
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

23 FEBRUARY 2017

Present:

MEMBERS:

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

Councillor also attended

OFFICERS:

K Mogan (Member Support Officer), B Curtain (Lead Planning Officer), C Gaunt (Solicitor), N Gibbs (Lead Planning Officer), Harman (Planning Officer), E Palmer (Planning Officer), S Whelan (Group Manager - Development Management and Planning) and Robbins (Planning Officer)

The meeting began at 7.00 pm

156 MINUTES

The minutes of the meeting held on 2 February 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?CId=159&MId=511>

157 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors Fisher and Whitman

158 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.

159 PUBLIC PARTICIPATION

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

160 4/02937/16/FUL - CONVERSION OF AGRICULTURAL BARN TO FORM A

PAIR OF SEMI DETACHED DWELLINGS COMPRISING A TWO-BEDROOM UNIT FOR A STABLE MANAGER WITH ASSOCIATED TACK STORAGE, LOCKABLE OFFICER AND A ONE-BEDROOM DWELLING FOR OPEN MARKET HOUSING - BARN 2, FLAUNDEN HOUSE STABLES, FLAUNDEN, HEMEL HEMPSTEAD, HP3 0PW

Councillor Riddick declared an interest in this application. He did not take part in the discussion or voting of this item.

E Palmer introduced the item, this item was deferred at the meeting held on 12th January 2017 to allow for experts to attend and advise members. If members are minded to grant the application then the plan numbers will need to be updated.

Abel Bunu and Sara Tucker spoke in support of the application.

Parish Councillor Pam Esom spoke in objection to the application.

Ian McAleer and John Rugg spoke in objection to the application.

Members discussed at length the viability of the site and the safety issues of having an open market house so close to the stables and the horses.

C Gaunt explained to members that there is a six stage test for imposing conditions and all these criteria must be met.

Members asked if it was possible for the Group Manager to liaise with the applicant to ensure a substantial barrier is implemented between the open market housing and the stables. The applicant agreed.

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

Vote

For: 6 Against: 1 Abstained: 3

Resolved

That planning permission be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to the amendment and signing of the Unilateral Undertaking by relevant parties and the relevant 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 development hereby permitted shall match in size, colour and texture those used on the existing buildings.**

Reason: To ensure a satisfactory appearance to the development and to comply

with CS 11,12 and 27.

- 3 **No development of the buildings hereby approved shall take place until full details of both hard and soft landscape works 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;**
- **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 and to comply with CS5,11,12 and 27.

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

For the purposes of this condition:

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

and a preliminary risk assessment is carried out.

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

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

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

- 5 All remediation or protection measures identified in the Remediation Statement referred to in Condition (4) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

Informative:

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

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

- 6 Prior to the commencement of development the refurbishment of the stables as described in the application and listed below must be completed.**

- **Replacement and renewal of worn felt roof on the stables;**
- **Replacement of rotten stable doors with new stable doors;**
- **Repoint loose bricks to the bottom of wall; and**
- **Renew / seal leaking rainwater goods.**

Reason: To ensure that the stables are refurbished and that they are available for the re-establishment of the equestrian use on the site and therefore complies with

CS5 with particular reference to supporting the rural economy.

- 7 **Prior to the commencement of development plans showing the layout of the equestrian use shall be submitted for approval by the local planning authority to demonstrate the stables, supporting buildings and infrastructure for the operation of the livery yard, provide for horse and pedestrian safety and will support the rural economy in terms of a sustainable equestrian facility.**

Reason: to ensure the proposed use supports the rural economy and maintenance of the wider green belt countryside as well as highway safety in accordance with policies CS5 (Green Belt), CS9 (Management of roads) of the Core Strategy 2013, Policy 51 (Development and transport Impacts), Policy 81 (Equestrian activities) of the Dacorum Borough Local Plan 2004 and the NPPF.

