
DACORUM BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT

12 DECEMBER 2024

Present:

MEMBERS:

Councillors Stevens (Chair), Guest (Vice-Chair), Bristow, Patterson, Smith-Wright, Riddick, Walker, Mitchell, Maddern, Anderson, Barradell (11)

OFFICERS:

- P Stanley (Head of Development Management)
- J Gardner (Development Management Assistant Team Leader)
- P Stanley (Head of Development Management)
- S Robbins (Lead Planning Officer)
- A Parrish (Lead Planning Officer)
- N Sultan (Legal Governance Manager (Litigation))
- K Johnston (Corporate & Democratic Support Officer) (Minutes)

The meeting began at 7.00 pm

1 MINUTES

The minutes of the meeting held on 31 October 2024. Were confirmed by the Members present.
Hard-copy minutes were signed by the Chair

2 APOLOGIES FOR ABSENCE

Apologies received from Councillor Durrant and Councillor Hobson and Councillor Wyatt-Lowe. Councillor Anderson substituted on behalf of Councillor Durrant and Councillor Barradell Substituted on behalf of Councillor Wyatt-Lowe.

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

Note: Item 5(e) was heard before item 5(d)

5a.

24/01496/MFA

**Demolition of existing buildings and redevelopment of the site to provide 61 residential units (market and affordable), sustainability measures together with associated landscaping, open space, parking, and highway improvements.
Haresfoot Farm, Chesham Road, Berkhamsted, Hertfordshire, HP4 2SU**

Councillor Stevens declared an interest in item 5a. He declared that he sits on Berkhamsted Town Council. He confirmed that he was coming with an open mind and has not taken part in any Berkhamsted Town Council discussions regarding this item.

The Case Officer, James Gardner, introduced the report to Members and said that the application had been referred to the Committee due to the Contrary views of Berkhamsted Town Council. James Gardner also went through the changes to the NPPF relevant to this application, the changes to the application since the last DMC, and the question of whether the paddock land falls within the curtilage of the stable building and, by extension, can be considered to be previously developed land for the purposes of the NPPF.

Ward Councillor Nigel Taylor, Michael Bannister, Julian Davies and Elizabeth O'Reilly spoke in objection to the application.

Simon Warner and Oliver Myrants-Wilson spoke in support of the application. Prior to opening the debate among Members the Chair read a statement setting out the principal planning considerations in assessing the amended application.

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

Vote:

For:	Against:	Abstained:
8	2	1

Resolved: That planning permission be **DELEGATED with a view to APPROVAL.** subject to conditions and the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure satisfactory mitigation for the Chiltern Beechwoods Special Area of Conservation, consistent with the Chilterns Beechwoods Mitigation Strategy and other appropriate contributions and provisions to make the development acceptable in accordance with the development plan, NPPF and any other material considerations.

Condition(s) and Reason(s):

- 1. The development hereby permitted shall begin before the expiration of two 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:**

23-4356-SLP001		Site Location Plan	
23-J4356-1000		Proposed Site Layout	Rev. B
23-J4356-1001		Proposed Coloured Site Layout	Rev. B
23-J4356-1002		Proposed Coloured Site Layout in Context	Rev. B
23-J4356-1008		Proposed Parking and Cycle Plan	Rev. A
23-J4356-1009		Private and Communal Amenity Plan	Rev. A
23-J4356-1010		Affordable Location and Tenure	Rev. C
23-J4356-1011		Disabled Parking Plan	Rev. A
23-J4356-2001		Plot 1 - 3 Floor Plans & Elevations	
23-J4356-2002		Plot 4 & 5 Floor Plans & Elevations	
23-J4356-2003		Plot 6 - 9 Floor Plans & Elevations	
23-J4356-2004		Plot 10 Floor Plans & Elevations	
23-J4356-2005		Plot 11 & 20 Floor Plans & Elevations	
23-J4356-2006		Plot 12 Floor Plans & Elevations	
23-J4356-2007		Plot 13 Floor Plans & Elevations	
23-J4356-2008		Plot 14 Floor Plans & Elevations	
23-J4356-2009		Plot 15 Floor Plans & Elevations	
23-J4356-2010		Plot 16 Floor Plans & Elevations	
23-J4356-2011		Plot 17 Floor Plans & Elevations	
23-J4356-2012		Plot 18 Floor Plans & Elevations	
23-J4356-2013		Plot 19 Floor Plans & Elevations	
23-J4356-2014		Plot 21 & 29 Floor Plans & Elevations	
23-J4356-2015		Plot 22, 26 & 28 Floor Plans & Elevations	
23-J4356-2016		Plot 23 Floor Plans & Elevations	
23-J4356-2017		Plot 24 Floor Plans & Elevations	
23-J4356-2018		Plot 25 Floor Plans & Elevations	
23-J4356-2019		Plot 27 Floor Plans & Elevations	
23-J4356-2020		Plot 30 Floor Plans & Elevations	
23-J4356-2021		Plot 31 Floor Plans & Elevations	
23-J4356-2022		Plot 32 - 35 Floor Plans & Elevations	Rev. A
23-J4356-2023		Plot 36 - 39 Floor Plans & Elevations	Rev. A
23-J4356-2024		Plot 40 - 43 Floor Plans & Elevations	Rev. A
23-J4356-2025		Plot 44 - 47 Floor Plans & Elevations	Rev. A
23-J4356-2026		Plot 48 - 50 Floor Plans & Elevations	
23-J4356-2027		Plot 51 - 53 Floor Plans & Elevations	
23-J4356-2028		Plot 54 & 55 Floor Plans & Elevations	
23-J4356-2029		Plot 56 - 59 Floor Plans & Elevations	
23-J4356-2030		Plot 60 and 61 Floor Plans & Elevations	
23-J4356-3000		Carbarns 1 & 3 Vehicle Floorplans & Elevations	
23-J4356-3002		Electric Bike Store Floorplans & Elevations	Rev. A
23-J4356-4000		Street Scene A-A & B-B	Rev. A
23-J4356-4001		Street Scene C-C & D-D	Rev. B
23-J4356-4002		Street Scene E-E	Rev. A
SK01	Rev. C	Proposed Site Access Arrangement	
SK02	Rev. D	White Hill Proposed Improvements	
SK03	Rev. D	Chesham Road & White Hill Proposed Improvements	
SK04	Rev. B	A416 & Chesham Road Roundabout Improvement	
		Proposals	
SK05	Rev. B	A416 & Chesham Road Improvement Proposals	
SK27	Rev. B	Site Access Visibility Splay and Double Yellow Lines	

