
DACORUM BOROUGH COUNCIL

DEVELOPMENT CONTROL

2 FEBRUARY 2017

Present:

MEMBERS:

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

Councillor Douris, G Sutton and W Wyatt-Lowe also attended

OFFICERS:

C Gaunt (Solicitor), N Gibbs (Lead Planning Officer), Heron (Development Management Lead Officer), Keen (Planning Officer), Rennie (Lead Planning Officer), Seed (Lead Planner), P Stanley (Development Management Team Leader) and S Whelan (Group Manager - Development Management and Planning)

The meeting began at 7.00 pm

135 MINUTES

The minutes of the meeting held on 12 January 2017 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=510>

136 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Imarni, Maddern and Ritchie.

Councillor P Hearn substituted on behalf of Councillor Maddern.

Councillor Mills substituted on behalf of Councillor Ritchie.

137 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

138 PUBLIC PARTICIPATION

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

139 4/03157/16/MFA - HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 12,503SQM RETAIL (CLASS A1) FLOOR SPACE, 545SQM OF CAFE/RESTAURANT (CLASS A3/CLASS A5) FLOOR SPACE, AND 180 SQM OF CAFE/RESTAURANT (CLASS A1/CLASS A3) FLOOR SPACE, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING (DETAILS SUBMITTED IN FULL); AND OFFICE (CLASS B1) BUILDING MEASURING 2,787SQM (DETAILS SUBMITTED IN OUTLINE) - LAND AT MAYLANDS AVENUE, MAYLANDS AVENUE, HEMEL HEMPSTEAD

I Keen introduced the report. It has been referred to committee as it is a large scale major and involves a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Tim Price spoke in support of the application.

Councillor Guest asked why the shop units had increased from 6 to 9.

Tim Price said this was driven by demand. It was the same floor space, just more units.

In his role as the ward councillor, Councillor W Wyatt-Lowe spoke in support.

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

Vote

For: 12 Against: 0 Abstained: 0

Resolved

That in accordance with paragraph 5.(1) of the Town and Country planning (Consultation) (England) Direction 2009 the application be **REFERRED** to the Secretary of State (DCLG).

In the event that the Secretary of State does not call in the application that the application is **DELEGATED** to the Group Manager of Development and Planning with a view to approval subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 and the list of conditions below:

- 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.

Outline Planning Permission element (office Class B1)

- 2 **Approval of the details of the siting, scale, design and external appearance of the office building[s], the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development of that floor space is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

Full Planning Permission element (Class A floor space and associated physical works)

- 3 **The Class A1 retail floorspace hereby permitted shall have a maximum gross floor area of 12,503sqm. The net sales area of the Class A1 retail floorspace shall not exceed 9,700sqm comprising a maximum of;**

**1,900sqm (convenience food goods)
7,800sqm (comparison non-food goods)**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 4 **The retail Class A1 units hereby permitted shall have a minimum gross internal area floor space of 650sqm (Units 01 and 04 to 11 inclusive as shown on Drawing No. 1603 P-005 B).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 5 **The development hereby permitted shall be limited to a maximum of nine (9) units for use exclusively within Class A1 (Units 01 and 04 to 11 inclusive as shown on Drawing No. 16023 P-005 B).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 6 **No retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre and Heart of Maylands Local Centre in accordance with Core Strategy Policy CS16.

- 7 **Units 02 and 03 as shown on Drawing No. 16023 P-005 B shall be limited to a maximum gross internal floor space area of 725sqm for use within Classes A3 / A5 and Classes A1 / A3, respectively.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 8 **The retail units hereby permitted shall not be used other than as a shop within Class A1 in accordance with other conditions of this planning permission and Units 02 and 03 shall not be used other than for Classes A1 / A3 and Classes A3 / A5 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 9 **Of the total retail floor space (Class A1) hereby permitted (12,503sqm), no more than 2,505sqm (gross internal area) shall be installed at mezzanine level. Prior to the installation of any floor space at mezzanine level, metrically scaled floor plans showing the layout, amount and distribution shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16 and for the avoidance of doubt.

