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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 15 MARCH 2018 AT 7.00 PM
COUNCIL CHAMBER**

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 Guest (Chairman)
Councillor Birnie
Councillor Clark
Councillor Conway
Councillor Maddern
Councillor Matthews
Councillor Riddick

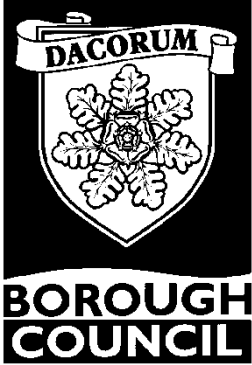
Councillor Ritchie
Councillor Whitman
Councillor C Wyatt-Lowe (Vice-Chairman)
Councillor Fisher
Councillor Tindall
Councillor P Hearn
Councillor Bateman

For further information, please contact Katie Mogan or Member Support

AGENDA

7. ADDENDUM

Agenda Item 7



DEVELOPMENT MANAGEMENT COMMITTEE
Thursday 15 March 2018 at 7.00 PM

ADDENDUM SHEET

Item 5a

4/02601/17/MFA - DEMOLITION OF ALL EXISTING BUILDINGS AND CONSTRUCTION OF TWO BUILDINGS COMPRISING 184 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE AND LANDSCAPING

LAND AT FROGMORE ROAD, FROGMORE ROAD, HEMEL HEMPSTEAD, HP3 9RW

Recommendation

As per the published report

Scientific Officer Comments

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/02601/17/MFA for the demolition of all existing buildings and construction of two buildings comprising 184 residential units with associated access, parking, amenity space and landscaping and will like to advise that we have no objection to the proposed application as it relates to contaminated land and Air Quality.

Amendments to Conditions

Condition 7: Before the use commences a noise assessment should be carried out in accordance with BS4142: 2014 to establish whether the (plant/machinery) that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the (plant/machinery) does not, at any time, increase the ~~ambient equivalent continuous~~ **background** noise level.

Condition 8: Before any plant and / or machinery specify is used on the premises it shall be enclosed with sound insulating materials and installed / mounted using appropriate anti vibration mountings, **where necessary after being determined through assessment**, in in a way that minimises the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority.

Additional Conditions

Prior to the commencement of development, details of the proposed excavations/earth removal/foundations and works to the retaining wall to be undertaken shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 109 of the National Planning Policy Framework as Excavation, earth removal and/or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure and adversely impact users of the towpath.

Prior to the commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 109 of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, dirty water, waste etc. entering the canal.

The landscaping and boundary treatments scheme shall be fully implemented prior to the first occupation of the dwellings hereby approved.

Reason: To comply with paragraph 58 of the National Planning Policy Framework to improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of an area.

Further details of the proposed lift, including its colour, materials and means of operation shall be provided and agreed prior to installation.

Reason: To allow further consideration of its impact on the waterside environment and to ensure that it does impact on the integrity of the waterway infrastructure and adversely impact users of the towpath in accordance with the National Planning Policy Framework.

No development, shall take place until a Remediation Statement which details actions to be carried out and timescales so that contamination no longer

presents a risk to site users, property, the environment or ecological systems has been submitted to and approved in writing by the local planning authority.

The statement must take into consideration the conclusions and recommendations drawn out in section 8 of the Phase I & II Geo – Environmental Assessment as well as the outcome of the Note on Geo – Environmental Site Investigation in page 2-3 of the report.

Moreover, with the relevant limitation identified in the submitted report, the applicant is advised of the need to undertake any further intrusive site investigation and assessment where required.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

All remediation or protection measures identified in the Remediation Statement referred to in Condition **XX above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

Prior to commencement of the development hereby approved, the applicant is required to submit a detailed mitigation scheme incorporating all measures identified in Sections 7.1 and 7.2 of the submitted report as well as the need for any mechanical ventilation where applicable considering the said uncertainties in the report as alluded to in section 5.12 and with the development site been sandwiched in between 2 of the three local authority AQMA whilst the applicant has not been explicit on the source of energy to the site.