- 8 **Detailed proposals for the fire hydrants serving the development as incorporated into the provision of the mains water services for the development whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and in accordance with the approved details thereafter implemented prior to occupation of any building forming part of the development.**

The development shall thereafter be implemented in accordance with those approved details.

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with core strategy policies CS1, CS4, CS12 & CS29.

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes [A, B, C, D, E, F and G]

Part 2 Classes [A, B and C].

Part 6 Class A

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.

Reason: In the interests of safeguarding the openness of the Green Belt; the rural character of the building and the site; and the visual amenity of the surrounding countryside. The proposed development comprises of the conversion of two agricultural buildings in a rural area and it is important for the local planning authority to retain control over certain future development which would normally represent permitted development, in order to safeguard the rural character of the surrounding countryside.

- 10 **The occupation of the two bed conversion shall be limited to a person solely or primarily working at the stables located immediately north-east of the**

dwelling or a widow or widower of such a person and to any resident dependants.

Reason: For the avoidance of doubt and to ensure that the stables opposite will be retained and offered to local people for the stabling of their horses. The two bed conversion will help support the rural economy and maintenance of the wider countryside. To ensure compliance with CS 5.

- 11 **Where the proposed materials for Barn 2 do not match the existing, no development shall take place until details of the external 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. Samples shall be made available to inspect on the site. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Conservation Area and to comply with policies CS27 and CS 11 and 12.

- 12 **Prior to commencement of development a Business Plan for the equestrian use must be submitted to and approved by the local planning authority.**

Reason: To ensure the viability of the equestrian business and to comply with CS5 with particular reference to supporting the rural economy.

- 13 **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.

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

CIL

Site and Location Plan 16.149.P10.000 Rev C

Proposed Floor & Elevation Plan 16.149.P10.002 Rev C

Existing Floor and Elevation Plan 16.149.P10.001

Revised Planning Statement, 24th January 2017.

Amended Application Form

Unilateral Undertaking - tying the two bedroom dwelling and tack room within Barn B and all land not under the ownership of the one bedroom dwelling in Barn B, Barn A and The Coach House to the stables for the equestrian use.

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

Article 35 Statement:

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

Management Procedure) (England) Order 2015.

Informatives:

Welfare of animals

Please refer to the DEFRA Code of practice for the Welfare of Horses, Ponies, Donkeys and Hybrids, NEWC Compendium for the Welfare of Horses, Ponies and Donkeys and the BHS Approval Criteria for Livery Yards. This guidance sets out minimum standards to ensure a level of appropriate well-being at an equestrian use which will ensure the longevity of the business and in turn supports the rural economy in accordance with CS5.

Highways

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

AN1. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

AN2. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Transport maintained and available on site should emergency veterinary treatment be required.

(Reason - the provision of a trailer and towing vehicle and or horse box is a welfare requirement for the transportation to a Veterinary hospital for sick animals requiring urgent lifesaving surgery if diagnosed by a veterinary surgeon or other competent

person).

Protected Species

- "Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant."
- "Site clearance should be undertaken outside the bird nesting season, typically March to September (inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the building/surrounding vegetation should be made by a suitably experienced ecologist and if active nests are found, then works must be delayed until the nesting period has finished."

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Thames Water

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.

**SHOP/DRINKING ESTABLISHMENT (A1/A4) USE - 104 HIGH STREET,
BERKHAMSTED, HP4 2BL**

Councillor Matthews declared a personal interest as the objectors were known to him. He retired to the public area and did not take part in the discussion or voting of this item.

J Seed introduced the report to members and it has been referred to the committee as it is a re-submission of a proposal previously refused by the committee.

Members were concerned about the class of the shop. S Whelan advised that was an enforcement issue, not a planning consideration for tonight.

Councillor Ritchie asked what had changed since the last refusal. J Seed said the shop had put in an acoustic wall and there are currently discussions with the applicants about solving the disabled access problems.

Greg Blessen and Tim Hickford spoke in support of the application.

Councillor Imarni arrived at 8.10pm and took no part in the discussion and voting of this item.

It was proposed by Councillor Guest but fell to a lack of a seconder.

