
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

26 NOVEMBER 2015

Present:

MEMBERS:

Councillor D Collins (Chairman) Councillors, Birnie, Clark, Maddern, Matthews, Riddick, Ritchie, R Sutton, C Wyatt-Lowe, Fisher, Tindall, Bateman and Mills

Councillor Howard and G Sutton also attended

OFFICERS:

K Mogan (Member Support Officer), B Curtain (Lead Planning Officer), C Gaunt (Solicitor), P Newton (Planning Casework Team Leader) and J Reid (Assistant Team Leader - Development Management)

The meeting began at 7.00 pm

62 MINUTES

The minutes of the meeting held on 5 November 2015 were confirmed by the Members present and were then signed by the Chairman

63 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Guest, Councillor Whitman and Councillor Conway.

Councillor Mills substituted on behalf of Councillor Guest and Councillor Bateman substituted on behalf of Councillor Whitman.

64 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.

65 PLANNING APPLICATIONS

The Committee considered applications for planning permission as set out below and reached the decisions therein.

66 ITEM 5.01 - 4/03042/15/MOA LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD

Councillor Mills arrived at 7.04pm before the presentation of the item and was therefore able to take part in the discussion and voting thereon.

Councillor Tindall declared an interest on this application. Councillor Tindall declared that he had informal discussions with the applications and reserved his right to speak but not vote thereon.

C Gaunt clarified to the members that this land is currently owned by Dacorum Borough Council as there was previous confusion with regards to land ownership.

The item was introduced by J Reid as the relevant case officer and advised the committee that this application has come before the committee because the land is currently owned by Dacorum Borough Council. J Reid said that a previous scheme was proposed but was refused at the Development Control Committee earlier this year. There were three reasons for refusal which have now been rectified and deemed acceptable by the various agencies.

Mr C Watts spoke in support of this application on behalf of the Paper Mill Trust.

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

Vote

For – 8, Against – 0, Abstained – 4

Resolved:

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the expiry of the neighbour notification period and completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

100% affordable housing provision and tenure

67 ITEM 5.02 - 4/02699/15/FUL MOSSHALL FARM, NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED, HP4 1PE

P Newton introduced the report on behalf of the relevant case officer. He stated that the application was before the committee due to the contrary views of Little Gaddesden Parish Council who had concerns over the design of the dwelling.

Mr C Higenbottam spoke in support of the application.

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

Vote

For – 11, Against – 1, Abstained – 1

Resolved:

That planning permission be **GRANTED** as per the published report plus 2 additional conditions:-

- The existing frontage hedging and trees shall be protected during construction and shall thereafter be retained.

Reason: To accord with Policy CS12, CS24 and CS25 and to preserve the character and the beauty of the Chilterns AONB.

- The existing house shown dotted on Drawing D1468.2C shall be permanently removed from the site prior to the occupation of the dwelling hereby approved.

Reason: For the avoidance of doubt, in the interests of residential amenity and to avoid inappropriate development in the Rural Area.

68 ITEM 5.03 - 4/03034/15/FHA HOLLOW HEDGE, HOLLY HEDGES LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PE

Councillor Riddick declared a personal interest in this application. Councillor Riddick stated he had discussions with the applicant's neighbour and would therefore not be taking part in the discussion or voting thereon.

B Curtain introduced the report on behalf of the relevant case officer. The application is referred to the Development Control Committee due to the contrary views of Bovington Parish Council as they feel this is inappropriate development in the Green Belt. B Curtain also stated that this application is asking for retrospective planning permission as the shed and gates have already been constructed.

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

Vote

For – 11, Against – 0, Abstained - 1

Resolved:

That the report be **DEFERRED** to provide further information regarding enforcement investigations, details of how the building is currently being used and details regarding the hardstanding/associated drainage and whether it falls within permitted development limits.

69 ITEM 5.04 - 4/03768/15/FUL LAND ADJ TO THE OLD FORGE, 54 HIGH STREET, TRING, HP23

B Curtain introduced the report on behalf of the relevant case officer. It was brought to the committee's attention that the Parish Council have not objected to the application and this was a misprint in the agenda. It has been referred to the committee as Dacorum Borough Council owns the land.

