
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

29 SEPTEMBER 2016

Present:

MEMBERS:

Councillor D Collins (Chairman) Councillors, Guest (Vice-Chairman), Birnie, Clark, Conway, Riddick, Ritchie, Whitman, C Wyatt-Lowe, Fisher, P Hearn and Bateman

Councillor Anderson, G Sutton and Williams also attended

OFFICERS:

K Mogan (Member Support Officer), M Brookes (Solicitor to the Council and Monitoring Officer), Brown (Group Manager - Commercial Assets & Property Development), J Deane (Corporate Director - Finance and Operations), J Doe (Assistant Director - Planning and Regeneration), J Doyle (Group Manager - Democratic Services), C Gaunt (Solicitor), N Gibbs (Lead Planning Officer), B Hosier (Group Manager - Commissioning, Procurement & Compliance), R Marber (Planning Officer), S Marshall (Chief Executive), E Palmer (Planning Officer), D Skinner (Assistant Director - Finance & Resources), M Stickley (Planning Officer), S Whelan (Group Manager - Development Management and Planning), Heron (Development Management Lead Officer) and F Bogle (Team Leader - Development Management)

The meeting began at 7.00 pm

68 MINUTES

The minutes of the meeting held on 08 September 2016 were confirmed by the Members present and were then signed by the Chairman.

An addendum to the agenda was circulated before the meeting. A copy of the addendum can be found on the DBC website on the following link:

<https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=159&MId=504>

69 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Maddern, Matthews and Tindall.

Councillor P Hearn substituted on behalf of Councillor Maddern.

Councillor Bateman substituted on behalf of Councillor Matthews

70 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.

71 PUBLIC PARTICIPATION

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

72 4/00122/16/MFA - CAR PARK, LOWER KINGS ROAD, BERKHAMSTED, HP4 2AJ

Councillor D Collins and Councillor Ritchie made a statement before the start of the item – “I do not have an interest to declare but I would like to make it clear that I am the ward councillor for this application. I am also a member of Berkhamsted Town Council that supports the principle of a Multi-Storey Car Park in Berkhamsted. I have previously expressed my support to the principle of a Multi-Storey Car Park, however, I retain an open mind to the planning merits of this development and will make my decision based upon the evidence and debate that I hear tonight”

Councillor Bateman also declared that he was a ward councillor in Berkhamsted.

J Doe, Assistant Director for Planning, Development and Regeneration introduced the item and made the following statement:

There is pressure for public parking in Berkhamsted and limited opportunities as to where to site a new facility. Key to this is the Savell Bird Axon report of 2012 which provided background for the Council’s decision to pursue plans to develop the proposal that you now have before you tonight.

As the development control committee, and acting for the Council as Local Planning Authority, the role of the Committee is to determine the proposals as they stand.

There is a high level of objection to the scheme and views of residents and others are summarised in the report and the addendum report. Most of the objections relate to material planning considerations and Officers consider that they are addressed in the report, and indeed officers are on hand tonight to provide further advice and clarity if required.

Issues such as the use of Council funding to build the car park, its business case, whether there should have been further consultation on options, or further design reviews are not relevant to the deliberations of the Committee: as planning authority, you have to determine the proposals that are before you and the judgement is whether they are acceptable in planning terms.

The application is recommended for approval as your Officers consider that the planning balance weighs in favour of the scheme as submitted (subject to conditions).

The car park proposal is situated centrally to Berkhamsted Town Centre and Officers are satisfied that the location is appropriate and beneficial to its intended users.

Specifically, the location supports convenient use of the facilities in the High Street both in terms of the daytime and indeed night time economies of Berkhamsted Town centre.

Berkhamsted is a highly successful town centre in an age when many are suffering with under-occupancy and diversion of trade to out of centre locations and also online shopping. The evidence before you this evening shows that there is parking strain in Berkhamsted Town Centre, and if the town is to continue to thrive into the future it is important that those using it are able to park conveniently.

The Council's own policy set out in the 2013 Core Strategy clearly sets out a vision for Berkhamsted as a sustainable and vibrant market town, where the town centre is an attractive commercial, cultural and social focal point with a strong district shopping and service centre role.

Furthermore, the National Planning Policy Framework, which has to be taken into account in planning decisions at Para 40 states that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure (on page 33 of report).

And at the local level, Policy CS8 of the Dacorum Core Strategy supports this national objective, seeks sufficient, safe and convenient car parking to support economic development and supporting shopping areas.

The County Council's Berkhamsted UTP (p 137-8 of report) refers to a new town centre car park and that there is insufficient provision for those who wish to use the town centre as a result of growth in shopper, residential, business and commuter requirements.

Members are reminded that the Council has tried to secure additional town centre parking through the earlier local Plan through regeneration of land at Water Lane for a range of uses including new shops in addition to car parking. This points to further evidence of need for public parking and as a result it is logical that alternatives were explored.