**Arboricultural Impact Assessment and Arboricultural Method Statement
(June 2024)
TPP/HFWBH/010 B Tree Protection Plan**

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

3. **No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

INFORMATIVE:

Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

4. **No development (other than demolition) shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a detailed construction method statement have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be constructed in accordance with the approved particulars and based on SuDS Drainage Report (REF: 4158/2023 Rev C dated 20 June 2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority. The development shall include:**

1. **Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent), three times in quick succession at the proposed depth of the proposed deep bore infiltration feature/s when they have been installed. The results shall be reviewed, and all the detailed drainage modelling calculations and detailed design be amended as appropriate.**
2. **Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:**
 - i. **3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.**
 - ii. **1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.**

3. **The design of the wetland, storage pond and swales for attenuation will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.**
4. **Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.**
5. **Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge including one additional step of treatment for discharge to a sensitive location (source protection zone 3).**

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policy CS31 of Dacorum Core Strategy (2013) and paragraph 173 NPPF (2023).

5. **No development (other than demolition) shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of how groundwater and discharge to the deep bore soakaways will be protected, who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving waterbody. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.**

Reason: To prevent flooding and pollution offsite in accordance with Policy CS31 of the Dacorum Core Strategy (2013) and paragraph 173 NPPF (2023).

6. **No development (other than demolition) shall take place until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show how the permanent drainage network will be protected from the temporary drainage arrangements and shall subsequently be carried out in accordance with the approved details.**

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

7. **The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning**

Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

1. A timetable for its implementation.
2. Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
3. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with Policy CS31 of the Dacorum Core Strategy (2013) and paragraph 173 NPPF (2023).

8. **Upon completion of the surface water drainage system, including any SuDS features, and prior to occupation of the development hereby approved, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 4. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with Policy CS31 of Dacorum Core Strategy (2013) and paragraph 173 NPPF (2023).

9.
 - a) **No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental 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.**
 - b) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.**

- c) **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 (b) 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. **Any contamination, other than that reported by virtue of Condition 9 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.**

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.

11. **Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary off-site highway improvement works as referred to in the Transport Assessment have been submitted to and approved in writing by the Local Planning Authority. These works shall include:**

- **New relocated vehicle bellmouth access and any associated works;**
- **Any works associated with closing off the existing vehicle access;**
- **Installation of footway provision along White Hill and traffic calming carriageway alternate priorities;**
- **Widened footways on the A416 Chesham Road and widened traffic island on western side of A416/Chesham Road roundabout.**
- **Pedestrian controlled signalised crossing prior to A416/Chesham Road roundabout.**
- **Relocation of bus stops on Chesham Road with associated infrastructure including shelter and easy access kassel kerbing.**
- **Tactile paving at key crossing points.**
- **Speed limit reduction to 40mph on: A416 Chesham Road between the roundabout on the south side of the A41 and the roundabout**

to the north side of the A41; part of A416 Kingshill Way up until the commencement of the existing 30mph speed limit; part of the A41 slip road.

- **Any works associated with construction access into the site.**

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Local Plan (2004).

12. **The development hereby permitted shall not be occupied until the offsite highway improvement works referred to in Condition 11 have been completed in accordance with the approved details.**

Reason: To ensure construction of a satisfactory development, that the highway improvement works are designed to an appropriate standard in the interests of highway safety, that the off-site works are actually delivered and thereby provide the site with the requisite level of accessibility by maximising sustainable transport solutions, in accordance with Policies CS1 and CS12 of the Dacorum Core Strategy (2013), Policy 54 of the Dacorum Local Plan (2004) and paragraph 109 of the NPPF (2023).

13. **Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

14. **No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:**

- Construction vehicle number and type;**
- Access arrangements to the site;**
- Traffic management requirements**
- Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
- Siting and details of wheel washing facilities;**
- Cleaning of site entrances, site tracks and the adjacent public highway;**
- Timing of construction activities (including delivery times and removal of waste);**
- Provision of sufficient on-site parking prior to commencement of construction activities;**
- Post construction restoration/reinstatement of the working areas and any temporary access to the public highway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS12 of the

Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Borough Local Plan (2004).

15. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within Part 1, Schedule 2, Classes A and D of the Order shall be undertaken in relation to all dwellings hereby approved until the local planning authority is satisfied that contamination will not pose a risk to human health, as evidenced by the submission and subsequent approval in writing of a Remediation Statement by the local planning authority**

Reason: In order to be satisfied that the site remediation measures will not be prejudiced / circumvented as a result of the exercise of permitted development rights by future occupiers in accordance with paragraph 189 (b) and (c) of the National Planning Policy Framework (2023).

