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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**16 AUGUST 2018**

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Present:

**MEMBERS:**

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

**OFFICERS:**

K Mogan (Corporate and Democratic Support Lead Officer), Gardner (Planning Officer), C Gaunt (Legal Governance Team Leader), N Gibbs (Lead Planning Officer), Horner (Group Manager - Development Management), R Marber (Planning Officer), J Reid (Assistant Team Leader - Development Management) and Seed (Lead Planning Officer)

The meeting began at 7.00 pm

**62 MINUTES**

The minutes of the meeting held on 26 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?CId=159&MId=1727>

**63 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillor Guest. Councillor C Wyatt-Lowe chaired the meeting in the absence of Councillor Guest.

**64 DECLARATIONS OF INTEREST**

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

**65 PUBLIC PARTICIPATION**

Councillor C Wyatt-Lowe reminded the members and the public about the rules regarding public participation.

**66 4/01331/18/MFA - DEMOLITION OF ALL EXISTING BUILDINGS AND CONSTRUCTION OF TWO BUILDINGS COMPRISING 170 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE AND LANDSCAPING - FROGMORE ROAD INDUSTRIAL ESTATE, FROGMORE ROAD, HEMEL HEMPSTEAD, HP3 9RW**

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

Anne Box, Brian Daniel and Duncan Toole spoke in objection to the application.

James McConnell spoke in support of the application.

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

Vote

For: 5                  Against: 4                  Abstained:2

Resolved

That the application be **DELEGATED** to the Group Manager with a view to approve, subject to the signing of the relevant Section 106 Agreement.

- 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:**

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

- 3                      **Notwithstanding the details provided within the application, no development (excluding demolition and groundworks) shall take place until details of the materials to be used in the construction of the external surfaces (including brick bond and mortar, joinery details and finish) 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 Core Strategy.

- 4                      **Notwithstanding the information submitted with this application, no development (excluding demolition and groundworks) 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 in accordance with Policy CS12 of the Core Strategy.

5

The development shall be constructed in accordance with the details contained within the submitted flood risk assessment 'Bellway Homes North London: Frogmore Road, Hemel Hempstead: Flood Risk Assessment & Surface Water Drainage Strategy' prepared by RSK LDE Ltd (project number: 132917-R1(02) - FRA), and associated plans

Reason: To ensure that matters pertaining to flood risk are suitably mitigated in accordance with Policy CS31 of the Core Strategy.

6           **Prior to first occupation of the development hereby approved, a Flood Evacuation Plan will be submitted to and approved in writing by the Local Planning Authority. Following approval, the measures contained within the Plan will be adhered to in full.**

Reason: To ensure that sufficient escape arrangements for all occupants in the event of flooding are secured in accordance with Policy CS31 of the Core Strategy.

7           **Before any of the residential units hereby permitted are occupied, noise control measures shall be carried out in accordance with the applicant submission in Sections 7 (Operational Noise Assessment) and 8 (Conclusions and Recommendations) of the submitted Noise Impact Assessment Report with reference 296888 – 01 (02) prepared by RSK dated 23<sup>rd</sup> May, 2018.**

Reason: To protect the amenities of adjoining development in accordance with Policy CS12 of the Core Strategy.

8           **Prior to demolition of Building 2 (Units 7-13), two dusk emergence / dawn re-entry surveys should be undertaken during May – August inclusive to determine with confidence what type of bat roost is present, and the outline mitigation strategy should be modified as appropriate based on the results and submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with these approved details, subject to any licensing requirements.**

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with National Planning Policy Framework.

9           **Prior to first occupation of the units hereby approved, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:**

a) identify those areas/features on site where artificial light is likely to cause disturbance to bats in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be

**maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.**

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance in accordance with National Planning Policy Framework.

10 **No development shall take place until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that construction waste is minimised in accordance with Policy CS29 of the Core Strategy. It is necessary for the condition to be pre-commencement in this instance as the demolition works will require the removal of waste to avoid environmental / health hazards associated with retaining such wastes on site.

