
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

20 OCTOBER 2016

Present:

MEMBERS:

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

Councillor also attended

OFFICERS:

K Mogan (Member Support Officer), S Whelan (Group Manager - Development Management and Planning), C Gaunt (Solicitor), Harman (Planning Officer), Keen (Planning Officer), A Parrish (Lead Planning Officer) and Rennie (Lead Planning Officer)

The meeting began at 7.00 pm

80 MINUTES

There were no minutes to sign.

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?CIId=159&MIId=505>

Councillor D Collins announced that he would change the order of the applications being considered. The applications are minuted in the order they were considered.

81 APOLOGIES FOR ABSENCE

There were no apologies for absence.

82 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.

83 PUBLIC PARTICIPATION

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

84 4/02048/16/MOA - 89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA

A Parrish introduced the report and said it had been referred to committee at the request of Councillor Marshall.

Donny Gow spoke in objection to this application.

In her role as ward councillor, Councillor Marshall spoke in objection to this application.

Members acknowledged that the dwellings in this development had been decreased in size from the previous dismissed appeal, but they were still concerned that the density of the scheme, together with the extant approval, had not changed from that proposal and would still represent an overdevelopment of the site. Members were also concerned about highways issues but understood that this could not be a reason for refusal.

It was proposed by Councillor C Wyatt-Lowe but the recommendation to grant the application in line with the officer's recommendation fell due to the lack of a seconder.

Having there been no seconder, it was proposed by Councillor Guest and seconded by Councillor Tindall that the officer's decision be overturned and the application be refused.

Vote

For: 10 Against: 0 Abstained: 3

Resolved

That planning permission be **REFUSED** for the following reason:

The proposed development, by reason of the density of the scheme, would appear unduly urban and would be out of keeping with the spacious character of the area and context of extensive open land and a verdant setting. The proposal would be an overdevelopment of the site and is therefore contrary to Policies CS11 and 12 and guidance in Residential Character Appraisal HCA9.

85 4/01919/16/FUL THE RETREAT, NEWGROUND ROAD, ALDBURY, TRING, HP23 5SF

Councillor D Collins declared a personal interest as he was a member of the Chiltern Conservation Board. He reserved his right to speak and vote.

T Rennie introduced the report and said it had been referred to committee due to the contrary views of Aldbury Parish Council.

Councillor Imarni arrived at 8.08pm and took no part in the voting of this item.

Nick Shute spoke in support of the application.

Tim Alps spoke in objection to the application.

Parish Councillor Rob McCarthy spoke in objection to the application.

In his role as ward councillor, Councillor Mills spoke in objection to this application.

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

Vote

For: 7 Against: 0 Abstained: 6

Resolved

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

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

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

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the character and appearance of area and the setting of the undesignated heritage assets and the Chilterns Area of Outstanding Natural Beauty in accordance with adopted Core Strategy Policies CS7, CS24 and CS27.

- 3 **No works shall be carried out on the site until details of the windows have been submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with the details so approved.**

Reason: To safeguard the character and appearance of the area and the setting of the undesignated heritage assets and to accord with adopted Core Strategy Policy CS27.

- 4 **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 in accordance with BS5837:2012 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);

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 in accordance with adopted Core Strategy Policies CS12 and CS24.

5 **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.**

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

6 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be**

submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 7 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 8 **The windows at first floor level in the east and west elevations of the dwelling hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to accord with adopted Core Strategy Policy CS12.

- 9 **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:**

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

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.

- 10 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include 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 record archaeological evidence and to accord with adopted Core Strategy Policy CS27.

- 11 **1. Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 10.**
- 2. 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 10 and the provision made for analysis, publication and**

dissemination of results and archive deposition has been secured.

Reason: For the avoidance of doubt

- 12 **Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of adopted Core Strategy Policy CS27.

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

**Site Location Plan;
2817-02A;
2817- 03D.**

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.

HIGHWAYS INFORMATIVES:

1. All materials and equipment to be used during the construction shall be stored within the curtilage of the site.

Reason: In the interest of highway safety and free and safe flow of traffic. 1

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

BAT INFORMATIVES:

Given the limited possibility of the space behind the barge boards being used, you are advised that as a precautionary measure, the barge boards are removed during the winter months to avoid the chance of bats being affected by any proposals. This is solely a precaution to avoid the low risk of bats using this space during the active season and being disturbed if demolition takes place during the summer.

Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.

86 4/02093/16/FUL 1 FOX CLOSE, WIGGINTON, TRING, HP23 6ED

T Rennie introduced the report and said it had been referred to the committee due to the contrary views of Wigginton Parish Council.