This aspiration is backed up by the survey work 2014 carried out in support of this application (page 139) points to lack of parking provision.

Fundamentally, this is a town centre location and there is no policy conflict with a proposal to provide additional public car parking.

Overall, Officers conclude that there is sufficient evidence to show that there is a need for this new facility and it cannot be turned away on any notion of it not being needed.

May I reiterate my earlier point here about alternative proposals, and specifically whether alternative design options should have been considered. It is not possible to turn this application away on the basis that there should be a choice over design. As planning authority you must come to a decision on the design of what has been submitted.

The application in front of you has been subject to amendments to take on board queries raised over design. It is acceptable to both Historic England and to the Council's Conservation Officer.

Background to how the design has evolved is set out on page 21/22 of the report and how planning staff have worked with the applicant to improve the design to what is now before you.

The report (page 138) – explores this issue. This is a major structure both in the middle of the town centre and the Conservation Area. The Development will have some impact and the key judgement for you as a committee is whether the design impact is acceptable and indeed whether the public benefits of improved car parking outweigh design and heritage issues.

The conclusion that your Officers have come to is that the balance weighs in favour of the development. The report provides a close explanation on the impact of the new building on heritage assets and the character of the Conservation Area. I will not rehearse these here, but conclude that the limited impact of the new building, combined with the public benefits provides justification for the building.

Members should be aware that Para 134 of the NPPF advises that where there is less than substantial harm in heritage terms, this should be weighed against the public benefits of the scheme.

Initial concerns of HCC have been overcome.

Solutions:

- a. Extended no waiting restrictions on Lower Kings Road
- b. New mini roundabout to serve the CP site at LKR
- c. Construction management plan puffin crossings at the LKR/High St/KR junction
- d. Changes to the High Street traffic lights

Environmental Health has raised no objections and is satisfied with the proposed mitigation measures. The area is not an AQMA and the view of EH is that it is not currently justified.

These – including lighting, archaeology, noise, trees and landscaping – are covered in the report and I will not add to what has already been set out. Questions on any of these matters are of course invited if necessary.

Planning decisions are about balance.

In this case there are important considerations around the introduction of a major development into Berkhamsted Conservation Area and the associated implications of traffic and air quality matters that would flow from the development.

The Council's policy is to support the ongoing vibrancy of Berkhamsted as town centre and the evidence points to the need for further car parking.

Officers are satisfied that the specifics of the scheme in terms of design, transport issues and air quality are acceptable can be mitigated by design features and measures proposed in the conditions and proposed s106 agreement.

As such that planning balance weighs in favour of the development.

On this basis Chairman the application is recommended for approval tonight.

F Bogle introduced the item and gave a presentation.

Councillor Ritchie asked what time the pictures shown of the existing car park were taken?

F Bogle said one set were taken in March about 10am and the other set were taken on Monday 26th September between 9.30-10am.

Councillor Ritchie asked if a space count was done as one of the main objections from residents is that there are always spaces available.

F Bogle said when she had visited the current car park in March, it was fairly full. There were some spaces available on the Monday before the Committee meeting. The Consultants had taken proper space counts documented in supporting information.

Councillor Birnie asked if the lighting would be turned off when the top level was closed at 10pm.

F Bogle said it would.

Councillor Guest asked if the car park would be lower in height than the surrounding buildings.

F Bogle said the car park would be 10.5m in height to the top deck with the lift/stair cores rising to 13.5m but the buildings on the High Street are at a higher ground level, such that some of the High Street buildings would be above the level of the car park.

Councillor Fisher said the 'green walls' on the car park were a good idea but asked how it would be maintained to stay green.

F Boyle said a maintenance plan would have to be submitted under one of the conditions for the long term maintenance of the building including the green walls.

Councillor D Collins asked what mitigation proposals will be implemented by Herts Highways prior to the building.

N Gough (Herts Highways) said this would be implemented by the applicant. Herts Highways have worked closely with the applicant to ensure an appropriate and effective plan. The detail is yet to be established.

J Doe said the mitigation measures would be subject to an s.106 agreement. In relation to the occupancy of the current car park, the decision has been made based on the evidence provided in the transport assessment.

Julie Laws and Jackie Jones (residents) spoke in support of the application saying that at the moment, it is increasingly hard to find parking in the town which will only get worse with the town expanding and the workforce increasing. The land is already used for parking and is the only viable area in the town. Adam Beamish (planning consultant) also spoke in support and said there was a need for extra car parking and town centre parking is supported by paragraph 40 of the National Planning Policy Framework.

Councillor C Wyatt-Lowe said there was a need to address concerns about the internal layout.

A Beamish said this was an ongoing project and the precise configuration can be revisited. The external parameters are fixed but the inside can be changed.

