
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

21 MARCH 2024

Present:

MEMBERS:

Councillor Stevens (Chairman) Councillors, Guest, C Wyatt-Lowe, Durrant, Cox, Patterson, Riddick, Silwal, Smith-Wright, Maddern, Stewart and Weston

OFFICERS:

| | |
|-------------|--|
| P Stanley | Head of Development Management |
| J Gardner | Development Management Assistant Team Leader |
| L Bushby | Planning Officer |
| R Freeman | Lead Planning Officer |
| H Edey | Lead Planning Officer |
| A Stapleton | (Principal Property Lawyer) |
| J Edwards | (Litigation Lawyer) |
| K Johnston | (Corporate & Democratic Support Officer) (Minutes) |

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 1 Feb 2024. Were confirmed by the Members present. Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Apologies received from Councillor Bristow and Councillor Hobson. Councillor Stewart substituted for Bristow and Councillor Weston Substituted for Councillor Hobson.

3 DECLARATIONS OF INTEREST

Councillor Stevens asked Members to remember to declare any Disclosable Pecuniary or other Interests at the beginning of the relevant planning application.

4 PUBLIC PARTICIPATION

Councillor Stevens advised that members of public have registered to speak at this meeting and reminded any members of the public viewing the meeting about the rules of doing so.

The order of applications were changed to allow for anyone wanting to speak on an application to be heard. The items were heard in the following order.

5a.
5e,
5c
5d
5f

5a.

23/02876/MPI

Demolition of the existing school building and construction of new replacement school building with MUGA, all weather pitch, landscaping and parking

Blessed Cuthbert Mayne Roman Catholic School Clover Way Hemel Hempstead Hertfordshire HP1 3EA

Cllr Guest mentioned that this is within in her area; she said that she had been approached along with Cllr Pound and they had met in December about this, but confirmed that she hasn't spoken to anyone or given her opinion on this. She is coming to the meeting with an open mind.

The Case Officer, James Gardner introduced the report to Members and said that the application had been called-in by Councillor Mitchell over concerns in relation to noise from the proposed community facilities, safety of children passing the site on foot during the construction phase, and the potential for asbestos dust to travel through the air during demolition.

J Gardner informed the committee of the changes which were set out in the addendum.

Councillor Heather Pound, John Cowper and David Slater spoke in objection to the application.

Matthew Blythin spoke in support of the application.

It was proposed by Councillor Weston and seconded by Councillor Stewart to **GRANT** the application.

Vote:

| For: | Against: | Abstained: |
|------|----------|------------|
| 3 | 6 | 3 |

Having there been no majority to GRANT the application It was proposed by Councillor Wyatt-Lowe and seconded by Councillor Guest to overturn the officer's recommendation and **REFUSE** the application.

Vote:

| For: | Against: | Abstained: |
|------|----------|------------|
| 6 | 4 | 2 |

Resolved: That planning permission be **REFUSED**.

- 1.** virtue of its siting, height and proximity to the dwellings in Betjeman Way, the proposed development would result in unacceptable levels of visual intrusion,

contrary to Policy CS12 of the Dacorum Core Strategy (2013) and paragraph 135 (f) of the NPPF (2023).

- 2.** The use of the Artificial Grass Pitch outside of school hours by members of the public would result in unacceptable noise and disturbance to the flatted development (10-15) on Clover Way. Noise and disturbance would arise from, inter alia, the opening and closing of car doors, raised voices and ball strikes, all of which would alter the acoustic character of the area to the extent that there would be a detrimental reduction in the quality of life for these residents, contrary to Policy CS12 of the Dacorum Core Strategy (2013) and paragraph 135 (f) of the NPPF (2023).

5b.

23/01583/FUL Demolition of existing single storey garage building. Construction of 1no. detached four-bedroom family dwelling with associated car parking / landscaping.

Land Rear Of 38-40 Windmill Way, Tring, Hertfordshire, HP23 4EH

Item 5b was removed off the agenda prior to the meeting due to needing further drawings from the agent, the item will return to committee once received.

5c.

**23/02283/FUL Construction of new vehicular access
Access To Beeches Farm Icknield Way Tring Hertfordshire**

The Case Officer, Laura Bushby introduced the report to Members and said that the application had been referred to the Committee due to contrary views of the Parish Council.