- 10 **The proposed development hereby permitted shall not be open to customers other than between the following hours for the uses specified below:**

Retail Class A1 units (Units 01 and 04 to 11, inclusive, as shown on Drawing No. 16023 P-005 B): 07:00 to 22:00 Monday to Saturday and between 10:00 and 18:00 on Sunday

Restaurant units (Units 02 and 03 as shown on Drawing No. 16023 P-005 B): 24 hour operation Monday to Sunday

Reason: For the avoidance of doubt.

- 11 **The development of each building hereby permitted shall not take place before samples of the materials to be used in the construction of the external surfaces of that building are submitted for approval in writing by the local planning authority.**

Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.

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

- 12 **The development hereby permitted shall not commence before full details of both hard and soft landscape works have been submitted and approved by the local planning authority. These details shall include:**

- **hard surfacing materials;**

- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 13 **The development hereby permitted shall not commence before a Landscape Management Plan for a period of five (5) years from the date of the implementation of the landscaping scheme is submitted and approved in writing by the local planning authority. The scheme shall include long term design objectives, management responsibilities and maintenance schedules for the landscaped areas. The landscaping shall be managed in accordance with the approved plan.**

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.

- 14 **The development hereby permitted shall not take place before the submission of a scheme for the protection of existing trees within and adjoining the site for approval in writing by the local planning authority. The approved scheme of protection shall be installed in accordance with the details approved and shall be maintained in place during the whole period of site demolition, excavation and construction (including any excavation for the purposes of archaeological assessment).**

Reason: In order to ensure that damage does not occur to the trees / hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy 2013.

15 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 five (5) years 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 a 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 Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

16 Development of each building shall not take place before details of the proposed slab, finished floor and ridge levels of that building in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

17 No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site.

Any such written confirmation shall be submitted to the local planning authority.

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the NPPF.

- 18 **The development of each building hereby permitted shall not commence before detailed plans are submitted and approved in writing by the local planning authority which show the proposed access arrangements for the internal four-arm roundabout, servicing access for the discount retailer (Unit 01 shown on Drawing No. 16023 P-005 B), exit-only egress for the retail car park onto Maylands Avenue, and the widening of the signalised junction access to Maylands Avenue. Development shall be carried out in accordance with the approved plans and any approved phasing strategy.**

Reason: In the interests of highway safety and to safeguard the amenity of other uses of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 19 **The development hereby permitted shall not commence before full details in the form of metrically scaled plans and written specifications shall be submitted and approved in writing by the local planning authority to illustrate the following:**

- a) **Roads, footways, foul and on-site water drainage;**
- b) **Existing and proposed access arrangements including visibility splays;**
- c) **Parking provision;**
- d) **Cycle parking provision;**
- e) **Servicing areas, loading areas and turning areas for all vehicles.**

As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.

The development shall be carried out in accordance with the approved plans and any approved phasing strategy.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 20 **The development hereby permitted shall not be occupied for trading before a Delivery and Servicing Plan has been submitted and approved by the local planning authority. The Delivery and Servicing Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, access to / from the site for delivery and servicing vehicles, and to ensure that there is no conflict between parked vehicles and arriving or departing vehicles in the service yard. Development shall be carried out in accordance with the approved details.**

As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 21 **The development hereby permitted shall not commence before a Stage 1 Road Safety Audit for all access arrangements is submitted and approved in writing by the local planning authority. The Stage 1 Road Safety Audit should consider the four-arm roundabout access within the proposed development site, exit-only egress from the retail car park onto Maylands Avenue and the widening of the signalised junction access with Maylands Avenue.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 22 **No later than six months following occupation of each unit of the development hereby permitted, the occupier (retail, restaurant or office land uses) shall submit a Travel Plan in accordance with Hertfordshire's Travel Plan Guidance to be reviewed and approved by the local planning authority in conjunction with the highway authority. Implementation of the Travel Plan shall follow a timescale to be agreed by the local planning authority and the highway authority.**

Reason: To promote sustainable transport measures to the development in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

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

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

Reason: To protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 24 **The development hereby permitted shall not be occupied before a swept path assessment for the proposed four-arm roundabout demonstrating that a 16.5m articulated lorry can safely traverse through the roundabout to access the servicing and delivery areas for the retail buildings is submitted and approved by the local planning authority.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 25 **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 25 to 28 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 28 has been complied with in relation to that contamination.

Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

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 off site receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

26 Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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 Dacorum Core Strategy 2013.

27 **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.

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 Dacorum Core Strategy 2013.

28 **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 25 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 26, 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 27.

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 Dacorum Core Strategy 2013.

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>

- 29 **The development hereby permitted shall not commence construction before an updated Air Quality Assessment has been submitted and approved in writing by the local planning authority. The updated Air Quality Assessment shall be updated to include current baseline monitoring data with respect to traffic-related pollution and construction phase mitigation measures. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the local environment in terms of air quality in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 30 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

- a) **Details of how the scheme shall be maintained and managed after completion;**
- b) **Details of the proposed drainage scheme providing a drainage plan showing the location of any proposed SuDS, pipe runs and any areas of proposed informal flooding;**
- c) **Detailed assessment of the existing surface water flood risk as shown on the EA National surface water flood maps, ensuring the development layout does not place any proposed properties at risk from surface water flooding;**
- d) **Justification of SuDS selection giving priority to above ground methods, reducing the requirement for an underground piped system, reducing the requirement for overly deep attenuation ponds;**
- e) **Detailed engineering details of the design of the proposed SuDS features;**
- f) **Detailed surface water drainage calculations for all rainfall events up to and including the 1 in 100 year + climate change event.**

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Dacorum Core Strategy 2013.

- 31 **The development hereby permitted shall not be commenced until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

Reason: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact on the community in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 32 **The restaurant units (Units 02 and 03 shown on Drawing No. 16023 P-005 B) hereby permitted shall not be occupied before a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the commencement of the use hereby permitted.**

Reason: In the interests of the amenity of occupants, visitors and adjoining uses in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 33 **A properly maintained fat trap shall be installed to serve any units operating within Class A3 hereby permitted at the application site.**

Reason: To prevent the blocking of drains, sewage flooding and pollution to local watercourses in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 34 **The development hereby permitted shall not be occupied until an updated Sustainability Statement and Energy Statement showing compliance with Policies CS29 and CS31 of the Dacorum Core Strategy 2013 have been submitted to and approved in writing by the local planning authority.**

The development shall be carried out in accordance with the details approved.

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policies CS29 and CS31 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

- 35 **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 2013 and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 36 **The development hereby permitted shall not be occupied until a Car Park Operation and Management Plan to demonstrate how access and security will be controlled within the car parking areas has been submitted to and approved in writing by the local planning authority in consultation with Hertfordshire Police. The car parking areas hereby permitted shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.**

Reason: To prevent crime and protect people using the car park in accordance with paragraph 69 of the NPPF and Policy CS12 of the Dacorum Core Strategy 2013.

- 37 **No part of the development hereby permitted shall be occupied before**

information on the number and location of fire hydrants have been submitted to and approved in writing by the local planning authority. The relevant details shall include details on how the hydrants shall be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The scheme(s) shall be implemented prior to occupation in accordance with the approved details.

Reason: In the interests of health and safety.

