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**DACORUM BOROUGH COUNCIL**

**DEVELOPMENT MANAGEMENT**

**6 OCTOBER 2022**

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Present:

**MEMBERS:**

Councillor Guest (Chairman) Councillors, C Wyatt-Lowe, Beauchamp (Vice-Chairman), Hobson, Maddern, Douris, Williams, Hollinghurst, Stevens, Tindall and Riddick

Councillor also attended

**OFFICERS:**

The meeting began at 7.00 pm

**1 MINUTES**

The minutes of the meeting held on 29<sup>th</sup> September 2022 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 McDowell.

**3 DECLARATIONS OF INTEREST**

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

**4 PUBLIC PARTICIPATION**

There were no public speakers.

**5a**

**Item 5a 22/01187/MOA - Hybrid application (with access details of two main access points from Bulbourne Road and Station road in full and the main development on the rest of the site in outline with all matters reserved) for the demolition of all existing buildings on the site and the development of up to 1,400 dwellings (including up to 140 use class C2**

**dwelling); a new local centre and sports /community hub, primary school, secondary school, and public open spaces including creation of a suitable alternative natural green space. Land East Of Tring**

Councillor Douris declared an interest in item 5a as he is an elected member of Herts County Council. He confirmed that he was not aware of any discussions around this application and has taken no part in discussing this planning application so he will be coming to the meeting with an open mind.

Philip Stanley introduced the Hertfordshire County Council Officers to the committee as some had attended virtually.

The Case Officer, Martin Stickley introduced the report to members and said that the application had been referred to the committee as the application is for a major development with a proposed legal agreement.

Martin Stickley reminded the committee of the late supplement items which were distributed earlier in the day:

### **Flood Risk Assessment**

8. The impact of offsite flood risk on the site has not been fully evaluated. The mapped offsite surface water flow route is for the 1000-year event. However, interaction with the 100-year plus climate change event has not been assessed. Based on the provided development layout, there remains potentially significant overlap with these natural flow routes. Additional contributing flow and interactions with attenuation basins have therefore not been fully quantified.

The Flood Risk Assessment needs to take account of all sources of flooding. Residual risk to basins and development plots needs to be quantified and the implications for site drainage confirmed. There is nowhere for surface water to flow other than to the proposed attenuation areas and this may have substantive impacts on storage required. As such, the proposal fails to provide a satisfactory Flood Risk Assessment, conflicting with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Section 14 of the National Planning Policy Framework (2021).

### **Surface water attenuation and infiltration**

9. Hertfordshire LLFA's Summary Guidance for Developers requires 'Evidence of ground conditions / underlying geology and permeability including BRE Digest 365 infiltration tests (or Falling Head tests for deepbore infiltration)' at outline planning stage.

The Applicant is proposing to undertake additional testing at detailed design stage. However, this assessment is required prior to the determination of this outline application. Surface water management is dependent on the provision of suitable and sufficient attenuation and soakaway facilities. Ground investigation may have substantive impacts on storage requirements and infiltration rates. Taking this into account, it cannot be guaranteed that the proposed surface water attenuation and infiltration facilities would be satisfactory, conflicting with the aims of Policy CS31 of the Dacorum Borough Core Strategy (2013) and Section 14 of the National Planning Policy Framework (2021).

Martin Stickley informed Members of an update to the reason for refusal number 7 – that saved policy 109 should read saved policy 106.

Martin Stickley informed Members of two additional reasons for refusal (Nos.8 and 9 in the list below) and an additional informative (No.3 in the list below).

The Chair moved the item to questions and debate.

Councillor Riddick highlighted the Thames Water consultee response that capacity exists within the water network to serve 49 dwellings.

Councillor Hollinghurst discussed flooding and sewage, raising his concerns that pumps could be overloaded. Councillor Wyatt-Lowe also raised Thames Water points.

Councillor Hollinghurst raised points in respect of landscaping, the bus route and the farm on Bulbourne Road.

Councillor Beauchamp raised points on transport and bus subsidies.

Councillor Douris asked about the oil pipeline depth and then questioned the education amounts on p.89 of the report. Councillor Tindall also raised questions in respect of education and asked about school places discussions with the education authority. Cllr Stevens also spoke about the pressure on local schools.

Councillor Williams discussed the prematurity of the application and the need for the scheme to be considered as part of a broader Borough Plan, as well as the site's location within the Green Belt.