Informative:

The Council will not unreasonably refuse to discharge the condition where it can be proven that the site conditions and method of remediation are such that they will not be prejudiced or circumvented by the exercise of permitted development involving groundworks

16. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:**

Schedule 2, Part 1, Class A (single-storey rear extensions in excess of 3m): Plot 2

Schedule 2, Part 1, Class C (north-western facing roof slopes): Plots 1 - 3, 51 - 53 & 56 - 59.

Schedule 2, Part 1, Class C (north-eastern facing roof slopes): Plots 30 - 39 & 60 - 61.

Schedule 2, Part 1, Class E: Plots 3, 5, 32, 35, 36, 39, 54, 46 & 59.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), Policy 51 of the Dacorum Local Plan (2004) and Paragraph 135 of the National Planning Policy Framework (December 2023).

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

- i. **The programme and methodology of site investigation and recording**
- ii. **The programme and methodology of site investigation and recording as required by the evaluation**
- iii. **The programme for post investigation assessment**
- iv. **Provision to be made for analysis of the site investigation and recording**
- v. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- vi. **Provision to be made for archive deposition of the analysis and records of the site investigation**
- vii. **Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

18. **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 17.**
ii) The development shall not be occupied/used 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 18 and the provision made for analysis and publication where appropriate.

Reason: Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 200 of the National Planning Policy Framework (December 2023).

19. **Prior to first occupation of the development hereby approved, details of fire hydrants or other measures to protect the development from fire must have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development.**

Reason: To ensure that the development is adequately served by fire hydrants in the event of fire in accordance with Policy CS12 of the Dacorum Core Strategy.

20. **The development hereby approved shall not be occupied until a scheme for the installation of sprinklers (the sprinkler system) in accordance with**

BS 9251:2014 or BS EN 12845 standard in respect of Plots 39, 53, 56 and 57 has been submitted to and approved in writing by the local planning authority. The sprinkler system shall be fully installed and operational prior to the occupation of any of aforementioned plots and thereafter permanently retained and maintained.

Reason: To ensure that the layout of residential development is provided with appropriate access and makes adequate provision for the fighting of fires in accordance with Policies CS9 and CS12 of the Dacorum Core Strategy (2013).

21. **Details of the onsite play space (which shall, at a minimum, include 1 x Locally Equipped Area of Play and 3 x Local Areas of Play) provision shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved. The details shall include:**

- a) location, layout , boundary treatment and design of the play space;
and
- b) equipment / features.

The play space and equipment/features shall be laid out and installed prior to the first occupation of the development hereby approved permanently maintained thereafter.

Reason: In order to ensure a sufficient level of playspace for future children living on the development, in accordance with Appendix 6 of the Dacorum Borough Local Plan (2004) and Section 12 of the NPPF (2023).

22. **Prior to first occupation of the development hereby approved, details of benches and bins (locations and specifications) within the public open space and play area shall be 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 that the development provides high quality public space and good place making in accordance with Section 12 of the National Planning Policy Framework (2023).

23. **No development above slab level shall take place until full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until these measures have been provided and these measures shall thereafter be retained fully in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

24. **The dwelling(s) shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.**

Reason: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised; to mitigate the impacts of climate change; in the interests of sustainability; to use natural resources prudently in accordance with the National Planning Policy Framework (December 2023), and in accordance with Policy CS29 of the Dacorum Core Strategy (2013).

25. **No development above slab level 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 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.

The approved hard landscaping works shall have been fully provided prior to first occupation of the dwellings hereby approved.

The approved planting shall 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 (e) of the Dacorum Borough Council Core Strategy (2013).

26. **Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority.**

The CEMP shall set out, as a minimum, the proposed demolition, earthworks and construction methodology. The CEMP shall outline site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements, by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP.

The SWMP shall, as a minimum, describe how materials will be managed efficiently and disposed of during the construction of the works, explaining how the re-use and recycling of materials will be maximised. It shall provide details on how measures have been taken to reduce the

amount of waste produced on site and shall contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved details.

Reason: To reduce the environmental impact of the construction and impact on the public highway and amenities of neighbouring residents in accordance with saved Policy 129 of the Dacorum Borough Local Plan (2004), Policies CS8, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraphs 109, 112, 114 and 192 of the National Planning Policy Framework (December 2023).

27. **Development shall be carried out in strict accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement (June 2024) and the Tree Protection Plan (TPP/HFWBH/010 B) throughout the entirety of the demolition and construction phases.**

Reason: To ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 180 of the National Planning Policy Framework (2023).

28. **No development above slab level shall take place until a scheme for sound insulation has been submitted to and approved by the Local Planning Authority demonstrating the means by which internal noise levels presented in Table 4 of BS8233:2014 will be achieved. Noise levels within private external amenity spaces should be designed to not exceed 55 dB LAeq,T wherever practical. Where noise levels are anticipated to exceed this value then the development should be designed to achieve the lowest practicable levels in those private external amenity spaces.**

Reason: In order to ensure that both the internal and external living environments of the development are acceptable, in accordance with paragraphs 130, 180 and 191 of the NPPF (2023).

29. **No development shall take place until a geotechnical report by a qualified geotechnical engineer has been submitted to and approved in writing by the local planning authority.**

The report shall provide commentary on the potential for dissolution features to arise as a result of the use of deep bore soakaways for the SuDS and, where appropriate, recommend measures to avoid or reduce the likelihood of dissolution.

Where avoidance or reduction measures are recommended, these shall be implemented prior to first use of the development hereby approved.

Reason: In order to prevent new development from being put at unacceptable risk from, or being adversely affected by land instability, in accordance with paragraph 180 (e) of the NPPF (2023).

