
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

17 DECEMBER 2019

Present:

MEMBERS:

Councillor Guest (Chairman), Maddern, C Wyatt-Lowe (Vice-Chairman), Beauchamp, Durrant, McDowell, Uttley, Woolner, Hobson, R Sutton and Stevens

OFFICERS:

F Bogle (Team Leader - Development Management), R Freeman (Lead Planning Officer), Lecart, E Palmer (Planning Officer), Polden (Environmental Health Officer), Powell (Legal Officer), Robertson (Assistant Team Leader - Conservation) and Simmonds (Legal Governance Team Leader) and C Webber (Corporate & Democratic Support Officer)(Minutes)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 28 November were not yet confirmed by the Members present as they were still under review by planning officers.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Oguchi, Riddick and Symington.

Councillor Stevens substituted for Councillor Symington.

Councillor Durrant arrived at 7:13pm.

3 DECLARATIONS OF INTEREST

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

4 PUBLIC PARTICIPATION

Councillor Guest reminded Members and the public about the rules regarding public participation as follows:

For each application the officer presents the report to the Committee, then the participants from the public are called to speak. Following this, questions are taken from the Committee along with statements and comments for debate.

Items were heard in the following order: 5b, 5c, 5f, 5a, 5d, 5e, prioritising those items with public speakers on first.

5b 4/02033/19/FUL - Conversion of existing dwelling into two dwellings & development of two 3 bed dwellings - 39A Adeyfield Road Hemel Hempstead HP2 5DP

Councillor Durrant arrived at 7:13pm and, therefore, did not participate or vote on this item.

Robert Freeman introduced the report to Members on behalf of the Case Officer.

Michael Caldwell spoke in objection to the application.

Theo Naylor spoke in support of the application.

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

Vote:

For: 7

Against: 0

Abstained: 3

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

1. The development hereby permitted shall begin 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 above ground development shall take place until details of the materials to be used in the construction of the external surfaces of the semi-detached pair of dwellings hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. 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.

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 Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

4. No above ground development shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Hard surfacing materials;

Means of enclosure;

Bin storage facilities

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;

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. No development, other than the conversion works to the existing building shall take place until a Phase I Report to assess the actual or potential contamination at the site has been 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:

(i) 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.

(ii) 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.

(iii) 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

6. All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 above 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 178 and 180 of the National Planning Policy Framework (2019).

7. Prior to the occupation of the development hereby approved full details of fire hydrants and other measures to protect the development from fire will be submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. As there is insufficient access and turning facilities, a rising main or suppressing system must be installed for Plots 3 & 4. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details and thereafter maintained as such.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

8. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

NT/ADY/002
NT/ADY/003
NT/ADY/004
NT/ADY/005
NT/ADY/006
NT/ADY/007
NT/ADY/008

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

Informatives:

1. Planning permission/advertisement consent/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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

5c 4/02277/19/FUL - Install 13 parking bays on amenity land - Amenity Green Opp. 7 Elm Green Hemel Hempstead HP1 3PX

Councillor Guest declared a personal interest as it was in her ward. She said that she had been approached by the person speaking in objection but had given no view and had told them how to register to speak.

The Case Officer, Colin Lecart, introduced the report to Members.

Dr Robert Baker-Glenn spoke in objection to the application.

It was proposed by Councillor Stevens and seconded by Councillor Hobson to **GRANT** the application in line with the officer's recommendation.

Vote:

For: 6 Against: 4 Abstained: 1

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

1. The development hereby permitted shall begin 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/documents:
DBC/019/007

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

3. Before being brought in to use the new parking areas hereby approved shall be surfaced in porous paving or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately into a soakaway so that it does not discharge onto the highway.

Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety in accordance with Policy CS31 of the Core Strategy (2013).

4. No work (including site clearance) in relation to the development hereby approved shall be undertaken until full details setting out how retained trees shall be protected, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - o A scaled Tree Protection Plan showing the approved development layout and retained trees (surveyed in accordance with BS5837:2012), to include their accurate crown spreads and root protection areas (RPAs).
 - o The position and specification of tree protection fencing in accordance with BS5837:2012 (as applicable).
 - o The position and specification of ground protection in accordance with BS5837:2012 (as applicable).