11 **No demolition / development shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and it is therefore considered that further pre-commencement investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

12 **Demolition / development shall take place in accordance with the Written Scheme of Investigation approved under Condition (11). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition (11) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: The proposed development is such that it should be regarded as

likely to have an impact on heritage assets of archaeological interest and it is therefore considered that further investigation measures are secured in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

13

**The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RSK reference 132917-R1(02)-FRA dated May 2018, the following mitigation measures detailed within the FRA:**

**1. Limiting the surface water run-off to a maximum of 28.8 l/s with discharge into the Thames Water Sewer.**

**2. Providing a minimum of 833m<sup>3</sup> attenuation volume (or such storage volume agreed with the LLFA) 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.**

**3. Undertake drainage strategy to include to the use permeable paving, attenuation tanks and oversized pipes as indicated on drainage strategy drawing.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 31 of the Core Strategy and the National Planning Policy Framework.

14

**No development (excluding demolition) shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by RSK reference 132917-R1(02)-FRA dated May 2018. The scheme shall also include; The scheme shall also include:**

**1. Detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.**

**2. Detailed surface water calculations for all rainfall events up to and including the 1 in 100 year + 40% climate change event supported by a clearly labelled drainage layout plan showing pipe networks. This 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.**

**3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features**

**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 in accordance with Policy CS31 of the Core Strategy and the National Planning Policy Framework.

15

**Upon completion of the drainage works an updated management and maintenance plan for the all the SuDS features and structure must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall include;**

**1. Provision of complete set of as built drawings for site drainage.**

**2. Maintenance and operational activities.**

**3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy 31 of the Core Strategy and the National Planning Policy Framework.

16

**No development (excluding demolition) shall take place until a Remediation Statement detailing actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems has been submitted to and approved in writing by the local planning authority. The statement must take into consideration the conclusions and recommendations drawn out in section 8 of the Phase I & II Geo - Environmental Assessment as well as the outcome of the Note on Geo - Environmental Site Investigation in page 2-3 of the report.**

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

17

**All remediation or protection measures identified in the Remediation Statement referred to in Condition 16 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 Policy CS32 and the National Planning Policy Framework.

18

**Prior to the commencement of the development (excluding demolition) hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

- i. Roads, footways, foul and on-site water drainage.**
- ii. Existing and proposed access arrangements including visibility splays.**
- iii. Parking provision in accordance with adopted standard.**
- iv. Cycle parking provision in accordance with adopted standard.**
- v. Servicing areas, loading areas and turning areas for all vehicles.**

**The drawings should incorporate the necessary amendments to the access geometries, set out as follows (Note, accesses numbered from left to right on drawing reference 02-02-01 Rev P01):**

- Access 1: road width between the junction and start of parking area to be confirmed;**
- Access 1: left-hand radius should be increased owing to dominant flow, plus non-perpendicular access alignment (any footway link may be better served on the opposite side to avoid constant overrun);**
- Access 2: would be better served by a traditional kerbed bell-mouth type junction owing to the number of vehicles proposed, complete with internal footway link and appropriate junction visibility;**
- Access 2: vegetation proximity to be reviewed;**
- Internal access ramps and gradients served from Access 2 should be sensitive to the needs of the site and necessary internal visibility;**
- Access 3: internal access widths to be confirmed;**
- Access 3: left-hand radius should be increased to minimum of 6.0m (dominant flow direction); and,**
- Accesses 4 & 5: appear suitable for simple vehicular access construction.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the

Dacorum Borough Local Plan.

19

**Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic 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. Provision of sufficient on-site parking prior to commencement of construction activities;**
- g. 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 Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan. The nature of the activity at the site is such that this condition is required to be pre-commencement.