This condition needs to be pre-commencement as avoidance or reduction measures may need to be implemented which may not be achievable if works have already commenced and progressed to a certain degree.

30. **None of the dwellings hereby approved shall be occupied until all existing buildings currently on site have been demolished.**

Reason: To ensure an acceptable level of amenity for future residents of the site in accordance with paragraph 135 of the NPPF (2023).

31. **No development above slab level shall take place until full details of the following have been submitted to and approved in writing by the local planning authority:**

- **At least 22 purpose-built bat boxes and their location; and**
- **At least 44 nesting boxes, 22 of which will be integrated Swift Bricks and their location.**

The purpose-built bat boxes and 44 nesting boxes shall be fully installed prior to first occupation of the dwellings hereby permitted and permanently retained thereafter.

Reason: In the interests of strengthening biodiversity corridors, establishing a coherent ecological network which is resilient to current and future pressures, and integrating opportunities to improve biodiversity into the design of the development, in accordance with Policy CS26 of the Dacorum Core Strategy (2013) and paragraph 180 (d) and 186 (d) of the NPPF (2023).

32. **Notwithstanding the submitted outdoor lighting report, lighting strategy and lighting plan, no development above slab level shall take place until an external lighting scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not be limited to, lux levels, cowls and other measures to avoid unnecessary light spillage. The lighting shall thereafter be installed, operated and maintained in accordance with the approved particulars.**

Reason: To ensure that the lighting is designed to minimise problems of glare, protect residential amenity, to minimise impacts on biodiversity and avoid unnecessary light pollution in accordance with saved Policy 113 and Appendix 8 of the Dacorum Local Plan (2004).

**5b.
24/01593/MFA**

**Change of use from agricultural land to Suitable Alternative Natural Greenspace (SANG) with associated access and car park.
Land East Of Green Lane Gaddesden Lane Gaddesden Row Hemel Hempstead
Hertfordshire**

Prior to the meeting, the Chair of the Development Management Committee had agreed to defer this application for further investigations on drainage / surface water flooding matters.

5c.
24/01157/RES

Details of the layout, scale, appearance and landscaping pursuant to outline planning application DBC Ref: 4/02539/16/MOA and SACDC Ref: 5/16/2845 comprising 324 dwellings, two Class E retail / commercial units, and associated landscaping and infrastructure works.

Spencer's Park Phase 2 East Land Between Three Cherry Trees Lane and Cherry Tree Lane Hemel Hempstead

Cllr Barradell declared that the SANG is in his ward but he is coming to the meeting with an open mind.

The Case Officer, Andrew Parrish, introduced the report to Members and said that the application had been referred to the Committee under s.2.3.2 (4) of Part 3 of the Council's Constitution as the application is a large scale major development which is linked to an existing planning obligation under s.106 of the Town and Country Planning Act 1990 (as substituted by s.12 of the Planning and Compensation Act 1991). Andrew Parrish also stated that the NPPF had changed today and referenced the relevant paragraphs to this application.

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

Vote:

For:	Against:	Abstained:
9	1	1

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

That the application be delegated with a view to approval subject to:

- A. Land secured as Suitable Alternative Natural Greenspace with appropriate credits allocated to the development, either on land east of Green Lane, Gaddesden Row, Hemel Hempstead, or on an alternative site;
- B. Completion of a Unilateral Undertaking securing the SAMM payment of £296,097.12 and monitoring fee of £400;
- C. Completion of an Appropriate Assessment with no outstanding objection from Natural England, and
- D. Appropriate conditions;
- E. The redrafting of Condition 1 to refer either to land east of Green Lane, Gaddesden Row, Hemel Hempstead, or to an appropriate alternative site where SANG credits have been allocated to the development, or the completion of an s106 obligation to secure the same, as considered appropriate.
- F. Informatives as recommended by consultees
- G. If Suitable Alternative Natural Greenspace is not secured within 6 (six) months of the Development Management Committee date the application shall return to Development Management Committee for re-determination.

Condition(s) and Reason(s):

1. No dwelling shall be occupied unless and until a proportion (being 6.3ha) of the Suitable Alternative Natural Greenspace to be delivered on land east of Green Lane, Gaddesden Row, Hemel Hempstead under planning permission 24/01593/MFA sufficient to mitigate the impact of the occupation of the 324 dwellings hereby granted has been delivered on site and allocated to the development of Phase 2 East of Spencer's Park in accordance with a section 106 agreement in connection with the Gaddesden Row SANG and confirmation of the delivery of that SANG or an alternative site has been secured as SANG and such confirmation and allocation has been submitted to and approved in writing by the local planning authority.

Reason: To mitigate the adverse impact of visitor pressure from residents of the development on the integrity of the Chilterns Beechwoods Special Area of Conservation in accordance with Policy CS26 of the Dacorum Core Strategy September 2013.

