
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

5 JULY 2018

Present:

MEMBERS:

Councillor Guest (Chairman) Councillors, Birnie, Conway, Maddern, Matthews, Riddick, Whitman, C Wyatt-Lowe (Vice-Chairman) and Fisher

Councillor also attended

OFFICERS:

K Mogan (Member Support Officer), B Curtain (Lead Planning Officer), C Gaunt (Solicitor), Horner (Group Manager - Development Management), Keen (Planning Officer), E Palmer (Planning Officer) and P Stanley (Development Management Team Leader)

The meeting began at 7.00 pm

32 MINUTES

The minutes of the meeting held on 15 June 2018 were confirmed by the Members present and were then signed by the Chairman.

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:

<https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=159&Mid=1725>

33 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors Ritchie and Tindall.

34 DECLARATIONS OF INTEREST

Councillor Guest asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application.

35 PUBLIC PARTICIPATION

Councillor Guest reminded the members and the public about the rules regarding public participation.

Councillor Guest informed the meeting that the agenda had been reordered to allow for applications with speakers to be heard first. The items are minuted in the order they were heard.

36 4/00589/18/FUL - CHANGE OF USE OF LAND AND BUILDINGS FOR THE STORAGE, SALE AND REPAIR OF CARS - CHEQUERS, LONDON ROAD, FLAMSTEAD, ST ALBANS, AL3 8HD

This application was deferred from the agenda prior to the meeting.

37 4/00028/18/FHA - GLAZED STRUCTURE TO END OF PATIO AND FENCING. ADDITION OF THREE FLUES. INSTALLATION OF EIGHT CCTV CAMERAS. CHANGES TO DESIGN OF REAR CONSERVATORY. BASEMENT EXTENSION TO FORM GYMNASIUM, UTILITY ROOM, CINEMA AND WINE CELLAR WITH ADDITIONAL WINDOWS. ADDITION OF EXTERNAL COVERED BBQ STRUCTURE AND ALTERATIONS TO FENCING - 28 SILVERHTORN DRIVE, HEMEL HEMPSTEAD, HP3 8BU

Councillor Maddern declared an interest in this application. She was the ward councillor for this item and would be speaking against it. She took no part in the discussion or voting of this item.

I Keen introduced the item to members and said it had been referred to the committee due to a councillor call-in.

Mrs Thomas spoke in objection to the application.

Parish Councillor Louise Gross spoke in objection to the application.

In her role as ward councillor, Councillor Jan Maddern spoke in objection to the application.

Dorel Icleanu spoke in support of the application.

Having there been no proposer to grant the application in line with the officer's recommendation, it was proposed by Councillor Birnie and seconded by Councillor Matthews to overturn the officer's recommendation and refuse the application.

Vote

For: 6 Against: 0 Abstained: 2

Resolved

That planning permission be **REFUSED** due to the following reasons:

- 1. The proposed development by reason of the siting of the covered barbeque and patio area along the site's southern boundary would result in unreasonable levels of visual intrusion, overlooking and noise disturbance to the adjacent neighbour at no. 26 Silverthorn Drive to the**

detriment of their residential amenity and would be contrary to the aims of Policy CS12 of the Dacorum Core Strategy 2013.

2. By reason of the size and siting of the proposed covered barbeque and patio area extending significantly rearward into the site and along the southern side boundary, the proposal would fail to respect adjoining properties in terms of layout and scale, contrary to Policy CS12 of the Dacorum Core Strategy 2013.

Councillor Maddern left the meeting at 7.45pm

38 4/00872/18/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO DETACHED 5-BED DWELLINGS - SYMONSDOWN, VICARAGE LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LT

Councillor Riddick declared an interest in this item as he was the ward councillor. He withdrew from the meeting and took no part in the discussion or voting of this item.

I Keen introduced the item to members and said it had been referred to the committee due to a previous scheme being refused and it was subject to a councillor call-in.

Greg Basmadjian spoke in support of the application.

It was proposed by Councillor Birnie and seconded by Councillor C Wyatt-Lowe to grant the application in line with the officer's recommendation.

Vote

For: 6 Against: 0 Abstained: 1

Resolved

That planning permission be **DELEGATED** to the Group Manager of Development Management and Planning with a view to approval subject to the expiration of the final notification and subject to the conditions set out below:

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. **Prior to the construction of the buildings hereby permitted, details including a full schedule of all materials to be used externally in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the character, appearance and setting of designated heritage assets in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policies 119 and 120 of the Dacorum Borough Local Plan 1991-2011.

