, I must reiterate my extreme displeasure that my arguments have been deliberately dismissed.

If people take the time and trouble to respond to an application then their views should be included.

I expect that you will correct the error immediately and restore my comments to the summary of complaints.

In recognition of the fact that I have had to make this complaint I would expect you to include the references to the NPPF that I have provided to support my points.

I would also suggest that you should include the Solicitors letter - I'm afraid I don't have a copy along with the Town Council's comments and the other letters that have been removed by matter of courtesy.

Censoring the opposition to the application is clearly showing bias and presenting an unfair picture of the true nature of the opposition to the application. I expect that my objection will be restored to the published record immediately.

Subject: The Brewery Shop application 4/02514/16/FUL Berkhamsted
Dear Sir

I wish to formally object to the above application.

Firstly, I don't believe the planning application is valid as it is not an accurate representation of how the business trades.

The applicants states that it is a shop - with tasting facilities to help customers select items to take home and that the garden and upstairs are specifically for "educational beer tastings". The applicants say that 18% of sales are drunk in the shop. However, by how busy it looks on a evening the off trade sales must be very high - if the number of people in the premises account for just 18% of trade. I believe this claim to be false. I believe the shop to be trading as a public house masacaraing as a shop - people are drinking alcohol in the shop exactly as they would in a public house with what appears the wrong licenses and rates applicable to such an establishment. Surely, this is unfair to public houses that trade "legally"?

I understand a recent petition received 4,285 signatures to ask the council to grant A4 permission to let them drink in the Brewery Shop. At the meeting where the last application was thrown out Tim Hickford said that people stay in the shop on average 45 minutes and can come in, have a drink in the shop and leave without ever buying anything to take away. Again, proving this is a public house and not a shop.

For local "neighbours" the noise and disturbance from the beer garden and the awning - without planning permission -must be a nuisance.

I have also noted of late that the "shop" has extended it "opening hours" many times for special events under extended license - this appears to be a "way round" restricted and listed opening hours and why would a shop need extended trading hours?

If the shop is to be a pub it needs to play by the rules and regulations of a pub.

I therefore conclude that I formally object to the planning request.

Agent for the Application

Please can you bring the following to the attention of the Committee:

The Council's involvement in this all started when Cllr Matthews acted on behalf of his acquaintances at The Rising Sun. He has previously declared a personal interest, and after he has confirmed this tomorrow, the Committee should decide if he should withdraw to the public seating area or be granted a dispensation.

There is a particular group who have liaised to send in objections.
Please note that there is no such address as 4 Church Street, Berkhamsted, listed in the responses.

All the comments from 1 Canalside do not confirm that these are from The Rising Sun who prompted Cllr Matthews in the first place; and who have a vested interest against any competition and have no disabled access of their own.

1 Canalside is the address of The Rising Sun (confirmed by CAMRA <https://whatpub.com/MCH/92>) Other businesses such as The Gatsby and The Rex are openly referenced, yet The Rising Sun isn't.

The "1st Floor Office, Buckland House, Dower Mews" is over 115 ft away from the Courtyard of 104 High Street, not 30 ft as set out, and these comments to try and mislead the Council contrast sharply with both those of "Andrea Tropea, (Buckland House) Dower Mews" who is the same distance away and "Felden House, Dower Mews" who are closer still (indeed lying between Buckland House and the Courtyard).

No complaints have been received from the Dower House which being less than 18ft away is the nearest office building; or indeed from pub groups such as Oakmann Inns (The Kings Arms) or Wetherspoons (The Crown).

Complaints have been made against noise from The Gatsby, yet Cllr Matthews has taken no action nor suggested that the Gatsby should stop trading outside at 18.00.

Wycombe DC have granted consent for A1/A4 use for Red Squirrel, which is an important point when considering the Appropriateness of Mixed Use Development.