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

Site Plans by McBains

SPP2E-MCB-XX-XX-DR-A-0200-P2

SPP2E-MCB-XX-XX-DR-A-0230-P2

SPP2E-MCB-XX-XX-DR-A-0231-P2

SPP2E-MCB-XX-XX-DR-A-0232-P2

SPP2E-MCB-XX-XX-DR-A-0233-P2

SPP2E-MCB-XX-XX-DR-A-0234-P2

SPP2E-MCB-XX-XX-DR-A-0235-P2

SPP2E-MCB-XX-XX-DR-A-0236-P2

SPP2E-MCB-XX-XX-DR-A-0237-P2

SPP2E-MCB-XX-XX-DR-A-0238-P2

SPP2E-MCB-XX-XX-DR-A-0239-P2

SPP2E-MCB-XX-XX-DR-A-0240-P2

SPP2E-MCB-XX-XX-DR-A-0241-P2

SPP2E-MCB-XX-XX-DR-A-0242-P2

SPP2E-MCB-XX-XX-DR-A-0243-P2

SPP2E-MCB-XX-XX-DR-A-0244-P2

SPP2E-MCB-XX-XX-DR-A-0245-P2

SPP2E-MCB-XX-XX-DR-A-0246-P2

SPP2E-MCB-XX-XX-DR-A-0247-P2

SPP2E-MCB-XX-XX-DR-A-0248-P2

SPP2E-MCB-XX-XX-DR-A-0249-P2

SPP2E-MCB-XX-XX-DR-A-0250-P2

SPP2E-MCB-XX-XX-DR-A-0253-P2

SPP2E-MCB-XX-XX-DR-A-0256-P1

SPP2E-MCB-XX-XX-DR-A-0257-P1

SPP2E-MCB-XX-XX-DR-A-0258-P1

SPP2E-MCB-XX-XX-DR-A-0259-P1

House Types, Floor Plans and Elevations by McBains

SPP2E-MCB-HT-HA-DR-A-0105-P2

SPP2E-MCB-HT-HP-DR-A-0106-P2

SPP2E-MCB-HT-HP-DR-A-0107-P2

SPP2E-MCB-HT-HP-DR-A-0108-P2

SPP2E-MCB-HT-HP-DR-A-0109-P2

SPP2E-MCB-HT-HP-DR-A-0110-P2

SPP2E-MCB-HT-HP-DR-A-0112-P2
SPP2E-MCB-HT-HP-DR-A-0113- P2
SPP2E-MCB-HT-HP-DR-A-0114- P2
SPP2E-MCB-HT-HP-DR-A-0115-P2
SPP2E-MCB-HT-HP-DR-A-0117-P2
SPP2E-MCB-HT-HP-DR-A-0118- P2
SPP2E-MCB-HT-HP-DR-A-0119-P2
SPP2E-MCB-HT-HP-DR-A-0121-P2
SPP2E-MCB-HT-HP-DR-A-0122- P2
SPP2E-MCB-HT-HP-DR-A-0123-P2
SPP2E-MCB-HT-HS-DR-A-0124-P2
SPP2E-MCB-HT-HA-DR-A-0125-P1
SPP2E-MCB-HT-HA-DR-A-0126-P1
SPP2E-MCB-HT-HS-DR-A-0127-P2
SPP2E-MCB-HT-HA-DR-A-0128-P2
SPP2E-MCB-HT-HP-DR-A-0129-P2
SPP2E-MCB-HT-HP-DR-A-0130-P2
SPP2E-MCB-HT-HP-DR-A-0131-P2
SPP2E-MCB-HT-HP-DR-A-0132-P2
SPP2E-MCB-HT-HP-DR-A-0133-P2
SPP2E-MCB-HT-HP-DR-A-0134-P2
SPP2E-MCB-HT-HA-DR-A-0135-P1
SPP2E-MCB-HT-HA-DR-A-0136-P1
SPP2E-MCB-HT-HA-DR-A-0137-P1
SPP2E-MCB-HT-HA-DR-A-0138-P1
SPP2E-MCB-HT-HA-DR-A-0139-P1
SPP2E-MCB-HT-HP-DR-A-0141-P1
SPP2E-MCB-HT-HP-DR-A-0142-P1

Garages, Bin and Bike Store by McBains

SPP2E-MCB-HT-HO-DR-A-0140-P1

Flats Details – Design Intent

SPP2E-MCB-ZZ-ZZ-DR-A-0175-P2

Apartment Blocks

SPP2E-MCB-B-BP-DR-A-0150-P2
SPP2E-MCB-B-BP-DR-A-0151-P2
SPP2E-MCB-B-BP-DR-A-0152-P3
SPP2E-MCB-B-BP-DR-A-0153-P1
SPP2E-MCB-B-BP-DR-A-0154-P1
SPP2E-MCB-B-BP-DR-A-0155-P1
SPP2E-MCB-B-BP-DR-A-0156-P1
SPP2E-MCB-B-BA-DR-A-0157-P1
SPP2E-MCB-B-BA-DR-A-0158-P1
SPP2E-MCB-B-BA-DR-A-0159-P1
SPP2E-MCB-B-BA-DR-A-0160-P2
SPP2E-MCB-B-BA-DR-A-0161-P2