3. No development (excluding demolition) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

means of enclosure;

proposed finished levels or contours relative to neighbouring properties and Vicarage Lane including levelling works to the bank;

planting plans, including specification of species, sizes, planting centres, planting method and number and percentage mix;

details of all external hard surfaces, including the car parking area and drainage detail.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The approved parking areas shall be retained thereafter and available for that specific use.

Reason: To ensure a satisfactory appearance to the development and to safeguard the character, appearance and setting of the Bovingdon Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 and to ensure the permanent availability of the parking area in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

4. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to positively conserve and enhance the Bovingdon Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013.

5. Prior to the construction of the roofs of the dwellings hereby approved, full specifications of the roof lights shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard the character, appearance and setting of the Bovingdon Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011.

6. Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and

approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement 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.

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

7. All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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 Policy CS32 of the Dacorum Core Strategy 2013.

8. Vehicular access and egress associated with the development hereby permitted shall be limited to the access shown on approved Drawing Nos. 112 and 113 only. Any other accesses or egresses shall be permanently closed and the highway verge shall be reinstated in accordance with the approved details under Condition 3 concurrently with the bringing into use of the approved access.

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

9. Vehicular visibility splays of not less than 2.4m by 43m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013.

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

Site Location Plan

- 112 Rev B (proposed layout)**
- 111 Rev B (proposed site plan)**
- 101 Rev A (proposed ground floor plans)**
- 102 Rev A (proposed first floor plans)**
- 103 Rev A (proposed loft floor plans)**
- 104 Rev A (proposed roof plans)**
- 105 Rev A (proposed front elevations)**
- 106 Rev A (proposed rear elevations)**
- 107 Rev A (proposed side elevation Plot A)**
- 108 Rev A (proposed side elevation Plot B)**
- 109 (proposed section)**
- 113 Rev A (proposed street scene)**

Recommendations set out within Bat Survey - Preliminary Roost Assessment

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive discussion with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Highways Informative

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network

becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Contaminated Land Informative

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

Ecology Informative

The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.

39 4/00415/18/FHA - ROOF EXTENSION AND WINDOW ALTERATIONS - 7 CHESNUT CLOSE, POTTEN END, BERKHAMSTED, HP4 2QL

B Curtain introduced the item to members and said it had been referred to the committee due to the contrary views of Nettleden and Potten End Parish Council.

Anna Ashworth and Rebecca Gravell spoke in objection to the application.

Parish Councillor Dina Westenholz-Smith spoke in objection to the application.

Andrew Giles spoke in support of the application.

It was proposed by Councillor Matthews and seconded by Councillor C Wyatt-Lowe to grant the application in line with the officer's recommendation.

Vote

For: 5 Against: 2 Abstained: 1

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 carried out in accordance with the following approved plans/documents:**

**227 pa2.05 Rev B
227 pa2.04 Rev A
227 pa2.03 Rev A
Submitted Application Form**

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

- 3. The dormer window at first floor level in the side east elevation of the extension hereby permitted shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings; in accordance with Policy CS12 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004).

Hours of work Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

Highway Informative

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by

telephoning 0300 1234047.

Article 35 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 2015.

40 4/00784/18/FUL - PARTIAL DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND CONSTRUCTION OF THREE BEDROOM END OF TERRACE DWELLING - 22 WICK ROAD, WIGGINTON, TRING, HP23 6EL

E Palmer introduced the item to members and said it had been referred to committee due to a councillor call-in. E Palmer advised members that a condition was missing in relation to hard and soft landscaping which would be included if the application was granted.

Graham Quinn spoke in objection to the application.

Christian Pinchin spoke in support of the application.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Birnie to grant the application in line with the officer's recommendation.

Vote

For: 7 Against: 0 Abstained: 1

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. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the**

approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.

Reason: To ensure a satisfactory appearance to the development.

- 3. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement 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.

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.

- 4. All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 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).

5.No part of the development shall begin until a means of access has been constructed in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access and to comply with CS12.

6. The development shall not be brought into use until a new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use and to comply with CS12.

7.Prior to the commencement of the use hereby permitted the proposed onsite car parking areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan drawing no 0186_107 P01 and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking area, in the interests of highway safety and to comply with CS12.

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

PLANS 1,2,3,4,5

101 P06,

102 P06,

103 P06,

104 P06,

105 P06

DESIGN AND ACCESS

Proposed Vehicle Crossover details 107 P01

CIL

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

Informatives:

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 2015.