Reason: To ensure the amenities of the neighbouring premises are protected from potential air quality issues arising from the development in accordance with Policies CS8 and CS32 of the Core Strategy (2013). Given the nature of the condition it is necessary for this to be pre-commencement.

Approved plans

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

AIR QUALITY ASSESSMENT
DESIGN AND ACCESS STATEMENT
ARBORICULTURAL IMPLICATIONS ASSESSMENT
ARCHAEOLOGICAL DESK BASED ASSESSMENT
HERITAGE STATEMENT
DAYLIGHT AND SUNLIGHT ASSESSMENT
FLOOD RISK ASSESSMENT 1
FRAMEWORK TRAVEL PLAN
TRANSPORT ASSESSMENT
ECOLOGICAL CONSTRAINTS REPORT
CONTAMINATION REPORT
ENERGY STATEMENT
OUTLINE BAT MITIGATION STRATEGY
NOISE ASSESSMENT
LANDSCAPE GA PLAN SHEET 1 OF 2
LANDSCAPE GA PLAN SHEET 2 OF 2
CANAL TOW PATH PLANTING STRATEGY BBLA_3756_950
CANAL TOW PATH PLANTING STRATEGY BBLA_3756_951
LOUVRE LOCATION PLAN
LOUVRE SECTION
SITE PLAN / ROOF PLAN 3750_L00_000
EXISTING SITE PLAN 3750_L00_001
EXISTING LOCATION PLAN 3750_L00_004
GROUND FLOOR PLAN 3750_L20_001
FIRST FLOOR PLAN 3750_L20_002
SECOND FLOOR PLAN 3750_L20_003
THIRD FLOOR PLAN 3750_L20_004
FOURTH FLOOR PLAN 3750_L20_005
ELEVATIONS 3750_L22_002
SECTIONS 3750_L22_003

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

Additional Informatives

The applicant is advised that an agreement would be required for the erection of fencing, barriers, foundations, etc. on or encroaching onto the Canal & River Trusts property as well as for any landscaping works to planting on our property. The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

The applicant/developer is advised to contact Osi Ivowi Works Engineer on 01908 302 591 in order to ensure that any necessary consents are obtained and that the

works comply with The Canal & River Trusts "Code of Practice for Works affecting the Canal & River Trust.

Clarification on Financial Contributions towards Highway Improvements

- £10k contribution for Improvements to Lawn Lane junction with Durrants Hill Road.
- £10k contribution for providing induction loop(s) on Durrants Hill Road near Fourdrinier Way junction.
- Box junction on Durrants Hill Road bridge
- Box junction at Durrants Hill Road and London Road junction.
- TRO for Frogmore Road to enforce no parking by Heavy Goods Vehicles and/or possible weight restrictions set for Frogmore Road.
- TRO for keep clear markings in front of Frogmore Road on Durrants Hill Road.
- Residential Travel Plan including £6k monitoring fee.

Item 5b

4/01865/17/LDE

LAND USED FOR STORAGE AND ANCILLARY PURPOSES (B8)

HS SCAFFOLDING LTD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN

Additional Representations

34 Hunters Park

To allow this type of business to operate on this site until October 2020, in the middle of a residential area, shows a complete disregard for the detrimental impact this is having on local residents and road safety.

Excessive noise from scaffolding materials loaded/unloaded from high racks onto HSS vehicles disturbs local residents early mornings and evenings. Nickey Line does NOT provide a noise barrier.

Size of vehicles required for distribution are unsuitable for the narrow width of Three Cherry Trees Lane. Motorists or HSS vehicles have to mount the only footpath to pass each other. Kerb/verge damage caused and pedestrians safety put at risk.

HGV/LGV vehicles belonging to HSS photographed parked on the only footpath. Pedestrians forced to walk in the road in the path of oncoming traffic.

HSS vehicles do not always enter site in a forward gear but turn across the lane blocking all traffic. This creates traffic tailbacks to the Redbourn Road and subsequent air pollution.

