
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

10 NOVEMBER 2016

Present:

MEMBERS:

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

Councillor Mills, G Sutton, Williams and Hicks also attended

OFFICERS:

K Mogan (Member Support Officer), J Doe (Assistant Director - Planning and Regeneration), Keen (Planning Officer), R Marber (Planning Officer), A Parrish (Lead Planning Officer) and Seed (Lead Planner)

The meeting began at 7.00 pm

95 MINUTES

The minutes of the meeting held on 29 September and 20 October 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=506>

96 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Imarni and Tindall.

97 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.

98 PUBLIC PARTICIPATION

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

99 4/00029/16/MFA - CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL

I Keen introduced the item to members and said it had been referred to the committee due to the contrary views of Tring Town Council. The planning officer said further objections had been submitted since the addendum was published and if the committee were to grant the application, condition 18 would need to be amended to include the correct plan numbers.

Simon Handy spoke in support of the application.

Town Councillor Christopher Townsend spoke in objection to this application on behalf of Tring Town Council.

Rob Schafer and Jack Costin spoke in objection to this application.

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

Vote

For: 8 Against: 3 Abstained: 1

Resolved:

1. That planning permission be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the SoS not intervening with a call in and completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

12 units of Affordable Housing

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. Specific details of the following shall be submitted and development shall be carried out in accordance with the approved details:**

- **sample panels of brickwork;**

- **Sample of roof materials;**
- **Detailed scaled drawing of joinery;**
- **Details of windows heads and cills;**
- **rainwater goods;**
- **Details of rooflights**

Reason: In the interests of the visual amenities of the area, enhance the relationship to neighbouring properties and to enhance the ecological potential of the site in accordance with policy CS12 of the adopted Core Strategy and 99 of the local plan.

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 and boundary treatments;**
- **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;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **External lighting.**
- **means of managing/maintaining landscaped areas.**

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 adopted Core Strategy.

4 Prior to the commencement of any works a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority.

The plan shall include details of:

- **onsite parking for construction workers for the duration of the construction**

period;

- wheel cleaning facilities associated with the proposal;
- A scheme for construction methodology including the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

The scheme shall be implemented in accordance with the agreed Construction Management Plan.

Reason: In the interests of maintaining highway efficiency and safety and pedestrian safety in accordance with policy CS8 of the adopted Core Strategy and 'saved' policy 61 of the Local Plan.

- 5 **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

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, avoiding harm to neighbouring properties by loss of privacy and visual impact and, avoiding increased size in dwellings requiring further parking provision in accordance with policies CS8 and CS12 of the adopted Core Strategy.

- 6 **The windows at first floor level in the flank elevations of plots H.3, H.15 and H.16 hereby permitted shall be non opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in accordance with policy CS12 of the adopted Core Strategy.

- 7 **Notwithstanding the information submitted detailed full layout and elevation plans of the proposed ramps, refuse area and covered cycle storage area and any other structures shall be submitted to and approved in writing by the Local Planning Authority prior to construction of these outbuildings.**

Reason: To ensure a satisfactory appearance to the development, and to preserve residential amenity; in accordance with policy CS12 of the Core Strategy (2013) and saved appendix 3 of the Local Plan (1991).

- 8 **Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) visibility splays measuring 43 x 2.4 metres shall be provided to each side of both the accesses off Aylesbury Road and Longfield Road and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the**

adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with policy CS8 of the adopted Core Strategy.

- 9 **The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted PHASE 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey report. Details of location and type of bird and bat boxes shall be submitted and approved by the LPA together with details of their installation, demolition and migration prior to the first demolition of any buildings on the site.**

Reason: In the interests of biodiversity and in accordance with policy CS29 of the adopted Core Strategy.

- 10 **Prior to occupation, a lighting design strategy for biodiversity as recommended in the submitted PHASE 1 STUDY, shall be submitted to and approved in writing by the local planning authority. The strategy shall:**
- a) identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and**
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.**

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To protect bat movement corridors and compensatory roosting features as identified in the submitted ecological report in accordance with policy CS29 of the adopted Core Strategy.

- 11 **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 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: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy

- 12 **i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 11.**

ii) 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 (11) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy

- 13 **The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (JNP reference M41452-FRA001 Dated Dec 2015) and the mitigation measures outlined within.**

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the structural integrity of existing flood defences and reduce the risk of flooding to the proposed development and future occupants in line with policy CS31, the National Planning Policy Framework and Planning Practice Guidance.

