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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT CONTROL**

**15 DECEMBER 2016**

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Present:

**MEMBERS:**

Councillor D Collins (Chairman) Councillors, Guest (Vice-Chairman), Birnie, Clark, Maddern, Riddick, Ritchie, Whitman, Fisher, Tindall, Mills and Imarni

Councillor Bhinder also attended

**OFFICERS:**

K Mogan (Member Support Officer), C Gaunt (Solicitor), Heron (Development Management Lead Officer), R Marber (Planning Officer), Rennie (Lead Planning Officer) and S Whelan (Group Manager - Development Management and Planning)

The meeting began at 7.00 pm

**108 MINUTES**

The minutes of the meeting held on 10 November 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?CIId=159&MIId=508>

**109 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Conway, Matthews and C Wyatt-Lowe.

Councillor Mills substituted on behalf of Councillor C Wyatt-Lowe.

**110 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.

**111 PUBLIC PARTICIPATION**

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

**112 4/00930/16/FUL - REPLACEMENT DWELLING - WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG**

This application was withdrawn from the agenda prior to the meeting.

**113 4/02875/16/FUL - TWO STOREY FRONT AND SIDE EXTENSION. CONVERSION OF PROPERTY TO FORM FOUR SELF-CONTAINED FLATS - 2 BRACKNELL PLACE, HEMEL HEMPSTEAD, HP2 6BT**

R Marber introduced the report and said it had been referred to committee as it had been called-in by Councillor Bhinder.

Simon Weir-Rhodes spoke in support of the application.

Margaret Young and Michelle Nalliah spoke in objection to the application.

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

Members were concerned about the overdevelopment of the site and did not think the site was suitable for four flats to be developed.

Councillor Imarni arrived at 7.29pm so took no part in the discussion or voting of this item.

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

Vote

For: 2                  Against: 7                  Abstained: 2

Having there been no majority to grant this application in line with the officer's recommendation, it was proposed by Councillor Whitman and seconded by Councillor Maddern to overturn the officer's recommendation and refuse the application.

Vote

For: 8                  Against: 0                  Abstained: 3

Resolved

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

**The proposed development would result in an unacceptable residential intensification of the site and would result in overdevelopment, which would harm the established character of the area. The proposal is therefore contrary to**

policies CS11 and CS12 of the Core Strategy (2013), the supplementary character area guidance for Grovehill HCA32 (2004) and the NPPF (2012).

**114 4/02707/16/FHA - PART TWO STOREY, PART SINGLE STOREY REAR EXTENSION AND AN OUTBUILDING - 2 THE CART TRACK, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9XA**

Councillor Birnie left the chamber at 7.58pm so took no part in the discussion or voting of this item

R Marber introduced the item and said it had been referred to committee due to the contrary views of Nash Mills Parish Council.

Councillor Birnie returned at 8pm

Surbjit Gill spoke in support of this application.

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

Vote

For: 10          Against: 1          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 approved drawings.**  
Reason: To ensure a satisfactory appearance to the development, in accordance with policy CS12 of the Core Strategy (2013).
  
- 3      **The family bathroom window at first floor level in the side elevation of the dwellinghouse shall be non-opening and shall be permanently fitted with obscured glass and non-opening below a height of 1.7m from floor level.**  
Reason: In the interests of the amenity of adjoining residents, in accordance with policy CS12 of the Core Strategy (2012) and saved appendix 3 of the Local Plan (2005).
  
- 4      **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**16/92/03 Rev A**

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 No. 2) Order 2015.

**115        4/02620/16/ROC - VARIATION OF CONDITIONS 2 (EXTERNAL SURFACES) AND 3 (APPROVED PLANS) OF PLANNING PERMISSION 4/01710/16/FHA (TWO STOREY REAR EXTENSION) - PINWOOD, KILFILLAN GARDENS, BERKHAMSTED, HP4 3LU**

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

Gavin Collins spoke in support of this application.

Alan Conway spoke in objection to this application.

