
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

26 MAY 2016

Present:

MEMBERS:

Councillor D Collins (Chairman) Councillors, Birnie, Clark, Conway, Imarni, Maddern, Matthews, Riddick, Ritchie, Whitman, C Wyatt-Lowe, Fisher, Tindall and P Hearn

Councillor G Sutton also attended

OFFICERS:

K Mogan (Member Support Officer), C Gaunt (Solicitor), N Gibbs (Lead Planning Officer), Herbert (Assistant Team Leader - Development Management), R Marber (Planning Officer), A Parrish (Lead Planning Officer), P Stanley (Development Management Team Leader), S Whelan (Group Manager - Development Management and Planning) and Keen (Planning Officer)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 28 April 2016 were confirmed by the Members present and were then signed by the Chairman.

2 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Guest. Councillor P Hearn substituted on behalf of Councillor Guest.

The Chairman thanked Councillor R Sutton for her work on the committee for the past year and welcomed Councillor Imarni as a new member of the committee.

3 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.

4 PUBLIC PARTICIPATION

The Chairman also reminded the members and public about the rules regarding public participation.

5 **4/02930/15/FUL - THE CROWN, 145 HIGH STREET, BERKHAMSTED, HP4 3HH**

N Gibbs introduced the report to the committee and reminded members that this item was deferred at the last meeting in order for a representative from Weatherspoons to attend and answer the committee's queries. N Gibbs said that Weatherspoons had given their apologies, as they were not sure they could anything to the discussions that wasn't already in the report.

Berkhamsted Town Councillor Anthony Armytage spoke in objection to this application.

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

Vote

For: 13

Against: 0

Abstained: 0

Resolved

That planning permission be **REFUSED** due to the following reasons:

Policy CS16 (Shops and Commerce) of the Dacorum Core Strategy supports development proposals that promote a diverse evening economy in the town centres of the Borough including Berkhamsted. This is provided the social and environmental impacts are controlled. Policy CS12 (c) (Quality of Site Design) of the Dacorum Core Strategy aims to ensure that on each site a proposed development should avoid disturbance to surrounding properties. Policy CS32 of the Dacorum Core Strategy specifies that any development proposals which would cause harm from a significant increase in pollution by virtue of any various emissions including noise will not be permitted. Paragraph 123 of the National Planning Policy Framework requires planning decisions to avoid noise giving rise to significant impacts on health and the quality of life.

The proposed beer garden adjoins existing dwellings. Its proposed use, based upon the evidence available, would give rise to significant noise and disturbance which would be seriously detrimental to the residential amenity of the adjoining dwellings. The proposed beer garden would therefore be contrary to Policies CS12 (c) , CS16 and CS32 of Dacorum Core Strategy and paragraph 123 of the National Planning Policy Framework.

Policy CS8 (h) of the Dacorum Core Strategy expects that all new development should provide sufficient, safe and convenient parking . CS12 (b) of the Dacorum Core Strategy expects that proposed developments should provide sufficient parking. Notwithstanding the expectations of saved Policy 58 (Private Parking Provision) of Dacorum Borough Local Plan that operational

and customer on sites will be kept to a minimum, the provision of the proposed beer garden would result in the permanent loss of long established parking at the site which is now available for staff and customers in Berkhamsted Town Centre location where there is a high demand for parking, resulting in further obstructions on the highway, prejudicial to highway safety which is expected to be maintained under Policy CS8 (h) of Dacorum Core Strategy. The development would therefore be contrary to Policies CS8(h) and CS12(a) and (b) of the Dacorum Core Strategy.

6 4/00069/16/FUL - LAND REAR OF 27-33 GROVE ROAD, TRING

R Herbert introduced the report and said it had been referred to committee due to the contrary view of Tring Town Council. S Whelan confirmed that all relevant letters had been sent to the residents.

Nigel Osier spoke in support of the application.

Darren McDermott, Claire Westbrook and Lee Filby spoke in objection to this application.

