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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT CONTROL**

**18 JUNE 2015**

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Present:

**MEMBERS:**

Councillor Collins (Chair) Councillors, Guest (Vice-Chairman), Birnie, Clark, Conway, Maddern, Ritchie, Sutton, Whitman and Wyatt-Lowe

Councillor also attended

**OFFICERS:**

The meeting began at 7.00 pm

**1 MINUTES**

The minutes of the meeting held 28 May 2015 were agreed by the Committee and signed by the Chair.

**2 APOLOGIES FOR ABSENCE**

Apologies were received on behalf of Councillors Matthews and Riddick. Councillor Hearn substituted for Councillor Riddick.

**3 DECLARATIONS OF INTEREST**

Declarations were received as below:

Item 5.05 - Councillor Ritchie knows one of the objectors on a personal basis – has not discussed this application with them and reserves the right to speak & vote.

Item 5.10 – Councillor Wyatt-Lowe is acquainted with the Agent, however has not discussed the application and reserves the right to speak and vote.

**4 PUBLIC PARTICIPATION**

**5 PLANNING APPLICATIONS (INDEX)**

**6 5.01 IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD**

Andrew Parrish introduced the report and updated Members on the information requested at the previous Committee. Members were advised that the

recommendation should be amended to delegate with a view to approval subject to the completion of a s106 agreement, rather than Grant.

Simon Dewar, a neighbour, and County Councillor McKay spoke in objection.

John Richards of Dandara spoke in support of the application.

Ward Councillor Williams spoke in objection of the application.

The development was debated with concerns being raised by Members with regards to the loss of retail floor space in relation to the Core Strategy.<sup>1</sup>

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Maddern that the Officer's recommendation be overturned and the application be refused:

Voting:

10 for and 1 abstention;

whereupon it was:

Resolved:

Officer's recommendation overturned – application **REFUSED**

The applicant has not demonstrated a full commitment to marketing the vacant retail units for their intended and permitted A1, A2 or A3 uses. The loss of floorspace for these retail uses would have a harmful effect on the vitality and viability of this part of Hemel Hempstead Town Centre, contrary to Policies CS16 and CS33 of the core strategy. The proposal is also contrary to Policy CS4 of the Core Strategy, which seeks a mix of uses in town centre locations, and Policy CS13 which seeks pedestrian friendly, shared spaces, in appropriate location

## **7            5.02 EMPIRE CINEMAS, LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD**

.Fiona Bogle introduced the report.

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

Voting:

Unanimously agreed;

whereupon it was:

Resolved:

The planning permission be granted, in line with the Officer's recommendations.

**8 5.03 ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XL**

Andrew Parrish introduced the report.

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

Voting:

Unanimously agreed;

Whereupon it was:

Resolved:

That planning permission be delegated to the Group Manager – Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

Amended Condition 6 The development hereby permitted shall be carried out in accordance with Section 7 (Sustainability and Environment Statement) of the Design and Access Statement, and the approved C-Plan Sustainability Statement. Notwithstanding any details submitted, no development shall take place until an energy statement has been submitted to and approved in writing by the local planning authority to demonstrate that an additional 5% CO2 reduction on the current Building Regulations will be achieved. The measures identified in the statements shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

Additional Conditions

Condition 16 Prior to first occupation of the development, a post construction review to formally demonstrate achievement of the energy performance target approved under Condition 6 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

Condition 17 No development shall take place until plans and details showing how the development will provide for sustainable surface water drainage from the building (including provision for its maintenance thereafter) shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be

provided before any part of the development is first brought into use and they shall thereafter be permanently retained.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

Condition 18 The windows on the Northern elevation of the block hereby permitted shall be non-opening, and shall be permanently fitted with obscured glass.

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy

**9            5.04 9,11 & 13 HIGH STREET & SWING GATE LANE, BERKHAMSTED, HP4**

Chris Thompson, developer, spoke in support of the application.

Berkhamsted Town Councillor Garrick Stevens spoke in objection to the application.

It was proposed by Councillor Whitman and seconded by Councillor Guest to grant the application in line with the officer's recommendations

Voting:

10 For and 1 Against

whereupon it was:

Resolved:

Officer's recommendation agreed – **GRANTED subject to signed S106 and completion of consultation period**– with revisions to heads of terms below:-

Revisions to S106 Heads of Terms –

- All 11 units to be affordable housing units - "Affordable Housing Units" Means eleven (11) Residential Units to be constructed on the Property pursuant to the Planning Permission and made available for Affordable Housing of which Fourteen (11) Residential Units shall be Social Rental Dwellings or such other split of units and tenure as may be agreed in writing with the Housing Manage
- Fire Hydrant provision
- Highway contributions - £4750 - The contribution is payable on first occupation of the site. The contribution is to be index linked (SPON) from the date of the s106 agreement to the date of payment. The contribution is to be set aside towards implementing sustainable transport measures.

**10            5.05 BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HP3 0DS**

Nigel Gibbs introduced the report and addendums.

Brad Gunn of Bovingdon Action Group and Kevin McLaughlan spoke in objection of the application.

Ward Councillor Barnes spoke in objection.