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

- 16023 P-003 C – Proposed Site Plan 1
- 16023 P-004 C – Proposed Site Plan 2
- 16023 P-005 B – Proposed Site Plan (received 25 January 2017)
- 16023 P-006 A – Existing And Proposed Site Sections
- 16023 P-007 A – Proposed Context Elevations
- 16023 P-008 A – Unit 1 – Proposed Ground Floor Plan
- 16023 P-009 – Unit 1 – Proposed Roof Plan
- 16023 P-010 A – Unit 1 – Proposed Elevations And Section
- 16023 P-011 A – Unit 2 - Proposed Plans , Elevations And Section
- 16023 P-012 A – Unit 3 - Proposed Plans , Elevations And Section
- 16023 P-013 - Units 04 To 11 - Ground Floor Plan - Sheet 1
- 16023 P-014 - Units 04 To 11 - Ground Floor Plan - Sheet 2
- 16023 P-015 - Units 04 To 11 - Roof Plan - Sheet 1
- 16023 P-016 - Units 04 To 11 - Roof Plan - Sheet 2
- 16023 P-017 - Units 04 To 11 - Proposed Elevations - Sheet 1
- 16023 P-018 - Units 04 To 11 - Proposed Elevations Colour - Sheet 1
- 16023 P-019 - Units 04 To 11 - Proposed Elevations Colour - Sheet 1
- 16023 P-020 - Units 04 To 11 - Proposed Elevations - Sheet 3
- 16023 P-021 - Units 04 To 11 - Proposed Elevations Colour - Sheet 3
- 16023 P-022 - Units 04 To 11 - Proposed Sections - Sheet 1
- 16023 P-023 - Units 04 To 11 - Proposed Sections - Sheet 2
- 16023 P-025 – Phasing Plan
- TM271L01 – Landscape Masterplan
- TM271L02 B – General Arrangement North
- TM271L03 B – General Arrangement South
- TM271L04 A – Planting Strategy North
- TM271L05 A – Planting Strategy South
- TM271-SKP 19 – Transformer Screening Strategy

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 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) Order 2015.

INFORMATIVES

Highways

1. The applicant is advised that the storage of materials associated with the construction of the 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. General works within the highway: Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's highway design guide "Roads in Hertfordshire". 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.

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

Contamination

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

140 4/025/14/16/FUL - CHANGE OF USE FROM A1 TO A1/A4 - 104 HIGH STREET, BERKHAMSTED, HP4 2BL

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

141 4/02528/16/FUL - CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH NEW ACCESS FROM BULBOURNE ROAD - GAMNEL FARM, BULBOURNE ROAD, TRING, HP23 5HF

N Gibbs introduced the report and said it had been referred to committee due to the contrary views of Tring Town Council. N Gibbs updated members in relation to archaeology on the site.

Members were concerned over the access to the site. It was on a dangerous road where a fatality had happened previous.

N Gough from Herts Highways said they were aware of concerns on road safety and in the last five years there have been no reported collisions on this section of road so as far as Herts Highways are concerned, there is no evidence of significant problems.

Nigel Rose spoke in support of the application.

Councillor C Wyatt-Lowe said this was a 60mph road and would cars have time to see cars exiting that junction.

Councillor D Collins asked N Gough if the speed limit could be changed.

N Gough said it wasn't as simple as that and a technical assessment would need to be undertaken as well as changes to the physical features on the road to change the environment.

It was proposed by Councillor Whitman but the officer's recommendation failed due to the lack of a seconder.

Councillor C Wyatt-Lowe said it was clear that members were not happy and proposed that the application be deferred for further discussion with planning officers, developer and Herts Highways regarding the access road. It was seconded by Councillor Guest.

Vote

For: 10 Against: 0 Abstained: 2

Resolved

That the application be **DEFERRED** for further discussions regarding the access road.

142 4/00930/16/FUL - REPLACEMENT DWELLING - WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG

J Seed introduced the item and said it had been referred to the committee as it had been called in by ward Councillor Douris. J Seed said an extra condition would be added if members were minded to grant for the full demolition of existing building.

Abel Bunu spoke in support of the application.

Julia Riddle spoke in objection to the application on behalf of the residents.

It was proposed by Councillor Guest and seconded by Councillor Whitman 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 carried out in accordance with the following approved plans/documents:**

TH.05C
TH.06D
TH.07C
TH.09A
Planning Statement
Preliminary Roost Assessment
Arboricultural Impact Assessment
Application Form

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

- 3 **Notwithstanding the information that has already been submitted, no development (excluding demolition) 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: In the interests of the visual amenities of the Chiltern AONB in accordance with Policy CS24 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

- 4 **Within three months of the date of this decision, 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;**

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

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and the Chilterns AONB in accordance with Policies CS12 and CS24 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

- 5 Prior to any excavation taking place at the site, an Arboricultural Method Statement will be submitted to and approved by the Local Planning Authority.**

Reason: In order to ensure that damage does not occur to the trees during building operations and to ensure that the visual amenity of the site and the Chilterns AONB is maintained in accordance with Policies CS12 and CS24 of the Core Strategy and Saved Policies 97 and 99 of the Dacorum Borough Local Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (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, and D.