Members were concerned about the absence of affordable housing in Tring. R Herbert said that after a High Court decision, developments under 10 dwellings are not required to provide affordable housing.

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

Vote

For: 3 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 Whitman and seconded by Councillor Matthews that the officer's recommendation be overturned and the application be refused.

Vote

For: 7 Against: 0 Abstained: 6

Resolved

That planning permission be **REFUSED** due to the following reason:

The proposed backland development would represent an overdevelopment of the site and would cause significant harm to the character of the area. The proposed development would result in a contrived and cramped form of development which would be out of character with the surrounding area. The proposals are therefore contrary to Core Strategy policies CS11 and CS12, Tring Character Area (TCA) 13 of the Saved Local Plan, and the NPPF.

7 **4/00645/16/FUL - LAND ADJ. TO 26 STATION ROAD, BERKHAMSTED, HP4 2EY**

A Parrish introduced the report. It had been referred to the committee due to the contrary views of Berkhamsted Town Council.

Councillor C Wyatt-Lowe arrived at 8.21pm and so took no part in the voting of this item.

The Chairman declared he was the ward councillor for this application so reserved his right to speak.

Richard Butler spoke in support of this application.

Adam Ralton and Neil Lawrence spoke in objection to this application.

Berkhamsted Town Councillor Anthony Armytage spoke in objection to this application.

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

Vote

For: 13 Against: 0 Abstained: 0

Resolved

That planning permission be **REFUSED** due to the following reasons:

The proposed site is in an area where parking is at a premium and opportunities for further on-street parking are extremely limited. The frontage of the site onto Station Road comprises an area of informal on-street parking within the adopted highway. The proposed development, by reason of the provision of vehicular accesses to serve the development would result in a significant loss of existing available on-street parking and its displacement into surrounding streets, causing further congestion and difficulties for residents of the area. The proposal would be harmful to the established amenities of residents and is therefore contrary to Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 51(d) of the Dacorum Borough Local Plan 1991-2011.

Due to the limited depth of the site and significant change in levels the Council is not satisfied that the proposed development can be satisfactorily accommodated on the site to ensure high quality design and living conditions for future occupiers as required by the NPPF. The proposed development will appear cramped and due to the substandard garden depths and requirement for substantial retaining structures will provide a poor level of amenity and living conditions for future occupiers. The proposal would therefore constitute an overdevelopment of the site and is therefore contrary to the NPPF, Policy CS12 of the Dacorum Core Strategy September 2013 and advice and guidance in Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011.

8 4/00524/16/FUL - 25 HALL PARK GATE, BERKHAMSTED, HP4 2NL

Councillor Matthews declared a personal interest as one of the speaker's is known to him. He reserved his right to speak and vote thereon.

I Keen introduced the report and stated that it had been referred to committee due to the contrary views of Berkhamsted Town Council.

Mr Millican spoke in support of the application.

Nick Dyke and Sarah Lightfoot spoke in objection to the application.

Berkhamsted Town Councillor Garrick Stevens spoke in objection to the application.

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

Vote

For: 6

Against: 2

Abstained: 6

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 and details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

- **hard surfacing materials;**

- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas.

All hard and soft landscape works shall be carried out in accordance with the approved details. The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted 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 Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

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

(a) 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: 1989 Recommendations for Tree Work.

(b) 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.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and 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 and the ground levels within those areas shall not be altered, nor shall any excavation

be made, without the written consent 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 Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 5 **The dwelling hereby approved shall not be occupied until details of the disposal of surface water from the new 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 dwelling is occupied.**

Reason: To minimise danger, obstruction and inconvenience to highway users and to ensure the satisfactory disposal of surface water in accordance with Policies CS8 and CS31 of the Dacorum Core Strategy 2013.

- 6 **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 and C.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the locality and retaining sufficient private amenity space in accordance with Policies CS12 of the Dacorum Core Strategy 2013.

- 7 **The development hereby permitted shall be carried out in accordance with the approved sustainability statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

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

ENT 173 SUR 001 Rev A (site location plan);

ENT 173 PA 001 (proposed block plan);

**ENT 173 PA 100 (proposed floor plans, elevations, section and street scene);
and**

Energy and Sustainability Statement Rev A prepared by MSquare Architects Ltd).