- 14 **Notwithstanding the details provided, a full scheme showing how the development will make adequate provision for access routes and Turning facilities for Hertfordshire Fire and Rescue vehicles and/or Fire Hydrants on site in order to ensure that the site complies with British Standards without compromising the approved layout of the scheme. The approved layout shall be implemented before the first occupation of the development hereby permitted and provision retained thereafter.**

Reason: In order to ensure that the development comprises with British Standards BS9999:2008 at the Interim without having impacts on the planned layout of the development affecting the retained trees , landscaping and parking layout in accordance with policies CS8 and CS12 of the adopted Core Strategy and policy 99 of the local plan.

- 15 **No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 16 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an 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 (17d) 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:

- a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - (i) 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;
- 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.

17 (c) 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.

(d) 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 (16) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (16), 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 (17).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the adopted Core Strategy.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

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

- TH/NSA/15 PLoc.1
- TH/NSA/15 PL01A
- TH/NSA/15 PL02B
- TH/NSA/15 PL03B
- TH/NSA/15 PL04B
- TH/NSA/15 PL05B

TH/NSA/15 PL07B
TH/NSA/15 PL08A
TH/NSA/15 PL09A
TH/NSA/15 PL10A
TH/NSA/15 PL11A
TH/NSA/15 PL12A
TH/NSA/15 PL13B
TH/NSA/15 PL15A
TH/NSA/15 PL16A
TH/NSA/15 PL17A
TH/NSA/15 PL18A
TH/NSA/15 PL19A
TH/NSA/15 PL20A
TH/NSA/15 PL21A
TH/NSA/15 PL22A
TH/NSA/15 PL23A
TH/NSA/15 PL24A
TH/NSA/15 PL25B
TH/NSA/15 PL26A
TH/NSA/15 PL27A

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

NOTES AND INFORMATIVES

A) HIGHWAYS

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle 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. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

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) 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.

B) ECOLOGY

It is therefore important to check for active nests before any repairs to roofs and soffits are carried out during the breeding season.

If demolition is to be undertaken within the breeding season, Starlings are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a starling, or to take, damage or destroy an active nest or its contents. Preventing the birds from gaining access to their nests may also be viewed as illegal by the courts. (Ref: RSPB).

C) ENVIRONMENTAL HEALTH

Noise on Construction/Demolition Sites - The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

Construction of hours of working – plant & machinery - In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays.

Dust - Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider. The control of dust and emissions from construction and demolition Best Practice Guidance, Produced in partnership by the Greater London Authority and London Councils.

Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

Bonfires - Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted

100 4/02488/16/FUL - THE WALLED GARDEN, STOCKS ROAD, ALDBURY, TRING, HP23 5RZ

Councillor Guest declared a personal interest in this item as she knew the architect from her Church – they have not discussed the application so reserved her right to speak and vote.

Councillor D Collins declared a personal interest as he was Dacorum Borough Council's representative on the Chiltern Conservation Board. He reserved his right to speak and vote.

A Parrish introduced the item and said it had been brought to committee at the request of Councillor Mills. The planning officer said that an almost identical scheme was refused in August.

Kathie Garsarth and David Kirkland spoke in support of this application.

In his role as ward councillor, Councillor Mills spoke in support of this application.

It was decided by members that there are special circumstances and that the scheme satisfies all four points of the exceptional quality or innovative nature of the design tests in NPPF 55 for building in a Rural Area.

Members agreed with the planning officer's judgment that the building was truly outstanding or innovative, helping to raise standards of design more generally in rural areas and is reflective of the highest standards in architecture.

Members disagreed with the planning officer on the final 2 bullet points, instead finding that the design will significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

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

Vote

For: 2 Against: 7 Abstained: 3

Having there been no majority to grant this application in line with the officer's recommendation, it was proposed by Councillor C Wyatt-Lowe and seconded by Councillor Ritchie that the officer's recommendation be overturned and the application be delegated to the Group Manager for Planning and Development Management with a view to approval subject to conditions.

It was decided by members that they felt the scheme satisfied all four tests in NPPF 55 for building in a Rural Area.

Vote

For: 7 Against: 2 Abstained: 3

Resolved

That planning permission be **DELEGATED** to the Group Manager for planning and Development Management with a view to approval subject to conditions.