20

**Prior to first occupation of the development, a Car and Cycle Parking Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the information prescribed in the TA and the following:**

- Details of car parking allocation and distribution;**
- Methods to minimise on-street car parking;**
- A scheme for the provision and parking of cycles; and,**
- Monitoring required of the Car Parking Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the local planning authority.**

**The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter**

**retained for this purpose.**

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy CS12 of the Core Strategy and Saved Appendix 5 of the Dacorum Borough Local Plan.

- 21 **Prior to the commencement of the use hereby permitted, a Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery plan shall incorporate the servicing arrangements for the use and adequate provision for the storage of delivery vehicles within the site.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 22 **Prior to the commencement of the development hereby permitted a Stage 2 Road Safety Audit, for the proposed highway improvements and access junction shall be completed and submitted for approval by the Local Planning Authority.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 23 **The gradient of the vehicular access to the car park shall not exceed 1:20 for the first 5 meters into the site as measured from the near channel edge of the adjacent carriageway.**

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

#### ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant through the pre-application advice process and 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.

#### **INFORMATIVES**

Affinity Water

The applicant is advised 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".

#### Canal and River Trust

The applicant is advised that an agreement would be required for the erection of fencing, barriers, foundations, landscaping etc. on or encroaching onto the Canal & River Trusts' property.

The Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

"The applicant/developer is advised to contact Osi Ivowi Works Engineer on 01908 3025759 in order to ensure that any necessary consents are obtained and that the works comply with the Trusts' "Code of Practice for Works affecting the Canal & River Trust".

#### Design Out Crime Officer

Communal door sets:

Certificated to BS PAS 24: 2016, or LPS.1175

Access Control to block of flats:

Each block has more than 25 flats off a communal entrance, the SBD standard is for the communal entrance doors to have an access control system Audio Visual. Tradespersons release buttons are not permitted.

Postal delivery for communal dwellings (flats):

Communal postal boxes within the communal entrances , covered by the CCTV or each flat will have post delivered to it via a letter plate fitted in each flat's door., with the local Posta Officer being given an access fob.

Individual front entrance doors of flats

Certificated to BS PAS 24:2016

Windows: Flats

Ground floor windows and those easily accessible certificated to BS Pas 24:2016 or LPS 1175 French doors for balconies:

Dwelling security lighting (flats):

Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points..

Bin stores / Plant Room :

The access doors to these should be to LPS.1175, or BS PAS 24: 2016.

Basement car Park

An access control system must be applied to all vehicular and pedestrian entrances to prevent unauthorised access into the car park ( To stop anti-social behaviour or rough sleeping )

Compartmentalisation of Developments incorporating multiple flats.

Larger developments can suffer adversely from anti-social behaviour due to unrestricted access to all floors to curtail this either of the following is advised :

Controlled lift access, Fire egress stairwells should also be controlled on each floor , from the stairwell into the communal corridors.

Dedicated door sets on each landing preventing unauthorised access to the corridor from the stairwell and lift

Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.

#### Environment Agency

Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed permanent or enabling works or structures, in, under, over or within 8 metres of the top of the River Gade, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Please contact us at PSO-Thames@environment-agency.gov.uk for further information. The applicant will need to demonstrate:

- That access to the watercourse is not restricted for future maintenance or improvement works.
- That works will not obstruct flood flows thereby increasing the risk of

flooding to other properties within the locality of the site.

- That works will not adversely affect the stability of the river bank.
- That all the conditions/requirements of the Flood Risk Activity Permit are met.

#### Contaminated Land

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.

#### Thames Water

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: " A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be

completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).”

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Highways

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/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

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/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

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 123 4047.

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant would need to apply to the Highway Authority to obtain their

permission and requirements. 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 123 4047.

**67            4/01095/18/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 NEW SEMI-DETACHED DWELLINGS AND 7 TERRACED DWELLINGS WITH NEW ACCESS ROAD TO TERRACES (AMENDED SCHEME) - 50-53 CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0EA**

N Gibbs introduced the item to members and said it had been referred to the committee due to the contrary views of Bovingdon Parish Council and subject to a councillor call-in.

