
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

26 NOVEMBER 2020

Present:

MEMBERS:

Councillor Guest (Chairman) Councillors, C Wyatt-Lowe (Vice-Chairman), Beauchamp, Durrant, Hobson, Maddern, McDowell, Riddick, Uttley, Woolner, Tindall and G Sutton

Members Viewing:

Goverdhan Silwal
Terry Douris

PUBLIC:

Nash Mills Parish Councillor Alan Briggs (speaker)
Philip Clarke (speaker)
Rosie Moubray (speaker)
Hayden Dicker
Mike Lane
Nicola Cobb Nash Mills Parish Council
Sue Wilson

OFFICERS:

J Hutton (Legal Governance Team Leader (Planning and Property)), F Bogle (Team Leader - Development Management), R Freeman (Lead Planning Officer), N Gibbs (Lead Planning Officer), S Robbins (Planning Officer) and S Whelan (Group Manager - Development Management and Planning) K Johnston (Minutes)

The meeting began at 6.30 pm

1 MINUTES

The minutes of the meeting held on 5 November were confirmed by the Members present.

Hard-copy minutes will be signed by the Chair when restrictions are lifted.

2 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Rosie Sutton. Councillor Graham Sutton Substituted.

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.

The Chair asked the committed if they were happy to take the items with public speakers first. It was agreed by the committed to change the order of items as follows;

- 5c
- 5d
- 5a
- 5b.

Item 5a,

20/01940/FUL – Demolition of existing external stores and construction of new one bedroom dwelling Buttercup House, 33 High Street, Bovingdon

Cllr Beauchamp declared an interest.

"I will be declaring a potential personal interest in this application and will withdraw from any involvement in the decision making process; as my nephew is the architect for the application 20/01940/FUL and 20/01941/FUL I believe any opinions I might express could be misconstrued by the public on the basis that I had been unfairly influenced, which is not the case. However, I am concerned that my participation could potentially put the Council in a difficult position."

The Case Officer, Robert Freeman, introduced the report to Members and said that the application had been referred to the Committee in view of the contrary recommendation of the Parish Council.

It was proposed by Councillor Durrant and seconded by Councillor Hobson to **Grant** the application in line with officers recommendations.

Cllr Maddern had left the meeting for this item and did not take part in the voting.

Vote:

For:	Against:	Abstained:
9	0	1

Resolved: That planning permission be **GRANTED** with the following conditions.

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:**

**SU1.101A (Location Plan)
2.103A (Site Plan)
2.104A (Proposed Floor Plan)
2.105A (Proposed Elevations)
2.106A (Roof Plans)**

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

3. **The development hereby permitted shall be constructed in accordance with the materials specified on the application form.**

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)

- 4 **No construction of the superstructure 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:**

- means of enclosure;
- all external hard surfaces within the site
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and

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 5 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 similar 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, 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. **Any contamination, other than that reported by virtue of Conditions 5 and 6 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible;**

a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this
Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

- 8. The development, hereby approved, shall not be occupied until the arrangements for vehicle parking associated with the dwelling have been submitted and approved in writing by the local planning authority. These arrangements shall be provided in accordance with the approved details and shall thereafter be retained for the use of this dwelling.**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

- 9. No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning

- 10. The bathroom window at first floor level in the north-west elevation of the dwelling hereby permitted shall be fitted with a high level opening and permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).Policy Framework (2019).

- 11. No development shall take place, until details of an Electric Charging Point for the dwelling and any associated infrastructure, have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained in accordance with the approved details prior to occupation of the dwelling.**

Reason: To ensure the adequate provision for off-street parking in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (November 2020)

Item 5b,

20/01941/FUL - Demolition of existing garages and construction of new garages and first floor one bedroom dwelling

Garages opposite Buttercup House, 33 High Street, Bovingdon

Cllr Beauchamp declared an interest "I will be declaring a potential personal interest in this application and will withdraw from any involvement in the decision making process; as my nephew is the architect for the application 20/01940/FUL and 20/01941/FUL I believe any opinions I might express could be misconstrued by the public on the basis that I had been unfairly influenced, which is not the case. However, I am concerned that my participation could potentially put the Council in a difficult position."

The Case Officer, Robert Freeman, introduced the report to Members and said that the application had been referred to the Committee in view of the contrary recommendation of the Parish Council.

Cllr Maddern had left the meeting for this item and did not take part in the voting.

It was proposed by Councillor Durrant and seconded by Councillor G Sutton to **Grant** the application in line with officers recommendations, and to include the following conditions.