Councillor Patterson and Weston declared an interest in the item and confirmed that they will not be taking part in the discussion or voting.

It was proposed by Councillor Guest and seconded by Councillor Durrant to **GRANT** the application.

Vote:

| For: | Against: | Abstained: |
|------|----------|------------|
| 9 | 0 | 1 |

Resolved: That planning permission be **GRANTED**.
That planning permission be GRANTED

Condition(s):

- 1. The development hereby permitted shall begin 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:

**Road Safety Audit Stage 1 ref: 18171
Highways Statement Rev A
23031/101
295-001 Rev D
295-015 Rev A
Arbicultural Report ref: APPA150622/1**

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 application form and approved plans.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

Informative (s):

1. Works within the highway (section 278)

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

2. 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.

3. Obstruction of highway

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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

**5d.
23/02655/FUL Construction of 9 Dwellings**

Land off Tring Road, Wilstone

*Cllr Smith-Wright declared an interest in 5d, as she voted against this at the Parish Council. She confirmed that she will take no part in the discussion or voting.
Cllr Patterson is coming with an open mind to the meeting having declared that he is the Ward Councillor.*

The Case Officer, Robert Freeman introduced the report to Members and said that the application had been referred to the Committee given their previous refusal of planning applications for development on this site.

It was proposed by Councillor Riddick and seconded by Councillor Durrant to **DELEGATED with a view to APPROVAL.**

Vote:

| For: | Against: | Abstained: |
|------|----------|------------|
| 10 | 0 | 1 |

Resolved: That planning permission be **DELEGATED with a view to APPROVAL.**
RECOMMENDATION

That planning permission be **DELEGATED** 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 following conditions.

10.2 That the following Heads of Terms are secured:

- The provision of 4 units (44%) for affordable housing incorporating a single unit as a First Home, an affordable rental unit and two shared ownership properties.
- The provision of off-site and on site highway works including the provision of a pedestrian crossing and footpath connections between the village and the Grand Union Canal
- Details of the long term management and maintenance of public open space
- The provision of a SAMM contribution of some £8,224.92
- The provision of a SANG contribution of some £38,265.39

Condition(s) and Reason(s):

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

Plans

P220_9-100 (Site Location Plan)
P220_9-101 (Proposed Site Plan)
P220_9-102 (Plot 1 Plans and Elevations)
P220_9-103 (Plots 2 and 8 Plans and Elevations)
P220_9-104 (Plot 3 Plans and Elevations)
P220_9-105 (Plots 4 and 5 Plans and Elevations)
P220_9-106 (Plot 6 and 7 Plans and Elevations)
P220_9-107 (Plot 9 Plans and Elevations)
P220_9-108 (Materials Plan)
P220_9-109 (Parking Plan)
8180891/6101 B – Visibility Splays.

Documents

Arboricultural Report (October 2023) by Sylva Consultancy
Flood Risk and Drainage Statement (October 2023) by Glanville
Landscape Management and Maintenance Plan (October 2023) by ACD
Environmental
Preliminary Ecological Appraisal (October 2023) by Windrush Ecology
Limited
Transport Technical Note (October 2023) by Glanville

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

2. **The development hereby approved, shall be constructed in accordance with the materials specified on drawing P220_9-108**

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

3. **The development hereby approved, shall not be occupied, until the means of access, parking and circulation areas have been provided fully in accordance with drawings P220_9-101 and P220_9-109.**

Reason: To ensure the provision and retention of adequate access and parking facilities for the site in accordance with Policies CS8 and CS12 of the Core Strategy.

4. **The development hereby permitted shall not be occupied until the offsite highway improvement works discharged under planning reference 21/04350/DRC have been completed in accordance with the approved details.**

Reason: In the interests of highways safety and in accordance with Policies CS8, CS12 and CS26 of the Core Strategy.