It was proposed by Councillor Williams and seconded by Councillor Douris to **REFUSE** the application in line with Officer's recommendations inclusive of the additional two reasons for refusal and additional informative.

Vote:

For: 11      Against: 0      Abstained: 0

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

**RECOMMENDATION**

The proposal is recommended for refusal for the reasons listed below.

**Reason(s) for Refusal:**

1. The proposed development would constitute inappropriate development and would result in spatial and visual harm to the openness of the Green Belt. In addition, the proposals would lead to a conflict with one of the five purposes of including land in the Green Belt i.e to assist in safeguarding the countryside from encroachment. The benefits of the scheme taken together do not clearly outweigh the harm and other harm identified. Very special circumstances have not been demonstrated to justify the proposed inappropriate development in the Green Belt. The proposals are therefore contrary to the Policy CS5 of the Dacorum Borough Core Strategy (2013) and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework (2021).

2. The application does not provide suitable management arrangements for the proposed Suitable Alternative Natural Greenspace (SANG). Details relating to the procurement of a suitable management company are lacking and the proposals do not deal with the possibility that the procured company becomes insolvent or fails to discharge its obligations. Consequently, there is a lack of certainty that the proposed mitigation would be secured in perpetuity to mitigate the recreational impacts on the Chilterns Beechwoods Special Area of Conservation. The proposal therefore fails to comply with saved Policies 102 and 103 of the Dacorum Borough Local Plan (2004), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and paragraphs 174, 176 and 180 of the National Planning Policy Framework (2021).
3. A suitable financial sum has not been agreed in relation to Strategic Access Management and Monitoring (SAMM) to mitigate recreational pressure on the Chilterns Beechwoods Special Area of Conservation (CBSAC). It cannot therefore be concluded that the proposals would not result in an unacceptable impact on the CBSAC due to increased recreational pressure, contrary to the requirements of saved Policies 102 and 103 of the Dacorum Borough Local Plan (2004), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and paragraphs 174, 176 and 180 of the National Planning Policy Framework (2021).
4. The proposed development fails to secure the adequate provision for necessary social infrastructure including education, health, sports and community facilities either through on-site provision or financial contributions in lieu. The mechanisms to deliver and maintain the social infrastructure in perpetuity have not been finalised and agreed by way of a signed S106 agreement. The proposal would therefore be contrary to Policies CS23 and CS35 of the Dacorum Borough Core Strategy (2013) and Paragraphs 92 and 93 of the National Planning Policy Framework (2021).
5. Core Strategy Policy CS19 requires 35% of new dwellings to be affordable homes unless it is demonstrated that this is not economically viable. The application proposes that 45% of the units would be affordable. In the absence of a completed legal agreement and a mechanism to secure the provision of this affordable housing, the proposed development would be contrary to Policy CS19 of the Dacorum Borough Core Strategy (2013) in addition to the aims of Section 5 of the National Planning Policy Framework (2021).
6. The proposed development fails to secure adequate provision for alternative non-car methods due to the absence of obligations in a completed legal agreement regarding the identified travel plan measures and bus service improvements. The development would therefore not provide a genuine choice of transport modes and a well-connected and accessible transport system as required by Paragraph 105 of the National Planning Policy Framework (2021) and Policy CS8 of the Dacorum Borough Core Strategy (2013).
7. Appropriate planning obligations have not been secured in relation to off-site highway, footpath and cycle improvements via a completed legal agreement. Therefore, the proposal would fail to protect and enhance public rights of way, mitigate significant impacts from the development on the transport network, improve public access to the countryside or positively contribute to the canal-side environment as per Paragraphs 100, 104, 106 (d), 110 and 120 of the National Planning Policy Framework (2021) and saved Policy 106 of the Dacorum Borough Local Plan (2004).

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9. Hertfordshire LLFA's Summary Guidance for Developers requires 'Evidence of ground conditions / underlying geology and permeability including BRE Digest 365 infiltration tests (or Falling Head tests for deepbore infiltration)' at outline planning stage.

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**Informatives:**

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Reasons 3-7 above are included in the absence of a suitable and completed legal agreement.
3. The Canal and River Trust's water engineers have recommended that the reservoir flood study models are re-run with adjusted urban coverage to determine what the impact on the reservoirs will be. This is necessary so that any potential impacts to the reservoirs can be fully assessed and to determine whether additional works would be required at the development or reservoirs to remove or mitigate the risks to the reservoirs. For further information, please contact the Canal and River Trust.

The Meeting ended at 8.12 pm