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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT CONTROL**

**14 JANUARY 2016**

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Present:

**MEMBERS:**

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

Councillor G Sutton and Douris also attended

**OFFICERS:**

K Mogan (Member Support Officer), P Newton (Planning Casework Team Leader), M Stickley (Planning Officer), R Marber (Planning Officer), E Palmer (Planning Officer), Seed (Lead Planner), Herbert (Assistant Team Leader - Development Management), N Gibbs (Lead Planning Officer), J Doe (Assistant Director - Planning and Regeneration) and S Baker (Assistant Director - Chief Executive's Unit)

The meeting began at 7.00 pm

**171 MINUTES**

The minutes of the meeting held on 17 December 2015 were confirmed by the Members present and were then signed by the Chairman.

**172 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor C Wyatt-Lowe and Councillor Tindall.

Councillor Bateman substituted on behalf of Councillor C Wyatt-Lowe.

**173 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

**174 PUBLIC PARTICIPATION**

Councillor D Collins reminded the members and public about the rules regarding public participation.

**175 4/03329/15/FUL 104 HIGH STREET, BERKHAMSTED, HP4 2BL**

Councillor Matthews declared an interest on this application. Councillor Matthews declared that he had asked Enforcement to investigate and has had informal discussions with the objectors speaking. He reserved his right to speak and vote thereon.

J Seed introduced the report and stated that it has been brought to committee because of the contrary views of Berkhamsted Town Council.

Mr Wright and Mr Hickford spoke in support of the application as the Director and licence holder of the shop. They did not feel they were direct competitors to the Rising Sun pub or the Gatsby and emphasised they were not a pub but a specialist beer retailer. A high percentage of their sales are products that are consumed off site.

Mr Grainger and Mr Wilkes from the Rising Sun pub spoke in objection to this application stating they did not feel the reclassification of the site was appropriate.

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

Vote

For: 5                  Against: 7                  Abstained: 1

Having there been no majority to grant this application in line with the officer's recommendation, it was proposed by Councillor Birnie and seconded by Councillor Matthews that the officer's decision be overturned and the application be refused.

Vote

For: 7                  Against: 4                  Abstained: 2

Resolved:

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

- The Council considers the building will have inadequate access for all users (particularly disabled access) for the proposed use and will therefore be contrary to Policy CS12 (a) of the Core Strategy.
- In addition it is considered the proposed use is likely to result in noise disturbance and a loss of residential amenity to neighbouring properties contrary to Policy CS12(c).

**176                  4/03011/15/FUL - FORMER SALVATION ARMY HALL, ALBERT STREET, TRING, HP23 6AU**

M Stickley introduced the report and advised members it had been brought to committee due to the contrary views of Tring Town Council. The case officer highlighted that no external changes would be made and there would be some slight internal changes – mainly the locker room turning into a reception area. It was brought to the attention of members that other uses of this building could cause more parking issues.

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

Vote

For: 9                  Against: 3                  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 premises shall only be open to customers between 7.30am-9.30pm on Mondays to Fridays, 9am-4pm on Saturdays, and 10am-4pm on Sundays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and to accord with Policy CS12 of the Core Strategy.

- 3        **No development shall take place until full details of the proposed bicycle storage shall have been submitted to and approved in writing by the local planning authority. The approved bicycle storage facilities shall be provided prior to commencement of the use hereby approved.**

Reason: To provide a safe and secure means of storage for bicycle users and to enable sustainable transport to the site in accordance with Policy CS8 of the Dacorum Borough Core Strategy.

- 4        **The development hereby permitted shall be carried out in accordance with the approved travel plan.**

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 at the pre-application stage and during the determination process 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.

**177            4/02495/15/FHA - 42 HIGHBARNS, HEMEL HEMPSTEAD, HP3 8AF**

Councillor Maddern declared a personal interest in this item and left the Chamber for the discussion and vote.

N Gibbs introduced the report and advised that it had come before the committee due to it being called-in by Ward Councillor Jan Maddern. N Gibbs advised that the officer recommendation is for refusal.

Louise Gross and Lisa Bayley spoke in objection to the application.

Zoe Hurst spoke in support of the application.

Councillor Whitman questioned the stability of the land around Highbarns.

S Baker clarified that an independent study had been carried out and work has been remediated and the risk of further collapse has been substantially removed.