There were further discussions amongst the committee and the recommendation was seconded by Councillor Tindall.

Vote

For: 5 Against: 3 Abstained: 2

Resolved

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

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

Location Plan
Application Form
Ground Floor
First Floor

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

- 2 **Within three months of the date of this decision, a Disabled Access Statement (DAS), prepared by a registered access officer, will be submitted to the Local Planning Authority. Once approved, the recommendations contained within the DAS will be implemented within three months of approval and provided for the lifetime of the development.**

Reason: To ensure that disabled access arrangements are provided in accordance with Policy CS12 of the Core Strategy and Saved Policy 63 of the Dacorum Borough Local Plan.

- 3 **The premises shall only be open to customers and / or other patrons between the following hours:**

Mon - Thurs: 12:00 - 21:00

Fri: 12:00 - 21:30

Sat: 10:00 - 21:30

Sun, Bank and Public Holidays: 11:00 - 18:00

Reason: To protect the residential amenity of neighbouring occupants in accordance with Policy CS12 of the Core Strategy.

ARTICLE 35 STATEMENT

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

INFORMATIVE

The applicant is advised that the awning which is affixed to the side of the proposal site does not benefit from planning permission and as such, you are advised to address this matter urgently, either by removing the awning and all associated fixtures and fittings and making good any resultant damage, or by submitting an application to the Planning Authority for its retention.

**162 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 item and said members had deferred the item at the last meeting for further information and discussion about the access road. It has since been clarified that the site access road exits onto a 40mph not 60 mph road.

Councillor C Wyatt-Lowe said she would not have pushed for refusal at the last meeting if she had known it was a 40mph road. She said she rescinded her decision based on false information.

It was proposed by Councillor Birnie and seconded by Councillor Conway 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 **No development shall take place until samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. 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 safeguard the character and appearance of the Green Bell and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 3 **No development shall take place until details of the materials proposed to be used on the surfaces of the roadway, turning and parking areas have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. 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 safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 4 **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings 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: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 5 **Details of the type of planting in the areas shown by the approved drawings shall be submitted to the local planning authority within 6 months of the date of this decision.**

The scheme for planting shall also include the area between Houses 1 and the Bulbourne Road frontage and its future management. The approved planting shall be carried out fully in accordance with the approved details in the planting season following the first occupation of any of the dwellinghouses hereby permitted. If within a period of five years from the date of the planting of any tree that tree, or any tree planted, shrub or section of hedge or replacement for it, is removed, uprooted or destroyed or dies (or becomes, in

the opinion of the local planning authority, seriously damaged or defective), another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation. For the purposes of this condition the planting season is between 1 October and 31 March.

Reason: To safeguard the character and appearance of the Green Belt and the setting of the Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12, CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 6 **Details of all internal boundary fencing, including any acoustic fencing between the garden of House 2 with Bulbourne Road shall be submitted to the local planning authority in writing within 6 months of the date of this decision. The approved boundary fencing shall be installed fully in accordance with the approved details before the first occupation of any of the dwellings hereby permitted and shall be thereafter retained at all times.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty and the interests of residential amenity in accordance with Policies CS5, CS12, CS24 and CS32 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 7 **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 requirements 1.0 and 2.0 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 2.0 has been complied with in relation to that contamination.**
procedures for the Management of Land Contamination, CLR 11'.

1.0 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.

2.0 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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), 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 (c).

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 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development to accord with Policy 32 of the Dacorum Core Strategy.

- 9 Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies CS12 and CS31 of the Dacorum Core Strategy and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 10 The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation and turning shown on Drawing No.C204 Rev C shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. The roadway shall constructed with a 13.5m tonne loading.**

Reason: To ensure the provision of an acceptable means of access to the site for all vehicles including emergency and refuse vehicles and so as not to compromise highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policies 54 and 55.

- 11 **Visibility splays of not less than 2.4 m x 78m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policy 54..

