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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT CONTROL**

**12 JANUARY 2017**

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Present:

**MEMBERS:**

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

Councillor also attended

**OFFICERS:**

K Mogan (Member Support Officer), C Gaunt (Solicitor), Keen (Planning Officer), R Marber (Planning Officer), E Palmer (Planning Officer), A Parrish (Lead Planning Officer), P Stanley (Development Management Team Leader) and S Whelan (Group Manager - Development Management and Planning)

The meeting began at 7.00 pm

**120 MINUTES**

The minutes of the meeting held on 15 December 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=509>

**121 APOLOGIES FOR ABSENCE**

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

**122 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.

**123 PUBLIC PARTICIPATION**

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

**124 4/02937/16/FUL - CONVERSION OF AGRICULTURAL BARN TO FORM A**

**PAIR OF SEMI DETACHED DWELLINGS COMPRISING A TWO-BEDROOM UNIT, A STABLE MANAGER'S ONE-BEDROOM DWELLING AND A MANAGER'S OFFICE - BARN 2, FLAUDEN HOUSE STABLES, FLAUDEN, HEMEL HEMPSTEAD, HP3 0PW**

Councillor Riddick declared an interest in this application so left the discussion of this item and did not vote.

E Palmer introduced the report to members and said it had been referred to committee due to the contrary views of Flaunden Parish Council. The conditions in the report will be renumbered due to an error.

Abel Bunu spoke in support of the application.

Parish Councillor Pam Esom spoke in objection to the application.

Ian McAleer spoke in objection to the application.

Councillor Maddern arrived at 7.41pm so did not take part in the discussion or voting of this item

Members were concerned about the viability of the equestrian business and the inadequate size of the tack room.

It was proposed by Councillor Guest and seconded by Councillor Birnie to defer the application to allow for clarification of the viability of the equestrian centre in light of the proposed changes to the buildings.

Vote

For: 6                  Against: 1                  Abstained: 2

Resolved:

That the application be **DEFERRED** to allow for clarification of the viability of the equestrian centre in light of the proposed changes to the buildings.

**125                  4/02744/16/FHA - FIRST FLOOR SIDE AND ROOF EXTENSION - 28 PEMBRIDGE ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0QN**

B Curtain introduced the report and said it had been referred to committee due to the contrary views of Bovingdon Parish Council. There was a slight change to page 36 where it should say "this is a material consideration that should be afforded significant weight in the current considerations" not "this is a material consideration that must be afforded significant weight in the current considerations"

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

Vote

For: 10                  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: To ensure a satisfactory appearance to the development and to comply with Policy Cs12 of the Core Strategy.

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

**PL/001 - Site Location Plan**

**PL/002 - Existing Floor Plans**

**PL/003 - Existing Elevations**

**PL/004 Rev A - Proposed plans**

**PL/005 Rev A - Proposed Elevations**

**PL/006 - Street Scene**

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 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.

- 126 **4/02843/16/FUL - CONTINUATION OF USE OF THE SITE AS A CAR WASH INCIDENTAL AND ANCILLARY TO THE GARDEN CENTRE (RESUBMISSION OF 4/04024/15/FUL) - CHIPPERFIELD HOME & GARDEN CENTER, TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LH**

Councillor Riddick had already expressed an opinion on this application so did not take part in the discussion or voting of this item

R Marber introduced the report and said it had been referred to committee due to the contrary views of Chipperfield Parish Council. A late representation had been received from Herts Highways who had no objections.

Robert Shala spoke in support of the application.

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

Vote

For: 9                  Against: 0                  Abstained: 1

Resolved

That planning permission be **DELEGATED** to the Senior Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant subject to the following conditions:

- 1        The premises shall only be open to customers between 9:00 am and 18:00 pm on Mondays to Saturdays; and 10:00 am to 16:00 pm on Sundays, Bank Holidays and Public Holidays.**

Reason: To ensure the use remains incidental to the Garden Centre, in accordance with policies CS5 and CS12 of the Core Strategy (2013).

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

<b>311/23/03a</b>	<b>Rev</b>	<b>A</b>
<b>311/23/03b</b>	<b>Rev</b>	<b>A</b>
<b>311/23/03c</b>	<b>Rev</b>	<b>A</b>
<b>331/21/03h</b>		
<b>331/21/03j</b>		
<b>331/21/03f</b>		
<b>331/21/03g</b>		
<b>331/15/04a</b>		

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

- 3        Details of the means of lighting including full details of the level of illumination of the car washing area shall be submitted and approved in writing six months before the date of this submission.**

Reason: In the interests of the visual amenities of the Green Belt, in accordance with policy CS5 of the Core Strategy (2013).

Article 35

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.

**127            4/03043/16/LBC - REMOVAL OF INTERNAL LIGHTWEIGHT STUDWORK PARTITIONS. INSTALLATION OF SECONDARY GLAZING. REPAIRS AND REDECORATIONS. REPLACEMENT OF KITCHENETTE, WC AND WASH HAND BASIN - 10 HIGH STREET, TRING, HP23 5AH**

P Stanley introduced the report and said it had been brought to committee as the site was owned by Dacorum Borough Council.

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

Vote

For: 11            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        **Following opening up works to the bannisters a suitably scaled plan (1:20) for any new joinery details and finish shall be submitted in writing within two months to the Local Planning Authority. These works shall be carried out as approved within two months of the date of approval for these works.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Core Strategy Policy CS27 2013 and Policy 119 of the Dacorum Local Plan 2004.

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

**Floor Plans Proposed BBH/013/PL/02 Rev A**

**Floor Plans Existing BBH/013/PL/02 Rev A**

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

Article 35 Statement

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.