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

Vote

For: 3            Against: 6            Abstained: 2

Having there been no majority to grant the application in line with the officer's recommendation, it was proposed by Councillor Matthews and seconded by Councillor Tindall to defer the application.

Vote

For: 3            Against: 6            Abstained: 2

Having there been no majority to defer the application, it was proposed by Councillor Riddick and seconded by Councillor Whitman to refuse the application.

Vote

For: 5            Against: 3            Abstained: 3

Resolved

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

**The proposal would introduce a second tier of housing behind the Chesham Road frontage. This backland scheme would detract from the established character of the area, being detrimental to the residential amenity of residents of**

**the existing nearby housing by reason of overlooking and overbearing visual impact and establishing a cramped overdevelopment with the site dominated by car parking, contrary to Policies CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Design) of the Dacorum Core Strategy.**

Article 35 Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

**68            4/02625/17/FHA - EXTENSION OF BOUNDARY WALL AND FENCING AND WORKS TO DRIVEWAY - 2 WHITEWOOD ROAD, BERKHAMSTD, HP4 3LJ**

Councillor Matthews declared an interest in this application. He was speaking on behalf of the residents so took no part in the discussion or voting on this item.

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

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

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

Vote

For: 9            Against: 0            Abstained: 1

Resolved

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

**The boundary wall and fence by virtue of its height and position, appears overbearing when viewed from neighbouring properties and in context of the street. The wall and fence is out of keeping with the character of the streetscene and therefore fails policy CS12 (Parts c, f and g) and the SPD Character Area Assessment (BCA16 Durrants)**

**69            4/00624/18/FHA - FRONT EXTENSION INFILLING EXISTING AREA, RAISED CENTRAL AREA AND CREATION OF A CROWN ROOF - LANCRESE, RUCKLERS LANE, KINGS LANGLEY, WD4 9NQ**

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

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

Vote

For: 6          Against: 5          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:**

**1172 SK100D**

**1172 SK101A**

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

- 3      **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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, D & E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the visual amenity of the locality and the open character of the Green Belt.

- 4      **The rooflights on the north-eastern and south-western roof slopes 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 Dacorum Core Strategy.

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

**70            4/01382/18/ADV - EXISTING SIGN TO BE INSTALLED ON NEW 8.5M POLE  
- MCDONALD'S RESTAURANT, 3 STONEY LANE, HEMEL HEMPSTEAD,  
HP1 2SB**

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

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

Vote

For: 6            Against: 3            Abstained: 2

Resolved

That planning permission be **GRANTED** subject to the following conditions:

**1. This consent is granted for a period of five years commencing on the date of this notice.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.

**2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.

**3. No advertisement shall be sited or displayed so as to: -**

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

**4. Any advertisement displayed, and any site used for the display of**

**advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

**5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

**6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

**7. The intensity of illumination shall be controlled at the level as illustrated and described on the submitted plans/ application form and is to be retained such that it will not cause glare beyond the site boundaries.**

Reason: In the interest of public safety and visual amenity, in accordance with policies CS11 and CS12 of the Dacorum Core Strategy (2013) and Saved Policies 56 and 112 of the Dacorum Local Plan (2004).

**8. The development hereby approved shall not be carried out other than in accordance with the following approved plans/documents:**

**Application Form  
0912-0517-23 Rev D  
0912-0517-01 Rev C**

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

Informative

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

**71            4/01563/18/FHA - CONVERSION OF GARAGE INTO HABITABLE LIVING SPACE - 54 HARDY ROAD, HEMEL HEMPSTEAD, HP2 5EG**

R Marber introduced the report to members and said it had been referred to the committee as the applicant was a member of DBC staff.

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

Vote

For: 7            Against: 0            Abstained: 4

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:**

Planning Application for 54 Hardy Road received 06/07/18

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

- 3. 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 (2013).

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework

(paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## **72 APPEALS**

That the following appeals were noted:

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

The Meeting ended at 9.24 pm