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

Vote

For: 5            Against: 6            Abstained: 1

Having there been no majority to grant this application in line with the officer's recommendation, it was proposed by Councillor Whitman and seconded by Councillor Ritchie that the officer's decision be overturned and the application be granted.

Vote

For: 6            Against: 5            Abstained: 1

Resolved:

Officer's recommendation overturned – application **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 and to accord with Policy CS12 of the Core Strategy.
3. **The development hereby permitted shall be carried out in accordance with the following approved plans:3505-220B**  
Reason: For the avoidance of doubt and in the interests of proper planning.
4. **The development hereby permitted shall be carried out in accordance with**

**the principles of sustainable design and construction of Policy CS 29 of Dacorum Core Strategy.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS 29 of Dacorum Core Strategy.

INFORMATIVE:

Carrying Out Development in the High Barns Chalk Mines Area and Land Stability

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

In granting planning permission the local planning authority has fully taken into account the recent geotechnical reports regarding land stability.

**178            4/03795/15/ADV - ABBOTS HILL SCHOOL, BUNKERS LANE, HEMEL HEMPSTEAD, HP3 8RP**

J Seed introduced the report and said it had come to committee due to the contrary views of Nash Mills Parish Council who feel if granted; it may set a precedent for the future.

A condition if the application is granted the owner must remove the already existing sign before erecting the new one.

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

Vote

For: 10            Against: 2            Abstained: 1

Resolved:

That planning permission be **GRANTED** as per the published report with additional following condition:

**Prior to the erection of the advertisement hereby permitted, the existing Abbots School signage and all fixtures and fittings which are located on the fence adjacent to the application site will be removed**

Reason: To minimise the cumulative visual impact of site advertising in accordance with Saved Policy 112 of the Dacorum Borough Local Plan.

**179            4/02055/15/FUL - BLACKSMITH YARD COTTAGE, RIVER HILL, FLAMSTED, ST ALBANS, AL3 8BY**

E Palmer introduced the report and said this application is referred to the Development Control Committee due to the contrary views of Flamsted Parish Council. E Palmer stated that she had added an extra condition under condition 9.

Mr Brooker spoke in objection to this application.

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

Vote

For: 6            Against: 4            Abstained: 3

Resolved:

That planning permission be **GRANTED** as per the published report and subject to the following amendment to condition 9:

**The applicant should submit a construction management plan stating how the existing dwelling will be demolished and demonstrating how all deliveries to the site, trades personnel can be accommodated on site with causing unnecessary delays or obstruction of the adjacent highway and public right of way. This plan must be approved in writing by the Local Planning Authority and then carried out in accordance with the approved details.**

Reason: In the interests of Highway safety and to accord with policies CS12 and CS29 of the Core Strategy.

**180            4/03728/15/FHA - 4 CANGELS CLOSE, HEMEL HEMPSTEAD, HP1 1NJ**

E Palmer introduced the report and said it was in front of the committee as the applicants are employees of Dacorum Borough Council.

It was proposed by Councillor Matthews 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 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 and to comply with Core Strategy Policy CS 11 and 12.

- 3 **Notwithstanding the details shown on the approved plans the new window at first floor level in the rear elevation of the extension hereby permitted shall be top hung and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents and to Comply with Core Strategy Policies 11 and 12.

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

CIL

Drawing No. 01 Rev A

Drawing No. 02 Rev A

Drawing No. 03 Rev A

Drawing No. 04 Rev A

Drawing No. 05

Drawing No. 10 Rev F

Drawing No. 13 Rev E

Drawing No. 14

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) Order 2015.

Highway Informatives:

Storage of materials AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Obstruction of the highway AN2) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway AN3) 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 is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

**181            4/03474/15/FUL - 12 SINGLETS LANE, FLAMSTED, ST ALBANS, AL3 8EP**

R Marber introduced the report and advised that it had come to committee due to the contrary views of Flamsted Parish Council.

Abi Purser spoke in support of the application.

Parish Councillor Julian Taunton spoke in objection to this application.

Joanne Binns spoke in objection to this application.

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

Vote

For: 3            Against: 8            Abstained: 2

Having there been no majority to grant this application in line with the officer's recommendation, it was proposed by Councillor Birnie and seconded by Councillor Maddern that the officer's decision be overturned and the application be refused.