Councillor Whitman asked the residents speaking in support if they believed this car park will take traffic off the side streets around Berkhamsted town centre.

J Laws said she hoped so. It was difficult to park in Berkhamsted and there's a need to take traffic off the side streets.

Elizabeth O'Reilly, Clive Birch and James Hannaway spoke in objection to this car park. **Elizabeth O'Reilly** - There has been a critical failure to establish a need for a multi-storey car park for the following reasons:

- i) it's a colossal step to jump from the breakdown of discussion around residents parking in 2011 to the rapid council decision to build an 8 level town centre multi-storey car park.
- ii) critically, no full parking analysis has been undertaken to ensure that demand is present – this was recommended by the Local Urban Transport Plan. The application shows there is capacity.
- iii) there is no evidence from the Berkhamsted Chamber of Commerce that increased short term parking would benefit the local economy.
- iv) no provision has been made for significant improvements to the road network which could support additional traffic coming into and parking in the town centre as shown by the slides.
- v) improvements recommended to ease congestion should be embedded and assessed for impact on current traffic before any work progresses on the car park. There has been a significant failure to submit any material consideration as to why the very many relevant Core Strategy and Local Development Plan planning policies be overridden. What is their purpose if they are to be ignored? Two of many examples:
 - Policy 8 provides that the development has to improve road safety and air quality – there is no evidence produced.
 - Policy 13 – the development fails to contribute to the quality of the public realm and critically fails to enhance the Conservation Area.Public engagement has been totally ineffectual. Local people had less than a week to respond to the very short public consultation in December 2015. In June 2016, plans for the car park reportedly hung in the balance due to heritage concerns having been raised. Many people were unaware that the proposal was proceeding until last week when an objector's flier was circulated and a short piece appeared in the local paper. This application should be refused. If not, decision making should be adjourned to

allow full consideration of the 278 page planning officer's report and the 173 additional objections referenced in the addendum plus additional paperwork that has been filed in the short time since that report.

Clive Birch speaking on behalf of Berkhamsted Parking Forum – I'd like to point out some key facts about the assumptions in this application.

- the traffic assessment is based upon no traffic growth in Berkhamsted during the last five years and no traffic growth for the next ten years. Is this realistic?
- the consultants' design proposals for bay sizes and column positions may comply with regulations, but do not comply with common sense.
- the same consultants have identified that on average, 20% of spaces in public car parks are empty during weekdays. There is currently no signage to these car parks and the consultants believe that signage will be of little or no benefit. Let me point out that: 20% is 83 spaces, which is more than two levels of the car park and costs at least £900,000. You can buy a lot of signage for £900,000.
- the first planning application was withdrawn as a result of traffic congestion observations provided by the Parking Forum to DBC. DBC and their consultants have largely dismissed the content of our subsequent reports.
- at the moment, Berkhamsted has not so much a parking problem as one of congestion. This needs addressing in advance of providing further car parking.
- the Parking Forum has suggested more cost-effective solutions, which would not require an 8 level car park, and would reduce traffic congestion.
- so, please don't let politics get in the way of common sense and don't ignore some good planning policies. Remember, we unlike your consultants live here and understand our town. Please reject this poorly formulated proposal and demand something better that you can be proud of.

James Hannaway – I own the Rex and we have 300 seats in the cinema and the visitors have never had a problem with parking in Berkhamsted. I do not see the need for a multi-story car park.

S Whelan wanted to clarify Councillor C Wyatt-Lowe's question on the internal layout. If the internal alterations alter the wider footprint then it will need further planning permission.

Councillor C Wyatt-Lowe referred to the objectors saying that local and national planning policies have been ignored and asked officers to clarify this.

J Doe said planning policies were very wide ranging. During assessments, local and national policy weighed in favour. In terms of conservation and design, it was clear that an inappropriate design would not be accepted in the Conservation area.

Councillor Birnie asked how to reconcile CS11 that stops large areas dominated by car parks.

J Doe said neighbourhood design is balanced against the NPPF. Opportunities to improve parking in Berkhamsted have been limited and most of the car parks are owned by DBC.

Councillor Guest said she was satisfied with the revised comments regarding conservation and heritage and moved the officer's recommendation.

Councillor Ritchie said as a resident of Berkhamsted, he was astonished by some of the letters of objection regarding the level of consultation. He said this has been talked about for four years. The Conservative Party stood in Berkhamsted in May 2015 with car parking as a main priority which received over 9,000 votes. He said he was amazed how people have said they knew nothing about it.

Councillor Imarni asked the planning officer about the timing of the photographs and Adam Beamish provided clarification.

Councillor D Collins asked for support or evidence for the need for more parking.