The development hereby approved shall not commence until details of two active and two passive electric vehicle charging points and associated infrastructure have been submitted and approved in writing by the local planning authority. The new two bedroom dwelling shall not be occupied until the charging points and associated infrastructure has been provided and it shall thereafter be retained in accordance with the approved details.

Vote:

For:	Against:	Abstained:
7	1	2

Resolved: That planning permission be **GRANTED** with the following conditions.

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:**

**SU 1.201A (Location Plan)
2.203A (Site Plan)
2.204A (Proposed Floor Plan)
2.205B (Proposed Elevations)**

2.206A (Roof Plans)

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

3. **No construction of the superstructure of the development hereby permitted shall be constructed until details of the materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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)

- 4 **No development, 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).

5. **All remediation or protection measures identified in the Remediation Statement referred to in Condition 4 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).

- 6. Any contamination, other than that reported by virtue of Conditions 4 and 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

- 7. The development, hereby approved, shall not be occupied until the arrangements for vehicle parking associated with the dwelling have been submitted and approved in writing by the local planning authority. These arrangements shall be provided in accordance with the approved details and shall thereafter be retained for the use of this dwelling.**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Local Plan 1991-2011.

- 8. No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 150 and 153 of the National Planning

- 9. The bathroom window at first floor level in the south west elevation of the dwelling hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 127 (f) of the National Planning Policy Framework (2019).Policy Framework (2019).

- 10. The development hereby approved shall not commence until details of two active and two passive electric vehicle charging points and associated infrastructure have been submitted and approved in writing**

by the local planning authority. The new two bedroom dwelling shall not be occupied until the charging points and associated infrastructure has been provided and it shall thereafter be retained in accordance with the approved details.

Reason: To ensure the adequate provision for off-street parking in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (November 2020)

Item 5c,

20/02550/FUL - Conversion of basement into 1x 1-bedroom flat

**Nash House Dickinson Square Hemel Hempstead Hertfordshire
HP3 9GT**

The Case Officer, Nigel Gibbs, introduced the report to Members and said that the application had been referred to the Committee as a Contrary view to Parish Council's, it was called in by Councillor Maddern.

Cllr Maddern declared an interest as she was speaking on the item as Ward Councillor in objection.

Rosie Moubray, Nash Mills Parish Councillor Alan Briggs and Ward Councillor Jan Maddern spoke in objection to the application.

It was proposed by Councillor Uttley and seconded by Councillor C Wyatt-Lowe to **Grant** the application in line with officers recommendations.

Vote:

For:	Against:	Abstained:
3	7	1

Application falls.

Having there been no majority to grant the application in line with the officer's recommendation, It was proposed by Councillor Tindall and seconded by Councillor Riddick to overturn the officer's recommendation and **Refuse** the application.

Vote:

For:	Against:	Abstained:
7	2	2

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

Annex A

The proposed flat would require the provision of separate additional parking at the site which is not available. Therefore the proposal would be contrary to Policy CS12 of Dacorum Core Strategy (2013) and Appendix A of the Council's Parking Standards Supplementary Planning Document adopted on 18 November 2020.

Item 5d,

20/02272/FHA Construction of a single storey oak cart shed style car port with log store.

3 Little Gaddesden House Nettleden Road Little Gaddesden Berkhamsted Hertfordshire HP4 1PL

The Case Officer, Sally Robbins, introduced the report to Members and said that the application had been referred to the Committee as a Contrary view of Little Gaddesden Parish Council.

Philip Clark spoke in support of the application.

It was proposed by Councillor McDowell and seconded by Councillor C Wyatt-Lowe to **Refuse** the application in line with officers recommendations.

Vote:

For:	Against:	Abstained:
7	4	1

Resolved: That planning permission be **REFUSED**.

Reason(s) for Refusal:

- 1. The proposed construction of a detached carport in this location is not acceptable in principle. The proposed development, by virtue of its siting and built form, would result in sprawl and urbanisation of the countryside, contrary to Core Strategy (2013) Policies CS7 and CS25.**
- 2. The proposed carport would sit awkwardly in relation to the entrance drive and would affect views of and from Little Gaddesden House, a Grade II Listed Building. The setting of the Listed Building would be harmed and there are no public benefits to outweigh the harm. The proposed development is therefore contrary to Policy CS27 of the Core Strategy (2013), Saved Policy 119 of the Local Plan (2004) and Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990.**

5 APPEALS

That the following appeals were noted:

- A. LODGED**
- B. DISMISSED**
- C. ALLOWED**
- D. WITHDRAWN**

The Meeting ended at 9.30 pm