5. **Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing number 8180891/6101 B. The splays shall thereafter be retained at all times and be kept free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. **Prior to the first occupation of the development hereby approved 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:

- **means of enclosure, including the materials and/or hedging plants to be used for any enclosures, together with the location of any hedgehog gates;**
- **the provision of suitable controls to ensure that unauthorised access is not gained via the new development to land at the rear thereof,**
- **soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;**
- **any exterior lighting works and**
- **the siting and design of any bird boxes, bat boxes and other habitat creation.**

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To ensure the adequate landscaping of the site in accordance with Policies CS12, CS26 and CS29 of the Core Strategy.

7. **No further development shall take place until the measures for the protection of trees have been provided in accordance with the Tree Protection Plan within the Arboricultural Report by Sylva Consulting dated October 2023. All protective measures shall remain in-situ and be free from the storage of construction material, plant and machinery for the duration of the construction period.**

Reason: To ensure the adequate protection of trees and landscaping features in accordance with Policy CS12 and Saved Policy 99 of the Local Plan 1991-2011.

8. **The development hereby approved shall not be occupied until a plan for the management, maintenance and ecological improvement of the public open space and site boundaries has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be maintained, and improvements implemented fully in accordance with the approved details.**

Reason: To ensure the satisfactory management of open space in the interests of visual amenity and biodiversity and in accordance with Policies CS12 and CS26 of the Core Strategy.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) or any revisions thereto there shall be no development falling within the following schedules to the specified units without the express planning permission of the local planning authority

Schedule 2 Part 1 Class A – All plots

Schedule 2 Part 1 Classes B and C - Plots 1, 8 and 9

Schedule 2 Part 2 Class A – All plots

Reason: In the interests of the visual amenity of the area and residential amenity in accordance with Policy CS10, CS11 and CS12 of the Core Strategy.

INFORMATIVES

HERTFORDSHIRE HIGHWAY

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. 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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

CONTAMINATION

Any contamination, other than that report encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

CANALS AND RIVERS TRUST

1. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust ".

- 3.** The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted, they will usually be subject to completion of a commercial agreement. Please contact Chris Lee, Utilities surveyor (chris.lee@canalrivertrust.org.uk). For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

5e.

23/02339/FUL Construction of a Double Garage

Land to the rear of Osteria, 1 The Street, Chipperfield

The Case Officer, Robert Freeman introduced the report to Members and said that the application had been referred to the Committee due to an objection from the Parish Council. The Case Officer confirmed that further comments had been received from Hertfordshire Highways, raising no objection to the development. Councillor Bryant spoke in objection to the application.

It was proposed by Councillor Weston to **GRANT** the application. As there was no seconder, the recommendation **FALLS**.

It was then proposed by Councillor Riddick and seconded by Councillor Guest to overturn the officer's recommendation and **REFUSE** the application.

Vote:

| | | |
|------|----------|------------|
| For: | Against: | Abstained: |
| 9 | 1 | 2 |

Resolved: That planning permission be **REFUSED**.

The proposed development, in view of its layout, site coverage and lack of landscaping, would result in a cramped and poor quality development that would be incongruous and harmful to the character and appearance of the area. This would be contrary to Policies CS11 and CS12 of the Core Strategy

5f.

23/02025/FUL Alterations including front and rear extensions to provide enhanced community facilities to the existing building

Community Centre Great Sturgess Road Hemel Hempstead Hertfordshire

Cllr Guest and Cllr Durrant declared that they are ward Councillors for that area. Cllr Guest declared that she supports The Great Sturgess Community Group, but confirms that she has had no discussion about this application and is coming to the meeting with an open mind.

The Case Officer, Heather Edey, introduced the report to Members and said that the application had been referred to the Committee due to it being a DBC scheme with neighbour objections.

It was proposed by Councillor Maddern and seconded by Councillor Guest to **GRANT** the application.

Vote:

| | | |
|------|----------|------------|
| For: | Against: | Abstained: |
| 11 | 0 | 1 |

Resolved: That planning permission be **GRANTED**.

RECOMMENDATION

It is recommended that the application be GRANTED.

Condition(s) and Reason(s):

- The development hereby permitted shall begin 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.
- The materials to be used in the construction of the external surfaces of the development hereby permitted shall match the existing building in terms of size, colour and texture.**
Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).
- The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**
8442/GS/CH/020 Rev A
8442/PD/DA/005
Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

- 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

The Meeting ended at 9.30 pm