Neil Wisher (Transport Consultant) said the original analysis was carried out in a survey over weekdays and a Saturday. They found the hourly turnover for Waitrose, station and DBC car parks and also on street parking. The report gave a good idea of parking needs on a working day. The car park behind Tesco and the Waitrose car park were very popular and the Lower Kings Road car park hit its peak at about 10-11am.

Councillor C Wyatt-Lowe wanted to clarify that the Conservative Party's main election pledge was to solve parking in Berkhamsted because over a 1,000 signature petition was heard at Full Council a few months ago. Councillor C Wyatt-Lowe asked if it was well publicised in election literature.

Councillor D Collins said it was prominent in literature but the principle of solving car parking, not the application we have tonight.

Councillor Birnie asked how long the consultation period was.

F Bogle said the initial round of public consultation had a statutory 21 day notice period. The second round was also given 21 days though statutory requirement of 14 days. Representations however were still being received and reported on right up to the start of the Meeting.

Councillor C Wyatt-Lowe said there was a need for the internal layout to be fit for purpose.

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

Vote

For: 11 Against: 0 Abstained: 2

Resolved:

1. That the application be **REFERRED** to the Secretary of State (DCLG).
2. In the event that the Secretary of State does not call in the application that the application is **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

3. That the following Heads of Terms for the planning obligation be agreed:

-Optimisation of the operation of the traffic light computer control system at the Lower Kings Road / High Street / Kings Road Signalised junction (payment of 50% of costs);

- Introduction of puffin-like pedestrian crossings at the Lower Kings Road / High Street / Kings Road signalised junction;

- Apply to the Highway Authority for a TRO to change the restrictions on Lower Kings Road in line with those proposed as part of the Transport Report dated July 2016 and pay all reasonable costs for the TRO to be promoted by the Highway Authority; and,

- Provision of a mini-roundabout at the site access with Lower Kings Road junction

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 and documentation submitted on 3rd August 2016.

Sample panels of the following shall be made available on site for approval in writing by the Local Planning Authority prior to the commencement of the development hereby permitted:

- **brickwork panels, demonstrating the colour, texture, face bond, pointing and mortar finish**
- **louver with the approved finish applied**
- **steel screening**
- **glazing details**
- **roller shutter details and finish**

The development shall not be carried out otherwise than in accordance with all the above details so approved.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area and surrounding Listed Buildings in accordance with the NPPF, Core Strategy Policies CS12, CS13, CS27

and Saved DBLP Policy 120.

- 3 **The Car Park hereby permitted shall be shut down and not used for parking of any vehicles between the hours of 0100 hours and 0700 hours daily (Mondays to Sundays) and the top deck (floors 6 and 7) shall be shut down and not used for parking of any vehicles after 2200 hours daily (Mondays to Sundays)**

Reason: In the interests of safeguarding the Historic Environment and the residential amenity of the occupants of neighbouring properties and the general locality in accordance with Core Strategy policies CS12 and CS13.

- 4 **Development other than that required to be carried out as part of the approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR*

11’.

(b) Submission of Remediation Scheme

A detailed 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 and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: This site is located in a Source Protection Zone 1 which means that groundwater here forms part of the public drinking water supply within 50 days. If pollution reaches the groundwater then this may result in the loss of that abstraction point. As the desk study has revealed the presence of polluting substances from the previous uses of the site a site investigation is required to further characterise and assess the extent of contamination.

This will ensure groundwater is protected in line with your policies CS31 and CS32.

The Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. Without this condition, the impact of contamination could prevent recovery of the Mid-Chilterns Chalk, a drinking water protected area.

Paragraph 109 of the National Planning Policy Framework, states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Paragraph 121 also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

5 (a) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(b) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason:

This site is located in a Source Protection Zone 1 which means that groundwater here forms part of the public drinking water supply within 50 days. If pollution reaches the groundwater then this may result in the loss of that abstraction point. As the desk study has revealed the presence of polluting substances from the previous uses of the site a site investigation is required to further characterise and assess the extent of contamination.

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Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Paragraph 121 also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

- 6 No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in**

writing by the Local Planning Authority.

Reason: To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and National Planning Policy Framework.

- 7 **No development shall take place until a long term Management Plan for the maintenance of the car park including the maintenance of the green wall sections and cladding shall have been submitted to and approved in writing by the local planning authority. The plan shall be adhered to for the duration of the existence of the car park.**

Reason: To ensure the car park is properly maintained in the interests of the amenity of the area in accordance with Core Strategy Policy CS12.

- 8 **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;**

The approved landscape works shall be carried out prior to the development hereby permitted being brought into use.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Core Strategy Policy CS12.

- 9 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

- 1. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.**
- 2. Detailed surface water run-off and volume calculations for 1:100 year (+20% CC) are required within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+20% CC).**

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Core Strategy Policy CS31.

