
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

25 FEBRUARY 2016

Present:

MEMBERS:

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

Councillor Barnes and G Sutton also attended

OFFICERS:

T Amlak (Senior Planning Officer), N Gibbs (Lead Planning Officer), Herbert (Assistant Team Leader - Development Management), K Mogan (Member Support Officer), E Palmer (Planning Officer), Seed (Lead Planner), S Whelan (Group Manager - Development Management and Planning) and Gabriel (Planning Officer)

The meeting began at 7.00 pm

200 MINUTES

The minutes of the meeting held on 04 February 2016 were confirmed by the Members present and were then signed by the Chairman.

201 APOLOGIES FOR ABSENCE

Apologies were received from Councillor R Sutton, Conway and Tindall.

Councillor Mills substituted on behalf of Councillor R Sutton.

202 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.

203 PUBLIC PARTICIPATION

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

204 4/03072/15/MFA - BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ

R Herbert introduced the report and explained to the committee that this was a hybrid application which meant it is both a full and outline planning application. The outline application relates to the residential proposal and the full planning application is for the demolition of existing buildings and redevelopment of the site.

This is a new proposal from the ones previously refused on this site and the applicant has engaged proactively to achieve a mutually acceptable scheme.

Hannah Smith (agent) and Michael Pritchard (Bourne End Residents Association) spoke in support of the application.

It was proposed by Councillor Birnie and seconded by Councillor Maddern to delegate to the Group Manager with a view to approve once the unilateral undertaking has been agreed.

Vote

For: 12 Against: 0 Abstained: 0

Resolved

That planning permission be delegated to the Group Manager with a view to approve once the unilateral undertaking has been agreed 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 Application(s) for approval of reserved matters (namely layout, appearance, scale and landscaping) shall be made no later than three years beginning with the date of this permission and the development shall be commenced not later than 2 years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990 and to ensure that there will be no greater impact on the Green Belt

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

Proposed Demolition and Party Wall Elevation (3860-36-A);
Existing and Proposed Site Sections (3860-33-A);
Proposed Site Layout Employment (3860-37-A);
External Finished to Employment (3860-39-A);
Units 1+2 Floorplans (3860-50-A);
Units 1+2 Elevations (3860-51-A);

Units 1+2 Sections (3860-52-A);
Units 1+2 Roof Plan (3860-53-B);
Units 3+4 Floorplans (3860-60-A);
Units 3+4 Elevations (3860-61-A);
Units 3+4 Sections (3860-62-A);
Units 3+4 Roof Plan (3860-63-B);
Unit 5 Floorplans (3860-70-A);
Unit 5 Elevations (3860-71-A);
Unit 5 Sections (3860-72-A); and
Unit 5 Roof Plan (3860-73-A).
Street Furniture (RF15-249 D01);
General Arrangement (RF15-249 L01D);
Planting Strategy (RF15-249 L02D);
Site Sections 1 of 2 (RF15-249 L04B);

Site Sections 2 of 2 (RF15-249 L05B); and
ITM10013-GA-032 Rev B
Phasing Plan 3860-07 C

Design and Access Statement

Transport Assessment

Employment Framework Travel Plan

Residential Framework Travel Plan

Bat Survey Badger and Nesting Bird Survey

Flood Risk Assessment and Drainage Strategy

Landscape Assessment

CS29 Checklist

CPLAN Sustainability Statement

CPLAN Energy Statement

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

- 4 **The development hereby approved should be carried out in accordance with the approved phasing plan 3860-07 C unless varied with the prior written approval of the Local Planning Authority. The Phasing Plan defines the following Phases:**

- Phase 1: site preparation and demolition 1
- Phase 2: construction of employment units
- Phase 3: site preparation and demolition 2
- Phase 4: construction of residential units

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

- 5 **No relevant Phase shall commence until a plan defining the extent and timing of that phase is first submitted and approved by the Local Planning Authority.**

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

- 6 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the employment units 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.

- 7 **The employment scheme shall be constructed in accordance with those details set out within the approved Flood Risk Assessment (October 2015) namely:**

- **Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;**
- **Providing attenuation measures to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;**
- **Implementing those SuDS measures set out on illustrative drawing S1256-Ext-02F dated 03 July 2015;**
- **The discharge of surface water Drainage into the deculverted Bourne Gutter.**

The above measures should be fully implemented prior to occupation of the employment units.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 8 **Construction of the residential units shall not commence until the following**

details are first provided and approved in writing with the Local Planning Authority in general accordance with the principles set out in the approved Flood Risk Assessment (October 2015):

- Means by which to limit the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
- Attenuation measures to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;
- Appropriate SuDS measures in accordance with the principles set out on illustrative drawing S1256-Ext-02F dated 03 July 2015;
- A drainage strategy based on attenuation and discharge into the Bourne Gutter and those principles set out in the Flood Risk Assessment.