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively 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.

Hertfordshire Highways Informatives

Advisory notes as follows to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway. This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a Construction Management Plan for the LPA's approval in consultation with the highway authority.

AN4. Where works are required within the public highway to facilitate access the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to vehicle crossovers the applicant is advised to see the attached website.

Vehicle crossover guidance <http://www.hertsdirect.org/docs/pdf/d/vxo.pdf> and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

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

Hayden Todd spoke in support of the application.

John Dickenson and Diane Wass spoke in objection to the application and were speaking on behalf of seven objectors.

Members discussed the increase in property size (around 85%) as a result of extensions which would be out of character in relation to the surrounding area and size of neighbouring properties. Also, the extensions (emphasis placed on front gable roof form and rear dormer windows) would be excessively large and close to neighbouring boundaries, dominating the visual appearance of the Chipperfield conservation area. There was also concern and discussion around living conditions of The Old Cottage, especially as the carport would be located south of their front windows. The Old Cottage does not feature many windows to the side and front elevations, and thus is reliant heavily on the windows to the rear which would be most affected by the proposed car port.

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

Vote

For: 4 Against: 6 Abstained: 4

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

Vote

For: 6 Against: 2 Abstained: 6

Resolved

That planning permission be **REFUSED** due to the following reason:

The cumulative impact of the proposed extensions by reason of their bulk and scale would constitute overdevelopment of the site and result in a dominating form of development when viewed from the wider area. This would fail to preserve or enhance the character and appearance of the Chipperfield conservation area and designated small village located in the Green Belt contrary to policies CS6, CS11 and CS12 of the Core Strategy (2013), saved appendix 7 of the Local Plan (1991) and the NPPF (2012).

The proposed mass in conjunction with height and close proximity of the car port to the front habitable window of the neighbouring property would result in a harmful impact upon the residential amenity of The Old Cottage; contrary to policy CS12 of the Core Strategy (2013), saved appendix 3 of the Local Plan (1991) and the NPPF (2012).

10 4/03957/15/FHA - 66 HIGH STREET, BERKHAMSTED, HP4 2BW

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

Town Councillor Anthony Armytage spoke in objection to this application.

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

Vote

For: 9 Against: 1 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 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area.

- 3 The vehicular access hereby permitted shall be constructed to a maximum width of 5.4m plus the transition kerb in accordance with the Hertfordshire County Council residential access. Arrangements 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: In the interest of highway safety and traffic movement.

- 4 Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety.

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

WREN NAJ 24 2015

WREN NAJ 24c 2015 Scheme C

Location 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 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.

11 **4/00736/16/FUL - 2 MARLIN CLOSE, BERKHAMSTED, HP4 3JX**

Councillor Ritchie declared a personal interest as one of the speaker's is known to him. He reserved his right to speak and vote thereon.

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

Alan Pretty spoke in support of this application.

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

Vote

For: 10 Against: 1 Abstained: 3

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 number 2 Marlin Close**

Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).

- 3 **Before being brought in to use the new parking areas hereby approved shall be surfaced in tarmacadam or similar durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into 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 saved policy 58 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

- 4 **A 2mx2m pedestrian visibility sight splay, free from obstruction between a height of 600mm and 2.0m and relative to the back of the footway shall be provided on both sides of vehicular access prior to the operational use and thereafter.**

Reason: To ensure a satisfactory standard of the development in the interest of highway safety; in accordance with saved policy 58 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013)

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

1608/03A

1608/02A

1608/01

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

Informative 1- Thames Water

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Surface Water Drainage - With regard to surface water drainage it is the

responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Informative 2- HCC Highways Guidance Notes

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in condition such as not to emit dust or deposit mud, slurry or other debris in the highway. This is to minimise the impact of construction vehicles and to improve the amenity area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this

AN3. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineervices/vxo/>

Informative 3- Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-

actively through early engagement with the applicant at the pre-application stage 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 2015.