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, the Chilterns AONB and the Green Belt in accordance with Policies CS24 and CS5 of the Core Strategy and Saved Policy 97 of the Dacorum Borough Local Plan.

- 7 No occupation of the dwelling hereby approved shall commence until the original dwelling which it replaces has been demolished in its entirety and all resulting debris has been removed from the site.**

Reason: To ensure that the proposal complies with Green Belt policy in respect of replacement buildings in accordance with the National Planning Policy Framework

and Policy CS5 of the Core Strategy.

8 No development shall take 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, and;**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: The site contains very significant archaeological remains of prehistoric and Roman date. It is therefore considered that further investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

9 Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.

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 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site contains very significant archaeological remains of prehistoric and Roman date. It is therefore considered that further investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

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

INFORMATIVE

Bats - No further surveys required. Installation of bat boxes recommended to compensate for loss of suitable roosting habitat (three bat boxes were advised) and

lighting to be directed away from vegetation where possible. Native planting to be considered as an ecological enhancement for the proposed development.

Nesting birds - You are advised to carry out a check of the building (and any relevant areas within the development site) by a suitably qualified ecologist immediately prior to demolition due to historic evidence of bird presence within the building.

143 4/02978/16/FUL - DEMOLITION OF SINGLE DWELLING AND GARAGE AND CONSTRUCTION OF TWO THREE-BED SEMI-DETACHED THREE STOREY DWELLINGS AND PARKING - HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER

J Seed introduced the report and said it had been brought to committee to the contrary views of Berkhamsted Town Council. There is a slight mistake in condition 7. The year should say 2015 not 1995.

Edward Hunt spoke in support of the application.

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

Vote

For: 10 Against: 1 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 carried out in accordance with the following approved plans:**

2181-BP10 site
2181-P12 site layout / section
2181-P1 floor plans / bike store details
2181-P2 elevations / stree view
2128/S1 existing plan

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

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

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

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.

- 4 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m minimum and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: The above condition is required 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 CS12 of the Core Strategy, Saved Policy 51 and Saved Appendix 5 of the Dacorum Borough Local Plan.

- 5 **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 and of the premises in accordance with Policy CS12 of the Core Strategy

and Saved Policy 51 of the Dacorum Borough Local Plan.

- 6 **The windows at first and second floor levels in the north-west and south-east elevations of the dwellings hereby permitted shall be non opening below 1.7 metres and shall be permanently fitted with obscured glass for the lifetime of the development.**

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

- 7 **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, 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 property and to ensure adequate provision of garden and separation from the railway and to accord with Core Strategy policy CS12.

- 8 **Prior to first occupation of the development hereby permitted the noise mitigation measures in relation to construction of the dwellings and the acoustic fencing laid down in the Consultants report produced by Philips Acoustics Ltd (October 2016) shall be constructed/provided. The approved measures will be retained, maintained and provided for the lifetime of the development.**

Reason: To ensure that a satisfactory level of occupier amenity is achieved in accordance with Policy CS32 of the Core Strategy.

INFORMATIVES

Highways

1. Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development 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.

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

2. Storage of Materials. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

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

Thames Water

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Network Rail

Should the applicant place any acoustic close boarded fencing adjacent to the operational railway then the fencing and its foundations must be constructed and maintained wholly within their land ownership footprint. Any acoustic fencing over 1.8m high will be subject to agreement with Network Rail and the applicant will need to provide details of foundation details and wind loading calculations. Please contact TownPlanningLNW@networkrail.co.uk for further information.

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.

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

Brian Shepherd spoke in objection to the 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: 3 Against: 6 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 Whitman that the officer's recommendation be overturned and the application be refused.

Vote

For: 8 Against: 0 Abstained: 4

Resolved:

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

The proposed development provides insufficient parking arrangements which would place undue parking stress on the area and be contrary to adopted Core Strategy Policy CS8 and CS12.