Item 5c

4/02528/16/FUL - CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH NEW ACCESS FROM BULBOURNE ROAD

GAMNEL FARM, BULBOURNE ROAD, TRING, HP23 5HF

Plots 1 and. 2.

Drawing No. C200 is superseded by Drawing No. C200 rev A.

Drawing C201 is superseded by Drawing No. to C201 rev A.

Both drawings delete the basements for Plots 1 and 2 which was not referred to by the previous report.

Recommendation

As per the published report with the amendment Condition 21.

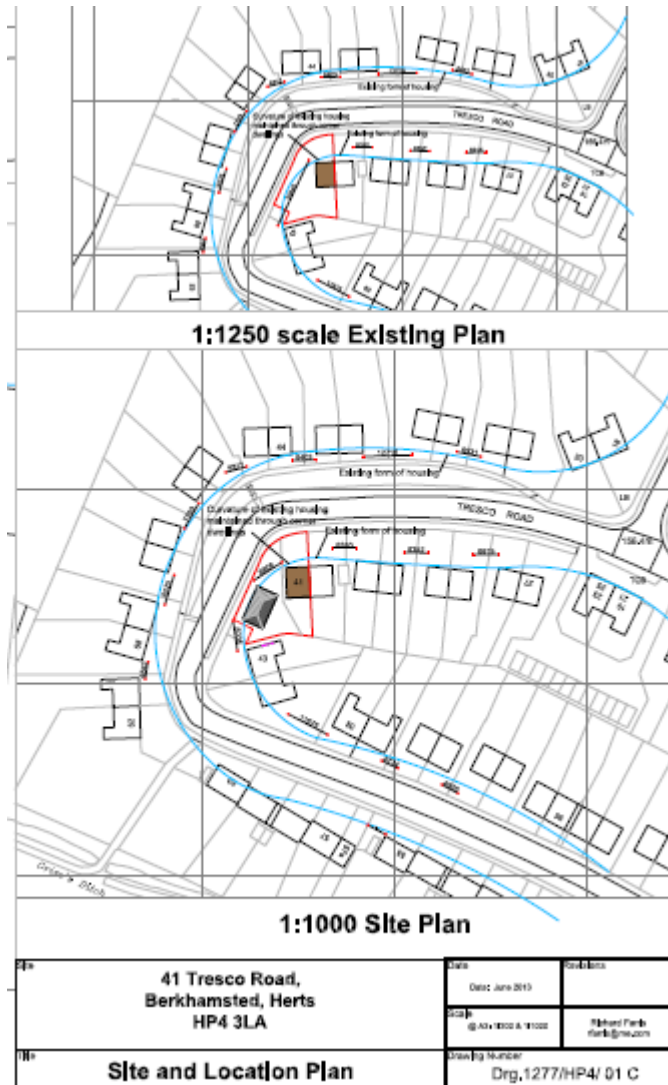
Recommendation

Item 5d

4/02467/16/FUL - TWO BED DWELLING

52 RIDGEWAY, BERKHAMSTED, HP4 3LD

Appeal Allowed and Costs Awarded at 41 Tresco Road for new detached 3 bed house - 26/03/2015





Recommendation

As per the published report

Item 5e

4/02526/16/FHA - PROPOSED DOUBLE GARAGE

BLUEBELLE, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PX

Recommendation

As per the published report

Item 5f

**4/03441/16/FHA - DEMOLITION OF EXISTING CONSERVATORY AND
REPLACEMENT TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR
EXTENSION**

25 WINDMILL WAY, TRING, HP23 4HH

Further comments from neighbour:

Received 15/02/2017

Since “decision awaited” has arrived I think it is incumbent on me to have the last word in this matter as the most interested and affected householder. Whilst not fully appreciating the parameter of “no more than half the area of land around the “original house” would be covered by additions or other buildings” I should point out that at a ratio of 31/20 approx = 50%, this is exceeded? Also the increased limits until 30th May 2019 (6m) following Neighbourhood Consultation Scheme can be disallowed if objections are received.