12 4/00738/16/FHA - 13 COBB ROAD, BERKHAMSTED, HP4 3LE

I Keen introduced the report. It had been referred to committee due to the contrary views of Berkhamsted Town Council and a previous scheme had been rejected by the Development Control Committee.

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

Vote

For: 12

Against: 0

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 **Notwithstanding the details shown on Drawing No. 2 - BLOCK PLAN the boundary treatment hereby permitted shall not exceed 2m in height above ground level.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

No. 1 - LOCATION PLAN 1:1250

No. 2 - BLOCK PLAN

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

Article 35

Planning permission/advertisement consent/listed building consent has been granted

for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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.

**13 4/00944/16/ADV - JUNCTION OF MAYLANDS AVENUE AND
 BREAKSPEAR WAY, HEMEL HEMPSTEAD**

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

Vote

For: 14 Against: 0 Abstained: 0

Resolved

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

1. This consent is granted for a period of five years commencing on the date of this notice.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to: -

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);**
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or**
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.**

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

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

**47072954.LD.CD.002 REV F
47072954.LD.HL.002 REV F
47072954.LD.HL.003 REV F
SD/1400/01 REV A**

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

Informative

The entrance signs are to be installed by Dacorum Borough Council using the Project Agreement for Dacorum Highway Enhancement Schemes, 6 June 2014. The ownership and maintenance of signs is to be retained by Dacorum Borough Council. As-built drawings of the electrical supply are to be provided to HCC upon completion of the project.

**14 4/02741/15/ROC - 175-189 LONDON ROAD, APSLEY, HEMEL
HEMPSTEAD, HP3 9SQ**

A Parrish introduced the report and said it had been referred to committee as the application affects land in which Dacorum Borough Council has an interest.

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

Vote

For: 12

Against: 0

Abstained: 2

Resolved

That planning permission be **DELEGATED** to the Group Manager with a view to approval subject to the following conditions:

- 1 **The Development hereby permitted shall be carried out in accordance with the details of materials which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy (September 2013).

- 2 **The development shall not be occupied until details of the position of external gas feed pipes on the development, and details of proposals to mitigate the appearance of or position of the extended flues on the ground floor front elevation, shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy (September 2013).

- 3 **The Development hereby permitted shall be carried out in accordance with the details of landscaping which was submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted or within such other timescale as may be agreed with the local planning authority. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years 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 to be approved by 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, 12 and 13 of the Dacorum Core Strategy (September 2013) and saved Policy 100 of the Dacorum Borough Local Plan 1991-2011.

- 4 **The Development hereby permitted shall be carried out in accordance with the details of the following which were submitted to and approved by the local planning authority under planning reference 4/00985/15/DRC on 6th July 2015.**

- all external boundary walls;
- secure cycle stores;
- bin stores, including refuse provision for the commercial units;
- all windows, doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings);
- all dormer windows;
- fascia / soffit / eaves;
- all balconies, railings, balustrades;
- the shop fronts (including materials and vertical cross sections through the shop fronts).

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy (September 2013).

- 5 **All windows shall be vertical sliding or shall otherwise be designed to prevent opening lights disrupting the visual appearance of the facades, and window frames shall be recessed a minimum of 90 mm, unless otherwise agreed in writing with the local planning authority.**

Reason: To provide strong visual relief and to prevent opening lights from disrupting the visual appearance of the facades in accordance with Policies CS10, 11 and 12 of the Dacorum Core Strategy (September 2013).

- 6 **The development shall not be occupied until the arrangements for car park accesses, parking, circulation, and turning areas shall have been constructed, surfaced and permanently marked out, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway(s), or the amenities and convenience of existing local residents and businesses in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 58 of the Dacorum Borough Local Plan 1991-2011.

- 7 **The Development hereby permitted shall be carried out in accordance with the details of contractors compound on-site for the storage of all materials, plant and equipment, together with parking to be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August**

2015.