Environmental Health

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

2). Construction Hours of Working – (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

3). Un-expected Contaminated Land Informative

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

4). Construction/Demolition Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

In addition, the applicant must ensure any concern with an asbestos release during demolition work where this is applicable is adequately addressed.

5). Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

I hope the above clarify our position on the submitted application?

Should you have any further query in respect of the application, please do not hesitate contact me on Ext 2719 quoting Flare reference 547872.

Highways

As you are aware the installation of a dropped kerb for vehicular crossover off unclassified road and the provision of hard surfacing to create a front driveway does not require planning permission in itself subject to the hard surfacing being made of porous materials or provision being made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. However, the provision of a new dropped kerb would require the formal approval of the Local Highway Authority – which in this case is Hertfordshire county Council (HCC).

New or amended crossover – construction standards

AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Storage of materials

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business->

licences.aspx or by telephoning 0300 1234047.

Obstruction of the highway

AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Mud on highway

AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

41 4/01026/18/FHA - PROPOSED SINGLE STOREY OUTBUILDING WITH HABITABLE ACCOMODATION WITHIN REAR GARDEN. ALTERATION TO LANDSCAPING INCLUDING NEW RETAINING WALLS AND STEPS - 33 COWPER ROAD, MARKYATE, ST ALBANS, AL3 8PP

P Stanley introduced the item to members and said it had been referred to the committee due to the contrary views of Markyate Parish Council.

Tim Gedhard spoke in support of the application.

It was proposed by Councillor Birnie and seconded by Councillor C Wyatt-Lowe to grant the application in line with the officer's recommendation.

Vote

For: 7 Against: 0 Abstained: 1

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 outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 33 Cowper Road.

Reason: To ensure that the detached garage is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of policies CS11 and CS12 of the Core Strategy (2013).

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

sk-1035-141 dated 21.04.18
sk-1035-142 dated 21.04.18
sk-1035-143 dated 21.04.18
sk-1035-144F dated 19.06.18
sk-1035-145F dated 19.06.18
sk-1035-146 dated 21.04.18

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

Article 35 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 2015.

42 4/01011/18/FHA - SINGLE STOREY SIDE EXTENSION. CONSTRUCTION OF SECOND STOREY REAR BALCONY - 1 MIDCOT WAY, BERKHAMSTED, HP4 3QB

B Curtain introduced the item to members and said it had been referred to the committee due to the contrary views of Northchurch Parish Council.

It was proposed by Councillor Whitman and seconded by Councillor Birnie to grant the application in line with the officer's recommendation.

Vote

For: 8 Against: 0 Abstained: 0

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 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 Core Strategy.

3.The proposed glazed privacy screens shall be erected fully in accordance with Drawing No.s Sheet 1 and sheet 4 and shall be thereafter permanently retained.

Reason: To safeguard the residential amenity of adjacent properties in accordance with Policy Cs12 of the Core Strategy.

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

Site Location Plan

Block Plan

Sheet 1 - Proposed Elevations

Sheet 3 - Proposed Ground Floor

Sheet 4 - Proposed First Floor

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

Article 35:

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 2015.

43 4/00478/18/FUL - DEMOLITION OF EXISTING BUILDINGS/STRUCTURES AND THE DEVELOPMENT OF THE SITE TO PROVIDE THREE NEW DWELLINGS - APPLIEDORE, KINGSHILL WAY, BERKHAMSTED, HP4 3TP

E Palmer introduced the item to members and said it had been referred to the committee due to the contrary views of Berkhamsted Town Council.

It was proposed by Councillor Birnie and seconded by Councillor Fisher to grant the application in line with the officer's recommendation.

Vote

For: 6

Against: 0

Abstained: 2

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 carried out in accordance with the following approved plans/documents:**

**11026-L-00-LP site location plan
11026-L-00-20 existing block plan
11026-L-00-28 site plan- landscaping
11026-L-00-21 proposed block plan
11026-L-00-23 proposed plot 1 elevations
11026-L-00-25 proposed plot 2 elevations
11026-L-00-27 proposed plot 3 elevations
11026-L-00-22 plot 1 floor plans
11026-L-00-24 plot 2 floor plans
11026-L-00-26 plot 3 floor plans
design and access statement
Bat Survey - Preliminary Roost Assessment
Bat Survey - Emergence and Re-Entry
CIL**

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

- 3 **No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.**

Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Plan shall include details of:

- a) **Construction vehicle numbers, type, routing**
- b) **Traffic management requirements**
- c) **Construction and storage compounds (including areas designated for car parking)**
- d) **Siting and details of wheel washing facilities**
- e) **Cleaning of site entrances, site tracks and the adjacent public highway**
- f) **Timing of construction activities to avoid school pick up/drop off times**
- g) **Provision of sufficient on-site parking prior to commencement of**

construction activities

h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.