The approved details should be fully implemented prior to occupation of the residential units.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 9 **Prior to the commencement of any phase of the development hereby permitted details of how the proposed drainage scheme for that Phase is to be maintained and managed after completion shall be provided and agreed with the Local Planning Authority. The drainage scheme shall thereafter be maintained and managed fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 10 **The cladding to Unit 5 of the employment scheme hereby approved (as shown on Proposed Site Layout Employment (3860-37-A)) shall be of an acoustic performance of Rw 45 dB.**

Reason: To prevent potential noise nuisance from the proposed employment units and causing noise nuisance to adjacent properties.

- 11 **A landscape management plan for each relevant phase of the development hereby approved, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of any phase of the development for its permitted use. The landscape management plan shall be**

carried out as approved.

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the immediate area and to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

- 12 **No relevant Phase shall be occupied until information on the number and position of fire hydrants relevant to that Phase are submitted to and approved in writing with the Local Planning Authority. The relevant details shall include information on how the hydrants will be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The scheme(s) shall be implemented prior to occupation of the relevant Phase.**

Reason: In the interests of health and safety.

- 13 **No relevant Phase of the development hereby approved shall be occupied until a scheme for the management of operational waste for that Phase has first been submitted to and agreed with the Local Planning Authority. The scheme(s) shall be implemented in accordance with the approved details.**

Reason: to ensure the safe operation of the development.

- 14 **No relevant Phase of the development hereby approved shall be occupied until details of the required highway improvement works relevant to that Phase, have been implemented in accordance with a scheme to be first approved in writing by the Local Planning Authority in consultation with the Highway Authority. These highway works referred to above include:**

- (i) the closing off of access into the site from Bourne End Lane;**
- (ii) the means of preventing vehicular access between Bourne End and Upper Bourne End Lane;**
- (iii) the provision of traffic calming measures along Upper Bourne End Lane.**

Reason: In the interests of highway safety.

- 15 **No relevant Phase of the development hereby approved shall be occupied until the visibility splays shown on drawing ref ITM10013 – GA – 032 Rev B that are relevant to that Phase are provided.**

Reason: In the interests of highway safety.

- 16 **No relevant Phase of the development hereby permitted shall be occupied until details for the future management and maintenance of the proposed internal roads associated with that Phase are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The internal roads shall thereafter be maintained in accordance with**

the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

- 17 **No relevant Phase of the development hereby approved shall commence until a scheme of on-site parking for construction workers relevant to that Phase is submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented throughout the construction period.**

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

- 18 **No relevant Phase of the development hereby permitted shall commence until a Construction Traffic Management Plan and Access Route relevant to that Phase (which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway) is submitted to and approved in writing with the Local Planning Authority in consultation with Hertfordshire County Council Highway Authority together with proposals to control and manage construction traffic using the A41 and A4251.**

Reason: In the interests of maintaining highway efficiency and safety.

- 19 **No relevant Phase of the development hereby permitted shall commence until details of wheel cleaning facilities for construction vehicles relevant to that Phase are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: To prevent extraneous material being deposited on the highway.

- 20 **No employment unit shall be occupied until a Full Travel Plan relevant to that unit is submitted and agreed in writing with the Local Planning Authority in consultation with the Highway Authority. Each relevant Travel Plan should be in general accordance with the Framework Travel Plan for the employment scheme hereby approved.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 21 **No residential unit shall be occupied until a Full Travel Plan relating to the residential scheme is submitted and agreed in writing with the Local Planning Authority. The Travel Plan should be in general accordance with the Framework Travel Plan for the residential scheme hereby approved.**

Reason: To ensure that the development offers a wide range of travel choices to

reduce the impact of travel and transport on the environment.

- 22 **Prior to the commencement of any phase 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.

- 23 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 22 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

- 24 Details of any floodlighting on the employment element of the development hereby permitted shall be submitted to and approved in writing by the local planning authority before the use hereby committed commences. Development shall be carried out in accordance with the approved details.**

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

- 205 4/03344/15/MFA - LAND ADJ APSLEY MILL COTTAGE, STATIONERS PLACE, APSLEY, HEMEL HEMPSTEAD, HP3 9RH**

Application withdrawn from the agenda prior to committee meeting.