Reason: In the interests of Highway safety and efficiency and to ensure the adequate and satisfactory provision of off-street construction-related facilities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 8 The Development hereby permitted shall be carried out in accordance with the details of means of cleaning the wheels of all vehicles leaving the site which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To ensure that all vehicles leaving the development 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, in order to minimise the impact of construction vehicles and to improve the amenity of the local area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 9 The Development hereby permitted shall be carried out in accordance with the details of the turning head to be provided at the end of Storey Street together with details of the permanent closure of Storey Street with London Road (including environmental enhancements) and measures to make the service road within the site one way (including measures to enforce this) which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To ensure that a turning facility is available at the end of Storey Street in association with the closure of Storey street in the interests of highway safety and convenience, and to ensure that the works will enhance the appearance of the street scene in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy (September 2013) and saved Policy 51 and proposal TWA8 of the Dacorum Borough Local Plan 1991-2011.

- 10 The development hereby permitted shall be carried out in accordance with the approved C-Plan Sustainability Statement and preliminary SAP and Code for Sustainable Homes Energy 1 and Energy 2 Tool which were submitted under application reference 4/01010/13/MFA.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para 18.22 of the Dacorum Core Strategy (September 2013).

- 11 The extent and nature of contamination is as submitted and approved under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: For the avoidance of doubt and 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 offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 12 **The Development hereby permitted shall be carried out in accordance with the details of remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

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 offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 13 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

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 offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 14 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 11, and where remediation is necessary a remediation**

scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 12. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 13.

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 offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 15 **Piling or any other foundation designs using penetrative methods is not permitted other than with the express written consent of the Local Planning Authority, which may only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To protect groundwater in line with the National Planning Policy Framework, Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013), and the Thames River Basin Management Plan. (Refer to advice of Environment Agency).

- 16 **The Development hereby permitted shall be carried out in accordance with the details of surface water drainage system which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To protect groundwater in line with the National Planning Policy Framework, Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013), and the Thames River Basin Management Plan. (Refer to advice of Environment Agency)

- 17 **The Development hereby permitted shall be carried out in accordance with the details of noise assessment which was submitted to and approved by the local planning authority under planning reference 4/03963/15/DRC on 7th March 2016. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the mechanical extraction plant or ventilation extraction system does not, at any time, increase the ambient equivalent continuous**

noise level.

Reason: To protect the amenities of proposed and adjoining development. To ensure that any extraction plant comprising the residential artificial ventilation system or servicing the commercial retail units does not cause noise complaints in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 18 **Before any mechanical extraction plant or ventilation extraction system is used on the premises it shall be enclosed with sound insulating materials and installed using appropriate anti-vibration mountings in a way that minimises the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority.**

Reason: To prevent detriment to the amenity from the transmission of structure borne vibration in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 19 **The Development hereby permitted shall be carried out in accordance with the details of measures to be included in the development to ensure that rooms fronting London Road achieve suitable air quality standards which were submitted to and approved by the local planning authority under planning reference 4/03963/15/DRC on 7th March 2016.**

Reason: The area is an Air Quality Management Area (AQMA) and residential use would not normally be recommended in such an area. Mitigating measures are required to ensure that the development limits its impact on air quality in this area and of traffic pollution on the occupants of and visitors to the development in accordance with Policy CS32 of the Dacorum Core Strategy (September 2013).

- 20 **The Development hereby permitted shall be carried out in accordance with the details of measures to be incorporated into the design of the development to meet secured by design principles which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The measures shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Best Practice and Secured by Design principles and Policy CS12 of the Dacorum Core Strategy (September 2013).

- 21 **Before any new access permitted is first brought into use the existing access(es) shall be stopped up and closed by removing the vehicle crossover, raising the kerb and reinstating the footway surface.**

Reason: In the interests of highway safety and to ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-

2011.

- 22 **The Development hereby permitted shall be carried out in accordance with the details of measures to recycle and reduce construction waste which may otherwise go to landfill which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To accord with the waste planning policies of the area and Policy CS29 of the Dacorum Core Strategy (September 2013).