Further objection

I am objecting again to this application as my previous objection in August 2017, that was confirmed by email, has disappeared from this website.

It is not transparent as to who the applicant is for this Certificate of Lawful Use.

1. If the applicant is Dacorum Borough Council then it would appear they are acting as Judge and Jury for their own application.

2. If the applicant is HS Scaffolding, both the 4 year rule and 10 year rule for continuous use of the land for B8 storage fails as they have occupied this site for less than 3 years.

I therefore request that Item 5b be removed from the agenda for the DMC meeting on 15 March 2017 to allow you time for further clarification.

Further objection

I object to the granting of the above mentioned application until further clarification is provided as to the true purpose of this application.

According to the report on the DBC web site against this application, it states that a CLEUD issued by the Local Planning Authority is to regularise unauthorised development and prevent enforcement being taken by the Authority against any breach of planning policy or conditions.

The report states that a Lawful Development Certificate is sought for the "*use of the land and buildings for storage purposes*" and that it is recommended the CLEUD is granted for use of the site for Storage and ancillary purposes (B8).

The definition of ancillary is something that is incidental to the main use of a building/development.

Essentially it is something that is of a minor, casual or subordinate nature.

The requirement to use Heavy Goods Vehicles and large flat bed trailers to service this site has changed the impact of the overall premises so surely cannot be regarded as ancillary use.

Dacorum Borough Council has been sent numerous complaints from local residents concerning the negative impact due to the current usage of this site. Complaints regarding noise, traffic problems and road safety have not received satisfactory replies.

The site is **not** used just for the storage of materials as has been the case in the past when other companies have occupied this site.

The current occupier HS Scaffolding is carrying out a fully operational scaffolding business within this yard that on a daily basis requires HGVs and other vehicles to load and transport scaffolding equipment to and from this site, starting from 6am, 6 days a week.

It is unclear why Dacorum Borough Council are applying for this Certificate of Lawful Use, therefore more information is required from you on the following points:

1.a) If the application applies to High Standards Scaffolding, then because the planning application 4/02569/16/FUL for "The erection of a scaffold frame to store materials" has not been granted full planning permission, they are currently "in breach of planning policy".

Therefore I assume this application is to legalise their use of the site to prevent any enforcement action being taken against them by the Local Planning Authority.

1. b) If this is the case, the minimum period for applying for a CLEUD is 4 years for operational development (including the erection of a new building) from the time the scaffold frame was erected. As the scaffold frame was erected in 2016, this minimum period cannot be satisfied.

1. c) Under the Proposal section of the report the following is stated: "For the purposes of this application the applicant needs to provide evidence that the storage use (B8) has taken place for at least 10 years from the date of the application (13

July 2017)". According to your records, HS Scaffolding has occupied the site for less than 3 years (from October 2015) so this rule cannot be satisfied.

2. a) It must therefore be assumed that Dacorum Borough Council is applying for this CLEUD in order to prevent any enforcement action being taken against them from their own Local Planning Authority and to legalise the use of the land for storage purposes.

If this is the case, then it would appear that they are acting as Judge and Jury for their own application.

2. b) The report states the 10 year period for continuous use of the property for the purposes of the Certificate would cover the period October 2007 to the present date.

2. c) The evidence submitted by the applicant/agent states that during the period from October 2008 to October 2015 Dacorum Borough Council's land in Three Cherry Trees Lane was used for general storage of barriers, equipment for the town centre and items required during the repairs to the land bridge in Three Cherry Trees lane.

2. d) During this period the site was **not** continually used for storage. The site was empty, derelict and overgrown for a very long time since the storage of gas cylinders ended in October 2008.

I passed this site regularly and had a clear view into the site through the chain link gate.

An aerial photograph taken in 2014 and downloaded from the internet has been sent to Colette Wyatt-Lowe that clearly shows the empty, overgrown site. An additional photograph taken in 2010 was also sent to her showing the damaged bridge situated in the overgrown, weed filled site with only one set of tyre tracks leading up to it.