I apologise if my interpretation is flawed and do not wish to seem overly picky but a blighted future lies ahead if I do not. As I have stated previously the 1999 single storey approval was grossly flawed and after demolition there is no reason why footings could not be reduced by one metre. I trust that the protracted nature of this application will not encourage a hasty decision causing overshadowing to a resident of 43 years!

Incidentally, to this point I am at a loss to understand why we have not received a visit from anyone since the full impact can only be appreciated from our side.

Other factors I would like to remind the Committee on are:

- A.** Proposal is beyond the building line drawn between No. 23 and No. 29.
- B.** Latest submission does not show a half window on No 25 – I trust dimensions have not been amended!
- C.** Since 1999 we have a 80+% single storey situation which was accepted as at least it was a flat (lean to) roof.
- D.** So dark will be the rear of both semi-detached houses that a roof light of some sort has been applied for in their scheme – what does this say about us?

We have a modest 9' x 7' lean to which we have enjoyed for the past 39 years which I erected myself. In the past we have had to obscure the sunshine after lunch as TV picture was impossible – no such worry in future, just semi- darkness 24 hours a day!

I note the Prescription Act 1832 is relevant here. I may have to avail myself of its provisions (20 years uninterrupted light).

In conclusion may I say that we are proud of one of the lightest (front to back) houses in Windmill Way which we wish to retain until such time as we have to relinquish this due to the advancing years.

Received 17/02/2017

This will positively be the last communication and I trust justice will prevail.

1. Overall percentage of "habitable" footprint is an increase of 145%. Conservatory due for demolition not included as not "habitable" presumably? I am prepared to spend up to the cost of a hypothetical extension of our own to preserve our light provision (albeit more rooms which we would not want to keep clean at our age!)

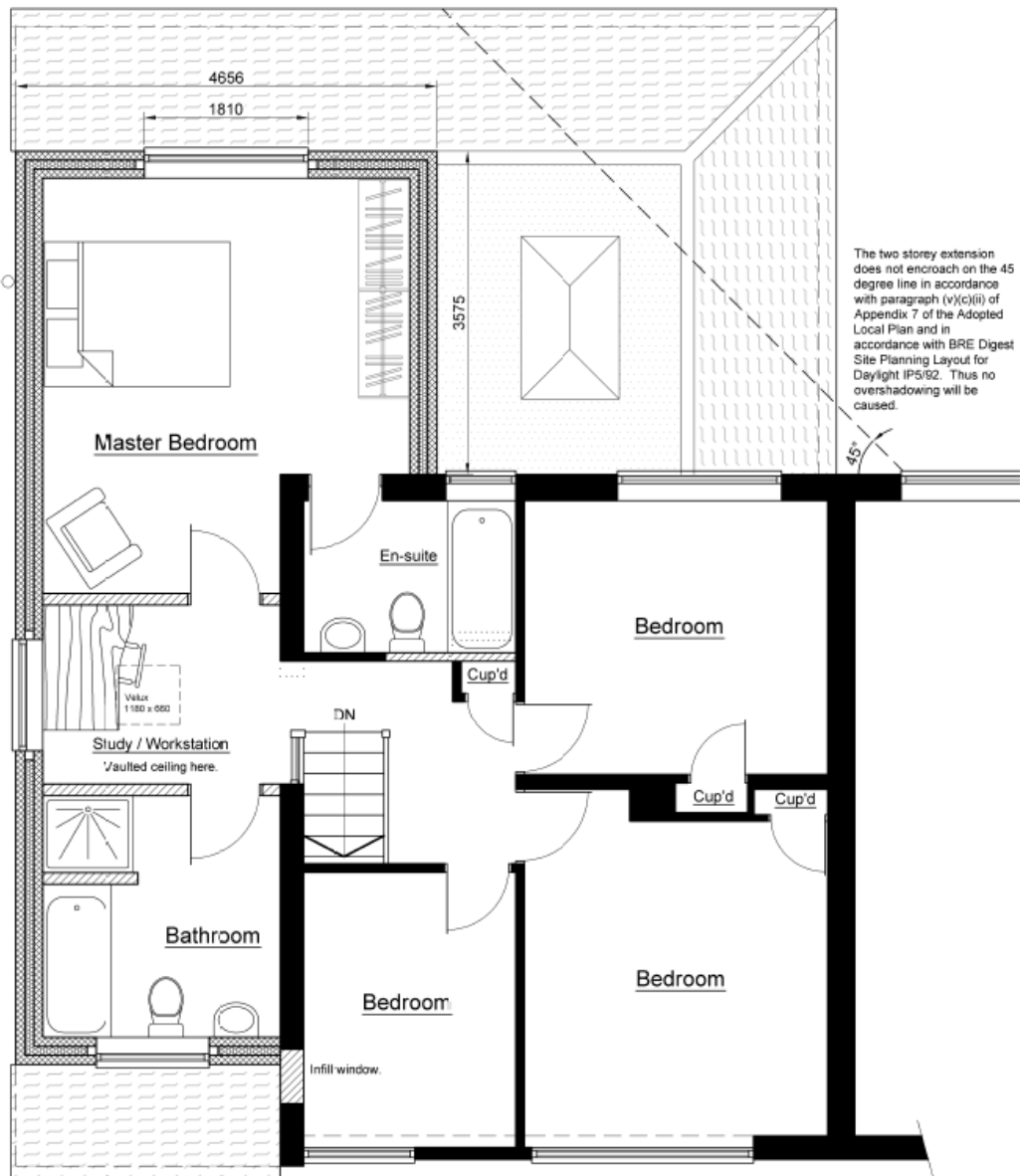
I will rely, in part, on the Prescriptions Act 1832