- 12 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CS8 & CS12 and saved Dacorum Borough Local Plan Policy 54..

- 13 **Within one month of the first use of the access hereby permitted being first brought into use the existing accesses shall be stopped up and closed by removing the vehicle crossover, raising the kerb and reinstating the footway surface.**

Reason: In the interests of highway safety in accordance with Dacorum Core Strategy Policies CBS 8 & CS12 and saved Dacorum Borough Local Plan Policies 54 and 55

- 14 **Detailed proposals for the fire hydrant(s) serving the development shall be submitted in writing to the local planning authority within 6 months of the date of this decision and the approved fire hydrant(s) shall be provided prior to occupation of any dwelling house forming part of the development hereby permitted and thereafter shall be retained at all times.**

Reason: To enable appropriate development to occur, ensure a safe, sustainable form of development which provides for its own infrastructure for fire emergencies in accordance with Dacorum Core Strategy Policies CS12 and CS29 and Saved Policy 54 of Dacorum Borough Local Plan.

- 15 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority within the residential curtilages of the dwellinghouses hereby permitted:**

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

Part 2 Class B

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Green Belt and the setting of the Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS8 and CS12 of Dacorum Core Strategy.

- 16 **No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1.The programme and methodology of site investigation and recording

2.The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In order to ensure investigation and preservation of archaeological findings to accord with Policy CS27 of the Dacorum Core Strategy.

- 17 **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 15 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with Policy CS27 of the Dacorum Core Strategy.

- 18 **The development shall be constructed and maintained fully in accordance with the submitted approach to submitted Sustainable Design and Construction Statement shall be submitted to the local planning authority.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy.

- 19 **Details of all exterior lighting to be installed at the application site shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: To safeguard the character and appearance of the Green Belt and the setting of Chilterns Area of Outstanding Natural Beauty, the residential amenity of the locality, highway safety, biodiversity, access for persons with disabilities and

crime prevention/security in accordance with Policies CS5, CS12 , CS24 , CS25 and CS32 of Dacorum Core Strategy and Policies 97 and 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 20 **The domestic gardens for the dwellings hereby permitted only extend to the rear garden boundary line of Houses 1, 3 and 4 as identified on Drawing No.C204 Rev C.**

Reason: To safeguard the character and appearance of the Green Bell and the setting of Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS5, CS12 and CS24 of Dacorum Core Strategy and saved Policy 97 of Dacorum Borough Local Plan.

- 21 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

L001 site location plan

C01 A

C204 Rev C

B001

C200 Rev A

C201 Rev A

C202 Rev B

C203 Rev B

C205

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant 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.

NOTE 1:

This decision to grant planning permission has been taken for the following reason, having regard to the relevant policies of the development plan , national planning policy/guidance, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the advice of expert technical consultees.

The site is located in the Green Belt and adjoins the Chilterns Area of Outstanding Beauty served by a long established vehicular access. There is an extant planning permission for residential development at the site served by an approved access. The proposal represents an acceptable alternative to the extant permission in terms of the Green Belt implications and highway safety implications. There are no detailed objections to the development subject to the imposition of conditions..

Informatives

Land Stability

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Highways Safety

In the interests of highway safety during construction wheel cleaning facilities for construction vehicles should be made available at all times.

163 4/02467/16/FUL - TWO BED DWELLING - 52 RIDGEWAY, BERKHAMSTED, HP4 3LD

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

Darren Levin spoke in support of the application.

It was proposed by Councillor Matthews and seconded by Councillor Maddern 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/documents:**

Wren naj 70c 2016 rev B
Wrend 70 b 2016 REvA

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

- 3 The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match in size, colour and texture those used on the existing building at 52 Ridgeway**

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

- 4 **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 and B

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the amenity of neighbouring properties in accordance with policies CS12 of the Core Strategy

- 5 **Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan Wren naj 70c 2016 rev B. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: In the interests of highway safety and in accordance with saved policy 58 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013)

Informatives

AN1) Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) 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.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

164 4/02526/16/FHA - PROPOSED DOUBLE GARAGE - BLUEBELLE, HOGPITS BOTTOM, FLAUDEN, HEMEL HEMPSTEAD, HP3 0PX

Councillor C Wyatt-Lowe declared a personal interest as she knew the architect. She reserved her right to speak and vote on this item.