There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed.

The works must then be carried out according to the approved details.

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 170 of the National Planning Policy Framework (2019).

Informatives:

1. Planning permission 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

5f 4/00718/19/FUL - Change of use from agricultural land to dog walking paddock with associated car parking and new vehicle crossover. - Land South The Brambles, Flaunden Lane, Bovington

The Case Officer, Elspeth Palmer, introduced the report to Members.

Alan Wrigley spoke in objection to the application.

David Carroll spoke in support of the application.

It was proposed by Councillor McDowell and seconded by Councillor Durrant to **GRANT** the application in line with the officer's recommendation.

Vote:

For: 10

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 dog walking paddock shall only be open to customers between 8am – 4pm weekdays and weekends in Winter and 8am – 6pm in the Summer.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and to comply with CS12.

3. Within 4 months of this planning permission the vehicular access shall be provided, the construction of such works to be undertaken to the Highway Authority satisfaction and specification, and by a contractor who is authorised to work in the public highway. The vehicular access thereafter shall be retained at the position shown on the approved plan drawing number 1852-001_BOUND[2654] Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

4. Within 4 months of this planning permission visibility splay (shown on the approved plan drawing number 1852-001_BOUND[2654]) measuring 2.4 x 66 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

5. Within 4 months of the date of this planning permission any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards set back and thereafter retained a minimum distance of 5.5 metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Core Strategy Policy 12.

6. The maximum number of dogs to use the approved dog walking paddock at any one time is 4.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and to comply with CS12.

7. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

location and site plan

visibility splays Drawing No. 1852-001_BOUND[2654]

proposed car parking area

Environmental Noise Survey Prepared by AAD Applied Acoustic Design on 4th September, 2019

Design and access statement revision A

CIL

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informatives:

Informatives HCC as Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

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 <https://www.hertfordshire.gov.uk/services/highways-roads->

[and-pavements/business-and-developer-information/business-licences/business-licences.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx) or by telephoning 0300 1234047.

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

5a 19/02543/FHA - Rear ground floor single storey extension with internal modifications, dormer roof extension with new internal staircase. - 40 Elizabeth II Avenue Berkhamsted Hertfordshire HP4 3BF

Councillor Stevens declared his interest in this item and said that he is the Chair of the Town Planning Committee. He, therefore, did not participate or vote on this item.

The Case Officer, Robert Freeman, introduced the report to Members.

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor Beauchamp to **GRANT** the application in line with the officer's recommendation.

Vote:

For: 7 Against: 2 Abstained: 1

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

1. The development hereby permitted shall begin 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 development hereby permitted shall be provided in accordance with those specified on drawings:

TWS-1904-00-30 Revision 01

TWS-1904-00-31 Revision 01

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

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

TWS-1904-00-30 Revision 01 and TWS-1904-00-31 Revision 01

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

**5d & e 4/02266/19/FHA & 4/02267/19/LBC - Retention of existing shed in Garden.
- 65 St Johns Road Hemel Hempstead HP1 1QQ**

Councillors from the Liberal Democrat Group declared that they know the Councillor whose application this was personally but that it had not been discussed and that they would be approaching the application with an open mind.

The Case Officer, Neil Robertson, introduced the report to Members.

It was proposed by Councillor Durrant and seconded by Councillor Maddern to **GRANT** the application, both planning permission and Listed Building Consent in line with the officer's recommendation.

Vote:

For: 8

Against: 0

Abstained: 3

Resolved: That planning permission and Listed Building Consent be **GRANTED**.

6 APPEALS

That the following appeals were noted:

- A. LODGED**
- B. WITHDRAWN**
- C. FORTHCOMING INQUIRIES**
- D. FORTHCOMING HEARINGS**
- E. DISMISSED**
- F. ALLOWED**

The Meeting ended at 8.39 pm