
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

28 JANUARY 2021

Present:

MEMBERS:

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

Councillor also attended

OFFICERS:

The meeting began at Time Not Specified

1 MINUTES

The minutes of the meeting held on 26 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 Cllr Uttley and, Cllr Madden arrived late

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 advised that members of public have registered to speak at this meeting and reminded any members of the public viewing the meeting about the rules of doing so

5 INDEX TO PLANNING APPLICATIONS

- a 20/01843/FUL- Demolition of Garage/Outbuildings and construction of a detached house and carport- 93-95 High Street, Markyate, St Albans, Hertfordshire**

Item 5a –20/01843/FUL - Demolition of garage/outbuildings and construction of a detached house and carport, 93-95 High Street Markyate St Albans Hertfordshire AL3 8JG

The report was introduced by the case officer Briony Curtain

It was proposed by Councillor Wyatt-Lowe and seconded by Cllr Durrant that the application be granted

Vote:

For: 3 against: 5 Abstained: 2

Alternative Motion to refuse

Proper to refuse proposed by Cllr McDowell Seconded by Cllr Beauchamp

Vote:

For: 5 against: 3 Abstained: 2

Resolved: **REFUSED**

The proposed development by reason of its size, scale, siting and design the proposed dwelling would be harmful to the residential amenities of surrounding properties with regard to privacy, sense of enclosure and visual intrusion. The proposal therefore fails to comply with Policy CS12 of the Core Strategy 2013

b 20/01429/FUL Demolition of existing detached house, to be replaced with a new detached home.-Mabuhay, Brownlow Road, Berkhamsted, Hertfordshire

Item 5b – 20/01429/FUL Demolition of existing detached house, to be replaced with a new detached home- Mabuhay, Brownlow Road, Berkhamsted, Hertfordshire

The report was introduced by the case officer James Gardner

It was proposed by Councillor Wyatt-Lowe and seconded by Councillor R Sutton that the application be Granted

Vote:

For: 4 against: 5 Abstained: 1

Alternative motion to refuse proposed by Councillor Tindall and seconded by Councillor McDowell

Vote:

For: 5 against: 4 Abstained: 1

Resolved: **REFUSED**

The NPPF (paragraph 193) states that great weight should be given to a heritage asset's conservation, with greater weight being given to assets of higher importance. Any harm to, or loss of, the significance a designated heritage asset requires clear and

convincing justification (paragraph 194), and where there would be less than substantial harm to the significance of the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196).

The proximity of the proposed replacement dwelling to the Scheduled Ancient Monument (Berkhamsted Castle) would, as a result of its bulk, mass and scale, cause less than substantial harm to the setting of the heritage asset which is of the highest level of significance. Whilst there would be personal benefits accruing to the applicant, there are no obvious public benefits; nor have any been advanced as part of the application. The proposed development would also fail protect or enhance a significant view within a character area.

The application is therefore contrary the NPPF (paragraph 196) and Policy CS27 of the Dacorum Core Strategy (2013), which states that the integrity, setting and distinctiveness of designated heritage assets will be protected, conserved and if appropriate enhanced. The proposal is also contrary to Policy CS11 (d) of the Dacorum Core Strategy (2013).

Note: The Chair moved to consider Item 5d as the next item for discussion, followed by 5c and then returning to the correct running order. These minutes have maintained numeric order for ease of reference.

c 20/02168/FUL Change of use of amenity land to residential curtilage to allow for vehicular access. Formation of vehicle crossover and block paved parking area.-13 Sawyers Way, Hemel Hempstead, Hertfordshire, HP2 4ED

Item 5c - 20/02168/FUL - Change of use of amenity land to residential curtilage to allow for vehicular access. Formation of vehicle crossover and block paved parking area. 13 Sawyers Way, Hemel Hempstead, Hertfordshire, HP2 4ED

The report was introduced by Philip Stanley on behalf of the case officer Elspeth Palmer

It was proposed by Councillor Beauchamp and seconded by Councillor Wyatt-Lowe that the application be refused

Vote:

For: 9 against: 0 Abstained: 2

Resolved: **GRANTED**

Condition(s) and Reason(s):

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. Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans drawing number 01 and Location Plan in accordance with the current highway specification. 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 to comply with Core Strategy Policy 12.

3. Prior to the first use of the development hereby permitted a visibility splay measuring 2.4 x 43m 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.

4. Prior to the first use of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the footpath boundary, 0.65 metres into the site and 0.65 metres along the footpath boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Core Strategy Policy 12.

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

**Site Location Plan
Driveway Dimension Plan**

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

Informatives:

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

2. 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.

3. 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.

4. Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

d 20/02378/FHA Re-cladding of existing two storey ancillary garden building and new velux windows-61 Longfield Road, Tring, Hertfordshire, HP23 4DF

Item 5d – 20/01403/ROC - 20/02378/FHA Re-cladding of existing two storey ancillary garden building and new velux windows 61 Longfield Road, Tring, Hertfordshire, HP23 4DF

The report was introduced by the case officer James Gardner

It was proposed by Councillor Durrant and seconded by Councillor Maddern that the application be Granted

Vote:

For: 8 against: 1 Abstained:2

Resolved: **GRANTED**

Condition(s) and Reason(s):

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:

PL/001 Rev B
PL/003 Rev C

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

3. Notwithstanding Section 5 (Materials) of the planning application form, the materials to be used in the construction of the external surfaces of the development hereby permitted shall be fully in accordance with those specified on the approved plans.

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).

Informatives:

1. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

6 PLANNING ENFORCEMENT REPORT JAN 2021

Philip Stanley presented the report to Members

Cllr Beauchamp asked if he could have an update on 20-21a High Street, boarding on the building has been painted black and has been painted with graffiti. He asked if it should be on the list as it's not in keeping with the heritage of the old town.

Philip Stanley said that it's not currently on the list as they have not taken formal action in that they haven't served a notice. He said they are in talks with the owner and if it continues to cause harm to the character of the area then they have 2 options, to serve an untidy land notice which is a notice to require proper maintenance of buildings as well as land, there is also the Community protection notice, so they need to have a look at the latest situation and then take next steps.

Cllr Beauchamp commented that this building has been like this for some time.

Cllr Guest advised that Cllr Beauchamp should speak to Philip Stanley outside of the meeting as this was not currently an enforcement item.

Cllr Guest asked if Phil Stanley could give us an update on Gable end.

Philip Stanley said that there is a retrospective planning application to retain the dwelling but with significant changes in respect of the roof, there is an introduction of a pitched roof. There are changes to the fenestration and the introduction of additional soft landscaping and a significant shortening of the unlawful extension into the field at the back. He said with the significant changes and changes in the surrounding context since the enforcement notice was served it means that this is an application that merits consideration and will be brought to committee.

7 ADDENDUM

The Meeting ended at Time Not Specified