Accommodation Schedule by McBains

60721 - Phase 2 East Spencers Park - Accommodation Schedule P2

Levels by Structa

O00011-STR-EGS-XX-DR-C-1901_P2
O00011-STR-EGS-XX-DR-C-1902_P2

O00011-STR-EGS-XX-DR-C-1903_P2

Lighting by Structa

O00011-STR-EA-XX-DR-C-1944_P2

O00011-STR-EA-XX-DR-C-1945_P2

O00011-STR-EA-XX-DR-C-1946_P2

Topographical Survey by Structa

O00011-STR-EGS-XX-DR-C-1911_P1

O00011-STR-EGS-XX-DR-C-1912_P1

O00011-STR-EGS-XX-DR-C-1913_P1

Landscaping - Whole Site Plans by Ireland Albrecht

C000000-IAL-EL-ZZ-DR-L-0001 - P04

C000000-IAL-ZZ-ZZ-DR-L-0100 - P02

C000000-IAL-EL-ZZ-DR-L-1001 - P04

C000000-IAL-EL-ZZ-DR-L-1002 - P04

C000000-IAL-EL-ZZ-DR-L-1003 - P04

Landscaping - 1:250 Landscape GA Plans by Ireland Albrecht

C000000-IAL-EL-ZZ-DR-L-2001 - P03

C000000-IAL-EL-ZZ-DR-L-2002 - P03

C000000-IAL-EL-ZZ-DR-L-2003 - P04

C000000-IAL-EL-ZZ-DR-L-2004 - P03

C000000-IAL-EL-ZZ-DR-L-2005 - P03

C000000-IAL-EL-ZZ-DR-L-2006 - P03

C000000-IAL-EL-ZZ-DR-L-2007 - P03

C000000-IAL-EL-ZZ-DR-L-2008 - P04

C000000-IAL-EL-ZZ-DR-L-2009 - P04

Landscape - 1:250 Softworks GA Plans by Ireland Albrecht

C000000-IAL-EL-ZZ-DR-L-3001 - P03

C000000-IAL-EL-ZZ-DR-L-3002 - P03

C000000-IAL-EL-ZZ-DR-L-3003 - P04

C000000-IAL-EL-ZZ-DR-L-3004 - P03

C000000-IAL-EL-ZZ-DR-L-3005 - P03

C000000-IAL-EL-ZZ-DR-L-3006 - P03

C000000-IAL-EL-ZZ-DR-L-3007 - P03

C000000-IAL-EL-ZZ-DR-L-3008 - P04

C000000-IAL-EL-ZZ-DR-L-3009 - P04

Landscaping - 1:200 Landscape Sections by Ireland Albrecht

C000000-IAL-EL-ZZ-DR-L-4001 - P02

C000000-IAL-EL-ZZ-DR-L-4002 - P02

C000000-IAL-EL-ZZ-DR-L-4003 - P01

C000000-IAL-EL-ZZ-DR-L-4004 - P01

Landscaping - Planting Schedule by Ireland Albrecht

C000000-IAL-EL-ZZ-SH-L-3001 - P01

Landscaping - Specifications by Ireland Albrecht

C000000-IAL-EL-ZZ-SP-L-0001 - P02

C000000-IAL-EL-ZZ-SP-L-0002 - P03

Drainage Details by Structa

O00011-STR-DE-XX-DR-C-1961_P1
O00011-STR-DE-XX-DR-C-1962_P1
O00011-STR-DE-XX-DR-C-1963_P1
O00011-STR-EGS-XX-DR-C-1951_P3
O00011-STR-EGS-XX-DR-C-1952_P3
O00011-STR-EGS-XX-DR-C-1953_P3
O00011-STR-EGS-XX-DR-C-1954_P3
O00011-STR-EGS-XX-DR-C-1955_P3
O00011-STR-EGS-XX-DR-C-1956_P3
O00011-STR-EGS-XX-DR-C-1957_P3
O00011-STR-EGS-XX-DR-C-1958_P3
O00011-STR-EGS-XX-DR-C-1959_P3

Suds Strategy by Structa

6777-DR001-2 Rev 3

6777-DR001-2 Rev 3

6777-DR001-2 Rev 3

Tracking Drawings by Structa

O00011-STR-EA-XX-DR-C-1931_P2

O00011-STR-EA-XX-DR-C-1932_P2

O00011-STR-EA-XX-DR-C-1933_P2

O00011-STR-EA-XX-DR-C-1934_P2

O00011-STR-EA-XX-DR-C-1935_P2

O00011-STR-EA-XX-DR-C-1936_P2

O00011-STR-EA-XX-DR-C-1937_P2

O00011-STR-EA-XX-DR-C-1938_P2

Visibility Splays by Structa

O00011-STR-EA-XX-DR-C-1941_P2

O00011-STR-EA-XX-DR-C-1942_P2

O00011-STR-EA-XX-DR-C-1943_P2

Highway Adoption Plan by Structa

O00011-STR-IDA-XX-DR-C-1940_P2

Additional Plan

CTF-BPTW-ZZ-ZZ-D-A-3965/C01

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

3. Prior to the commencement of development (including provision of underground services) the trees shown for retention on the approved Tree Protection Plan, Drg. No. TPP/Spencer's Park/19-11-24, contained within the Arboricultural Impact Assessment Rev E prepared by SES, shall be protected during the whole period of site demolition, excavation and construction in accordance with details in the report.

No equipment, machinery or materials for the development shall be taken onto the site until the tree protection is in place. There shall be no excavation, changes in levels, storage of materials or access within the RPA of retained trees unless previously specified and agreed.

Reason: In order to ensure that damage does not occur to the trees during demolition works and building operations in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Paragraph 174 of the National Planning Policy Framework (2023).