- 206 4/02275/15/ROC - HEMEL HEMPSTEAD TOWN FOOTBALL CLUB, VAUXHALL ROAD, HEMEL HEMPSTEAD, HP2 4HW**

N Gibbs introduced the report and said it had been brought to committee as it had been called in at the request of Councillor Tindall.

Councillors had concerns over the extended late hours and wanted to strike a balance between the needs of the community versus neighbour amenity.

The recommendation changed to delegate to the Group Manager to approve of 9am-11am opening hours but to discuss the extended evening hours with the applicant.

It was proposed by Councillor Ritchie and seconded by Councillor Maddern to grant the application in line with the new recommendation.

Vote

For: 11 Against: 1 Abstained: 0

Resolved

That planning permission be **GRANTED** with a view to approve the morning hours only and subject to the following conditions:

- 1 **The existing acoustic fence between the astroturf pitch and the rear gardens of the dwellings in Vauxhall Road shall be retained at all times.**

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy.

- 2 **The existing retractable net located between the astroturf pitch and the rear gardens in Vauxhall Road shall be retained at all times at its full height.**

Reason: In the interests of safeguarding at all times the residential amenity of the locality in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 3 **The existing floodlighting shall be maintained with at all times fully in accordance with the Training Area Rev 4 and Rev 4 Spillage Charts dated 15 July 2010 details and including the lower level of luminance shown by Document 5 Rev 4 Parts 3.2 and 3.3 when the astroturf pitch floodlighting shall only be used for five-a-side football or local community recreational football.**

Reason: In the interests of safeguarding the residential amenity of the area and the local environment in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 4 **The existing car park shall be retained at all times fully in accordance with Drawing No 275-6-6 Rev C and shall only be used for the approved purposes. Before the accommodation block hereby permitted is first brought into use, the fire access, arrangements for access for persons with disabilities (for both the main pitch through the relocated turnstile and the accommodation block) and the disabled parking spaces shown by Drawing No. 275-6-6 Rev C shall be provided at all times.**

Reason: To ensure that there is an acceptable parking layout serving the site with due regard to the need to provide safe fire/emergency access and for persons with disabilities in accordance with the requirements of Policies CBS 8 and CS12 of the Dacorum Core Strategy.

- 5 **Within 6 months of the date of this permission a Green Travel Plan shall be submitted to the local planning authority for its approval in writing. The Travel Plan shall provide details of measures for reducing car dependency and the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. The approved Travel Plan shall then be implemented in accordance with the approved details within 3 months of the date of its approval in writing by the local planning authority.**

The Travel Plan shall then be operated for at least 1 year from the date of its first implementation. During this period the effectiveness of the Travel Plan shall be monitored by the operator. At the end of this period the monitoring results shall be submitted to the local planning authority in writing and the Green Travel Plan shall be maintained at all times unless otherwise agreed in writing by the local planning authority.

Reason: To accord with the principles of sustainable transportation in accordance with Policy CS8 of the Dacorum Core Strategy.

- 6 The existing hedge on the south western side of the site shall be retained at all times.**

Reason: In the interests of visual amenity and biodiversity In accordance with in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 7 No development shall take place upon the construction of the two storey accommodation block hereby permitted until samples of the details proposed to be used on the external walls and roofs shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure that the extended building complements the existing character and appearance of the area to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 8 Two bat boxes and two nesting boxes for birds shall be installed on the rear elevation of the accommodation block hereby permitted before its first use and shall be thereafter retained at all times.**

Reason: In the interests of biodiversity in accordance with the requirements of Policy CS29 of the Dacorum Core Strategy.

- 9 Prior to the commencement of the two storey accommodation block development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and water conservation shall be 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: In the interests of sustainable construction to accord with the requirements of Policy CS29 of the Dacorum Core Strategy.

- 10 All surface water shall be attenuated by soakaways.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development to accord with the requirements of Policies CS29, CS31 and CS32 of the Dacorum Core Strategy.