101 4/01413/16/FUL - NASH MILLS METHODIST CHURCH, BARNACRES ROAD, HEMEL HEMPSTEAD, HP3 8JS

Councillor Maddern stood down from the committee as she would be speaking in objection so didn't take part in discussion or the vote.

J Seed introduced the report and said it had been referred to the committee due to the contrary views of Nash Mills Parish Council.

Mr J Hussein and Michael Clare (Crime Prevention, Herts Police) spoke in support of this application.

David Hill spoke in objection to this application.

In her role as ward councillor, Councillor Maddern spoke in objection to the application.

Councillor Matthews said if this fence was necessary for the security of the site, then why isn't anti-climb paint and other preventative measures conditioned?

J Seed said these could be added to the landscaping condition.

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

Vote

For: 7 Against: 2 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 **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Procter Pro-sure Fencing Specification
TBC**

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, application forms and documents.**

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

- 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 during construction works;

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 Core Strategy.

- 5 **The fence illustrated within Drawing No. XX which extends from 'A' to 'E' and 'F' to 'G' will permanently removed within 18 months of the date of this decision and all resulting debris will be removed from the site.**

Reason: To protect the visual amenity of the site and surrounding area in accordance with Policy CS12 of the Core Strategy.

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.

102 4/02175/16/FHA - 160 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1EE

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

Chris Kennedy spoke in support of the application.

John Mumby spoke in objection to the application.

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

Vote

For: 9 Against: 2 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.**

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

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

Front Elevation (indexed 19/09/16)
Side Elevation (indexed 19/09/16)
Rear Elevation (indexed 09/08/16)
Ground-Floor Plan (indexed 23/08/16)
First-Floor Plan (indexed 23/08/16)
Loft Floor Plan (indexed 23/08/16)
Plan View (indexed 29/09/16)

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

Article 35 Statement

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

103 4/02508/16/FHA - 2 PHOENIX WALK, HEMEL HEMPSTEAD, HP2 7RR

Councillor C Wyatt-Lowe declared an interest in this item as she had called it in on behalf of a resident so the application could have Committee scrutiny. However, she had not come to any opinion herself and so reserved her right to speak and vote.

R Marber introduced the item and said it had been called in by Councillor C Wyatt-Lowe.

Roy Hardway spoke in support of the application.

Neil Turner spoke in objection to the application.

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

Vote

For: 10 Against: 0 Abstained: 2

Resolved:

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

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

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

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

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

WPD-044-16-2

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

104 4/02258/16/FHA - 45 WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH

The item was introduced by the planning officer and was referred to the committee as the site is within Council ownership.

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

Vote

For: 12 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:**

Proposed plan

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 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.

105 4/02292/16/FUL - AMENITY LAND, FLATFIELD ROAD, HEMEL HEMPSTEAD

The item was introduced by the planning officer and was referred to the committee as the site is within Council ownership.

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

Vote

For: 12 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: DBC/016/018 & details of soakaway system to be incorporated as outlined in drawing no. HST/500/004.**

Reason: For the avoidance of doubt, in the interests of proper planning and to ensure that the proposal is acceptable in terms of flooding and drainage, in

accordance with Policies CS31 of the Dacorum Core Strategy 2013.

- 3 **Prior to the construction of the parking spaces hereby approved, full specifications of the materials to be used for hardstandings shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained as approved.**

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 use of the parking spaces hereby approved full details on a suitably scaled plan of 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) **planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;**
b) **management and maintenance details.**

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 **A 0.65m X 0.65m visibility splay shall be provided and permanently maintained each side of the accesses, measured from the edge of the access way to of the footway, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway/footway level.**

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 7 **The proposed parking spaces shall have measurements of 2.4m x 4.8m**

respectively and shall be used for parking purposes only.

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway, in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 8 **Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. 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, 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.

106 4/02407/16/FUL - AMENITY LAND, HETCHLEYS, HEMEL HEMPSTEAD

The item was introduced by the planning officer and was referred to the committee as the site is within Council ownership.

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

Vote

For: 12 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: DBC/016/20 & e-mail dated 27 October 2016 confirming use and details of Hansen Aqua Blocks to match the existing hardstanding.**

Reason: For the avoidance of doubt, in the interests of proper planning, to ensure a satisfactory design and to ensure that the proposal is acceptable in terms of flooding and drainage, in accordance with Policies CS11, CS12 and CS31 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.

Informative:

1. 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.

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

107 APPEALS

That the following appeals be noted:

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

The Meeting ended at 10.10 pm