Vote

For: 8            Against: 2            Abstained: 3

Resolved

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

- The Council is not satisfied that the proposed development is a local facility meeting the needs of the village. The proposal therefore constitutes inappropriate development conflicting with policies CS5 and CS6(f) of the Core Strategy 2013.

In addition it is considered the proposal which is sited close to residential properties is likely to result in a loss of amenity to neighbours by way of noise disturbance. The proposal therefore conflicts with Policy CS12 (c) and (g) of the Core Strategy 2013

**182            4/02278/15/FHA - 6 KILN CLOSE, POTTEN END, BERKHAMSTED, HP4  
2PX**

Councillor Ritchie declared a personal interest that he knew one of the objectors speaking but he reserved his right to speak and vote thereon.

M Stickley introduced the report and it has been referred to committee because of the contrary views of Nettleden with Potten End Parish Council.

Ms Eades and Mrs Hurst spoke in objection to this application.

Councillor Douris in his role as Ward Councillor spoke in objection to this application.

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

Vote

For: 3            Against: 9            Abstained: 1

Councillor Whitman left the room at 10.09pm so took no part in the voting for the motion to refuse.

Having there been no majority to grant this application in line with the officer's recommendation, it was proposed by Councillor Conway and seconded by Councillor Ritchie that the officer's decision be overturned and the application be refused.

Vote

For: 8            Against: 3            Abstained: 1

Resolved

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

- The proposed fence by virtue of its height and position will appear visually prominent and harmful to the character and appearance of the streetscene. The proposal will therefore not be sympathetic to the local character and landscaping of the surrounding area and will therefore conflict with Policies CS6, CS11 and CS12.

Councillor Whitman returned at 10.11pm

**183            4/03560/15/FHA - 1 DOCTORS COMMONS ROAD, BERKHAMSTED, HP4  
3DW**

R Marber introduced the report and said it had been referred to committee due to the contrary views of Berkhamsted Town Council.

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

Vote

For: 8                  Against: 3                  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        **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: In the interests of the visual amenities of the Berkhamsted Conservation Area; in accordance with policy CS12 and CS27 of the Core Strategy (2013) and saved policy 120 of the Local Plan (1991).

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

100 A  
101 A  
200 C  
201 A

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) (England) (Amendment No. 2) Order 2015.

## 5BS

M Stickley introduced the report and said it had been referred to committee as the land is owned by Dacorum Borough Council.

Mr Hale spoke in support of the application.

It was proposed by Councillor Birnie and seconded by Councillor Fisher 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      **No development shall take place until full details of the on-site surface water drainage mechanisms have been submitted to and approved in writing by the Local Planning Authority. Drainage shall be carried out in accordance with the approved details prior to use.**

Reason: To ensure the satisfactory disposal of surface water in accordance with Policy CS31 of the Dacorum Borough Core Strategy.

- 3      **The car parking spaces shall have minimum dimensions of 2.4m by 4.8m. Such spaces shall be maintained as a permanent ancillary to the development and shall be used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking in order to minimise the impact on the safe and efficient operation of the adjacent highway in accordance with Policy CS8 (h) and CS12 (b) of the Dacorum Borough Core Strategy.

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

### **AH01**

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) (England) (Amendment No. 2) Order 2012.

### **Highways Informatives:**

The Highway Authority require the construction of or alterations to the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the Mid West Hertfordshire Highways Area Office (Telephone 01727 816000) to arrange this.

#### Advisory Note 1:

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Advisory Note 2:

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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

### **185            4/02493/15/RET - CUPID GREEN DEPOT, REDBOURN ROAD, HEMEL HEMPSTEAD, HP2 7AZ**

R Herbert introduced the report and said it had been referred to the committee as the land is owned by Dacorum Borough Council. If approved, the structures would only be erected for two years.

It was proposed by Councillor Whitman 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. **This permission is for a limited period of two years, expiring on the 14/01/18, by which time the temporary waste storage structures hereby permitted shall have been removed.**

Reason: To safeguard and maintain the strategic policies of the local planning authority as expressed in the Dacorum Borough Core Strategy and saved policies of the Dacorum Borough Local Plan and for the avoidance of doubt.

## Article 35 Statement

Planning permission/advertisement consent/listed building consent 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.

## **186          APPEALS**

The following reports were noted:

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

The Meeting ended at 10.25 pm