- 11 **All the high level windows for the disabled toilet and showers serving the changing room hereby permitted shall be fitted with obscure glass at all times.**

Reason: In the interests of amenity in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 12 **Any new exterior lighting for the accommodation block hereby permitted and the car park shall only be installed fully in accordance with details submitted to and approved in writing by the local planning authority and thereafter retained and maintained fully in accordance with the approved details.**

Reason To safeguard the local environment in accordance with the requirements of Policies CS12 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 13 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

275- 6-4 Rev E, 275-6-1 Rev A (Location Plan), 275-6-5 Rev A (Indicative Layout)

275-6-08 (3) Rev A, 275-6-6 Rev C , HHFCTR/1, 275-6-3 Rev E, 275-6-4 Rev E HHTFC/03 Rev A, HHTFC/02 Rev A, HHTFC/04 and HHTFC/05 Rev A

Lighting Drawings Rev 4 and Rev 4 Spillage Charts dated 15 July 2010) including the isolux contours within the gardens and dwellings of the adjoining dwelling houses.

Document 5 Rev 4 Parts 3.2 and 3.3 shall be provided when the astroturf floodlighting is only used for five-a-side football or local community recreational football.

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

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.

**207 4/03481/15/MFA - FLAUDEN HOUSE STABLES, FLAUDEN, HEMEL
HEMPSTEAD, HP3 0PW**

Councillor Riddick declared an interest in this item and left the room for the duration of the discussion and vote.

E Palmer introduced the report and said this was a resubmission from an application that was refused in August. It had come to the committee due to the contrary views of Flaunden Parish Council.

Chris Watts spoke in support of the application.

Parish Councillor Vivienne Adams and Ian McAleer spoke in objection to this application.

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

The members were concerned that there was no provision for storage of hay and equestrian equipment on the site. There was a concern that additional buildings would be required to maintain the use on site as two of the buildings were proposed to be converted to residential. The members asked for further information to be made available in order for them to assess the application.

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

Vote

For: 2 Against: 6 Abstained: 3

Having there been no majority to grant this application in line with the officer's recommendation, it was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Ritchie that the officer's decision be overturned and the application be deferred pending further discussions with the applicant.

Vote

For: 8 Against: 2 Abstained: 1

Resolved

That the application be **DEFERRED** to a future meeting of the Development Control Committee pending further discussions with the applicant and to reassure the committee the equestrian use would be rigorously pursued.

208 4/03985/15/ROC - 27 HALL PARK GATE, BERKHAMSTED, HP4 2NL

J Seed introduced the report and said it had been brought to committee due to the contrary views of Berkhamsted Town Council.

Garrick Stevens and Dawn Macey spoke in objection to this application.

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

Vote

For: 6 Against: 2 Abstained: 4

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 samples of the materials to be used in the construction of the external surfaces of the building hereby permitted 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 Core Strategy.

- 3 **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **proposed finished levels;**
- **means of enclosure;**
- **hard surfacing materials;**
- **proposed trees;**
- **shrubs; and**
- **hedgerow planting.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with policies CS11 and CS12 of the Core Strategy (20130).

- 4 **All hard and soft landscape works shall be carried out in accordance with the**

approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with policies CS11 and CS12 of the Core Strategy (2013).

5 In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

iii) No development shall take place and no equipment, machinery or materials shall be brought on to the site for the purposes of the development until (a) precise details and a specification of the fencing for the protection of any retained tree has been submitted to and approved in writing by the local planning authority; and (b) the erection of protective fencing has been undertaken in accordance with the approved details. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition or under the canopy of any tree to be retained and the ground levels within those areas shall not be altered without the written approval of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with saved policy 99 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

6 Prior to the commencement of development, details of a 2m x 2m pedestrian visibility splay at the access to house 2 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the building is occupied. Development shall be carried out in accordance with the approved details and the visibility splays shall thereafter be kept free of all obstructions over a height of 600mm above the adjacent footway level.

Reason: In the interests of highway safety.

7 Development shall be carried out in accordance with the approved parking layout plans and the car parking spaces shall be retained for this use thereafter.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle

parking facilities; in accordance with saved appendix 5 and policy 58 of the Local Plan (1991).

- 8 **None of the buildings shall be occupied until details for the disposal of surface water from the new and altered parking areas have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved before the buildings are occupied.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development; in accordance with policy CS12 and CS29 of the Core Strategy (2013).

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the new dwellings hereby permitted shall not be enlarged under the provisions of Schedule 2, Part 1, Class A of that order.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality; in accordance with policies CS11 and CS12 of the Core Strategy (2013).

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

1935/104C
1935/103C
1935/109A
1935/102D

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

- 209 4/04042/15/FUL - KINTAIL HOUSE, BOX LANE, HEMEL HEMPSTEAD, HP3 0DJ**

T Gabriel introduced the item and advised that it had been called in at the request of Councillor Riddick.