Philip Norvill spoke in support of the application.

Stuart Fordyce spoke in objection to the application.

Parish Councillor David Wilde spoke in objection to the application.

In his role as ward councillor, Councillor Mills spoke in objection to the application.

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

Vote

For: 9 Against: 3 Abstained: 2

Resolved

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

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

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

Purchase Act 2004.

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the character and appearance of area and the Chilterns Area of Outstanding Natural Beauty in accordance with adopted Core Strategy Policies CS6, CS12 and CS24.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**

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 in accordance with adopted Core Strategy Policies CS12.

- 4 **The mature Oak tree adjacent to the new vehicular access hereby approved and shown for retention on the approved plan shall be retained and shall not be cut down, uprooted or destroyed, nor topped or lopped without the written approval of the local planning authority.**

If this Oak tree subsequently dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

The erection of fencing for the protection of this Oak tree shall be undertaken in accordance with submitted and approved plans before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in compliance with adopted Core Strategy CS6 and CS12.

- 5 **The window at first floor level in the south elevation of the dormer of No. 1 Fox Close hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to accord with adopted Core Strategy CS12.

- 6 **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 windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and to accord with adopted Core Strategy Policy CS12.

- 7 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition:**

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 8 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 7 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 10 **Prior to the occupation of the dwelling hereby parking shall be constructed in accordance with details shown on plan 21208/2/05/B. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

- 11 **Before the proposed access is brought into use, visibility splays of 2.4m x 43m in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 600 mm and 2m above the carriageway shall be provided and permanently maintained.**

Reason: In the interests of highway safety.

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

**Site Location Plan;
21607 01/A;
21607 03/A
21208/2 06/A
21208/2 07/B.**

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 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.

HIGHWAYS INFORMATIVES:

1. 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.

2. 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

THAMES WATER INFORMATIVES:

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.

There are public sewers crossing or close to your development. In order to protect

public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**87 4/01221/16/FUL LAND ADJACENT TO KILVE, MEGG LANE,
 CHIPPERFIELD, KINGS LANGLEY, WD4 9JW**

Councillor Riddick had previously expressed an opinion on this application so took no part in the voting of this item.

I Keen introduced the item and said it had been referred to the committee due to the contrary views of Chipperfield Parish Council and the applicant is related to a member of Dacorum Borough Council staff. The officer's recommendation is to refuse the application.

Marjory Youngs spoke in objection to the application.

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

Vote

For: 11 Against: 0 Abstained: 2

Resolved

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

The proposed development constitutes inappropriate development in the Green Belt, contrary to the National Planning Policy Framework and policy CS 5 of the Core Strategy and no very special circumstances have been put

forward to justify the harm by way of inappropriateness and the further harm to the openness of the Green Belt.

Article 35

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as it is the Council's view that the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue under this application. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

88 4/02153/16/FUL 26A BENNETTS GATE, HEMEL HEMPSTEAD, HP3 8EW

Councillor Birnie declared an interest as he is the ward councillor and advised the applicant on how to apply for planning permission. He did not express an opinion so reserves his right to speak and vote.

I Keen introduced the item and said it had been referred to the committee because the site is owned by Dacorum Borough Council.

Ikhlaq Hussain spoke in support of this application.

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

Vote

For: 14 Against: 0 Abstained: 0

Resolved

That planning permission be **DELEGATED** to the Group Manager with a view to approval subject to the expiry of the consultation period and no additional material considerations being raised, 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 air conditioning unit hereby permitted shall not be operated other than between the hours of 9:00 to 19:30 Monday to Saturday and 10:00 to 18:30 Sunday and bank holidays.**

Reason: In the interests of the residential amenity of the locality in accordance with Policies CS12 and CS32 of Dacorum Core Strategy.

- 3 **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:

**Site Location Plan
Elevations : Existing and Proposed
Noise Criteria Curves**

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 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.

**89 4/01679/16/FUL PAMPARD HOUSE, BRADDEN LANE, GADDESSEN
ROW, HEMEL HEMPSTEAD, HP2 6JB**

Councillor D Collins declared a personal interest as he was a member of the Chiltern Conservation Board. He was not on the planning committee and hadn't been involved in the matter to date so he reserved his right to speak and vote.

A Harman introduced the report and said it had been referred to committee due to the contrary views of Great Gaddesden Parish Council.

George Gunton and Tony Martin spoke in support of the application.

Gillian Lambirth spoke in objection to the application.

Parish Councillor Paul Harris spoke in objection to the application.

It was suggested by members to include a Construction Management Plan in the conditions.