It was proposed by Councillor R Sutton and seconded by Councillor Guest to grant the application:

Voting:

2 For, 8 Against and 1 abstention;

It was then proposed by Councillor Conway and Seconded by Councillor Ritchie that the application be refused:

Voting:

9 For and 2 abstentions:

whereupon it was:

Resolved:

Officer's recommendation overturned – application **REFUSED**

The proposal is inappropriate development in the green belt, and insufficient very special circumstances have been demonstrated, contrary to Policy C5 of the Core Strategy, and NPPF Policy 89.

**11            5.06 THE PENNANT, DOCTORS COMMON ROAD, BERKHAMSTED, HP4 3DW**

Mr Pickup, neighbour, spoke in objection to the application.

Councillor Garrick Stevens, Berkhamsted Town Councillor spoke in objection to the application.

Peter Baker, Architect, spoke in support of the application.

It was proposed by Councillor R Sutton and Seconded by Councillor Conway to grant the application.

Voting:

3 for, 5 against and 3 abstentions

It was then proposed by Councillor Ritchie and Seconded by Councillor Clarke that the application be refused:

Voting:

5 for, 3 against and 3 abstentions

whereupon it was:

Resolved

Officer's recommendation overturned – application **REFUSED**

The proposal fails to conserve or enhance the character of the Berkhamsted Conservation Area, by virtue of the extent of the solid form, and the over dominant of properties on Kings Road, contrary to Core Strategy Policies CS27 and CS12.

**12            5.07 HIGH DRIVE, AYLESBURY ROAD, TRING, HP23 4DJ**

Ed Whelan, developer, spoke on behalf of the owners and in support of the application.

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

Voting:

Unanimously agreed;

whereupon it was:

Resolved:

That planning permission be granted, subject to the following amended and additional conditions:-.

Officer's recommendation agreed – application **GRANTED**, with the following additional and amended conditions:-

Amendment to Condition 16 : add the words 'and widening' after 'resurfacing'.

**13            5.08 1 COVERT ROAD & 2 ST MARYS AVENUE, BERKHAMSTED HP4  
3RR**

Edward Hunt, Agent spoke in support of the application.

It was proposed by Councillor R Sutton and seconded by Councillor Conway to agree the application in line with the officer's recommendations:

Voting:

Unanimously agreed

Whereupon it was:

Resolved:

Officer's recommendation agreed – application **GRANTED**

**14            5.09 52 & 54 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TJ**

Simon Andrews and Richard Wittrick spoke in support of the application.

Brian Hunt, neighbour, spoke in objection to the application.

Ward Councillor Harden spoke in objection to the application.

There was no proposer for granting the application in line with the officer's recommendation.

It was then proposed by Councillor Ritchie and seconded by Councillor Whitman to overturn the officer's recommendation and refuse the application:

Voting:

10 For and 1 Abstention;

whereupon it was:

Resolved:

Officer's recommendation overturned – application **REFUSED**

The proposal fails to meet appropriate standards of design, on the basis of over-dominance, and the failure to conform to the surrounding character of the area of chalet bungalows, contrary to Policies CS12 and CS11 of the Core Strategy.

**15            5.10 OLD FISHERY HOUSE, OLD FISHERY LANE, HEMEL HEMPSTEAD  
HP1 2BN**

Councillor C Wyatt-Lowe disclosed that she was a friend of the agent but had never discussed the application with him and therefore reserved her right to speak and vote. Councillor Whitman advised that his daughter was one of the objectors to this application but had never discussed this application with her and reserved her right to speak and vote on the application.

Richard Ronald, agent, and applicants son spoke in support of the application.

Steve Wiles & Peter Garner, neighbours spoke in objection to the application.

Ward Councillor Williams spoke in objection to the application.

There was no proposer to grant the application in line with the officer's recommendations.

It was then proposed by Councillor Whitman and seconded by Councillor P Hearn to

overturn the officer's recommendation and refuse the application for the reasons set out.

Voting:

Unanimously agreed

Whereupon it was

Resolved:

Officer's recommendation overturned – application **REFUSED**

The proposed development fails to reflect the character of the neighbourhood, and the setting of the nearby heritage asset, contrary to Policies CS11 and CS 27 of the Core Strategy.

**16            5.11 7 PICKFORD ROAD, MARKYATE AL3 8RS**

Dean Goodman, Planning Consultant spoke in support of the application.

Julie Parker, neighbour, spoke in objection to the application.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor R Sutton to grant the application.

Voting:

8 for, 1 against and 2 abstentions

Whereupon it was

Resolved

That planning permission be granted subject to the following conditions:-

Officer's recommendation agreed – application **APPROVED**

**17            5.12 60 CHARLES STREET, BERKHANSTED, HP4 3DJ**

Nicola Few, architect spoke in support of the application.

It was proposed by Councillor Conway and seconded by Councillor P Hearn to grant the application for the reasons above.

Voting:

10 for and 1 abstention

Whereupon it was:

Resolved



Officer's recommendation agreed - application **APPROVED**

**18            5.13 BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED HP4  
3NW**

Application **DEFERRED** to next meeting

**19            5.14 9 BARTHOLOMEW GREEN, MARKYATE, AL3 8RX**

Application **DEFERRED** to next meeting

**20            5.15 10 BRIAR WAY, BERKHAMSTED HP4 2JJ**

Application **DEFERRED** to next meeting

**21            APPEALS**

Noted the following reports:

1. Appeals Lodged
2. Appeals Allowed
3. Appeals Dismissed
4. Decisions on Appeals

**22            EXCLUSION OF THE PUBLIC**

The Meeting ended at 11.50 pm