
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

29 NOVEMBER 2018

Present:

MEMBERS:

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

OFFICERS:

K Mogan (Corporate and Democratic Support Lead Officer), Gardner (Planning Officer), E Palmer (Planning Officer), Robbins (Planning Officer) and S Whelan (Group Manager - Development Management and Planning)

The meeting began at 7.00 pm

126 MINUTES

The minutes of the meeting held on 8 November 2018 were not signed by the Chair as members had not had a chance to read them. The Chair asked for the minutes to be sent to members for them to agree and be signed at a later date.

127 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor Conway, Birnie, Bateman, Whitman.

On behalf of the committee, Councillor Guest wished Councillors Conway and Whitman a speedy recovery.

128 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.

129 PUBLIC PARTICIPATION

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

130 4/01278/18/FUL - CHANGE OF USE OF UNIT 1 (CLASS D1 SURGERY/HEALTH CENTRE USE) TO CLASS A1 CONVENIENCE FOODSTORE, TOGETHER WITH CHANGE OF USE OF UNIT 2 (CLASS A1/A2/A3/A4 AND B1) TO THREE RESIDENTIAL UNITS (ONE 1-BED AND TWO 2-BED FLATS), TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS, LANDSCAPING, AMENDMENT TO RICHMOND SQUARE AND PROVISION OF PARKING - UNITS 1 AND 2, RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL

J Gardner introduced the item and said it had been referred to committee due to the contrary views of Markyate Parish Council. There had been further late representations with 79 objection letters being submitted and a letter from JMS Planning that was distributed to members via email.

Councillor Tindall questioned whether an articulated lorry would be able to reverse around the corner safely.

S Whelan said that the delivery management plan that has been submitted states that only 10.5 metre lorries will be used for deliveries. This can be enforced.

Councillor Tindall said he would be happy if this was conditioned.

Jay Chandra, Julian Sutton and Serena Eccleston spoke in objection to the application.

Parish Councillor Sheila Pilkington spoke in objection to the application.

Jim Tarzey and Kelly Edwards spoke in support of the application.

It was proposed by Councillor Tindall and seconded by Councillor Ritchie to grant the application in line with the officer's recommendation with the additional condition for the delivery management plan.

Vote

For: 2 Against: 1 Abstained: 4

Resolved

That planning permission be **DELEGATED** with a view to approval, subject to the following conditions:

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>102/1675/105 rev. C PL/1675/002 rev. H 1675/001 Rev E</p>

	<p>Drawing no. 09 Drawing no. 11</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>The materials to be used in the construction of the external alterations hereby permitted shall match in size, colour and texture those used on the existing building.</p> <p>Reason: To ensure a satisfactory appearance to the development, in accordance with Policy CS12 of the Dacorum Core Strategy/</p>
4	<p>The residential units hereby approved shall not be occupied until a scheme providing for the insulation of the building against the transmission of noise and vibration between both the residential and any non-residential part of the building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to first occupation of the new residential units and retained thereafter.</p> <p>Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and paragraph 127 (f) of the NPPF (2018)</p>
5	<p>Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.</p> <p>Reason: To ensure adequate off-street parking during construction in the interests of highway safety.</p>
6	<p>The landscaping works shown on 1202/1675/105 rev. C shall be carried out prior to first occupation of Unit 1 and retained thereafter.</p> <p>Reason: In the interests of the visual amenities of the area, in accordance with Policies CS11 and CS12 of the Core Strategy (2013).</p>
7	<p>The customer and staff parking shown on 1202/1675/105 rev. C shall be provided prior to first occupation of Unit 1 and retained thereafter.</p> <p>Reason: To ensure that sufficient parking is provided to serve the development, in accordance with saved Policies 57 and 58 of the Dacorum Local Plan (2004); saved Appendix 5 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).</p>
8	<p>The 4 parking spaces shown on drawing no. 1675/001 rev E shall be kept permanently available for parking and retained for the sole use of the 3 residential units hereby approved.</p> <p>Reason: To ensure that sufficient parking is provided to serve the development, in accordance with saved Policies 57 and 58 of the Dacorum Local Plan (2004); saved Appendix 5 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).</p>
9	<p>In accordance with the Delivery and Servicing Management Plan (Issue 4) dated 14.11.18 (received on 14th November), vehicles delivering to the A1 store hereby</p>

	<p>approved shall not exceed 10.35 metres in length. No deliveries shall take place outside the specified delivery window.</p> <p>Reason: For the avoidance of doubt and in the interest of highway safety, in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (2013)</p>
	<p>Article 35 Statement</p> <p>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.</p> <p>INFORMATIVES</p> <p>DBC Environmental Health</p> <p>Un-expected Contaminated Land Informative</p> <p>Our contaminated land record shows that the land is located on a landmark historic contaminated land use of an un-specified factory or works site of medium risk. There is a possibility that this may have affected the application site with potentially contaminated material. Therefore, I recommend that the developer be advised to keep a watching brief during ground works where applicable on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.</p> <p>Construction Hours of Working – (Plant & Machinery) Informative</p> <p>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.</p> <p>Hertfordshire Highways</p> <p>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</p> <p>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</p>

