
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

5 NOVEMBER 2015

Present:

MEMBERS:

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

Councillor Anderson also attended

OFFICERS:

Reid (Assistant Team Leader - Development Management), Stanley (Development Management Team Leader), Whelan (Group Manager - Development Management and Planning), Gaunt (Solicitor), Johnston (Member Support Officer) and Mogan (Member Support Officer)

The meeting began at 7.03 pm

47 MINUTES

The minutes of the meeting held on 15 October 2015 were confirmed by the Members present and were then signed by the Chairman

48 APOLOGIES FOR ABSENCE

Apologies were received from Councillor R Sutton.

Councillor Bateman substituted on behalf on Councillor R Sutton.

49 DECLARATIONS OF INTEREST

Councillor D Collins asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application.

50 PUBLIC PARTICIPATION

51 ITEM 5.04 4/02839/15/FUL - GARAGE COURT TO THE SOUTH OF 7 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NP

Councillor C Wyatt-Lowe declared a personal interest in this item as the ward councillor and that she called in the application on behalf of residents. Councillor C Wyatt-Lowe reserved her right to speak and vote thereon.

T Rennie introduced the report as the relevant case officer.

Members discussed the application at length with particular emphasis on parking and how residents would distinguish between parking for the new development and parking for existing residents.

The planning officers advised that the parking provided for existing residents will be painted red so it is clear to all who can park there. However, there would be no formal restrictions in place and the spaces will be available on a first come, first serve basis every day.

Members also questioned the low occupancy rate currently in the existing garages. Councillor Tindall stated that of the 28 garages, only 3 are occupied.

Planning officers stated that the garages are poorly maintained and were built in the 1970s so are quite small for modern car standards.

Matthew Letten spoke in support for this application and stated that his client was trying to strike the balance between redeveloping the site and easing the parking problems experienced in Burns Drive. This development will also address the need for starter homes in the borough.

Ian Golton and Gary Thomas spoke in objection to this application.

The officer's recommendation to grant the application fell due to lack of a proposer and a seconder.

It was proposed by Councillor Birnie and seconded by Councillor Whitman to defer this application.

Vote:

For: 13, Against: 0, Abstained: 1

Resolved:

DEFERRED to allow for further discussions regarding parking provision and parking allocation to take place.

52 ITEM 5.05 4/02840/15/FUL - GARAGE COURT TO THE SOUTH OF 71 TO 81 BURNS DRIVE, HEMEL HEMPSTEAD, HP2 7NW

Councillor C Wyatt-Lowe declared a personal interest in this item as the ward councillor and that she called in the application on behalf of residents. Councillor C Wyatt-Lowe reserved her right to speak and vote thereon.

T Rennie introduced the report as the relevant case officer.

Members discussed the application at length with particular emphasis on parking.

Matthew Letten spoke in support of this application.

Megan Bagshaw and Gary Thomas spoke in objection to this application.

The officer's recommendation to grant the application fell due to a lack of a proposer and a seconder.

It was proposed by Councillor Birnie and seconded by Councillor Whitman to defer this application.

Vote:

For: 13, Against: 0, Abstained: 1

Resolved:

DEFERRED to allow for further discussions regarding parking provision and parking allocation to take place.

53 ITEM 5.02 4/02578/15/FUL - BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP

Councillor C Wyatt-Lowe left the room at 8.06pm and took no part in the discussion or voting of the next two items.

P Stanley introduced the report on behalf of the relevant case officer. The application is before the committee due to the contrary views of Kings Langley Parish Council.

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

Local residents Steven Clark and Mrs Bunzil also spoke in objection to this application.

Members questioned where the liability would lie if the tree or wall hurt somebody and the Council had refused this application. Dacorum Borough Council must give permission to make the tree safe due to Tree Preservation Order on it. The replacement tree species can still be decided.

Councillor Birnie said he was not convinced that the only way to cure this problem was to demolish the tree and was unsure that the applicant's had explored all options available.

P Stanley highlighted that the tree was only semi-mature and had the potential to cause even more damage.