- 23 **No part of the development hereby permitted shall be occupied until the refuse storage facilities shown on Drg. No. C1962 / P-01 Rev 18 shall have been provided, and such facilities shall thereafter be retained and adequately maintained at all times for this purpose.**

Reason: To ensure satisfactory provision for refuse storage in the interests of residential and visual amenities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 24 **Shop window displays shall at all times be maintained to the retail units and no window film shall be applied that would obscure the windows. Any security shutters shall be by means of internal open grilles only.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS13 of the Dacorum Core Strategy (September 2013).

- 25 **The retail units hereby permitted shall only be used for retail purposes within Class A1 of the Town and Country Planning (Use Classes Order) 2005 (or any order revoking and re-enacting that Order).**

Reason: For the avoidance of doubt and to reinforce the retail character of this part of Apsley in the interests of enhancing the vitality and viability of Apsley local centre in accordance with Policy CS13 of the Dacorum Core Strategy (September 2013), Proposal TWA8 of the Dacorum Borough Local Plan 1991-2011 and the objectives of the Two Waters and Apsley Inset.

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

**C1962 / P-01 Rev 18
C1962 / GA-11 Rev A
C1962 / GA-04_OP1G
C1962 / A-12 Rev A**

together with the following plans approved under 4/01010/13/MFA:

**7868/001H
7868/002E**

7868/003E
7868/004E
7868/007A
7868/008D
7868/009A
7868/010B
7868/011B
7868/012
M/1041850/002/002
Topographic Survey

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

INFORMATIVE

The development hereby permitted is an amendment to the permission granted under planning permission 4/01010/13/MFA.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the application process which lead to improvements to the scheme to enable permission to be granted. 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.

15 4/00448/16/FHA - 2 RECTORY LANE, KINGS LANGLEY, WD4 8EY

This application had been referred to committee due to the site including land owned by Dacorum Borough Council.

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

Vote

For: 14 Against: 0 Abstained: 0

Resolved

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

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

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

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

Site Location Plan

Sketch showing proposal PP Ref:- 04853717

Reason: For the avoidance of doubt and in the interests of proper planning and to comply with CS 11 and 12.

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informatives:

Highways Informative:

AN3. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/hhonlineservices/vxo/>

16 **4/03550/15/FUL - RECREATION GROUND, MORTIMER HILL, TRING, HP23 5JU**

P Stanley introduced the report and stated that it had been referred to the committee due to the development being located on land owned by Dacorum Borough Council.

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

Vote

For: 14

Against: 0

Abstained: 0

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

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

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

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

**Site
Location Plan**

Photos

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

3. **If the existing container hereby approved is replaced; then the replacement container must be identical in colour and size.**

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

4. **The existing earth bank at the rear of the container shall be permanently removed with 1 month of the development hereby approved.**

Reason: To avoid anti-social behaviour and to provide a safe environment in accordance with Policy CS12 of the Dacorum Core Strategy and saved Supplementary Planning Document Environmental Guidelines of the Dacorum Local Plan.

5. **With 1 month of the development hereby permitted, shrubs shall be planted against side and rear wall of the container and therefore retained at all times.**

Reason: In order to avoid anti-social behaviour and to provide a safe environment in accordance with Policy CS12 of the Dacorum Core Strategy and Supplementary Planning Document Environmental Guidelines.

Informative

The applicant is advised to discuss the details of the shrubs in consultation with the Herts Police Crime Prevention Officer.

NOTE 1: ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance.

The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

17 APPEALS

The following appeals were noted:

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

18 EXCLUSION OF THE PUBLIC

Resolved:

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

19 LAND ADJ THE MANOR ESTATE

Full details in the Part 2 Minutes.

20 FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE

Full details in the Part 2 Minutes.

21 FAILURE TO COMPLY WITH THE REQUIREMENTS OF A BREACH OF CONDITION NOTICE

Full details in the Part 2 minutes.

The Meeting ended at 11.20 pm