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 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 boundary treatment hereby permitted shall match in size, colour and materials as those used on the existing boundary treatment.**

Reason: To ensure a satisfactory appearance to the development and to accord with Policy CS12 of the Dacorum Borough Core Strategy.

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

Site Location Plan - no reference (received 06-Oct-2015)

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

Article 35 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) Order 2015.

70 ITEM 5.05 - 4/03276/15/FUL FORMER PUMPING STATION ADJ GARAGES AT CLAYMORE, HEMEL HEMPSTEAD, HERTS, HP2 6LT

B Curtain introduced the report on behalf of the relevant case officer. The application is before the committee as Dacorum Borough Council owns the land. B Curtain stated that the access would not be 24 hours if a change of use is granted.

It was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Birnie 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 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:**

Existing and Proposed Floor Plan - no reference (received 17-Nov-15)

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

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 2012.

- 71 **ITEM 5.06, 5.07 AND 5.08 - 4/02616/15/FUL, 4/02596/15/ADV AND 4/02575/15/LBC 99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG**

Councillor C Wyatt-Lowe left the room at 8.16pm and did not return until 8.19pm so took no part in the discussion or voting of the next three items

B Curtain introduced the report as the relevant case officer. It was stated that the proposal allowed for a change in the shop front, giving the opportunity to improve it to a more traditional shop front in keeping with the surrounding area. It has been referred to the committee due to the contrary views of Markyate Parish Council who are concerned about the narrow pavement. B Curtain stated that Herts Highways have not objected to the proposals and suggested that the benefits outweigh the risks as Markyate does not have a 24 hour ATM.

Parish Councillor D Coasby spoke in objection to this application.

It was proposed by Councillor R Sutton to grant the application in line with the officer's recommendation but this fell due to a lack of a seconder.

It was proposed by Councillor Mills and seconded by Councillor Ritchie that the officer's recommendation be overturned and the application be refused.

Vote

For – 10, Against – 1, Abstained - 1

Resolved:

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

The installation of an ATM in the position shown will result in the obstruction of the narrow footpath when in operation which would be prejudicial to pedestrian safety and contrary to Policies CS8 and CS12 of the adopted Core Strategy

4/02596/15/ADV - PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH WITHDRAWALS'

99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG

The committee were advised against deferring the application as this could run the possibility of appeal due to non-determination as this application is already over its deadline.

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

Vote

For – 8, Against – 1, Abstained – 3

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.

4/02575/15/LBC - PROPOSED INSTALLATION OF AN ATM AS A THROUGH GLASS INSTALLATION. GREEN ACRYLIC SIGN NON ILLUMINATED TO TOP OF ATM FASCIA WITH WHITE LETTERING 'CASHZONE FREE CASH WITHDRAWALS'

99 HIGH STREET, MARKYATE, ST ALBANS, AL3 8JG

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

Vote

For – 8, Against – 1, Abstained – 3

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. **Notwithstanding any details submitted, no works shall take place until a 1:20 plan of the shopfront (including profiles at 1:1 scale of the mouldings for the following: timber mullions / transom, panel mouldings to pilasters, console and stallriser; cornice profile) and details of the paint colours shall have been submitted to and approved in writing by the local planning authority.**

Reason: To preserve the character and appearance of the listed building in compliance with Policy CS27 of the Dacorum Core Strategy September 2013 and saved Policy 119 of the Dacorum Borough Local Plan 1991-2011.

Strategy

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

E016668 Rev 3

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

72 APPEALS

1. Lodged
2. Forthcoming inquiries
3. Allowed

Councillor D Collins questioned that last sentence as it was incomplete in the agenda.

P Newton said that this should say “appellant’s claim for costs was dismissed”.

73 PART 2 - BREACH OF PLANNING CONTROL

Full details are in the Part 2 minutes

The Meeting ended at 8.45 pm