Incidentally, we would still appreciate a visit.

We hope to be dealt with fairly and if we have tried your patience we apologise but the decision affects our future of course. Being given 3 days' notice to comment and presented with a 6'6" fence to meet the cost of leads us to believe we are being sidelined.

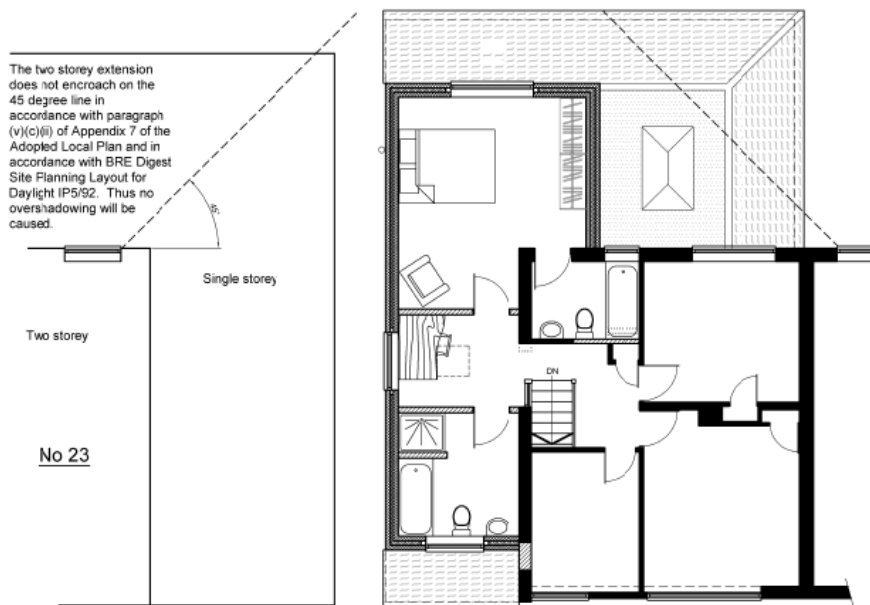
Front elevation our side will inevitably delay our sunlight in addition to the second storey. Now 4pm, in future none at all?

