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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**26 JULY 2018**

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Present:

**MEMBERS:**

Councillor Guest (Chairman) Councillors, Bateman, Birnie, Riddick, Ritchie, C Wyatt-Lowe (Vice-Chairman) and Fisher

Councillor also attended

**OFFICERS:**

K Mogan (Corporate and Democratic Support Lead Officer), B Curtain (Lead Planning Officer), R Freeman (Lead Planning Officer), J Gardner (Planning Officer), Horner (Group Manager - Development Management), I Keen (Planning Officer) and J Reid (Assistant Team Leader - Development Management)

The meeting began at 7.00 pm

**47 MINUTES**

Before the meeting started, A Horner advised members that the new National Planning Policy Framework (NPPF) had been published on Tuesday 24<sup>th</sup> July and is an update from the previous plan. He said there was a change in content and layout but officers have reviewed the document and have not identified any policy changes affecting the recommendations on the agenda tonight.

The minutes of the meeting held on 05 July 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?CIId=159&MIId=1726>

**48 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillors Conway, Matthews, Tindall and Whitman.

**49 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.

## 50 PUBLIC PARTICIPATION

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

### 51 4/02368/17/MOA - DEMOLITION OF A 4 STOREY OFFICE BUILDING. CONSTRUCTION OF UP TO 17 STOREY RESIDENTIAL DEVELOPMENT. FEATURING 305 APARTMENTS, ON-SITE GYM AND LEISURE FACILITIES, ON-SITE COFFEE SHOP, ROOF GARDEN AND LIBRARY/OBSERVATORY, INTERNAL ARBORETUM, FUNCTION ROOM AND UNDERGROUND PARKING FACILITIES FOR 323 CARS IN AN AUTOMATIC CAR PARKING SYSTEM, WITH ON-SITE ELECTRIC CAR SHARE - THE BEACON, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH

N Sultan reminded members that they could only take into account the material planning considerations. In a previous meeting where this scheme was on the agenda, submissions were made about third party disputes and this is not a material planning consideration.

B Curtain introduced the item to members. She explained that this was not before members for determination but wanted members views to form part of the appeal statement after the applicant had submitted an appeal for non-determination.

Members were concerned about the amount of parking provided and wanted this to form another reason for refusal.

It was proposed by Councillor Ritchie and seconded by Councillor C Wyatt-Lowe to endorse the officer's reasons for refusal with the inclusion of a reason for refusal based on parking.

#### Vote

For: 7                  Against: 0                  Abstained: 0

#### Resolved

That members confirmed that they would have **REFUSED** the application if they were in a position to determine the application for the following reasons:

**The proposed development fails to meet the requirements of Policy CS19 of the Core Strategy 2013; Affordable Housing and SPD Affordable Housing in that the scheme would not provide policy compliant affordable housing.**

**Insufficient information has been submitted for the LPA to form a detailed understanding of the schemes viability. The viability assessment submitted does not provide the necessary information or justification for the assumptions adopted and the values/ calculations relied upon. It has not therefore been**

adequately demonstrated that it would not be viable to meet policy requirements. A Section 106 agreement has not therefore been agreed to secure provision

Insufficient on-site parking has been provided to serve the 305 apartments and the other uses (gym, coffee shop, function room and library) contained within the proposal.

This shortfall of spaces would lead to an overspill of vehicles which would have a negative impact on the surrounding road network and would lead to issues relating to congestion and highway safety, contrary to Core Strategy Policies CS8 and CS12 and policies 57, 58 and Appendix 5 of the Dacorum Borough Local Plan (1999-2011).

**52            4/02402/17/MOA - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO CREATE 10 DWELLINGS (CLASS C3) WITH ACCESS OFF HUDNALL LANE (OUTLINE APPLICATION WITH ACCESS, LAYOUT AND SCLAE SOUGHT) - FOURWAYS CAR SALES, HUDNALL CORNER, LITTLE GADDESSEN, BERKHAMSTED, HP4 1QP**

I Keen introduced the item to members and said it had been referred to the committee due to the contrary views of Little Gaddesden Parish Council.