- 10 **No infiltration of surface water drainage into the ground at this site is permitted unless prior approval has been given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters through submission and written approval of the local planning authority. The development shall be carried out in accordance with the approval details.**

Reason: To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and National Planning Policy Framework.

- 11 **Piling or any other foundation designs using penetrative methods shall not be permitted unless prior approval has been given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater through submission and written approval of the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and National Planning Policy Framework.

- 12 **The development hereby permitted shall not be commenced until such time as a scheme for the following components has been submitted to, and approved in writing by, the local planning authority:**

- Disposal of foul and surface water**
- Roof drainage (to be sealed at ground level)**

The scheme shall be implemented as approved.

Reason: To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and National Planning Policy Framework.

- 13 **No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording**

- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to provide properly for the likely archaeological implications of the development proposal in accordance with the policies included within National Planning Policy Framework (para. 141 etc.), relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

- 14 Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 14 above.**

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to provide properly for the likely archaeological implications of the development proposal in accordance with the policies included within National Planning Policy Framework (para. 141 etc.), relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

- 15 Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**

- a. Construction vehicle numbers, type, routing;**
- b. Traffic management requirements;**
- c. Construction and storage compounds (including areas designated for car parking);**
- d. Siting and details of wheel washing facilities;**
- e. Cleaning of site entrances, site tracks and the adjacent public highway;**
- f. Timing of construction activities to avoid school pick-up/drop-off times;**
- g. Provision of sufficient on-site parking prior to commencement of construction activities;**
- h. Post construction restoration/reinstatement of the working areas and**

**temporary access to the public highway; and,
i. Accommodation of the displaced parking as a consequence of the temporary closure of the car park through the duration of construction works.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 16 **Prior to first occupation of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the following:**
- **Details of car parking allocation and distribution;**
 - **Details of operational hours;**
 - **Details of access arrangements;**
 - **Management and enforcement details; and,**
 - **Monitoring required of the Car Parking Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the local planning authority.**

The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the local planning authority, and thereafter retained for this purpose.

Reason: In the interested of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interested of encouraging the use of sustainable modes of transport in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 57 and 58 of the Dacorum Borough Local Plan 1991-2011.

- 17 **The development shall be constructed fully in accordance with the construction phase mitigation measures, as detailed within Tables 17 and 18 of the Air Quality Assessment, Issue 6; WYG Environment Planning and Transport Ltd; September 2016.**

Reason: To safeguard the local environment in terms of air quality in accordance with Policy CS32 of Dacorum Core Strategy and to accord with section 7, subsection 7.1 of the following document: Air Quality Assessment, Issue 6; WYG Environment Planning and Transport Ltd; September 2016 in accordance with updated Air Quality Assessment version 6 as reported at the meeting.

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

**A082119_SiteApp_001
A082119AR DRG 001 P05
A082119AR DSC 001 P04
A082119 T001
Air Quality Assessment Sept 2016 Issue 6
MSCP Design Statement 16 August 2016**

***Transport reports and Appendices
Lighting Plans and Docs***

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 at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

1. Under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne, designated a 'main river'. This is separate to and in addition to any planning permission granted. An application form is available on the GOV.UK website: <https://www.gov.uk/government/publications/flood-defence-consent-england-and-wales>.

Advice to applicant
Conditions 2 to 8

When dealing with contamination on site we recommend that developers:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination.
- Refer to our Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our website for more information and, in particular, the Planning and Land Contamination resource pages at: <https://www.gov.uk/contaminated-land>.
- Refer to Groundwater Protection Principles and Practice (GP3). This can be viewed via our webpage at:

<https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>.

The verification report should be undertaken in accordance with in our guidance 'Verification of Remediation of Land Contamination'. This can be found at: <http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>.

A piling risk assessment should be submitted with consideration of the following: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>.

ECOLOGY

1. Protected Species - It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great

crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or an appropriately qualified and experienced Ecologist.

- For birds, the removal of trees & shrubs should be avoided during the breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.
- for reptiles and amphibians, caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Clearance of existing vegetation should be undertaken progressively towards boundaries.
- Trenches should have escape ramps to provide an escape opportunity for any animals that may have become trapped.

2. Any External Lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

3. Soft Landscaping - new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

Finally, The planning system should also deliver overall net gains for biodiversity (enhancements), as laid out in the National Planning Policy Framework and other planning policy documents. Biodiversity enhancements could be incorporated into the development proposal. These could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in the building, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, green roofs and walls, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.

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

AN1) Where works are required within the public highway to create an improved site access and provide mitigation for the impact of the proposed development 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. This work should be carried out in accordance with HCC's procedures which are currently set out here:

http://www.hertfordshire.gov.uk/services/transtreets/highways/highwaysinfo/hiservice_sforbus/devmanagment/dmhwaysec278/

AN2) Storage of materials: The applicant is advised that the storage of materials

associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

73 4/01420/16/FUL - 85 BUCKWOOD ROAD, MARKYATE, ST ALBANS, AL3 8JE

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

Andrew Whiteley spoke in support of this application.

