
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

24 SEPTEMBER 2015

Present:

MEMBERS:

Councillor Collins (Chair) Councillors, Guest (Vice-Chairman), Birnie, Clark, Conway, Maddern, Matthews, Riddick, Ritchie, Whitman, Fisher and Tindall

Councillor also attended

OFFICERS:

Whittredge (Planning Officer), Bogle (Team Leader - Development Management), Mogan, Frost (Conservation Officer), Gaunt (Solicitor/Barrister) and Watson (Enforcement Officer)

The meeting began at 7.00 pm

15 MINUTES

The minutes of the meeting held on 03 September 2015 were confirmed by the Members present and were then signed by the Chairman

16 APOLOGIES FOR ABSENCE

Apologies received from Councillor R Sutton and Councillor C Wyatt-Lowe

17 DECLARATIONS OF INTEREST

18 PUBLIC PARTICIPATION

19 INDEX TO PLANNING APPLICATIONS

20 5.01 - 4/01288/15/FUL 263-265, HIGH STREET, BERKHAMSTED, HP4 1AB

The item was introduced by E Whittredge as the relevant case officer advising that Berkhamsted Town Council had objected to the application.

Councillor J Ashbourn in his role as Dacorum Borough Councillor addressed the meeting objecting to the application.

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

Voting:

5 for, 5 against and 1 abstained

Chairman's casting vote: for

Therefore, 6 for, 5 against and 1 abstained

Resolved:

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

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and 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 **Notwithstanding the details shown on the plans hereby approved, no development shall take place until details of the colour of the window cills, doors and window frames to be used in the development 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: In the interests of the visual amenities of the Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy and Policy 120 of the Local Plan.

INFORMATIVE: For the avoidance of doubt, this approval does not extend to the proposed colour (white) of the window cills, doors and window frames.

- 3 **No development shall take place until details of the roof lights to be used in the development 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: In the interests of the visual amenities of the Conservation Area in accordance with Policy CS27 of the Core Strategy and Policy 120 of the Local Plan.

- 4 **The roof slates and face brickwork 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 and CS27 of the Core Strategy and Policy 120 of the Local Plan.

- 5 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking for the new dwellings shall have been provided in accordance with plans submitted to and approved by the Local Planning Authority, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policy 58 of the Local Plan.

- 6 **No demolition/development shall take place/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: To ensure that reasonable facilities are made available to record archaeological evidence.

- 7 **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (6).**

ii) 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 (6) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: For the avoidance of doubt.

- 8 **No development shall take place until full details of both hard and soft**

landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 9 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition:

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

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

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 10 All remediation or protection measures identified in the Remediation Statement referred to in Condition 9 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.

Informative:

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

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

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

Site Location Plan
10 B, 11 B, 12 B, 13 B, 14 A, 15 A
14870 CV 10, 11, 12, 14, UG 01
Block Plan

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

**21 5.02 - 4/02491/15/FHA 7 ASHRIDGE COTTAGES, NETTLEDEN ROAD,
LITTLE GADDESSEN, BERKHAMSTED, HP4 1PW**

K Frost introduced the item as the relevant case officer advising that Little Gaddesden Parish Council had objected to the application.

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

Voting:

11 for, 1 abstained

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 external materials and finishes to be used in the construction of the development 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: In the interests of the visual amenities of the Conservation Area, and AONB, in accordance with Policies CS24 and CS27 of the adopted Darcorum Core Strategy.

- 3 No development shall take place until details of the windows, bi-folding doors and roof lantern to be used in the hereby permitted development 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: In the interests of the visual amenities of the Conservation Area, and ANOB, in accordance with Policies CS24 and CS27 of the adopted Darcorum Core Strategy.

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

Drawing No. HS 101-OS - Location Plan
Drawing No. 3204/001 Rev. C - Existing & Proposed Floor Plans & Elevations

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**22 5.03 - 4/02492/15/LBC, 7 ASHRIDGE COTTAGES, NETTLEDEN ROAD,
 LITTLE GADDESSEN, BERKHAMSTED, HP4 1PW**

The item was introduced by K Frost as the relevant case officer.

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

Voting:

11 for, 1 abstained

Resolved:

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

- 1 **The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 **No development shall take place until details of the external materials and finishes to be used in the construction of the development 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 safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy.

- 3 **No development shall take place until details of the windows, bi-folding doors and roof lantern to be used in the hereby permitted development 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 safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy.

- 4 **All new or altered external surfaces shall be finished or made good to match those of the existing building.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy.

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

Drawing No. HS 101-OS - Location Plan

Drawing No. 3204/001 Rev. C - Existing & Proposed Floor Plans & Elevations

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

Article 31 Statement

Listed building consent 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 2012.

23 5.04 - 4/02844/15/FHA 10 NEW MILL TERRACE, TRING, HP23 5ET

The item was introduced by F Bogle on behalf of the relevant case officer advising that it had come before the committee because of an objection from Tring Town Council.

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

Voting:

9 for, 1 against, 2 abstained

Resolved:

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

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy CS12 of the adopted Core Strategy.

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

1404/p/02 A
1404/p/03 A
1404/P/01 A
1404/S/01

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

- 24 5.05 - 4/02858/15/FUL, 26 SOMERIES ROAD, HEMEL HEMPSTEAD, HP1 3PH**

It was advised by S Whelan and F Bogle that this item upon further consideration does not require planning permission. To avoid returning to the committee again at a later date, it was put to the members to either vote on the application or vote for officers to issue a Certificate of Lawful Development.

It was proposed that officers issue a Certificate of Lawful Development and it was proposed by Councillor Whitman and seconded by Councillor Guest to grant the application in line with the officer's new recommendation.

Voting:

11 for, 1 abstained

Resolved:

Officer's recommendation Changed from Grant of Planning permission to Grant Approval of Lawful Development Certificate – **LDP GRANTED**

The proposal does not constitute development requiring planning permission. It was considered prudent to change the description of the application from Planning Application to Lawful Development Certificate for Proposed Development.

25 APPEALS

Noted the following reports:

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

C Watson then updated the Committee regarding the minutes of 6th August where the Development Control Committee granted authorisation for prosecution against an estate agents. On Friday 18 September, the defendant pleaded guilty to two offences of placing unlawful boards. They were fined £700 and had to pay Dacorum Borough Council's costs of £325.50 and a victim surcharge of £40. C Watson thanked the committee for granting authorisation to prosecute.

R Tindall stated that this would be a warning to others and it would be a good idea to give this maximum publicity.

C Watson said there is a press statement due to go into the Gazette and C Gaunt confirmed that the press statement was already on the Hemel Today website.

26 EXCLUSION OF THE PUBLIC

27 ADDENDUM SHEET

The Meeting ended at 7.51 pm