145 4/03282/16/FUL - FOUR TWO-BED DWELLINGS - LAND SOUTH OF 30 WEST DENE, GREAT GADDESSEN

M Heron introduced the item and said it had been referred to committee as Dacorum Borough Council has an interest in the land at the application site. M Heron advised the committee that the applicant had submitted amended plans so therefore it is not recommended that condition 3 and 7 are imposed. Information submitted in terms of materials (identified e-mail dated 2nd February 2017) and contamination (identified in Site Investigation Report) will be incorporated into condition 2.

Mark Longworth spoke in support of the application.

Judith Emerson spoke in objection to the application.

Members queried the contaminated land and officers said that a community engagement plan could be conditioned.

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

Vote

For: 11 Against: 0 Abstained: 1

Resolved:

That the application be **DELEGATED** to the Group Manger, Development Management and Planning with a view to approval subject to the completion of a legal agreement requiring the provision of affordable housing and 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: ADC1551/001 Rev. A & 16 WDG SP3 Rev. G & 16 WDG SP01 & 16 WDG SP4 Rev. G & 16 WDG CE01 & 16 WDG SL01 & 16 WDG P2 Rev. E & materials details within document entitled 'Architect's Design and Access Statement' & Section 14 'Contamination Recommendations' within submitted document entitled 'Report on a Site Investigation at Garages and Parking Area Gaddesden Row' dated 28th October 2016 & confirmation of materials within e-mail received and dated 02nd February 2017.**

Reason: For the avoidance of doubt, in the interests of proper planning, in the interests of the character of the area and 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 Policies CS11, CS12 and CS32 of the adopted Core Strategy 2013.

- 3. All planting, seeding or turfing and soil preparation 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.**

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.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without**

modification) no development within Schedule 2, Part 1, Class A shall take place.

Reason: To enable the local planning authority to retain control over the development in the interests of the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 5. Details of any external lighting proposed in connection with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of approved units. The development shall not be carried out other than in accordance with approved details in this regard.**

Reason: In the interests of the living conditions of the occupants of surrounding units and the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

- 6. Before the access is first brought into use 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. Splays shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway/footway level.**

Reason: To provide adequate visibility for drivers entering and leaving the site in the interests of highway safety in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 7. Prior to first occupation of the development hereby granted all on site vehicular areas shall be accessible and surfaced (and marked) 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 and of the premises in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004

- 8. The access shall be constructed in a hard surfacing material for the first 5 metres from the edge of the footway/carriageway.**

Reason: To prevent loose material from passing onto the public highway, in the interests of highway safety in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 9. Prior to any remediation of contamination at the site, as identified within 'Contamination Recommendations' within submitted document entitled 'Report on a Site Investigation at Garages and Parking Area Gaddesden Row' dated 28th October 2016 - referred to in condition 2, a Community Engagement Plan shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, remediation shall be carried out in accordance with approved details in this regard.**

Reason: In the interest of human health, in accordance with policy CS32 of the adopted Core Strategy 2013.

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

Informatives:

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact hertsdirect@hertsc.gov.uk or for information use our website www.hertsdirect.org. or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out. Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

146 4/02947/16/FUL - CONSTRUCTION OF A LAUNDRY ROOM AT THE REAR OF THE COMMUNITY HALL - COMMUNITY HALL, THE ROWANS, HEMEL HEMPSTEAD

M Heron introduced the report and said it had been referred to committee as Dacorum Borough Council own the site.

It was proposed by Councillor C Wyatt-Lowe 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 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 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:**

T2-1042-1 Location and Block Plan
T2-1042-2 Existing layout
T2-1042-3 Existing Elevations
T2-1042-4 Proposed layout
T2-1042-5 Proposed Elevations
T2-1042-6 Proposed extension
T2-1042-7 Existing drainage
T2-1042-8 Proposed drainage
T2-1042-9 Sections

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.

147 4/03013/16/FHA - INSTALLATION OF SATELLITE DISH 100CM IN DIAMETER - 8 MILLBANK, HEMEL HEMPSTEAD, HP3 9RN

M Heron introduced the report and said it had been referred to committee as it was a council owned building.