Parish Councillor Pilkinton spoke in objection to the application.

Julie Brasier spoke in objection to the application.

It was proposed by Councillor Clark and seconded by Councillor Fisher that the application be granted in line with the officer's recommendation.

Vote

For: 6 Against: 1 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 **The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and to comply

with CS 11 and 12.

- 3 **Prior to the first occupation of the development hereby permitted, the vehicular access shown on approved plan No. RULE/21607/PLANF shall be provided and thereafter retained. 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.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A, B, C, D, E, F

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS11,12 and 24.

- 5 **No development shall take place until details of the materials proposed to be used on the surfaces of the [roads/footpaths/driveways/courtyards etc, have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory development and to comply with CS 11 and 12.

- 6 **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;**

- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS 11,12 and 24.

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

RULE/21607/PLANF
 EIA Assessment Form
 CIL Document
 Design and Access Statement
 Sustainability Statement

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. 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.

Highways Informatives:

Section 278 Agreement:

Any work within the highway boundary (widening and amendment to vehicle access) will need to be secured and approved via an s278 Agreement with HCC.

Advisory Note 1: Construction standards for amended vehicle access: The Highway Authority requires the construction of all works in the highway 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. 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 and requirements. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Advisory Note 2: Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Thames Water

Waste Comments:

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.

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.

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.

74 4/01933/16/FUL - MERRICKS, 328 HIGH STREET, BERKHAMSTED, HP4 1HT

Councillor Ritchie declared a personal interest in this item as he knew the applicant on a personal basis. He reserved his right to speak but abstained from the vote.

N Gibbs introduced the report and said it been brought to committee due to a similar scheme previously being refused by the Development Control Committee.

Penny Ingram spoke in support of the application.

Toby Cotton spoke in objection to the application.

It was proposed by Councillor Birnie and seconded by Councillor Whitman to grant the application in line with the officer's recommendation with "garage" omitted from condition 4.

Vote

For: 11 Against: 0 Abstained: 2

Resolved:

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

1 **Before the first occupation of the dwelling house hereby permitted the following shall be provided and thereafter retained at all times:**

1. **A close boarded 2m high fence (as measured from the immediately adjoining ground level at no. 330 High Street) along the whole length of common boundary between the northern corner of the garage and 4m beyond the rear elevation of the dwellinghouse hereby permitted as shown by Drawing Nos. 281 Revision A and 282 Revision B.**

2. **The landing window within the western elevation fitted obscure glass with non opening windows/ fixed as shown by Drawing No. 282 Revision B, other than a top hung component above 1.6m finished floor level.**

3. **The whole of the north western part of the rear bedroom no. 1 window fitted with obscure glass and non opening/ fixed as shown by Drawing Nos. 281 Revision A.**

4. **The ground floor shower room and first floor bathroom windows within the eastern elevation fitted with obscure glass with only a top hung opening at no lower than 1.6m above finished floor level.**

Reason: In the interests of residential amenity of the No.330 High Street, No. 326 High Street and the application site to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

2 **The development hereby permitted shall be carried out fully in accordance with the materials specified by Drawing No. 281 Revision B and all the windows and doors shown by this drawing (other than the aluminium patio doors) shall be of stained timber and all rainwater gutters and downpipes shall be of black painted metal timber.**

Reason: In the interests of the character and appearance of the Conservation Area to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy and the saved Policy 120 of the Dacorum Borough Local Plan.

3 **The dwelling house hereby permitted shall not be occupied until the vehicular access shown by Drawing No. 282 Revision A is provided onto St Johns Well Court and thereafter the access shall be retained at all times. The access shall be of the same level as St Johns Well Court. Before the occupation of the**

dwelling house lockable bollards shall be installed within the access drive roadway between nos 328 and 330 High Street fully in accordance with Drawing No. 282 Revision B and thereafter the bollards shall be retained at all times.

Reason: In the interests of highway safety and crime prevention in accordance with Policies CS9, CS12, CS29 and CS32 of Dacorum Core Strategy and saved Policies 51, 54 62, 63, 113 and Appendix 8 of Dacorum Borough Local Plan.

- 4 The permeable block paved parking space and turning area shown by Drawing No. 282 Revision A shall be provided fully in accordance with this drawing before the first occupation of the dwelling house hereby permitted and thereafter the parking and turning area shall be only used for the parking and turning of vehicles.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities and in the interests of highway safety in accordance with Policies CS8 & CS12 of the Dacorum Core Strategy and Policies 54 and 58 and saved Appendix 5 of the Dacorum Borough Local Plan.