4. The development shall be carried out in accordance with the approved plans and elevations and no development other than site preparation, groundworks, site investigation and remediation shall take place until 1:20 details of the design and appearance of the following shall have been submitted to and approved in writing by the local planning authority:
 - o All new windows, external doors and openings (including materials and finishes);
 - o Verges;
 - o Fascias / Soffits (including vertical cross sections);
 - o Rainwater goods;
 - o Balconies and balustrades.
 The development shall be carried out in accordance with the approved details.
 Reason: To ensure a satisfactory appearance to the development and street scene in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.
5. Notwithstanding any details submitted, Block 1 of the development shall not be occupied until details of the privacy screens proposed on Drg. No. PP2E-MCB-B-BP-DR-A-0152/PL-P2 have been submitted to and approved in writing by the local planning authority. The details as approved shall thereafter be permanently retained.
 Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013).
6. Notwithstanding any details submitted, prior to roof level works commencing, plans and details of the solar panels, including typical cross sections to show their proposed installation in relation to the roofs of the dwellings / flat blocks hereby permitted, together with a roof plan to show their proposed final positioning on each dwelling / flat block, with details of the roof tiles proposed, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved and shall thereafter be permanently retained.
 Reason: To ensure a satisfactory visual appearance to the development and to ensure that the solar panels are suitably assimilated into the roofscape in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.
7. Notwithstanding any details submitted, no part of the development shall be occupied until plans and details of the EV (electric vehicle) charging infrastructure to be installed, including a plan(s) showing the siting and distribution of above ground EV infrastructure, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved and the relevant EV charge point made available and operational for each dwelling before its first occupation and shall thereafter be permanently retained.
 Reason: To ensure a satisfactory visual appearance to the development and to ensure that EV charging is available to each dwelling in accordance with the Parking Standards SPD November 2020 and Policy CS12 of the Dacorum Core Strategy September 2013.
8. Notwithstanding any details submitted, all window frames in the development hereby approved shall be set back into their reveals by at least 115 mm in accordance with the typical detail shown on Drg. No. CTF-BPTW-ZZ-ZZ-D-A-3965/C01, and shall thereafter be retained accordingly.
 Reason: To ensure an element of visual relief and interest to the facades and an acceptable appearance to the street scene in accordance with Policy CS12 of the Dacorum Borough Local Plan 1991-2011.

9. The development shall be carried out in accordance with the approved details of play areas and equipment shown on the approved Updated Play Strategy & Fitness Provision: 27-11- 2024” and shall thereafter be permanently retained and maintained”

Reason: To ensure satisfactory provision of play facilities to serve the development in accordance with Policy CS12 of the Dacorum Core Strategy and saved Policy 76 of the Dacorum Borough Local Plan 1991-2011.

10. The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist, Energy and Sustainability Statement and shall thereafter be permanently retained.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2023)

11. The development shall accord with the sound insulation measures and plant noise limits described within the Acoustic information to accompany the Reserved Matters submission, ref. PJB9674/24046/V1.2, by Spectrum, dated 15/05/24. The scheme shall thereafter be retained as approved.

Reason: In the interests of the residential amenities of the occupiers having regard to Policies CS12 and CS32 of the Dacorum Borough Core Strategy (2013) and Paragraph 185 of the National Planning Policy Framework (2023).

**5d.
23/03028/MFA**

Redevelopment of the former Hemel Hempstead Gasworks site and land accommodating residential properties at 355, 357 and 359 London Road and the construction of 476 new residential dwellings, together with associated car parking, cycle parking, landscaping, amenity space, refuse storage and improved access from London Road

National Grid Property Holdings Ltd Former British Gas Site Hemel Hempstead Hertfordshire

The Case Officer, Andrew Parrish, introduced the report to Members and said that the application had been referred to the Committee due to it being a Large scale major development which is linked to a proposed planning obligation under s.106 of the Town and Country Planning Act 1990 (as substituted by s.12 of the Planning and Compensation Act 1991). Andrew Parrish also stated that the NPPF had changed today and referenced the relevant paragraphs to this application.

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

Vote:

For:	Against:	Abstained:
4	6	1

Having there been no majority to **DELEGATE with a view to APPROVAL** the application, it was proposed by Councillor Anderson and seconded by Councillor Guest to **REFUSE** the application on for three reasons:

- 1) Scale and height of blocks in the context of the site surroundings / landscape.
- 2) Overdevelopment of the site.
- 3) Loss of sunlight to the London Road properties.

Vote:

For:	Against:	Abstained:
5	4	1

Councillor Stevens then used his casting vote as Chair to vote against the reasons for refusals.

It was then proposed by Councillor Anderson and seconded by Councillor Guest to **REFUSE** the application on the first reason only.

Vote:

For:	Against:	Abstained:
6	4	1

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

By virtue of the design, scale and height of the proposed blocks, the proposed development would fail to integrate with the prevailing streetscape character or the setting of the adjacent Box Moor Common, causing substantial harm to the character and appearance of the area. As such, the development fails to comply with Policy CS12 of the Dacorum Borough Core Strategy (September 2013) and NPPF (Dec 2024) para. 135c.

5e.

24/00762/FUL

Demolition of existing bungalow and construction of 8 apartments (6x 2 bedroom and 2x 1 bedroom).

Waterworks Bungalow, Greene Field Road, Berkhamsted, Hertfordshire, HP4 2AQ

Councillor Stevens declared an interest in the item and stepped down as Chair. Councillor Guest as Vice-Chair stepped up as Chair for this item. Councillor Stevens confirmed that he would take no part in voting or in the discussion.

The Case Officer, Sally Robbins, introduced the report to Members and said that the application had been referred to the Committee due to the contrary view of Berkhamsted Town Council. Sally Robbins also referenced the relevant paragraphs in respect of the new NPPF.

Councillor Stevens read a statement on behalf of Councillor Jordan in objection to the application.

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

Vote:

For:	Against:	Abstained:
7	1	2

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

RECOMMENDATION

That planning permission be **DELEGATED** with a view to **APPROVAL** subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and securing a mitigation package to avoid any further significant effects on the Chilterns Beechwood Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

Condition(s) and Reason(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:**

0123_00_000 Rev. 02

0123_00_010 Rev. 05

0123_00_011

0123_00_100 Rev. 04

0123_00_101 Rev. 04

0123_00_102 Rev. 03

0123_00_200 Rev. 03

0123_00_201 Rev. 03

0123_00_103 Rev. 01

0123_00_301 Rev. 01

0123_00_302

0123_00_303

Design & Access Statement by Illustrate Architects (ref. 0123, Rev 02) dated 25.03.24

Planning & Heritage Statement by Emma Adams and Partners Ltd (ref. EA/AT/2023.010/Rpt02) dated March 2024

Transport Statement by i-Transport (Ref: SJ/RW/JG/ITL19231-001A) dated 26 March 2024

Sustainable Development Checklist

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

- 3. No development shall take place until a scheme for the provision and management of a minimum 3-metre-wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development**

including lighting, domestic gardens and formal landscaping. The scheme shall include:

- Plans showing the confirmed extent and layout of the buffer zone (including the proposed bank regarding the north bank)
- Details of a confirmed planting scheme (for example, native species)
- Details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan (this should include the management of invasive non-native species)
- Details of how overshadowing will be avoided if willow species are proposed within the riparian zone.