Plans received from Agent showing 45 degree test:



PROPOSED FIRST FLOOR PLAN

Scale 1:50



Recommendation

As per the published report

Item 5g

4/02842/16/FUL - NEW DWELLING

16 COBB ROAD, BERKHAMSTED, HP4 3LE

Berkhamsted Town Council further comments;

Mrs Drake, a neighbour, summarised the written objections that she and Mr Drake had previously submitted to the Town Council and Dacorum Borough Council. In particular, the revised plans now included a 1.8m fence within 14 feet of her property giving a feeling of dominance. The proposed gates would be intrusive, impacting on privacy and amenity within her property. Parking and associated problems would also be exacerbated.

Mr Talbot, also a neighbour, stated that his main objections related to the two gates and the access arrangements to the new property. The gates

would be positioned opposite the door to his property which only had a small garden. Potentially residents from three families would be walking past the front of his house along an elevated path which would accentuate the loss of privacy and overlooking that he would experience. In addition, the proposals could result in people congregating outside his house severely reducing his enjoyment of his property's amenity. Furthermore, he stated that his title deeds would not permit access along the pathways by people other than himself and those authorised by him. He supported Mrs Drake's concerns about the adverse impact on parking.

Thanking members of the public for their contributions the Chair reinstated standing orders and the meeting resumed.

Objection

The proposals represent a cramped over development of the site and would provide a poor level of amenity to prospective residents.

Overshadowing, loss of light and overlooking would severely compromise the neighbours' privacy. The development would be completely out of keeping with the locale. The concerns about legality of access to the pathways, mentioned by a member of the public, are also of concern.

CS11;CS12; BCA 16; Appendix 3 (iv) (v) and (vi)

Further Neighbour Comments;

20 Cobb Road;

I object to the above new dwelling amendment on the following grounds.

1) Loss of privacy and very invasive. The gate which will be two gates converging into one opposite my front door 14 ft away, which will mean two extra families using this small

access path to my property Passing my bay window being lack of privacy and being very intrusive.

2) Two gates converging into one. I can foresee nothing but problems when trying to get large items out of or into gardens through these gates.

3) Narrow path could be dangerous. The access path is only 3ft wide which could be a problem if items are left on the path eg childrens toys, bikes and prams etc. Also refuse bins, if not put away would cause obstruction to my access and exit to my property.

4) Refuse bins. The width of the path would cause difficulty when trying to turn the bin onto the path from the gate, especially if they are full and heavy.

5) Very dark pathway. The path is pitch black at night outside no 18 and 20 which could cause an accident especially if there is an obstruction on the pathway.

6) Cobb Road is mainly 3 bed semis, cramming a 1 bed house in would be out of character for the Road. Vehicles already park on the pavement in front of my access path causing great difficulty in trying to access my property. This is my only access to my property both back garden and front door so if blocked I cannot get access or to or leave my property.

7) On road parking. Not enough space to fill the needs of the Road. More houses mean more spaces needed.

8) Loss of light. The blank side wall of the house is on the edge of pathway causing loss of light.

9) Difficulty for access of emergency vehicles.

18 cobb Road;

Due to amended plans being submitted 31/01/17 we would like to once again register our objection to the above proposed development, for the following reasons:

We believe the building will overshadow, and overlook our property, having a detrimental effect on the light in the front of the house, resulting in a feeling of dominance (please see relevant extracts/notes below). When the hedge that is currently outside the front of the house is left to grow above the 6ft fence, and too thick on the neighbour's side, it greatly reduces the amount of light we receive. The amended plans have included a close boarded fence of 1.8m where the hedge boundary currently exists. A solid fence would give much less light than the little we currently receive through the hedge. Also, because of how the house is situated,(ie

sloping downwards from number 16's back garden) a fence 6ft high from inside the back garden of number 16 would be the equivalent of approximately 8ft immediately in front of our property and front window, which has not been taken into account. Neither, has the fact that there is nothing to stop the residents of number 16, growing hedges, plants, trees or shrubs to any given height on their side of the garden, to exceed the height of the fence.