Parish Councillor Louise Archer spoke in objection to the application.

Chris Watts 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 Ritchie and seconded by Councillor Birnie to overturn the officer's recommendation and refuse the application.

Vote

For: 4            Against: 0            Abstained: 3

Resolved

That planning permission be **REFUSED** for the following reasons:

**1. By reason of the number of residential units, associated parking and amenity space, the proposal would represent overdevelopment resulting in an excessive dwelling density that would be inappropriate within its rural context to the detriment of the character and appearance of the area and the surrounding countryside. The development would therefore be contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.**

2. The proposed layout would incorporate insufficient amenity space for the dwellings with garden sizes below average standards set out within saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011 which would lead to unsatisfactory living conditions for occupiers of the development, contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

3. By reason of the number and size of residential units and the proposed site layout, the development would provide insufficient off-street parking which would lead to on-road parking that would have an adverse impact on the free flow of traffic and safety of the adjacent highway network noting the site's location at a road intersection where the national speed limit applies. As such the development would be contrary to Policy CS12 of the Dacorum Core Strategy 2013.

53            **4/01198/18/MFA - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF FOUR RESIDENTIAL BUILDINGS TO PROVIDE 29 FLATS (12 X 1BED, 17 X 2BED), PUBLIC OPEN SPACE, RESIDENTIAL AND VISITOR PARKING AND ASSOCIATED AMENITY SPACE - LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD**

J Reid introduced the item to members and said it had been referred to the committee as Dacorum Borough Council is both the land owner and the applicant.

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

Vote

For: 7            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    No development shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the development together with details of the windows and exterior doors hereby permitted shall have been 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 in accordance with policy CS12 of the adopted Core Strategy

- 3 Prior to the commencement of development, details of landscaping shall be submitted for the approval to the local planning authority and 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;**

**external lighting;**

**minor artefacts and structures (e.g. furniture, storage units, signs etc.);**

**arrangements for the long term management and maintenance of the on-site open spaces including de-culverted areas;**

**programme of implementation**

**bin storage details**

**maintenance and management of Suds**

**The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure adequate management and provision of services to serve the development and to ensure that it integrates well within the wider character of the area and the canal in accordance with policy 12 of the adopted Core Strategy.

- 4 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.

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

- 6 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.**

**Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which 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.
- i) Construction or Demolition Hours of Operation
  - j) Dust and Noise control measure
  - k) Asbestos control measure where applicable

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

- 7 Prior to development, an air quality report assessing the impacts of the proposed development shall be submitted to the Local Planning Authority having, regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance.**

The report should indicate areas where there are, or likely to be, breaches of an air quality objective. If there are predicted exceedances in exposure to levels above the Air Quality Objectives then a proposal for possible mitigation measures should be included.

The source of energy among others such as impact of the construction vehicles and machinery to the proposed development must be consider in the air quality assessment report to be submitted. The post construction impact of the development to the existing development will also need to be consider in the report to be submitted. The development shall be implemented in accordance with the agreed report and mitigation strategy.

Reason: To ensure the amenities of the neighbouring premises are protected from increased air quality arising from the development; in accordance with Policies CS8 and CS32 of the Core Strategy (2013).

- 8 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy carried out by Waterco reference W10602-180420-FRA dated April 2018. The surface water drainage scheme should include;**  
**Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**

**2. Limiting the surface water run-off to 5l/s generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.**

**3. Implementing the appropriate drainage strategy based on attenuation and discharge into the Grand Union Canal via an existing 900mm culvert and provide appropriate storage within permeable paving.**

Reason: In order to provide for adequate on site drainage in accordance with policy CS32.

- 9 No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy carried out by Waterco reference W10602-180420-FRA dated April 2018. The scheme shall also include:**
- 1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.**
  - 2. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.**
  - 3. Silt traps for protection for any residual tanked elements.**
  - 4. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.**
  - 5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event**

Reason: To prevent the increased risk of flooding, both on and off site.