**128            4/02927/16/FHA- SINGLE STOREY REAR EXTENSIONS, REPLACEMENT ROOF, GARAGE CONVERSION, REPLACEMENT BAY WINDOWS AND FRONT PORCH - ROSEMARY, DUNNY LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9DD**

I Keen introduced the report and said it had been referred to committee due to the contrary views of Chipperfield Parish Council.

It was proposed by Councillor Matthews and seconded by Councillor Imarni to grant the application in line with the officers' recommendation.

Vote

For: 11            Against: 0            Abstained: 0

Resolved

That planning permission be **DELEGATED** to the Senior Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant 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 bricks to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the surrounding area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013.

- 3            No development shall take place until details of the roof 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 ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013.

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

**DL PA 03 C**  
**DL PA 05 F**

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

Contaminated Land Informative:

Historical maps show that the property is built within the vicinity of potentially contaminative land uses (former lime kilns and former windmill). There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. Therefore it is recommended that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

- 129 **4/02567/16/FHA - CONVERSION AND EXTENSION OF EXISTING DOUBLE GARAGE TO HABITABLE ROOM SPACE AS ANNEXE ACCOMMODATION - THE CART SHEDS, BOVINGDON GREEN, BOVINGDON, HEMEL HEMPSTEAD, HP3 0LB**

I Keen introduced the report and said it had been referred to committee due to the contrary views of Bovingdon Parish Council.

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

Vote

For: 11          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 resultant building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Cart Sheds, Green Lane, Bovington.**

Reason: To ensure that the detached outbuilding is not severed from the main dwelling to provide a self-contained dwelling unit which would be out of character with the area and would harm openness of the Green Belt contrary to the provisions of Policies CS5, CS11 and CS12 of the Dacorum Core Strategy 2013.

- 3 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

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

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

**2016-06-01 02 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 which led to improvements to the scheme. The Council has therefore acted 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.

- 130 **4/03266/16/ROC - VARIATION OF CONDITIONS 5 (HARD SURFACING MATERIALS - CHANGE OF AMENITY AREA TO CAR PARKING) AND 18 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00779/15/MFA (DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING.) - ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XH**

A Parrish introduced the report and said it had been referred to committee due to the site being owned by Dacorum Borough Council. There has been a late representation from Herts Highways who objected on the basis that there was not sufficient room for a refuse truck to manoeuvre out.

Members suggested it might be an idea for a refuse driver from Cupid Green to attend the meeting as they would be the best people to ask if they could reverse a truck out.

It was proposed by Councillor Tindall and seconded by Councillor Birnie to defer the application until a driver can advise the committee on the refuse truck issue.

Vote

For: 11          Against: 0          Abstained: 0

Resolved

That the application be **DEFERRED** to a future meeting.

**131          APPEALS**

That the following appeals be noted:

1. Lodged
2. Forthcoming inquiries

**132          PLANNING CODE OF PRACTICE**

C Gaunt introduced the report to members. The amendments to the code of practice are highlighted in red. The planning code of practice was adopted in 2008 and the Localism Act in 2011 brought changes and the code of practice has not been reviewed since. On page 96 of the agenda, paragraph 5.8 deals with pre-meetings and states that there should be no discussion of planning merits before the committee meeting. The report went to the Standards Committee in December 2016 and their comments and suggestions have been included in the report.

Councillor Birnie said he felt some of the amendments, especially paragraph 5.8, could be construed as treating members as incompetent. He said he had a duty of care to his electors and he was not happy with the suggestion that members must report a site visit.

C Gaunt said that was not the intention. The code of practice formalises what is and is not expected of members and officers in a public document

Councillor Matthews referred to point 10.1.5 where it says members should not enter a site unless on a formal site visit. He said he often drives by sites that are before committee and feels this does not need to be reported to officers. He said he felt that the document needs greater clarification as a lot of the language is open to interpretation.

Councillor Tindall said he was a member of the Standards Committee and was at the meeting this was discussed. He said this document appears critical but it is a way of protecting members and referring to Councillor Matthews's comment, the paragraph above states that drive byes are acceptable. The point about entering sites is that if

you meet the site owner or the developer, then members are at risk and are not protected currently.

Councillor Matthews said he agreed but it is not always possible to avoid developers on the site as he has had previous experience of this. He felt the code of practice was a little bit over the top.

Councillor Birnie asked what the definition of a formal site visit was.

Councillor D Collins said from the comments he had heard from the committee, he felt that some aspects of the document need more definition and clarity before the committee were happy to refer the report to Council.

Councillor Ritchie pointed out that paragraph 10.5 could be for members to advise officers not for members to ask permission and then it is put on record. However, he says it is not very clear.

Councillor Tindall said that if he meets residents of his ward and then a planning application comes to committee, he removes himself from the discussion and the vote and therefore protects himself, the committee and the council. He suggested that members defer the report and submit their comments and amendments to the Chair so that the report can be changed.

#### Resolved

That members of the committee submit their amendments to the Chair by 1<sup>st</sup> February 2017 and receive the amended report at the meeting on 23<sup>rd</sup> February.

### **133 EXCLUSION OF THE PUBLIC**

#### Resolved:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to an ongoing enforcement investigation and proposed action by the Council in connection with the investigation into an alleged breach in planning control, being also a criminal offence under Section 224 of the Town and Country Planning Act 1990. (LGA 1972 Schedule 12A Part 1 Paragraph 7 as amended by The Local Government (Access to Information) (Variation) Order 2006

### **134 FAILURE TO COMPLY WITH THE REQUIREMENTS OF AN ENFORCEMENT NOTICE**

Full details in the Part 2 minutes

The Meeting ended at 9.02 pm