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DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 1 SEPTEMBER 2022 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 (Chairman)	Councillor Douris
Councillor C Wyatt-Lowe	Councillor Williams
Councillor Beauchamp (Vice-Chairman)	Councillor Hollinghurst
Councillor Durrant	Councillor Stevens
Councillor Hobson	Councillor Tindall
Councillor Maddern	Councillor Riddick
Councillor McDowell	

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

AGENDA

7. **ADDENDUM** (Pages 2 - 10)

Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE

1st September 2022

ADDENDUM SHEET

Item 5a

4/02680/18/MOA Part demolition of existing hotel premises and associated buildings, conversion of the 'stable lodge' into 1 no. Dwelling, 36 No.apartments and 24 no. Houses, and relocation of 2 no. Existing mobile homes (outline)

Bobsleigh Inn, Hempstead Road, Bovingdon, Hertfordshire, HP3 0DS

The Report

Paragraph 2.5 should be 15 August 2019.

Responses from Strategic Planning and Regeneration Officer (Infrastructure)

We suggest that the Heads of Terms for the 2018 application should be revised as follows: The Heads of Terms are (agreed in 2019 at Committee). Note: The changes are in bold:

- Affordable housing at 35% based upon an Apartment Block (15 units) for Rent, 3 two bedroom and 3 three bedroom units for shared ownership. **– to be updated in line with current requirements including requirement for site to provide First Homes.**
- The relocated mobile homes to be limited to a period equivalent to the occupancy by the current occupants and the land to reinstated to its existing condition.
- £15,000 to allow the bus stop outside the site to be upgraded. **– HCC should provide revised costings for this work.**
- £8,000 to allow the provision of easy access kerbing at the bus stop opposite the site. **– HCC should provide revised costings for this work** Note: A Section 278 Agreement would also be necessary to address any changes to the highway network in particular changes to the proposed site access arrangements and for the provision of a pedestrian crossing at a suitable location near the site.
- **Mitigation of impacts on Chilterns Beechwoods SAC.**
- **Contribution towards additional ambulance services to support population arising from proposed development – total amount to be based on East of England**

Ambulance standard formula for additional population growth arising from the development.

'I have added in the Ambulance Service request to the first Heads of Terms only because it is requested for the 2022 application, and the agreements should align. The East of England Ambulance Service have only recently begun asking for contributions via S106. The developers may challenge it – ... the LPA has a current case ... where this contribution has been requested and developers questioned it. As a council we don't have any policy around this - the ambulance service didn't provide any comments as part of Infrastructure Delivery Plan consultation either. If the developer questions it then I suggest you refer the query back to the requester and ask them to defend it.

Development should enhance biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. I can't see that this does – I would suggest the Caravan Land should provide biodiversity uplift, not just restored to existing condition when the time comes. Also that ecological enhancements are more of a focus of the overall site design – this doesn't have to be part of the S106 just a general observation.

Depending on how long the S106s take to sign the applications may be caught by Biodiversity Net Gain policies (from Nov 2023) so the BNG obligations would need to be added in later if that is the case.

I hope this helps. If you have questions please let me know'.

Subsequent Advice from Strategic Planning and Regeneration Officer (Infrastructure)

- A S106 monitoring fee. Once a draft has been prepared this can be calculated – it is based on number of obligations and their associated trigger points. The Monitoring Fee is due upon sealing of the agreement.
- The health contribution sought should be added for the requirements specified by East of England Ambulance and NHS Hertfordshire and West Essex.

Comment

The Report's recommended Heads of Terms address First Homes and the mitigation of the impacts on Chilterns Beechwoods SAC.

Hertfordshire County Council was prepared to agree the Heads of Terms financial contributions earlier this year.

A Monitoring Fee was included in the approach to the s106 Agreement.

The Heads of Terms should be extended to include respective contributions towards additional ambulance service and health services. (Please see the responses of East of England Ambulance and NHS Hertfordshire and West Essex (NHS HWE) to the current Planning Application 22/02029/MFA at Annexes A and B. The LPA will liaise with both NHS HWE to establish the precise amount through formal consultation).

Biodiversity Net Gain. This requirement is not yet a legal requirement. If the planning obligation is not signed by the time that BNG is necessary it would need to be added to the Heads of Terms. This could be potentially addressed at the land to provide a single mobile home.

Biodiversity Enhancement. This is addressed by Condition 8 (as referred to below), it is recommended that this is changed to specifically refer/ include biodiversity enhancement and bat

mitigation measures (and again, the at the land to provided a single mobile home could be identified as land suitable for there enhancements).

‘An Ecological and Landscape Management Plan shall be submitted to, and approved in writing by, the local planning authority prior to the demolition of any buildings at the site, as part of the reserved matters. This shall include long term design objectives, a timetable, the permanent management responsibilities and maintenance schedules for the communal amenity and landscape areas, details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the plan are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Management Plan shall be carried out fully in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and biodiversity in accordance with Policies CS5, CS12, CS13, CS25, CS26 and CS29 of Dacorum Core Strategy 2013 and saved Policies 99, 100, 102 and 113 and Appendices 3 and 8 of Dacorum Local Plan’.