- 5 The dwelling house hereby permitted shall be provided at all times with an access for persons with disabilities fully in accordance with Drawing Nos. 280 Revision A and 282 Revision A.**

Reason: To ensure that dwellinghouse hereby permitted is served at all times with the access to accord with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policy 63 Dacorum Borough Local Plan. and

- 6 All the close boarded 1.8m high fencing fronting the existing access road shown by Drawing No. 282 Revision A shall be retained at all times.**

Reason: In the interests of residential amenity of the new dwelling house and 326 High Street to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 7 All the approved planting shall be planted in the first planting season following the first occupation of the dwelling house hereby permitted and for the purposes of this condition the planting season is from 1 October to 31 March . Any tree or shrub which forms part of the approved landscaping scheme 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: In the interests of visual amenity and biodiversity to accord with Policies CS12 and CS29 of Dacorum Core Strategy.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 within the residential curtilage of the dwellinghouse hereby permitted:

Schedule 2 Part 1 Classes A, B, C, D and E

Part 2 Classes A and B

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of nos. 330 High Street and 326 High Street, Street, character and appearance of the Conservation Area and to ensure the provision of adequate off street parking in accordance with Policies CS5, CS8 and CS12 of Dacorum Core Strategy.

- 9 **The refuse storage area shall be provided at all times in the position shown by the Drawing No. 282 Rev B.**

Reason: To ensure that the dwelling house is served at all times by a refuse storage and in the interests of the character and appearance of the Conservation Area to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy and the saved Policy 120 of the Dacorum Borough Local Plan.

- 10 **The bird and bat boxes shown by Drawing No. 282 Revision B shall be retained at all times.**

Reason: In the interests of biodiversity to accord with Policy C 26 of the Dacorum Core Strategy.

- 11 **There shall be no additional exterior lighting installed at the site to serve the dwelling house hereby permitted.**

Reason: To ensure that the development is compatible with the Conservation Area and to safeguard the residential amenity of the adjoining dwellings to accord with the requirements of Policies CS12, CS25 , CS26 CS27 , CS29 and CS32 of the Dacorum Core Strategy and the saved Policies 113 ,120 and Appendix 8 of the Dacorum Borough Local Plan.

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

110 Rev A

280 A

281 Rev A attached to the Agent's e mail dated 16 September 2016

282 Rev B attached to the Agent's e mail dated 16 September 2016

Site Plan Model Comparison

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

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informative

It is recommended that there are improvements to the visibility for the existing access serving the existing parking area serving no. 328 High Street by altering the boundary fence as previously approved.

75 4/01198/16/FHA - 17 CHAPEL STREET, BERKHAMSTED, HP4 2EA

M Heron introduced the report and said it had been brought to committee due to the contrary views of Berkhamsted Town Council. M Heron said if members were mindful to grant the application, a material specification condition would be added.

Sean Stanley and Nick Williams spoke in support of the application.

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

Vote

For: 13 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 not be carried out other than in accordance with the following approved plans/documents: 17CHAPEL/PA/002 Rev. 01 & 17CHAPEL/PA/003 Rev. 01 & 17CHAPEL/PA/004 Rev. 01 & 17CHAPEL/PA/005 Rev. 01 & 17CHAPEL/PA/006 Rev. 01 & 17CHAPEL/PA/007 Rev. 01 & 17CHAPEL/PA/008 Rev. 01 & 17CHAPEL/PA/014 Rev. 02 & 17CHAPEL/PA/015 Rev. 01 & 17CHAPEL/PA/016 Rev. 01 & 17CHAPEL/PA/017 Rev. 03 & 17CHAPEL/PA/018 Rev. 01.**

Reason: For the avoidance of doubt, in the interests of proper planning and to ensure a satisfactory appearance to the development a in accordance with Policies

CS11, CS12, CS25, CS27 of the Dacorum Core Strategy 2013 and Policy 120 of the Dacorum Local Plan 2004.

- 3 **Prior to construction of the development hereby permitted full details of materials to be used for external surfaces, including brick bond, mortar mix, rainwater goods and joinery details and finish, must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out and retained in accordance with approved details.**

Reason: For the avoidance of doubt, in the interests of proper planning and to ensure a satisfactory appearance to the development in accordance with Policies CS11, CS12, CS25, CS27 of the Dacorum Core Strategy 2013 and Policy 120 of the Dacorum Local Plan 2004.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

76 4/01664/16/FUL - 31, 31A & 31B HIGH STREET, KINGS LANGLEY, WD4 8AB

M Stickley introduced the report and said it had been brought to committee due to objections from Councillor Alan Anderson and Kings Langley Parish Council.