Reason: To ensure that the land alongside the watercourse is protected in the interests of wildlife and biodiversity, in accordance with Dacorum Borough Core Strategy (2013) Policies CS26 and CS29 and paragraph 187 of the National Planning Policy Framework (2024).

4. **The development hereby permitted must not be commenced until a detailed scheme demonstrating that an 8m buffer zone between all foundations and the riverbank will be maintained to ensure the structural integrity of the riverbank, thereby reducing the risk of structural instability and thus flooding, has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To ensure the structural integrity of the riverbank thereby reducing the risk of flooding, in accordance with Dacorum Borough Core Strategy (2013) Policy CS31 and paragraph 181 of the National Planning Policy Framework (2024).

5. **(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental 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.

- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.**

- (c) 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 (b) 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 Dacorum Borough Core Strategy (2013) Policy CS32.

6. **Any contamination, other than that reported by virtue of Condition 5 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.**

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 Dacorum Borough Core Strategy (2013) Policy CS32.

7. **Prior to the commencement of the development hereby approved, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction of the development shall only be carried out in accordance with the approved plan: The Demolition and Construction Management Plan shall include details of:**

- o Construction vehicle numbers, type, routing
- o Access arrangements to the site
- o Traffic management requirements
- o Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas)
- o Loading and unloading of plant and materials
- o Storage of plant and materials used in constructing the development
- o Siting and details of wheel washing facilities
- o Cleaning of site entrances, site tracks and the adjacent public highway
- o Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times
- o Provision of sufficient on-site parking prior to commencement of construction activities
- o Post construction restoration/reinstatement of the working areas and temporary access to the public highway
- o Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o Measures to control the emission of dust and dirt during demolition and construction
- o A scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site
- o Hours of demolition and construction work
- o Control of noise and/or vibration

- o Measures to control overspill of light from security lighting
- o Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way and in the interests of safeguarding residential amenity of local properties, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and the National Planning Policy Framework (2024).

8. **No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**
1. The programme and methodology of site investigation and recording
 2. The programme and methodology of site investigation and recording as required by the evaluation
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 207 of the National Planning Policy Framework (2024).

9. **The development shall not be occupied/used 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 8 and the provision made for analysis and publication where appropriate.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Saved Policy 118 of the Dacorum Borough Local Plan (2004), Policy CS27 of the Dacorum Borough Core Strategy (2013) and Paragraph 207 of the National Planning Policy Framework (2024).

11. **The development hereby approved shall not be occupied until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- o all external hard surfaces within the site
 - o means of enclosure (including railings, brick wall etc.)
 - o soft landscape works including a planting scheme with the number, size, species and position of trees, plants, shrubs and hedges.
- The approved external hard surfaces and means of enclosure shall be implemented prior to the first occupation of the development. All soft**

landscape works (i.e. 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 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 (e) of the Dacorum Borough Council Core Strategy (2013).

12. **The development hereby approved shall not be occupied until the sustainable drainage system for the site has been completed in line with the Flood Risk Assessment (FRA) prepared by Martin Andrews Consulting Limited, ref. 1040-FRA-01-0 dated March 2024 and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for the lifetime of the development.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 181 of the National Planning Policy Framework (2024).

13. **The development hereby approved shall carried out in accordance with the recommendations and mitigation measures set out in the Preliminary Ecological Appraisal and the Addendum to Preliminary Ecological Appraisal prepared by Philip Irving dated August 2023.**

Reason: To ensure that the development contributes to and enhances the natural environment and to identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2024).

14. **Six swift bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.**

Reason: To enhance the biodiversity of the site and to comply with Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2024).

Informatives:

1. Swift Bricks: Swift bricks can be placed on any elevation, but ideally under shadecasting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
2. Flood Risk Activity Permit: The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river
 - on or within 8 metres of a flood defence structure or culvert including any buried elements

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure and you don't already have planning permission.

For further guidance please visit :<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm GMT) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3. Working Hours: 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 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.

4. Construction Dust: 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.
5. Waste Management: 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.
6. Air Quality: As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has, rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development, to support sustainable travel and air quality improvements.

These measures may be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking, we are not talking about physical charging points in all units but the capacity to install one. The cost of installing appropriate trunking/ducting and a dedicated fuse at the point of build is miniscule, compared to the cost of retrofitting an EV charging unit after the fact, without the relevant base work in place.

In addition, mitigation in regards to NOx emissions should be addressed in that all gas fired boilers to meet a minimum standard of 40 mg NOx/Kwh or consideration of alternative heat sources.

7. Invasive and Injurious Weeds: 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>
8. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
9. 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> or by telephoning 0300 1234047.

10. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
11. Works within the highway (section 278): No alterations to the existing highway network are proposed, nonetheless the applicant is advised that any works within the highway would require 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.
12. External lighting: Any external lighting, whether that is temporary or permanent, should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.
13. Nesting Birds: In order to protect breeding birds, their nests, eggs and young, development 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.
14. Article 35 Statement: Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

The Meeting ended at 11.10 pm