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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**3 OCTOBER 2024**

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Present:

**MEMBERS:**

Councillor Stevens (Chairman) Councillors, Hobson (Vice-Chairman), Bristow, Cox, Durrant, Guest, Maddern, Mitchell, Patterson, Riddick, Walker, C Wyatt-Lowe and Allen

Councillor also attended

**OFFICERS:**

P Stanley (Head of Development Management)  
N Sultan (Legal Governance Manager (Litigation))  
J Gardner (Development Management Assistant Team Leader)  
K Johnston (Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7.00 pm

**1 MINUTES**

The minutes of the meeting held on 05 Sept 2024. Were confirmed by the Members present. Hard-copy minutes were signed by the Chair

**2 APOLOGIES FOR ABSENCE**

Apologies received from Cllr Smith-Wright, Councillor Allen substituted on her behalf. Apologies received from Councillor Barry-Mears.

**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.

**5a.**

**24/01496/MFA**

**Demolition of existing buildings and redevelopment of the site to provide 59 residential units (market and affordable), erection of a community hub building,**

**sustainability measures together with associated landscaping, open space, parking, and highway improvement  
Haresfoot Farm, Chesham Road, Berkhamsted, Hertfordshire, HP4 2SU**

The Case Officer, James Gardner introduced the report to Members and said that the application had been referred to the Committee due to contrary views of Berkhamsted Town Council

Michael Bannister, Julian Davies and Ward Councillor Taylor spoke in objection to the application.

Simon Warner and Oliver Myrants Wilson spoke in support of the application. It was proposed by Councillor Maddern and seconded by Councillor Hobson to **DELEGATE with a view to APPROVAL.**

Vote:

For:	Against:	Abstained:
5	6	2

Having there been no majority to **GRANT** the application it was proposed by Councillor Maddern and seconded by Councillor Walker to **DEFER** the application to allow for further consideration of the 'Community Hub' building and its potential replacement with additional affordable housing units.

Vote:

For:	Against:	Abstained:
8	0	5

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

**5b.  
24/00782/FUL  
Demolition of existing buildings and construction of 7 dwellings with associated parking and landscaping.  
Birchin Grove Farm, Half Moon Lane, Pepperstock, Luton, LU1 4LL**

Item 5b was deferred from the agenda prior to the meeting

**5c.  
24/01755/FUL**

**Demolition of 43 garages and the construction of 8 residential units, car parking and associated landscaping.  
Land at Chenies Court, Hemel Hempstead**

Philip Stanley presented the report to Members on behalf of the case officer Robert Freeman, and said that the application had been referred to the Committee due to the request of Councillor Wyatt-Lowe. Councillor Wyatt-Lowe is aware of public interest in the scheme and is concerned about over development of the site and a lack of car parking.

*Councillor Wyatt-Lowe declared an interest in the item as she had called it in, she confirmed that she would take no part in the discussion or voting.*

Ian Golton and Ward Councillor spoke in objection to the application.  
Andrew Boothby spoke in support of the application.

It was proposed by Councillor Maddern and seconded by Councillor Guest to **DELEGATE with a view to APPROVAL.**

Vote:

For:	Against:	Abstained:
10	0	2

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

**RECOMMENDATION.**

10.1 That planning permission is **DELGATED** with a **VIEW TO APPROVAL** subject to the completion of a legal agreement to secure appropriate contributions towards SAMM and SANG in accordance with the Chiltern Beechwoods Mitigation Strategy and the following planning conditions.

**Conditions and Reasons:**

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:**

- CC2/24/LP01 (Location Plan)**
- CC2/24/PL01 Revision B (Proposed Site Plan)**
- CC2/24/PL02 Revision A (Site 1 – Plan)**
- CC2/24/PL03 Revision A (Site 2 – Plan)**
- CC2/24/PL04 (Site Plan 3)**
- CC2/24/PL05 (Site 2 – Plans and Section)**
- CC2/24/PL06 (Site 2 – Elevations)**
- CC2/24/PL08 (Site 3 – Plans and Sections)**
- CC2/24/PL09 Revision A (Site 3 – Elevations)**

**Arboricultural Report including Arboricultural Impact Assessment and Arboricultural Method Statement by David Clarke Landscape Architect dated April 2024**

**Design and Access Statement by Bell Cornwall dated July 2024**

**Ecology Appraisal by Cherryfield Ecology dated 21<sup>st</sup> June 2024**

**Phase 1 – Geo-Environmental Report by JNP Group**

**Tree Protection Plan by David Clarke Landscape Architect reference TPP/LCCHHH/010 Revision C**

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

3. **The development, hereby permitted, shall not commence until the tree protection measures have been provided in accordance with those described in Arboricultural Report including Arboricultural Impact Assessment and Arboricultural Method Statement by David Clarke Landscape Architect dated April 2024 and indicated on drawing TPP/LCCHHH/010 Revision C. These tree protection measures shall be retained for the duration of the demolition and construction period in accordance with the approved details.**

Reason: To ensure the adequate protection of existing landscape features in accordance with Policies CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Local Plan 1991-2011.