<p>is available via the website http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047</p> <p>Environment Agency</p> <p>Finished Floor Levels</p> <p>We recommend that finished floor levels for the proposed development are set as high as is practically possible, ideally 300millimetres above the 1 in 100 chance in any year including an allowance for climate change flood level. This is to protect the proposed development from flooding.</p> <p>Flood Risk Activity Permit</p> <p>This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance</p>
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131 4/01941/18/OUT - CONSTRUCTION OF UP TO 3 NEW HOUSES, TWO NEW VEHICULAR ACCESSES AND WIDENING OF EXISTING VEHICULAR ACCESS. ALTERATIONS TO EXISTING HOUSE - SHOTHANGER, SHEETHANGER LANE, FELDEN, HEMEL HEMPSTEAD, HP3 0BG

Councillor Riddick declared a personal interest as he had called in the application. This did not affect his right to speak and vote on this item.

S Robbins introduced this item to members and said it had been referred to committee as it had been called in by Councillor Riddick. A late representation had been submitted and was distributed to members.

Anne Werbicki spoke in objection to the application.

Paul Smith 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: 5 Against: 0 Abstained: 2

Resolved

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

1	<p>Approval of the details of the siting, design and external appearance of the dwellings hereby approved and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.</p> <p>Reason: To comply with the provisions of Section 92 (2) of the Town and Country</p>
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	Planning Act 1990.
2	<p>Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.</p> <p>Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
4	<p>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. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan, which shall include details of:</p> <ul style="list-style-type: none"> 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 <p>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.</p>
5	<p>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.</p> <p>For the purposes of this condition:</p> <p>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.</p>

	<p>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.</p> <p>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.</p> <p>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.</p>
6	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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.</p> <p>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.</p> <p>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 (2018).</p>
7	<p>No development, excluding demolition and groundworks, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>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 Arboricultural Method Statement detailing construction techniques to limit detrimental impact to root systems Trees to be retained and measures for their protection during construction works Mitigation tree planting in the form of a Planting Scheme to offset tree losses Proposed finished levels or contours Car parking layouts Minor artefacts and structures (e.g. refuse or other storage units, external lighting etc).</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>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 Dacorum Core Strategy (2013).</p>
8	<p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next</p>

	<p>planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</p> <p>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 Dacorum Core Strategy (2013).</p>
9	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>03 revision A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>INFORMATIVES</p> <p>Contaminated Land</p> <p>1. Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk</p> <p>2. 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.</p>

132 4/02075/18/FHA - DEMOLITION OF CONSERVATORY AND CONSTRUCTION OF A REAR EXTENSION AND A SIDE EXTENSION OVER GARAGE AND COMPLETE CHANGE OF ROOF TILES - 3 OAKWOOD, BERKHAMSTED, HP4 3NQ

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

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

Vote

For: 5 Against: 0 Abstained: 2

Resolved

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

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.</p> <p>Reason: To ensure a satisfactory appearance to the development and to comply with CS 12.</p>
3	<p>The tall window at first floor level in the north side elevation of the extension hereby permitted shall be non opening and shall be permanently fitted with obscured glass below 1.7 metres from the finished floor level.</p> <p>Reason: In the interests of the amenity of adjoining residents namely to avoid any overlooking towards No. 2 Oakwood and to comply with CS 12.</p>
4	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>SITE LOCATION PLAN PROPOSED BLOCK PLAN Existing Ground Floor PLAN GEB5 /02.A Existing First Floor PLAN GEB5 /03.A Existing Elevations PLAN GEB5 /04.A Existing Side Elevations PLAN GEB5 /05 Proposed Ground Floor PLAN GEB5 /06.A Proposed First Floor PLAN GEB5 /07.A Proposed Elevations PLAN GEB5 /08.A Proposed Side ElevationsPLAN GEB5 /09 3D Sketch Visual PLAN GEB5 /10 Area of development PLAN GEB5 /11.A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Statement</p> <p>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.</p> <p>Informatives:</p> <p>Ecology</p> <p>If bats or evidence for them is discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.</p>

	<p>Contaminated Land</p> <p>1). Construction Hours of Working – (Plant & Machinery) Informative In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.</p> <p>2). Construction Dust Informative Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.</p> <p>3). Noise on Construction/Demolition Sites Informative The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.</p> <p>4). Un-expected Contaminated Land Informative In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.</p>
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133 4/02509/18/FHA - SINGLE STOREY REAR EXTENSION, FIRST FLOOR FRONT EXTENSION, ALTERATIONS TO ROOF TO FORM ROOM IN THE ROOF AND REAR DORMER - 14 CEDAR WALK, HEMEL HEMPSTEAD, HP3 9EB

S Robbins introduced the item to members and said it had been referred to the committee as the applicant was a member of staff.

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

Vote

For: 6 Against: 0 Abstained: 1

Resolved

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

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 (1) of the Town and Country</p>
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	Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>65B 2018 Rev A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Statement</p> <p>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.</p>

134 APPEALS UPDATE

The following appeals were noted:

1. Lodged
2. Withdrawn
3. Dismissed

The Meeting ended at 8.45 pm