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

Vote

For: 8            Against: 1            Abstained: 3

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 and to accord with adopted Core Strategy Policy CS12.

- 3 **The window at first floor level in the north elevation of the extension 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.

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

**2016/0081/02 Rev C.**

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.

**116 4/02750/16/FUL - INSTALLATION OF 5 PARKING BAYS - LAND OPPOSITE 9 BODWELL CLOSE, HEMEL HEMPSTEAD, HP1 3RG**

T Rennie introduced the report and said it had been referred to committee due to Dacorum Borough Council owning the land.

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

Vote

For: 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:**

DBC/015/001

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

- 3 **No development shall take place until details of the proposed drainage are submitted to and approved in writing by the local planning authority.**

Reason: To ensure a satisfactory development in accordance with Sustainable Urban Drainage Systems Guidance

### **Informatives**

Storage of materials AN1) 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 AN2) 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.

- 117 **4/02478/16/FUL - CHANGE OF USE FROM AMENITY USE TO SINGLE PARKING BAY - LAND ADJ TO 4 AND 5 ISENBURG WAY, HEMEL HEMPSTEAD, HP2 6NQ**

M Heron introduced the item and said it had been referred to committee due to the land being owned by Dacorum Borough Council. The application has been recommended for refusal due to there not being enough information forthcoming about the highway safety issues.

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

### Vote

For: 12          Against: 0          Abstained: 0

### Resolved:

That planning permission be refused for the following reason:

**Insufficient information has been provided within the application to establish whether the proposed parking bay would be sufficient in scale to accommodate a vehicle in line with the minimum requirements outlined in**

guidance within the Manual for Streets. Furthermore, in the absence of details showing the exact alignment of the proposed parking bay with the existing access, it is not possible to consider whether a vehicle entering or exiting the way would interfere with the safe and free flow of traffic on the adjacent highway. As such, it is not possible to establish whether the proposal would have an unacceptable impact upon highway safety. The proposal therefore cannot be properly considered against Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

As soon as comments were received by Hertfordshire County Council Transport, Programmes and Strategy outlining that insufficient information had been provided, the Local Planning Authority (LPA) forwarded these on to the applicant and requested the submission of relevant information. No such information was received during the course of the determination of this proposal. As such, and as the Planning Department would be receptive to a meeting to discuss these matters prior to any re-submission, the Council has 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.

**118            4/02757/16/LBC - PROPOSED WORKS TO RE-SLATE ROOF TO FRONT PITCH OVER CAFE AREA - OLD TOWN HALL, HIGH STREET, HEMEL HEMPSTEAD, HP1 3AE**

M Heron introduced the item.

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 works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**  
Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
  
- 2            **The new roof shall match exactly the materials, dimensions and profiles of existing original work except where otherwise shown in the drawings hereby approved.**  
Reason: To safeguard the character and appearance of the Listed Building and to comply with Policies CS12 and 27 of the Core Strategy.
  
- 3            **The development hereby permitted shall be carried out in accordance with the**

**following approved plans/documents:**

**15/01/x33/01 - Location Plan**

**15/01/x33/02 - Block Plan**

**15/01/x33/03 - Building Elevations**

**Heritage Statement - dated 6th Oct 2016**

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

Article 35:

Listed building consent 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.

## **119 APPEALS**

The following appeals were noted:

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

S Whelan brought members' attentions to the appeal that was allowed for the Grove Road development. There were two applications brought to committee: one for six dwellings and one for five dwellings. S Whelan explained to members the reasons why the appeal was allowed and for members to see that some backland development can be acceptable in some cases. The application for six dwellings was allowed at appeal and so there needs to be a motion to withdraw the appeal for five dwellings.

It was proposed by Councillor Birnie and seconded by Councillor Fisher to withdraw the appeal.

Vote

For: 12          Against: 0          Abstained: 0

Resolved:

That the application for appeal be withdrawn.



The Meeting ended at 8.52 pm