4. **No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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

5. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall be based on drawing LP/LCCHHH/020 and include:**

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- full details of measures to encourage and increase the biodiversity and ecological value (including those at Table 18 of the Ecological Appraisal) of the application site

**The planting and other landscaping works 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 improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Dacorum Borough Council Core Strategy

- 6. The development hereby permitted shall not commence until full details of the sustainable construction measures incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details prior to use.**

Reason: To ensure that appropriate sustainable construction measures are incorporated in the design of the proposals in accordance with Policy CS29 of the Core Strategy.

- 7. No development approved by this permission shall be commenced until an Intrusive Site Investigation Risk Assessment Report has been submitted to and approved by the Local Planning Authority which includes:**

**(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**

**(ii) The results from the application of an appropriate risk assessment methodology.**

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

- 8. No development approved by this permission (other than that necessary for the discharge of condition) shall be commenced until a Remediation Method Statement report (including an options appraisal and verification plan) has been submitted to and approved by the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

- 9. This site shall not be occupied, or brought into use, until:**

**(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 8 above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**

**(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

Reason: To ensure that the issue of contamination is adequately addressed to protect human health and the surrounding environment and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

10. **Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The statement shall cover the following matters:**

- **the parking and turning of vehicles of site operatives and visitors;**
- **loading and unloading of plant and materials;**
- **storage of plant and materials used in constructing the development;**
- **the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- **details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;**
- **wheel washing facilities;**
- **measures to control the emission of dust and dirt during demolition and construction;**
- **a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.**
- **design of construction access**
- **hours of demolition and construction works**
- **A methodology statement for the demolition of the existing garages and the safe disposal of any material**
- **control of noise and/or vibration and**
- **measures to control overspill of light from security lighting**

**The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works**

Reason: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2023).

11. **The development hereby approved shall not be occupied until the car parking area indicated on drawing CC2/24/PL02 Revision A has been laid out, surfaced and is ready for use (including the provision of EV charging points) by the occupants of the development. The parking area and electric vehicle charging points shall thereafter be retained in accordance with the approved details.**

Reason: To ensure the adequate provision of car parking in accordance with Policies CS8 and CS12 of the Core Strategy and the Car Parking Standards SPD (2020)

12. **Unless otherwise agreed in writing by the local planning authority, the windows within the flank elevations of the development hereby approved**

**shall only be fitted with high level openings and obscure glazing. The obscure glazing shall be provided to a minimum of level 3 of the Pilkington scale.**

Reason: In the interest of the amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and Saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011.

## **INFORMATIVES**

### 1. Article 35

Planning permission has been granted for this proposal. Advice given to the applicant at the pre-application stage has been followed. 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

### 2. Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.

Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team [ecp@dacorum.gov.uk](mailto:ecp@dacorum.gov.uk) or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

### 3. Construction Dust Informative

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

### 4. Waste Management Informative

Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste

management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.

#### 5. Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

#### 6. Protected Species

If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

#### 7. Contamination

Materials or conditions that may be encountered at the site and which could indicate the presence of contamination include, but are not limited to:

Soils that are malodorous, for example a fuel odour or solvent-type odour, discoloured soils, soils containing man-made objects such as paint cans, oil/chemical drums, vehicle or machinery parts etc., or fragments of asbestos or potentially asbestos containing materials. If any other material is encountered that causes doubt, or which is significantly different from the expected ground conditions advice should be sought.

In the event that ground contamination is encountered at any time when carrying out the approved development it must be reported in writing



immediately to the Local Planning Authority with all works temporarily suspended until a remediation method statement has been agreed because, the safe development and secure occupancy of the site lies with the developer.

## **6 APPEALS UPDATE**

P Stanley gave the committee an update on planning appeal decisions and performance for the period between 15 July 2024 and 15 September 2024.

The Meeting ended at 9.25 pm