- 4 Notwithstanding the details shown on the approved plans the windows at first floor level in the west elevation of plot 3 hereby permitted shall be permanently fitted with obscured glass or have a sill height of not less than 1.6 m above internal floor level unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to comply with CS 12.

- 5 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development.

- 6 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 to be retained and measures for their protection during construction works;

proposed finished levels or contours;

car parking layouts and other vehicle and pedestrian access and circulation areas;

minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);

proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

retained historic landscape features and proposals for restoration, where

relevant.

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 and to safeguard the visual character of the immediate area.

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, E, F and G
Part 2 Classes A and B**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS 11 and 12.

Informatives:

Article 35 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 2015.

Ecology

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

In the unlikely event that badgers are discovered during construction works, works should stop immediately and advice sought from an appropriately qualified and experienced Ecologist as to how to proceed.'

To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.

Any excavations that need to be left overnight should be covered or fitted with mammal ramps (a reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. Any open pipework must be covered at the end of each working day to prevent animals entering / becoming trapped.

Environmental Health

Un-expected Contaminated Land Informative

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

Construction Hours of Working – (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

Construction/Demolition Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

In addition, the applicant must ensure any concern with an asbestos release during demolition work where this is applicable is adequately addressed.

Noise on Construction/Demolition Sites Informative

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Highways

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning

0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

44 APPEALS

The following appeals were noted:

1. Lodged
2. Forthcoming inquiries
3. Forthcoming hearings
4. Dismissed

45 QUARTERLY ENFORCEMENT PERFORMANCE REPORT

P Stanley introduced the item to members and said that he was happy to take questions.

Councillor Birnie asked about the first case on the list. He asked if this had been resolved as it is on-going since 2004. P Stanley said the persons responsible were prosecuted and given a prison sentence. However, they left the country. They were declared bankrupt and the bank repossessed the house and demolished it. From then until the new owners, the site has been used for fly tipping.

Councillor Matthews asked about progress on 11 Bank Mill. P Stanley said they have submitted an appeal which must be determined before any further action is taken.

Councillor Birnie referred to the installation of UPVC windows in a listed building owned by the council. He asked if the council would be taking action against themselves.

P Stanley said that the Council could serve the Notice on itself because the Housing Department were looking to sell these properties and any new owners would therefore be notified of the requirement to change the windows.

46 PROPOSED CHANGES TO THE COMMITTEE

Councillor Guest invited members to make comments on the report.

Councillor Birnie believed that the return to three weekly meetings was sufficient to reduce the length and these changes are not needed.

Councillor Matthews said he agreed with Councillor Birnie and had concerns about reducing the time for public speakers.

A Horner informed members that change 1 in the report is not being taken forward as a majority of members did not agree. The questioning of speakers would not be totally abolished but would instead be channelled through the chair.

Councillor Matthews said he did not want to lose the ability to question speakers.

Councillor C Wyatt-Lowe said the responses from the consultation had been collated and democratically arrived at. She said tonight's meeting had gone smoothly but this is not always the case.

Councillor Birnie said he agreed with not allowing supporters of an application to speak unless an objector was. However, he said there was a perception among residents that the council take more notice of the developers than the objectors. He felt the questioning of officers after their presentation had cut down on repetitive questioning.

Councillor C Wyatt-Lowe said the shorter the meetings, the better the quality of decision making. She said there is no doubt that the quality of decision making deteriorates as the meeting goes on. The public do not appreciate staying until 10pm to hear their application. She said the committee should continue with what was democratically agreed in the consultation.

Councillor Guest asked members to vote on recommending this report to council. It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Conway to recommend the report to council.

Vote

For: 6 Against: 0 Abstained: 2

Resolve to recommend:

That the committee recommend to Council the following amendments to the Constitution:

1. If an application is recommended for approval, only objectors can invoke public speaking and then supporters can present their case. Applicants can only invoke speaking rights where the application recommended for refusal.
2. Reduce Ward Councillors time limit from 10 minutes to five minutes.
3. Stop the questioning of speakers after their allocated time.
4. Change the deadline to register to speak from 12 noon on the day of the meeting to 5pm the day before the meeting.
5. Stop members of the public distributing material at the meeting.
6. Planning officers must keep their presentations to 5 minutes for major applications and 3 minutes for all other applications.

The Meeting ended at 9.43 pm