It was proposed by Councillor Mills 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 be carried out in accordance with the following approved plans/documents:**

Site Location Plan
Photographs of building
Satellite dish specification

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.

- 148 **4/02881/16/FUL - INSTALLATION OF 5 NEW PARKING BAYS ON AMENITY GREEN - CRANFORD, FLETCHER WAY, HEMEL HEMPSTEAD, HP2 5QP**

M Heron introduced the item and said it had been referred to committee as Dacorum Borough Council has an interest in land at the application site.

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/016/012 (scale of 1:200).**

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 in accordance with approved details.**

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

- 4 **Prior to first 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 for replacement trees, including specifications of species, sizes, planting centres, planting method and number and percentage mix;

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.

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

Informatives:

1. 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.

149 4/03301/16/FUL - INSTALLATION OF 11 PARKING BAYS - AMENITY GREEN BEHIND FLATS 1-23 LONGLANDS, HEMEL HEMPSTEAD, HP2 4DG

M Heron introduced the item and said it had been referred to committee as Dacorum Borough Council has an interest in land at the application site.

It was proposed by Councillor Birnie and seconded by Councillor Matthews 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/016/008.**

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 in accordance with approved details.**

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

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

Informatives:

1. 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.

150 4/03056/16/FUL - INSTALL 12 PARKING BAYS ON AMENITY GREEN - LAND FRONT OF 1 TO 6 MADDOX ROAD, HEMEL HEMPSTEAD

M Heron introduced the item and said it had been referred to committee as Dacorum Borough Council has an interest in land at the application site.

It was proposed by Councillor C Wyatt-Lowe 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 not be carried out other than in accordance with the following approved plans/documents: DBC/015/031 Rev. A & DBC/015/031 Rev. A (scale of 1:500).**

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 in accordance with approved details.**

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

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.

151 APPEALS UPDATE

The following appeals were noted:

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

152 RECOMMENDED CHANGES TO DEVELOPMENT CONTROL COMMITTEE

S Whelan introduced the report to members.

Councillor C Wyatt-Lowe said the call-in wording was confusing. It makes members think that they are losing a power. It should be rewritten in a more positive way.

S Whelan said this point was to tackle a grey area in the Constitution and will work with the legal department to reword it. Applications are given a 28 day call-in period

and if amended plans are submitted, there is a further 14 days consultation. This point is to deal with calling in the amended plans not the original application.

Councillor Matthews asked S Whelan to clarify the call-in process when the recommendation is for refusal.

S Whelan said this was to clarify that requests to call-in an application should be made in writing, not via the phone in the interests of fairness.

Councillor Guest said the ideas in this report are good. Closing the meeting at 10pm ensures a high quality of decision making and meetings every four weeks would be better as some meetings have been cancelled due to a lack of business. Councillor Guest said she was concerned that a sub-committee could decide applications that had no objection but called in by Town and Parish Councils. If the items do not come to the committee, the council could be seen to be hiding something.

Councillor D Collins said that Town and Parish Councils had a legal right to make recommendations and said he did not support the idea of a sub-committee and the applications should still be referred to the Development Control Committee.

S Whelan thanked members for their feedback. She said she had spoken to Mark Brookes today and there was concern that if the sub-committee met every four weeks just to decide Council's own applications then it could be an over kill. Therefore she suggested a change to the constitution that only major applications or those with objections will be referred to the Development Control Committee. Also, there is no statutory obligation to take council's own applications to committee.

Councillor Mills said he felt unhappy at putting a time limit on the meetings as it would not be fair to turn the public away if their application had not been heard before 10pm.

Councillor D Collins said he had a contrary view and said it was not fair for the public to have their application reviewed late at night when decision making was potentially of a poorer quality.

Councillor G Sutton said all the recommendations were very sensible and would not damage democracy but will increase it. More people might then become interested in the committee. He said that it should be a two way street, if meetings are being capped at 10pm then officers must be succinct in their presentations. We do not want to restrict members' time. He said he was happy to refer this report to Council.

Outcome

S Whelan to make the changes suggested by members and Development Control Committee to refer the report to Council.

153 EXCLUSION OF THE PUBLIC

Resolved:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as