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

Vote:

For: 3, Against: 8, Abstained: 3

Resolved:

Officer's recommendation overturned – application **REFUSED** for the following reasons:

Insufficient information has been provided to justify the removal of the preserved Ash Tree on arboricultural grounds. In particular, further information is required in respect of the implementation of alternative engineering measures that would allow the damaged wall to be repaired and the TPO tree retained. The Ash tree is considered to be an important specimen in this part of the Kings Langley conservation area and therefore its loss would be significantly detrimental to the visual amenity of the area. Consequently the proposal to fell the Ash tree without full justification is contrary to saved Policy 99 of the Dacorum Borough Local Plan 1991-2011, Policy CS12(d) of the Dacorum Core Strategy (September 2013), as well as national advice contained within the National Planning Policy Framework.

54 ITEM 5.03 4/02579/15/LBC - BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP

Item 5.03 considered the listed status of the application. As application 4/02578/15/FUL was refused on the grounds of exploring other options for the future of the tree, listed status cannot be refused on the grounds of the tree.

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

Vote:

For: 2, Against: 9, Abstained: 2

It was then proposed by Councillor Birnie and seconded by Councillor Matthews to defer the application.

Vote:

For: 12, Against: 0, Abstained: 1

Resolved:

DEFERRED in light of decision on planning application 4/02578/15/FUL

55 ITEM 5.01 4/02932/14/FUL - REMAGEN, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ

Councillor Riddick declared a personal interest in this item as he is a resident of Box Lane. Councillor Riddick reserved his right to speak and vote thereon.

The item was introduced by J Reid on behalf of the relevant case officer. This application has been called before the committee by the Director of Planning and Regeneration due to public interest of development on Green Belt land.

Jonathon Plant and Judith Livesey spoke in support of this application on behalf of the applicant and highlighted that there would be no increase in the building footprint from the current dwelling to the new development.

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

Voting:

For: 10, Against: 2, Abstained: 2

Resolved:

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

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

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

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces 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 ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy.

- 3 **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.

- 4 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 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

- 5 **Prior to the commencement of development, including any associated tree works, further details of bat activity and mitigation must be submitted to and approved in writing by the local planning authority. This information must include: further activity surveys to fully inform the development of the nature of the existing roosts; appropriate compensation plans to demonstrate how the bats can properly be accommodate; a suitable timing / logistics strategy to properly accommodate the continued maternity use of the main roost; and an acceptable lighting plan will also to demonstrate appropriate unlit conditions where bat access points are proposed.**

Reason: To ensure the development will not have a detrimental impact on species

protected under UK and European Legislation.

INFORMATIVE:

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;
Recklessly disturb bats;
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Contacts:

English Nature 01206 796666
UK Bat Helpline 0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group 01992 581442

6 Condition 6 amended to:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:

Schedule 2 Part 1 Classes A, B, C, D, E, F & G.

Part 2 Classes A & B.

Reason: In order to control unrestricted extensions and works in the Green Belt in the interest of maintaining the openness in accordance with the NPPF and policy CS5 of the adopted Core Strategy. Permission was granted on balance due to the principle of previously developed land and very special circumstances, as such further enlargement or works through permitted development rights could harm the openness of the Green Belt.

7 **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:**

- (i) **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.

- 8 **Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the local planning authority.**

Reason: In the interests of highway safety and free and safe flow of traffic.

Highways Informative: All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway.

- 9 **The window at first floor level in the East elevation of the dwelling (House 01) hereby permitted shall be non opening to 1.7 m above finished floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents.

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

Site location plan
 331.(1).0.002
 331.(1).0.001A
 331.(1).0.205

331.(1).0.206
331.(1).0.207
331.(1).0.208
331.(1).0.209
331.(1).0.201
331.(1).0.202
331.(1).0.204
331.(1).0.203
331.(1).1.203 B
331.(1).1.101D
331.(1).1.001C
331.(1).1.202B
331.(1).1.102D
331.(1).1.103D
331.(1).1.104B
331.(1).1.105C
331.(1).1.201C
331.(1).2.201B
331.(1).2.202B
331.(1).2.203B
331.(1).2.204B
331.(1).2.101B
331.(1).2.102B
331.(1).2.103B
331.(1).2.104B
331.(1).3.101B
333.(1).3.102B
331.(1).3.103A
331.(1).3.104A
331.(1).3.201B
331.(1).3.202B
331.(1).3.203A
331.(1) 3.204A
331.(1).4.001
331.(1).4.002
331.(1).4.003
331.(1).4.004
331.(1).4.005
331.(1).4.006
331.(1).4.007
331.(1).4.202A
8443/02
Arboricultural Report
Design and Access Statement
Landscape and Visual Impact Assessment
Policy CS29 Checklist
Bat Building Assessment

