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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 14 DECEMBER 2023 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Guest	Councillor Cox
Councillor C Wyatt-Lowe	Councillor Link
Councillor Durrant	Councillor Mottershead
Councillor Hobson (Vice-Chairman)	Councillor Patterson
Councillor Maddern	Councillor Riddick
Councillor Stevens (Chairman)	Councillor Silwal
Councillor Bristow	Councillor Mitchell

For further information, please contact Corporate and Democratic Support or 01442 228209

AGENDA

(c) Addendum (Pages 2 - 11)

Agenda Item 5c



DEVELOPMENT MANAGEMENT COMMITTEE

14th December 2023

ADDENDUM SHEET

Item 5a

21/04508/MOA Construction of up to 390 dwellings (C3 Use), including up to 40% affordable housing and 5% self build, a residential care home for up to 70-beds (C2 use), along with associated landscaping and open space with access from Leighton Buzzard Road.

Land West Of Leighton Buzzard Road and North of Galley Hill, Leighton Buzzard Road, Hemel Hempstead, Hertfordshire, HP2

Further comments from HCC Education received 08.12.23:

I noticed that the Planning Committee report for Land West of Leighton Buzzard Road has been published on the website for the 14 December Committee. Below are some of my observations and suggested additions to be included. Please let me know if you agree with these proposed amendment.

1. It appears that the report does not use the **exact project wording** stated within our update response (dated 24 November 2023), such as "Primary Education towards the expansion of Gade Valley Primary School and/or provision serving the development (£2,922,262 index linked to BCIS 1Q2022)."

We would be grateful if you could present the exact project wording be included in the report to ensure that the contributions we sought are not limited to the expansion of Gade Valley Primary School. The same applies to the SEND contributions requirements wording. This will be particularly useful to us in drafting the legal agreement, as we would be able to reference the committee report should permission be granted or this end up at appeal. Our statement, we hope, set out the need for some flexibility as to how the additional provision may be brought forward when it is required so this wording would prevent the need to pursue a DOV to the S106.

2. **Indexation** should be included for all contributions. This is to avoid any ambiguity when dealing with legal matters.

3. HCC's **monitoring contribution** has not been included in the report. Please can this be added to the committee report, noting that it is charged per trigger point.
4. On page 73 of the Committee Report, *Table 4 Summary of Contributions and Obligations*, it states that for Education payments would be paid at percentage of occupation of units (e.g. 5%, 30%, 50%, etc.). % to be determined as part of S106 negotiations). However, I am not aware that Head of Terms have been discussed and that these **triggers** have been agreed upon. The standard position of HCC on triggers is typically "All payments due prior to commencement unless otherwise agreed."

HCC's standard approach to a S106 agreement is that all obligations should be paid prior to commencement. Given the scale of the proposal, staged payments at defined triggers is expected, however, as the committee report states these have not been agreed. As with other outline applications across the county, the suggested amounts are indicative (based on the mix that has been shared at this stage).

5. On page 58 of the Committee Report, we don't consider that the wording included in para. 9.32.3 has fully reflected HCC's point of view towards primary education provision. Therefore, we would like to suggest that the text be replaced with the following:

"HCC has responded, noting that the local schools are constrained and would not have enough capacity to accommodate the potential additional pupils generated from the proposed development. This could lead to new families having to seek places across a much wider area unless new capacity is created locally. Based on the specific dwelling mix and trajectory indicated, the county council has calculated financial contributions based on the projection that developments with these characteristics would, on average, yield a peak of approximately 141 primary-aged pupils and 19 nursery-aged pupils."

We would appreciate it if you could address our concerns regarding the matters above. If it is not possible to make changes to the original report, we would be grateful for an addendum to the report that addresses the changes, along with a verbal update.

Further response from the Lead Local Flood Authority ("LLFA") received 07.12.23

We maintain our objection to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to:

- Lack of information on sequential test.
- Insufficient detail relating to the overland flow routes.
- Missing updated drainage calculations.
- Missing water quality assessment during the construction phase.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface

water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the following issues are adequately addressed.