A Harmen introduced the report and said it had been referred to committee due to the contrary views of Flaunden Parish Council.

Martin Dowling spoke in support of this application.

Parish Councillor Vivienne Adams spoke in objection to the application.

Martin Hemmings spoke in objection to the application.

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

Vote

For: 6 Against: 0 Abstained: 6

Resolved

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

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

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

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

420/4
420/05
420/06
420/07

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

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

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

Article 35 Statement

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

165 4/02842/16/FUL - NEW DWELLING - 16 COBB ROAD, BERKHAMSTED, HP4 3LE

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

Natalie Bear spoke in support of this application.

Mrs Drake and Arthur Talbot spoke in objection to the application.

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

Vote

For: 5 Against: 5 Abstained: 1

Due to there being no majority, the Chairman had the casting vote. The Chairman voted for the application.

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 in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 3 All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No. 167 pa2.09 Rev B. The works shall be**

carried out prior to the occupation of any part of the development or in accordance with a programme agreed with 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 (September 2013).

- 4 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. 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: 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.

- 5 **The development hereby permitted shall not be occupied until the vehicle crossover has been widened and the arrangements for vehicle parking shown on Drawing No. 167 pa2.06 Rev B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 6 **The garage door shall open inwards or be in the form of a roller and thereafter maintained as such.**

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

- 7 **The development hereby permitted shall be carried out in accordance with the approved Policy CS29 sustainability statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy (September 2013).

- 8 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A B and C.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

**167 su1.01
167 pa2.02
167 pa2.01**

167 pa2 06 B
167 pa2 07 A
167 pa2 08 B
167 pa2 09 B
167 pa2 10 A
Design and Access Statement
Sustainability Statement

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

NOTE 1:

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015

Informatives

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

THAMES WATER INFORMATIVE:

Waste Comments

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 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

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

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.

166 4/03441/16/FHA - DEMOLITION OF EXISTING CONSERVATORY AND REPLACEMENT TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION - 25 WINDMILL WAY, TRING, HP23 4HH

S Robbins introduced the report and said it had been referred to committee due to the contrary views of Tring Town 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: 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:**

MD 1515 02 PL

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.

167 4/03392/16/FHA - SINGLE STOREY REAR EXTENSION. SINGLE STOREY SIDE EXTENSION WITH TERRACE OVER AND RENDER CLADDING TO FRONT - 2 COPPINS CLOSE, BERKHAMSTED, HP4 3NZ

B Curtain introduced the report and said it had been referred to the committee due to the contrary views of Berkhamsted Town Council. She advised that a change to the description would be needed and condition 2 would need to be amended.

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

Vote

For: 8

Against: 3

Abstained: 1

Resolved

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

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

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

Purchase Act 2004.

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

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Appendix 7 of the Dacorum Borough local Plan 1991-2011.

- 3 **The proposed timber screen shown on Drg. No. 197 pa2.04 shall be a minimum of 1.7 metres in height above the floor of the roof terrace and the balustrade shall be set back as shown on Drg No. 197 pa2.03/A. Both shall be erected prior to the first use of the terrace and shall thereafter be retained in position.**

Reason: For the avoidance of doubt and to preserve the amenities of the adjacent residential property in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

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

**197 SUL.01
197 PA2.01
197 PA2.02
197 PA2.03/A
197 PA2.04
197 PA2.05/A**

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

168 APPEALS UPDATE

The following appeals were noted:

1. Lodged
2. Forthcoming inquiries

3. Dismissed
4. Allowed

Councillor D Collins announced that this meeting would be S Whelan's last before she goes on maternity leave. On behalf of the committee, he wished her all the best.

The Meeting ended at 10.10 pm