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

Vote

For: 7 Against: 2 Abstained: 3

Resolved

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

1 The hours of opening for the clinic shall be;

Tuesday 12.40pm - 6.20pm

Wednesday 9.00am - 3.00pm

Thursday 1.00pm - 7.00pm

Friday 9.00am - 4.00pm

Saturday 9.00am - 1.00pm

The clinic shall not operate on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and for the avoidance of doubt.

2 The permission hereby granted shall only refer to the rooms shaded pink on the ground floor plan of the dwelling submitted with the application.

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

3 The use hereby permitted shall be carried out only by Ms Lisa Greig as the owner of the property and the chiropractic clinic there and by no other named individual. In the event that Ms Lisa Greig is not the owner of the property, the part D1 business use of the site shall cease.

Reason: Permission would not normally be granted but regard has been paid to the particular circumstances of the applicant and the ancillary nature of the use.

210 4/03464/15/FUL - LAND REAR OF 126-132 GEORGE STREET, BERKHAMSTED, HP4 2EJ

T Amlak introduced the report and said it was brought to committee due to the contrary views of Berkhamsted Town Council and residents.

Charlotte O'Mahony (agent) spoke in support of the application.

Town Councillor Ian Reay spoke in objection to the application.

Nathan Holmes and Anna Franklin spoke in objection to the application.

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

Vote

For: 2 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 Ritchie and seconded by Councillor Matthews that the officer's decision be overturned and the application be refused.

Vote

For: 8 Against: 2 Abstained: 2

Resolved

That the planning application be **REFUSED** for the following reasons:

The proposed residential development, by virtue of its cramped appearance and inappropriate site layout is considered to be an overdevelopment of the site, which would be harmful to the character and appearance of the street scene and would fail to preserve or enhance the character and appearance of this part of the Berkhamsted Conservation Area. The proposal therefore fails to meet the requirements of Policies CS11, CS12 and CS27 of the Dacorum Core Strategy.

211 4/03729/15/FHA - 6 THE BEECHES, TRING, HP23 5NP

E Palmer introduced the report and said it had been brought to committee due to the contrary views of Tring Town Council.

Elizabeth Brinklow spoke in support of the application.

Ken Newell and Anna Gleig spoke in objection to this application.

One of the Councillors had walked up and down The Beeches and felt that despite there being some variety in the design and size of dwellings, the proposal would be large and prominent and therefore have an impact on the street scene.

Members were also concerned by the following:

- the proposal would be overbearing for both No. 7 and 5 The Beeches;
- the proposal would not be in character with the street scene;
- the proposal would result in a doubling in size of the dwelling;
- the proposal was not much smaller than the one previously refused.

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

Vote

For: 2 Against: 7 Abstained: 3

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

Vote

For: 8 Against: 0 Abstained: 4

Resolved

That planning permission be **REFUSED** for the following reason:

The proposed extensions fail to integrate with the streetscape character and fail to respect the adjoining properties in terms of scale, height and bulk. In addition the development will result in an overbearing impact on No. 5 and 7 The Beeches. The 6% reduction in scale from the last application is not sufficient. As such the development is contrary to Policy CS11 and CS12 of the Adopted Core Strategy and inappropriate in terms of the requirements of Appendix 3 of the saved Dacorum Borough Local Plan.

212 4/00082/16/FUL - WIXIES WOOD, MARLIN HILL, HASTOE, HP23 6LW

Councillor Ritchie declared a personal interest in this application as is knows the family of the applicant.

Councillor D Collins declared a personal interest in this application as a member of the Chiltern Conservation Board.

They both reserved their right to speak and vote thereon.

The item was introduced by T Gabriel who stated that it had been brought to committee due to the contrary views of Tring Town Council.

Adam Hall spoke in support of the application.

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

Vote

For: 9 Against: 1 Abstained: 2

Resolved

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

- 1 **Within one month of the date of this permission, a plan indicating a series of openings and their size to be made in the bottom of the fence shall be submitted to and approved in writing by the Local Planning Authority. These openings shall be inserted within two months of the date of their approval and retained as approved thereafter unless otherwise agreed in writing.**

Reason: To permit the movement of wildlife around and through the fence in the interests of their wellbeing and to accord with Policy CS26 of the Core Strategy.

213 APPEALS

The following appeals were noted:

1. Lodged
2. Dismissed
3. Allowed

S Whelan drew the members' attention to the appeal from Doctors Commons Road where costs were awarded against the Council as members failed to produce sufficient evidence to substantiate the reason for refusing permission.

The Meeting ended at 11.05 pm