- 10 Details of the proposed boundary treatment adjacent to the canal (showing any repairs needed to the existing wall, and /or the height, specification and materials of a replacement and/or planting) shall be submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.**

Reason: To ensure that the external appearance of the development is satisfactory in accordance with policy CS11 and CS12.

- 11 If surface/ground water run-off is proposed to drain into the waterway or to a soak away, full details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.**

Reason: To comply with paragraph 120 of the National Planning Policy Framework and given the proposed use there is the potential for pollution of the waterway and the Canal & River Trust will need reassurance that only clean surface water run-off will be allowed to discharge into the waterway, and, if necessary, that interceptors and other measures will be included to prevent pollution

- 12 Prior to the commencement of development details of the proposed lighting for the development shall be submitted to and approved 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 125 of the National planning policy Framework as lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect

- 13 Prior to the commencement of development, a plan detailing the model and location of 10 integrated bat boxes and 10 integrated bird boxes (swift) must be supplied to the LPA. These features must be installed before occupation and retained thereafter.**

Reason: To improve the ecological value of the site in accordance with policy CS27.

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

**L4077/106C  
L4077/108D  
L4077/101A  
L4077/110D  
L4077/102C  
L4077/100A  
L4077/107D  
L4077/112D  
L4077/111D  
L4077/109D  
L4077/103C  
L4077/104D**

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

Informatives

Affinity Water

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Hunton Bridge Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any

pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

#### Environment Agency

Environmental Permit Flood defence consents transferred into the Environmental Permitting Regulations (EPR) on 6 April 2016. You may need an environmental permit for flood risk activities if you want to do work:

? in, under, over or near a main river (including where the river is in a culvert)

? on or near a flood defence on a main river

? in the flood plain of a main river

You're breaking the law if you carry out these activities without a permit if you should have one. For further details of environmental permits for flood risk activities please see <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

#### Ecology

No removal of trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless an ecologist has undertaken a check of vegetation for active birds' nests prior to clearance and provided written confirmation to the LPA that no birds will be harmed

#### Canal and River Trust

'The applicant/developer is advised to contact Osi Ivowi on 01908 301 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust 'Code of Practice for Works affecting the Canal & River Trust'.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

#### Water

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Hunton Bridge Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

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

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

**54            4/00367/18/FUL - DEMOLITION OF EXISTING DWELLING AND DEVELOPMENT OF TWO 3-BED AND TWO 4-BED DWELLINGS, ACCESS DRIVE, PARKING AND LANDSCAPING - 39A ADEYFIELD ROAD, HEMEL HEMPSTEAD, HP2 5DP**

B Curtain introduced the items to members and said it had been referred to the committee due to a councillor call-in.

Mr and Mrs Reynolds spoke in objection to the application.

It was proposed by Councillor Ritchie but having there been no seconder to the application, it was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Birnie to overturn the officer's recommendation and refuse the application.

Vote

For: 5            Against: 1            Abstained: 1

Resolved

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

- 1. By reason of its Size, Scale, Height and Position the new dwelling proposed to Plot 4 to the rear would limit light level and appear visually intrusive and overbearing to the adjacent bungalow; No. 39. The proposal would adversely affect residential amenity and therefore fails to accord with Policy CS12 ( c) of the Core Strategy 2013.**
  
- 2. By reason of its size, design and layout, the terrace of three dwellings to the front of the site would appear incongruous and out of keeping with the street scene. This section of Adeyfield Road is characterised by detached and semi-detached properties. The introduction of a terrace of properties, three storeys in height to the rear would appear at odds with the existing streetscape character and therefore fail to successfully integrate. The proposal would thus be contrary to Policies CS11 and CS12 (f) and (g) of the Core Strategy 2013.**
  