Councillor Anderson in his role as Ward Councillor spoke in objection to this application

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

Vote

For: 5 Against: 7 Abstained: 1

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

Vote

For: 8 Against: 4 Abstained: 1

Resolved:

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

No on-site parking is proposed for the two new residential units. This would result in an increased demand for on-street parking both in terms of consistency and frequency. Kings Langley High Street is an area that suffers from an

inadequate supply of on-street parking spaces. Increasing the number of vehicles parking on-street would have a negative impact on the surrounding road network and may lead to issues regarding congestion and highway safety, contrary to Core Strategy Policies CS8 and CS12 and saved policies 57, policy 58 and Appendix 5 of the Dacorum Borough Local Plan (1999-2011)

77 4/01097/16/FUL - ISBISTER CENTRE, CHAULDEN HOUSE GARDENS, HEMEL HEMPSTEAD, HP1 2BW

R Marber introduced the report and said it had been brought to committee because Dacorum Borough Council own the land.

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

Vote

For: 13 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 use, hereby permitted, shall not commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected around the play area, details of any landscaping works to the proposed play area and details of bin storage facilities. The boundary treatment, landscaping and bin storage facilities shall be completed before the use hereby permitted is commenced and shall be implemented fully in accordance with the approved details.**

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

- 3 The number of children using the nursery hereby approved shall be limited to 40 in total.**

Reason: In order to protect the amenities of adjoining occupiers, and to ensure adequate parking provision; in accordance with policies CS8 and CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

- 4 Prior to the commencement of the nursery hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning**

Authority in consultation with the Highway Authority, such a Travel Plan shall accord with Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment; in accordance with policies CS8 and CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

- 5 **The premises shall only be operational as a nursery between 8am and 6pm on Mondays to Fridays and for no other use thereafter.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings, in accordance with policy CS12 of the Core Strategy (2013).

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

**Floor Plan
Travel Plan
Site Location Plan**

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

- 7 **Prior to the commencement of the operation as a nursery hereby permitted a management plan which sets out what parking provision would be provided and maintained thereafter shall be submitted, approved and signed off by the Local Planning Authority.**

Reason: To ensure the sufficient provision of parking to reduce the impact of travel and transport on the environment; in accordance with policies CS8 and CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

Informative 1 - Highways

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Informative 2 - 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.

78 4/01864/16/FUL - 41 MARLOWES, HEMEL HEMPSTEAD, HP1 1LD

M Heron introduced the item and said it had been brought to committee as the land was 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: 13 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: 210 Rev. A & 209 Rev. A & 208 Rev. A & 207 Rev. A & 206 Rev. B & 205 Rev. A & 112 Rev. C & 108 Rev. A & 001 & 002 & 003 & 004 & 005 & 006.**

Reason: For the avoidance of doubt, in the interests of proper planning, to ensure a satisfactory appearance to the development and to ensure that the proposal is acceptable in terms of highway safety, in accordance with Policies CS8, CS11 and CS12 of the Dacorum Core Strategy 2013.

- 3 **Prior to construction of external walls/finishes full details of materials to be used for external surfaces of the approved operational development must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out and retained in accordance with approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 4 **Prior to first occupation of the development hereby approved full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-**

- a) means of enclosure;
- b) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- c) details for all external hard surface within the site, including roads and car parking areas;

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 5 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

- 6 **Prior to the first occupation of the development hereby permitted full details, on a suitably scaled plan, of the proposed 'clinical and offensive bin store', 'Area for M&E plant' and 'general refuse and recycling bin store' as illustrated on drawing no. 112 Rev. C, must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained in accordance with approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 7 **Prior to first occupation of the development hereby approved, full details of the specification of any external lighting must be submitted to and approved in writing by the Local Planning Authority. Subsequently the lighting associated with this development shall be in accordance with these approved details and retained as such thereafter.**

Reason: In the interests of the living conditions of the occupants of neighbouring units, in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and Policy 113 of the Dacorum Local Plan 2004.

- 8 **The development hereby approved shall not operate other than between the**

hours of 07.30am and 22.00pm.

Reason: In the interests of the living conditions of the occupants of neighbouring units, in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 9 **The development shall not be brought into use until the alterations to the vehicle crossovers, as show on drawing no. 112 Rev. C, have been constructed in accordance with the approved plans.**

Reason: To ensure that the accesses are constructed to the current Highway Authority's specification as required by the Local Planning Authority, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 10 **Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the accesses, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 11 **Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, as per Roads in Herts - Highway Design Guide 3rd edition guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 12 **The approved parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanently ancillary to the development hereby permitted and shall be used for no other purpose.**

Reason: In the interest of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 13 **Before the premises are occupied all on site vehicular access, parking circulation areas shall be surfaced in accordance with details approved by the Local Planning Authority. Arrangements shall also 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: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises, in the interest of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

Planning permission has been granted for this proposal. Discussion with the

applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their 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 and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>.

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

79 APPEALS

That the following appeals be noted:

1. Lodged
2. Forthcoming inquiries
3. Dismissed

The Meeting ended at 9.55 pm