We have made considerable changes within our own property to accommodate the light restrictions and increase privacy at the front, which we feel would be negated by this proposed development.

We measured the difference between the height of the path by the fence and the height of the path outside our front door(slope) and this was approximately 2ft and so with a roof height of approximately 10ft makes it a 12ft solid wall outside the front of our house and only 14ft away from our front.

Because the actual measurements, as at 08/02/17 are still not showing on the plans, we do not know if the proposed extension will meet or exceed the top of our smallest front bedroom window. If it does, according to planning regulations there must be a distance of 13m on flat ground and an increase of 2m for every metre or part of on sloping ground.

We believe that the extension will cover at least half of the window in our smallest front bedroom, which is already considerably dark. The amended plans state a decrease of 525 mm in the original height of the proposed extension (but we still do not know what the original height was)

Despite the amended plan of a 0.6m fence across the driveway to number 16, The extension itself, and the 1.8m fence will cause overshadowing, and a feeling of dominance and being overlooked to our front garden-right hand side, and house.

We are concerned that having a gate put in outside number 20, will cause lack of privacy to both our houses, especially in view of how the houses slope, as people tend to look down into your property when passing. It is not so much an issue as it stands because the only people that use the path now are those delivering services to us and number 20, but obviously if used as an access route for number 16, the amount of people potentially using this path would result in greater foot fall, and therefore possibly more noise, and a feeling of intrusion. This could even cause problems with matters such as refuse collection and placing of bins etc.

The surveyors have raised the point that another similar dwelling was granted planning permission on the opposite side of the road, but the distance between that development and the houses adjacent to it is a lot greater than the distance between our house and number 16.

The distance from our front window to the fence boundary is only 14ft.

There has already been an extension to the original house at number 16, and we were led to believe at that time that it would not be possible to extend any further in view of how the properties lie. We have a copy of the document relating to the extension that the surveyors are referring to, written by an Inspector appointed by the Secretary of State for communities and local government, January 2015, in which it states, **“No. 16, directly opposite, does not have the side space to accommodate a dwelling of an identical width to adjoin its flank. In the circumstances, there would be no real possibility of the current scheme being replicated and I appreciate that the prevailing semi-detached layout pattern would not be further altered and remain largely inviolate”**

We are also concerned at the effect that the proposed drainage and soak away would have in regard to our land.

With the proposed plans there is potential parking for 2 cars but this doesn't take into account that any cars that a future occupier of the new dwelling may have. This would then impact on parking in the road generally.

As at 08/02/17 no comprehensive measurements have been included on any accessible documents. Without any proper measurements on the plans available we have had to try and approximate as best we can on the overall measurements.

Extracts/Notes re Planning

Planning policy pps7 Addendum- A32 care should be taken to safeguard access to sunlight and daylight.

A33-badly designed or sited extension can cast a shadow and adversely affect daylight. Right to light prescription act 1832 If a new building limits the amount of light through a window to below the acceptable level this means obstruction

Aztech architecture =Guideline advice-45 degree rule= imaginary line drawn at 45 degrees from our window across the boundary No part of extension should cross this line

Planning portal = Pp7s addendum dominance = extent to which a new development adversely impinges on the immediate aspect or outlook of an adjoining property = feeling of being hemmed in =Dominance can be increased when the neighbouring property is at a lower ground level loss of light is usually a consequence of dominance

Recommendation

As per the published report

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Item 5h

**4/03392/16/FHA - SINGLE STOREY REAR EXTENSION. SINGLE STOREY SIDE
EXTENSION WITH TERRACE OVER AND RENDER CLADDING TO FRONT**

2 COPPINS CLOSE, BERKHAMSTED, HP4 3NZ

Recommendation

As per the published report