- 3. The proposal fails to provide a safe and satisfactory access for all users and does not improve road safety. The position of the application site at the brow of the hill and close to the junction with Mountfield Road, together with the intensification of the use of the site for four dwellings in place of the existing one would adversely affect the safety and operation of the adjacent highway. The proposal therefore fails to comply with Policy CS8 and CS12 (a) of the Core Strategy.**

**55 4/00419/18/FUL - DEMOLITION OF EXISTING DETACHED GARAGE AND FLAT ROOF SIDE EXTENSION. CONSTRUCTION OF NEW 2 BEDROOM DWELLING - 2 NUNFIELD, CHIPPERFIELD, KINGS LANGLEY, WD4 9EW**

J Gardner introduced the item to members and said it had been referred to the committee as it had been called in by Councillor Riddick.

Lucinda Crabtree spoke in objection to the application.

Andrew Boothby spoke in support of the application.

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

Vote

For: 3                  Against: 1                  Abstained: 3

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:**

- 01 Rev. F**
- 02 Rev. H**
- 03 Rev. E**

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

- 3 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, in accordance with saved Appendix 7 of the Dacorum Local Plan and Policy CS12 of the Core Strategy.

Reason: In the interests of the visual amenities of the Conservation Area, in accordance with Policy CS27 of the Core Strategy.

- 4 No development (except 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:**

**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);  
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, in accordance with Policies CS6, CS12 and CS27 of the Core Strategy.

- 5 The dwelling hereby approved shall not be occupied until the refuse storage facilities shown on drawing nos. 02 Rev. H and 03 Rev. E have been provided. These facilities shall thereafter be permanently retained.**

Reason: To accord with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 6 The dwelling hereby approved shall not be occupied until the front and side elevations (excluding the sections annotated as being rendered) have been externally painted in a colour matching no. 2 Nunfield.**

Reason: In the interests of the visual amenity of the area, in accordance with Policies CS12 and CS27 of the Core Strategy.  
Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

#### **INFORMATIVES**

AN1) 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.

AN2) 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 AN3) 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.

**56            4/01348/18/FUL - CHANGE OF USE FROM (B1/B8) BUSINESS/STORAGE TO (A3) CAFE - CORNER BARN, CHURCH FARM, STATION ROAD, ALDBURY, TRING, HP23 5RS**

R Freeman introduced the item to members and said it had been referred to the committee due to the contrary views of Aldbury Parish Council.

Alexandra Pearce spoke in objection to the application.

Parish Councillor Rob McCarthy spoke in objection to the application.

In his role as ward councillor, Councillor Stan Mills spoke in objection to the application.

Simon Voysey and Simon Gill spoke in support of the application.

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

Vote

For: 4            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

**2 The use hereby permitted shall not commence until the following shall have been submitted to and approved in writing by the local planning authority.**

**(i) Details of the appearance and siting of the cycle stands / racks, including finished colour.**

**(ii) 1:100 details of the siting and appearance of a refuse bin enclosure.**

**(iii) Scaled plans and elevations of the siting, appearance and content of signage that will direct customers via the main entrance to the site from Station Road and that will discourage their use of the shared driveway with Church Farm House.**

**(iv) Scaled plans and elevations of the siting, appearance and content of signage that will direct customers to use the courtyard (NW) entrance door to the premises and that will discourage their use of the glazed door entrance on the SW elevation.**

**The use shall not commence until the approved details have been put in place.**

Reason: In the interests of residential amenity and highway safety and to ensure control over the appearance of signage in the interests of the character and appearance the development in accordance with Policies CS7, CS12, CS24 and CS27 of the Dacorum Core Strategy September 2013 and saved Policies 97 and 120 of the Dacorum Borough Local Plan 1991-2011.

**3 The premises shall only be open to customers between 8.00 am and 5.00 pm on Tuesdays to Sundays, and not at all on Mondays. Any customers remaining on the premises after those hours shall leave the premises not later than 5.15 pm.**

**The use of the premises for evening meetings or events is permitted on no more than 12 occasions per year, and visitors shall leave the premises by no later than 10.30 pm.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

**4 Amplified sound or other music shall only be played in the premises.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings.