Planning Statement
Engineering Statement
JI 1a
JI 2
Statutory Declaration of Mr J Ingles
Statutory Declaration of J Michael
Statutory Declaration of W Miko

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

Additional condition added:

Prior to occupation of the first occupied dwelling, all buildings, structures and hardstanding (including the swimming pool) shown for demolition on plan on page 24 of Appendix to Planning Submission August 2015 (Existing site plan to indicate building footprints and hard landscaping) shall be removed from the site (including materials) and land to be re-instated in accordance with details provided in accordance with condition 2. The development shall be maintained in accordance with approved scheme thereafter.

Reason: In order to control unrestricted sprawl of development in the Green Belt in accordance with the NPPF and policy CS5 of the adopted Core Strategy.

Councillor Riddick left the meeting at 9.43pm and therefore did not vote in the rest of the items.

56 ITEM 5.06 4/02453/15/FHA - 257 HIGH STREET, BERKHAMSTED, HP4 1AB

Councillor Matthews declared a personal interest as the Director of the applicant's company is known to him and therefore took no part in the discussion or voting thereon.

T Rennie introduced the item on behalf of the relevant case officer. She advised that the application was before the committee due to contrary views of Berkhamsted Town Council.

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

Vote:

For: 9, Against: 1, Abstained: 3

Resolved:

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

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

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

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

257HSBLoft/1

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

- 3 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings .**

Reason: In the interests of the visual amenities of the Conservation Area.

57 ITEM 5.07 4/02771/15/FHA - 12 NASH CLOSE, BERKHAMSTED, HP4 1FB

P Stanley introduced the item on behalf of the relevant case officer. He advised that this application was before the committee due to the contrary views of Berkhamsted Town Council.

Alain Oregioni spoke in support of this application.

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

Vote:

For: 11, Against: 1, Abstained: 1

Resolved:

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

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

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

- 2 **Notwithstanding the details shown on the approved plans, the roof lights hereby permitted shall be flush fitting conservation style.**

Reason: In the interests of the visual amenities of the surrounding estate in accordance with Policy CS11 of the Dacorum Core Strategy.

- 3 **The development hereby permitted shall be constructed in accordance with**

the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.

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

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

Site location plan
DD 7240.1 A. CL

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

58 ITEM 5.08 4/03047/15/LBC - 8 CASTLE STREET, BERKHAMSTED, HP4 2BQ

P Stanley introduced the item on behalf of the relevant case officer. It was referred to the committee because the applicant is an employee of Dacorum Borough Council.

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

Vote:

For: 12, Against: 0, Abstained: 1

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 **The internal works to replace a ground floor fireplace, modify the first roof rear bedroom ensuite and to board and insult the loft hereby approved shall be undertaken in accordance with the details and specification set out in the Design Access & Heritage Statement unless prior written agreement has been sought and given by the Local Plan Authority to vary works. Works shall then be carried out in accordance with the agreed changes.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy (September 2013).

- 3 **All new internal works and finishes and works of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any conditions attached to this consent.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy (September 2013).

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

**Design, Access & Heritage Statement,
Location Plan @ 1:1250,
Site Plan @ 1:200,
Drawing No.1 Floor Plans (mksurveys - project no. 21336)
Drawing No.2 Elevations (mksurveys - project no. 21336)
Drawing No.3 Elevations (cross-sections) (mksurveys - project no. 21336)
Drawing No.4 Elevations (cross-sections) (mksurveys - project no. 21336)
Drawing 001: Fireplace
Drawing 002: Shower
Drawing 003: Loft**

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.

59 APPEALS

The following reports were noted:

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

60 EXCLUSION OF THE PUBLIC

Resolved:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to an ongoing enforcement investigation and proposed action by the Council in connection with the investigation into an alleged breach in planning control, being also a criminal offence under Section 224 of the Town and Country Planning Act 1990. (LGA 1972 Schedule 12A Part 1 Paragraph 7 as amended by The Local Government (Access to Information) (Variation) Order 2006

61 PART 2 4/01368/15/ENA

The Meeting ended at 10.11 pm