1. We expect the applicant to demonstrate the impact of the existing surface water flow routes through the site and the developments impact on these routes in the future. This assessment needs to be carried out for the design event 1 in 100 year plus climate change as set out in the NPPF PPG. No development should be located within surface water flow routes for the design storm.

2. Evidence of safe access and egress in accordance with PPG for the design event 1 in 100 year plus climate change. This needs to be undertaken in accordance with FD2320 hazard to people as set out in the NPPF PPG.

3. Since your last submission dated 4 October 2023 and our response dated 25 May 2022, the applicant has provided BRE365 infiltration testing. The applicant now needs to provide post development surface water drainage calculations based on these infiltration test results. The calculations should include half drain times within 24 hours for all rainfall events up to and including the 1 in 100 year + climate change.

4. Since your last submission dated 4 October 2023 and our response dated 25 May 2022, the applicant has provided a hydrogeological risk assessment. Based on the conclusions of this, the applicant should provide a high-level construction management plan including a water quality assessment of the construction phase and detailing how water quality and quantity will be managed during the construction phase. This matter could be managed under condition once the above issues are resolved.

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](https://www.hydrosolutions.co.uk))). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to the 1st April 2023. This includes those applications that are currently at and advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt the use of FSR and FEH1999 data has

been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, you should notify us, the Lead Local Flood Authority, by email at FRMConsultations@hertfordshire.gov.uk.

Update to reason for refusal no. 9 following response from LLFA:

9. The submitted Flood Risk Assessment does not provide a suitable basis for an assessment to be made on the flood risk arising from the proposed development. Further information is required in order to establish if the site would not increase flood risk to the site and elsewhere and whether appropriate sustainable drainage techniques would be used. In particular, detail is lacking with regards to:

- **Lack of information on sequential test;**
- **Insufficient detail relating to the southern overland flow route;**
- **Missing updated drainage calculations; and**
- **Missing water quality assessment during the construction phase.**

It therefore cannot be demonstrated that the proposals would adequately prevent flood risk by ensuring satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring that the sustainable drainage systems proposed would operate for the lifetime of the development. The proposals therefore conflict with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Section 14 of the National Planning Policy Framework (2023).

Comment and photographs from Councillor Angela Mitchell received 12.12.23

Gadebridge Park Villa - Roman Britain (roman-britain.co.uk)

<http://www.dacorumheritage.org.uk/article/the-gadebridge-roman-villa/>

Halsey Field (dacenvforum.org.uk)

Dear fellow members,

I am writing to you regarding the application by Fairfax Acquisitions which will be going before the planning committee this Thursday.

I live in the area and as such I am very aware of how detrimental this development would be to the local area and its residents.

The residents of the Gadebridge ward and Piccotts End are overwhelmingly in objection to this development. 176 people took the time to submit a written objection during the formal consultation process and a petition, which I have been asked to present to you, was started by a resident of Piccotts End and has received to date 1,671 signatures, demonstrating without a doubt the strength of opposition against this proposed development.

The area in question is an area of outstanding natural beauty and forms part of the Gade Valley, which is often referred to as the green lungs of Hemel Hempstead, and it really is a very special part of Dacorum's greenbelt land. It is regularly used by residents from both Gadebridge and Piccotts End for recreational purposes and this area was an absolute godsend during the Covid lockdowns, as it supported and continues to support residents' mental health and well-being, which I know is a key priority for this council.

As you will see from the attached pictures, the area is a beautiful piece of greenbelt land with far-reaching views from the High Gade Valley and it is currently being considered for a future AONB extension review, which I believe currently ends at the nearby conservation area of Water End.