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

Vote

For: 14 Against: 0 Abstained: 0

Resolved

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

- 1 The development hereby permitted shall be begun before the expiration of**

three years from the date of this permission.

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

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

Design and Access Statement

2121(10)500E,

2121(10)501E,

2121(11)500F,

2121(20)500A,

2121(20)501A,

2121(21)500D,

2121(21)501C,

2121(20)700B,

2121(21)700C,

2121(31)500C,

2121(31)501D,

2121(31)700C,

2121(41)500A,

Existing Landscaping Plan, Proposed Landscaping Plan RevC, Landscape Conservation Statement Rev.B

CS29 Checklist RevA

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

- 3 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development in accordance with Adopted Core Strategy CS12

- 4 All structures (including those structures not substantially completed), other than those shown for retention on the approved plans or permitted by this permission, shall be demolished and the materials arising from demolition removed from the site prior to the implementation of the development hereby permitted.**

Reason: In the interests of maintaining the open character of the Rural Area in accordance with Asopted Core Strategy CS7

- 5 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

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

- 6 **All remediation or protection measures identified in the Remediation Statement referred to in Condition (5) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

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

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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, G and H
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 and visual amenity of the locality in accordance with Adopted Core Strategy Policy CS7 and Saved Local Plan Policy 97

- 8 **Prior to commencement of the development a construction management plan should be submitted to and approved in writing by the Local Planning Authority.
Details shall include construction vehicles parked within the site and storage of materials.
Works shall commence in accordance to the submitted construction management plan.**

Reason:

To preserve residential amenity in accordance with Adopted Core Strategy CS12

Informatives

Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of development works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (tel: 0300 060 3900) or a licensed bat consultant.

1. 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.

2. 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

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.

90 **4/01763/16/FHA 18 TWEED CLOSE, BERKHAMSTED, HP4 1SY**

I Keen introduced the report. It had been deferred by the committee at the meeting on 8th September to ask the applicants if they would consider removing the front shed from the plans.

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

Vote

For: 14 Against: 0 Abstained: 0

Resolved

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

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

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

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

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

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

**Site Location Plan (no reference)
3076.16.2 Rev B**

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

91 4/01851/16/FHA CAPRI, 3 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY

A Harman introduced the item and said it had been referred to committee as the applicant is an employee of the council.

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

Vote

For: 13 Against: 0 Abstained: 1

Resolved

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

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy.

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

LOCATION PLAN
EXISTING PLANS
EXISTING ELEVATIONS
PROPOSED PLANS REV A
PROPOSED ELEVATIONS REV B
DESIGN AND ACCESS STATEMENT

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

Article 35 Statement

Planning Permission has been granted for this proposal. Discussions took place with the applicant 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.

**92 4/02201/16/FUL AMENITY LAND ADJ 28, NORTHEND, HEMEL
HEMPSTEAD, HP3 8TL**

I Keen introduced the item and said it had been referred to committee due to the land being owned by the Council.

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

Vote

For: 14 Against: 0 Abstained: 0

Resolved

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

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

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

- 2 **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:**

- **the provision of a replacement tree on the green, including planting plan and written specifications, noting species and plant size; and**
- **details of surface water drainage from the development.**

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 in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and to minimise water run off in accordance with Policy CS31 of the Dacorum Core Strategy 2013.

- 3 **The development hereby permitted shall be carried out in accordance with the**

following approved plans/documents:

DBC/016/001 (proposed layout plan) received 5 October 2016

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

Article 35

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 proactively in line with the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

Construction standards.

New or amended crossover – construction standards AN1) Construction standards for new/amended vehicle access: 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 and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials 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.

Obstruction of the highway AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway AN4) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

93 4/01866/16/FUL GOLDCROFT, HEMEL HEMPSTEAD

I Keen introduced the item and said it had been referred to committee due to the land being owned by the Council.

S Whelan updated members on this application. There have been questions over the provision of seven spaces and the manoeuvrability of the space on the end. Therefore, the recommendation is amended to delegate to the Group Manager of Development Management and Planning after consulting amended plans with a view to approve.

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

Vote

For: 14

Against: 0

Abstained: 0

Resolved

That planning permission be **DELEGATED** to the Group Manager with a view to approval subject to the submission of further information, 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:**

DBC/015/017 Rev B

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

- 3 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and application forms:**

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

ARTICLE 35 STATEMENT

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

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

INFORMATIVES

Construction standards for new/amended vehicle access: 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 and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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.

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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway (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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

94 APPEALS

That the following appeals be noted:

1. Lodged
2. Forthcoming inquiries
3. Allowed

The Meeting ended at 9.51 pm