**5 Prior to the occupation of the proposed café (Class A3) use of the development hereby permitted, a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes/odour control, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

**6 Noise arising from the use of the extractor fan or any other site equipment shall not increase the existing background noise level (LA90 5mins) when measured**

**(LAeq 5mins) 1 metre external from the nearest residential or noise sensitive premises. The applicant shall also ensure that vibration/structure borne noise derived from the use of the extractor fan does not cause noise nuisance within residential or noise sensitive premises.**

Reason: To safeguard the amenities of those premises nearby the application site and the appearance of the building as a whole in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 7 No tables or chairs for customer use shall be placed outside the building except as indicated on the Proposed Floor Plan.**

Reason: For the avoidance of doubt and in the interests of residential and visual amenity in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

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

**2062.01 Location Plan  
Existing Floor Plan  
Proposed Floor Plan**

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 at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVE:

Construction Hours of Working – (Plant & Machinery)

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.

- 57 4/02935/17/FUL - CONSTRUCTION OF TWO POLYTUNNELS AND BARN FOR AGRICULTURAL PURPOSES - UPPER BOURNE END LANE, HEMEL HEMPSTEAD**

R Freeman introduced the report to members and said it had been referred to the committee due to the contrary views of Bovingdon Parish Council.

Tom Senior and John Mawer spoke in objection to the application.

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

Vote

For: 4            Against: 0            Abstained: 3

Resolved

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

**That the provision of the access track and car park, in view of their scale, use of materials including chalk and overall appearance, would have a significant and detrimental appearance to the countryside and as such would constitute inappropriate development within the Green Belt contrary to Policy CS5 of the Core Strategy**

**58            4/00536/18/FUL - CONSTRUCTION OF 2 BED DWELLING (AMENDED SCHEME) - 2 COWPER ROAD, MARKYATE, ST ALBANS, AL3 8PR**

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

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

Vote

For: 6            Against: 1            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 development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

A100    Rev. C  
A101    Rev. C  
A102    Rev. D

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

- 3 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, in accordance with Policy CS12 of the Dacorum Core Strategy.

- 4 No development (other than demolition) shall commence 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 development (other than demolition). 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.

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 and D**

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 in the interests of highway safety, in accordance with Policies CS8, CS11 and CS12 of the Dacorum Core Strategy.

- 7 Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on each side of both accesses, within which there shall be no obstruction to visibility between 0.6m and 2m above the footway.**

Reason: In the interest of highway safety.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant prior to the submission of the application 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.

INFORMATIVES

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

**59 4/00337/18/FHA - ONE AND TWO STOREY REAR EXTENSIONS, GARAGE CONVERSION, SINGLE STOREY FRONT EXTENSION, LOFT CONVERSION, FRONT ROOF LIGHT AND DECKING - 1 ELLESMERE ROAD, BERKHAMSTED, HP4 2EX**

R Freeman introduced the report to members and said that it had been referred to the committee due to the contrary views of Berkhamsted Town Council.

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

Vote

For: 7                  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 No development shall take place, other than groundworks and demolition, 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.**

Reason: In the interests of the visual amenities of the Conservation Area, in accordance with Core Strategy (2013) Policy CS27.

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

**002 Revision C**

Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.

Article 35

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.

## **60 APPEALS**

That the following appeals be noted:

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

## **61 PLANNING ENFORCEMENT PROSECUTION UPDATE**

A Horner said that this report was for information and this case would not be covered under the quarterly enforcement reports. This case was taken to the magistrate's court and the defendants were given the maximum fine for each offence plus the council were awarded costs and there was a small victim surcharge. The council have put out press releases highlighting this prosecution to act as a deterrent to others.

Councillor Riddick congratulated officers on the successful prosecution and if the council promotes it well, it will send a clear message to others. He asked is there was a risk of non-collection if the company goes into liquidation.

A Horner said there is always that risk.

The Meeting ended at 10.32 pm