The High Gade Valley is surrounded by heritage of significant historical and cultural value, including the conservation area of Piccotts End. It is also right next to one of Dacorum's hidden gems, which is the largest Roman Villa site in Dacorum. During the excavation in the 60s it was found to be a historical site of significant value, as it features one of the largest Roman bathing pools in Europe and it is the largest private bathing pool in England, second only to the bathing pools at Bath. It also has a rare hypocaust heating system, which indicates it was a significant and wealthy Roman settlement and I believe that Bronze Age and Iron Age artefacts have also been found on the actual development site next to it and I am sure that there will be many more there, which would be lost forever. The site of the villa and the surrounding area is indeed an area to be treasured and celebrated in Dacorum and not to be built upon.

There is an ancient bluebell woodland directly above the site, which would not benefit from the significant additional footfall and the site also acts as an important eco corridor for the Halsey Field Nature and Wildlife site, which is directly above it and rare species of flora and fauna have been seen there. The Halsey Field site is truly a magical place. I could not believe how many orchids and butterflies there were there in the summer and all of the biodiversity that this important site offers, but this special and extremely precious ecological site would be heavily impacted by this development. The site is also close to one of the world's rare chalk streams, the River Gade, which we are blessed to have running through Dacorum and an underground aquifer, which supplies water to residents in Piccotts End. The states of both the chalk stream and aquifer are fragile and need to be protected from any impact of development in the area.

The development would be located directly opposite the conservation area of the historic village of Piccotts End. The residents would have their views blighted from their properties and it would historically as well as financially devalue this area significantly. Piccotts End will already be impacted by the planned development of the Marchmont Fields behind it and the Hemel Garden Communities will be on the other side and this additional unnecessary development would metaphorically sandwich Piccotts End between the development areas and would be too much development for this historic

village to endure. The historic conservation site of Piccotts End has grade I and grade II listed buildings containing historic murals. It is an area which needs preservation and would be significantly impacted by a development of this type and the extensive additional car traffic that would come with it.

However glossy and appealing the offering from the developer may appear, unfortunately, the reality of the situation is quite different, and any funding offered will not change this. From living in the area, I am very aware of the realities of the infrastructure issues. This area is not included in the Local Plan, which will already give the Borough's required housing supply and as such this development is unnecessary, and the application has not come with satisfactory infrastructure offerings. The infrastructure is already struggling, and it would put a further strain on it. As well as the lack of a fully functioning hospital, which impacts the whole of Dacorum, the local doctors and dentists are working at over capacity. All of the local schools, both primary and secondary, are full and parents are already struggling to find school places for their children. Its access point would be on Leighton Buzzard Road, which is already very busy and regularly floods and building on the High Gade Valley hill will take away valuable drainage land. The Leighton Buzzard Road is used as an alternative route when there is an accident on the M1, at which point it is almost at a standstill and motorists then use Piccotts End as a shortcut. I have seen footage of literally one car after another racing through this historic village and damage has been caused to a listed building by lorries. This road cannot take any more traffic and as lovely as the bus offering sounds, the reality is that there will be at the bare minimum one additional car per house built in an already vehicularly congested area.

Finally, I would like to mention a compassionate point; the poor old lady who has lived for many years in the Engineer's House right by the site access point on Leighton Buzzard Road has sadly recently been widowed. She would be heavily impacted and disturbed by any long-lasting development works and it is heartbreaking to think of her spending her final years in this unacceptable way and I for one could not live with this on my conscience. I appreciate that planning is a matter of process and regulations rather than sentiment and I thank the planning officer for ensuring that the developers were aware of her situation, but it would not change the detrimental impact on her quality of life from constant building works and site traffic.

I feel privileged to have this very special area in my ward and feel strongly that it would be sacrilege to build upon it. This is a significant piece of greenbelt land in an area of important historical and ecological value which needs our protection.

Thank you for your time.







Recommendation

As per the published report.

Item 5b

23/00922/FUL Construction of a replacement dwelling and part demolition of garage.

The Barn, 1 Chipperfield Road, Kings Langley, Hertfordshire, WD4 9JB

There is no additional information to report.

Recommendation

As per the published report.