2. e) In the report under heading Aerial photos it states that an analysis of aerial photographs show the use of the yard area for storage covering the period 2000 - 2010.

This is outside of the continuous use periods stated in 1. c) 10 years to up to 13 July 2017 and in 2. b) 10 year period from October 2007 to the present date.

Contrary to the statement "The applicant has provided sufficient evidence to prove the site has been used continuously for storage and ancillary purposes for a period of 10 years", the statements within this report do **not** provide precise and unambiguous evidence that could justify granting this Certificate of Lawful Use.

I therefore request that Item 5b is removed from the agenda of the Development Control Committee meeting on Thursday 15 March 2017 until further clarification has been provided regarding my points raised against this Application.

23 Hunters Park

I strongly object to this application being passed. On numerous occasions residents have complained to the Council but have had their objections ignored. The site is not being used for storage, but by an ongoing scaffolding business, creating objectionable clanging noise, and obstructions to residents and road users/pedestrians. The racking system has increased in height recently and is very ugly, as is the site in general, not suited to the site. The site was empty in 2014 and only previously used by companies for storage only purposes. The hours of operation are unsociable, and the suggestion of 6am would cause residents untold distress. We are in bed then! There is a width restriction of 6'6" which the Council implemented, and are now allowing huge lorries to access this part of the road which turn around and block traffic/obstruct pedestrians. They use bad language also. This noisy company is operating in between two residential areas, one of which was there before this company started.

29 Hunters Oak

Numerous objections and complaints about the current usage of this site have been made by residents to Dacorum Officers all of which have been ignored. Dacorum Officers have also formally refused to provide any information and transparency about working hours and practices allowed to the current tenant. The site is NOT used as a storage facility, it is a fully operational scaffolding yard in daily use. The noise from the site is above acceptable levels which has been reported to, and recorded by DBC who refuse to supply the recording data. The hours of operation are beyond those allowed. Rack structure is now very high and visible.

Scaffold trucks are too large for the lane and drive along the pavement on a daily basis.

All of these issues have been submitted to Dacorum Officers

All requests for consultation have been formally rejected by Dacorum Officers

Cherry Tree Lodge

Anyone impartially investigating this issue could only conclude that this application is flawed & the site is not appropriate to operate this business from without having a significant negative impact on residents, traffic & endangering pedestrians. Unfortunately, only information in support of the Council's application has been provided & the public has not been consulted. The site has not been in continuous use, as can be seen from a cursory review of the internet, which includes aerial photographs showing the site overgrown. It is disingenuous to say that this site is being used for storage. That would mean the scaffolding is stationary, which it is not. The noisy site is in use 7 days a week, including bank holidays, at extremely unsociable hours. The flatbed lorries drive up the road on the footpath, then block the road so that they can back into the site. This is incredibly dangerous & anyone investigating this properly would have noted this.

Recommendation

As per the published report

Item 5c

**4/02069/17/RET - RETENTION OF OUTBUILDING AND STORAGE CONTAINER
1 CHALKDELL COTTAGES, PUDDEPHATS LANE, FLAMSTEAD, ST ALBANS,
AL3 8BA**

Recommendation

As per the published report

Item 5d

**4/03265/17/FHA - DEMOLITION OF REAR CONSERVATORY AND STORE AND
CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS**

56 BEACONSFIELD ROAD, TRING, HP23 4DW

Recommendation

As per the published report

Item 5e

4/03156/17/FHA - TWO STOREY EXTENSION AND FIRST FLOOR FRONT EXTENSION WITH OPEN PORCH.

34 MORTAIN DRIVE, BERKHAMSTED, HP4 1JZ

Recommendation

As per the published report

Item 5f

4/03159/17/FHA

SINGLE STOREY SIDE/FRONT EXTENSION

9 THORNTREE DRIVE, TRING, HP23

Recommendation

As per the published report

Item 5g

4/02539/16/MOA - OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE, DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS).

**SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE
AND CHERRY TREE LANE, HEMEL HEMPSTEAD.**

Recommendation

As per the published report

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