Recommendation

1. The Heads of Terms

These are changed as highlighted in bold:

That the following Heads of Terms or such other terms as the Committee may determine, be agreed:

- Affordable housing at 35% based upon an Apartment Block (15 units) for Rent, 3 two bedroom and 3 three bedroom units are First Homes.
- The relocated mobile home to be limited to a period equivalent to the occupancy by the current occupant (and any carer (s) and the land to reinstated to its existing condition.
- £15,000 to allow the bus stop outside the site to be upgraded, **subject to any changes requested by HCC Highways.**
- £8,000 to allow the provision of easy access kerbing at the bus stop opposite the site, **subject to any changes requested by HCC Highways.** (Note: A Section 278 Agreement would also be necessary to address any changes to the highway network in particular changes to the proposed site access arrangements and for the provision of a pedestrian crossing at a suitable location near the site).
- 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 Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement; drainage matters being satisfactorily addressed in conjunction with the Council’s independent drainage consultants, and entering into a section 106 agreement for the purpose of securing affordable housing provision.
- **Financial contributions towards additional ambulance services and health in accordance with the respective specific requirements of East of England Ambulance Service NHS Trust and NHS Hertfordshire and West Essex. This is based upon the approaches at Annexes A and B with the funding based upon occupancy of the 10th & 40th dwellings for the A Monitoring Fee for NHS Hertfordshire and West Essex.**

2. Revised Condition 8

The addition of biodiversity enhancement and bat mitigation measures:

'An Ecological and Landscape Management Plan (**including biodiversity enhancement and bat mitigation measures**), shall be submitted to, and approved in writing by, the local planning authority prior to the demolition of any buildings at the site, as part of the reserved matters. This shall include long term design objectives, a timetable, the permanent management responsibilities and maintenance schedules for the communal amenity and landscape areas, details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the plan are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Management Plan shall be carried out fully in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and biodiversity in accordance with Policies CS5, CS12, CS13, CS25, CS26 and CS29 of Dacorum Core Strategy 2013 and saved Policies 99, 100, 102 and 113 and Appendices 3 and 8 of Dacorum Local Plan'.

3.Revised Condition 13

This is changed to include electric charging points and fire hydrant(s) and reference to compliance with the adopted 2020 Parking Standards:

'Notwithstanding the submitted details and other conditions subject to this planning permission before the development hereby permitted full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the local planning authority to illustrate the following and where appropriate alternative details to those shown by the layout PS04 Rev H: i) Roads, footways. ii) Cycleways, cycle storage and motorcycle storage iii) Foul and surface water drainage. iv) Visibility splays/sight lines. v) Access arrangements including access for persons with disabilities. vi) Parking provision in accordance with the adopted parking standards **(2020) based upon the approved layout with 5% of the unallocated spaces required to be for disabled spaces and 3 additional parking spaces available for communal/ unallocated use and all curtilage parking shall be provided with disabled parking** vii) Turning areas and swept path analysis/ assessment including fire access requirements (with reference to the loading capacity and accessibility for fire tenders for access to all parts of the development and fire hydrants) and refuse vehicles, including Stable Lodge and the mobile homes. viii) Individual and communal refuse storage for all units with shared footpath access to the rear gardens for Plots 9 to 12 and alternative locations for the bin ix). Slab levels in relation to all parking and turning areas.xi). **Fire hydrant(s).x) Electric charging points.**

Setting aside the requirements to service the mobile **home** hereby permitted subject Condition 12, the approved details shall be provided before the occupation of any of the dwellings hereby permitted and thereafter all the approved details shall be retained and maintained fully in accordance with the approved details and only used for the approved purposes.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance in the interests of ensuring highway safety and that the development is served by an adequate roadway for fire refuse and other servicing vehicles and to provide adequate parking in accordance with Policies CS8 and CS12 of Dacorum Core Strategy 2013 and Policies 54 and 58, Appendices 3 and 5 of the saved Dacorum Borough Local Plan and Policy 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018)'.

ANNEX A: NHS Hertfordshire and West Essex Response to Application 22/02029/MFA: 67 Dwellings

This includes reference to the following:

(£86,665.50 / 67 dwellings = £1,293.00 per dwelling (rounded down to £1,293 per dwelling))

‘Below is the calculation of the contribution sought based on the number of dwellings proposed, for GMS GP provision:

161 new patient registrations/2000 = 0.0805 of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m² as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement & Development”.

0.0805 x 199 m² = 16.0195 m² of additional space required .

16.0195 m² x £5,410* per m² = £86,665.50 (*Build cost; includes fit out and fees).

£86,665.50 / 67 dwellings = £1,293.00 per dwelling (rounded down to £1,293 per dwelling)
Total GMS monies requested: 67 dwellings x £1,293.51 = £86,631.00

NHS Hertfordshire & West Essex ICB propose to focus the GMS monies on local Practices. This may involve expansion, reconfiguration and digitisation of patient records. All of these and possibly other options are with a view to increasing clinical space and increasing the level of patient access in line with what will be needed.

To achieve this S106 monies are required as being ultimately the only source of funding. A trigger point of on occupancy of the 10^h & 40^h dwelling is requested. An advantage to an extension for example in reflecting on the operational impact of the pandemic is that in line with the direction of travel, areas need to be identified that can be isolated from the main practice area for obvious reasons.

NHS England and the NHS Hertfordshire & West Essex ICB reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement’.

ANNEX B: East of England Ambulance Service NHS Trust (EEAST) Response to Application 22/02029/MFA: 67 Dwellings

(£14,094)

The proposed development will put increasing pressure and demand on EEAST providing nationally set response times for ambulance emergency services around the geographical area associated with the proposed application site. EEAST does not have the capacity to meet the additional growth resulting from this development and cumulative development growth in the area. Any new housing development requires assessment of:

- Increasing the number of ambulances required to meet the expanded demand in order to maintain contractual response times to prevent the application of contractual fines.

- The suitable location of existing ambulance station(s) within the locality to meet the increased demand with potential to redevelop or extend and in certain instances relocate to a more suitable location. Existing ambulance stations are at Berkhamsted and Hemel Hempstead which are 15 minutes from Bovingdon area.

- Additional medical equipment to manage the increased number of incidents from the growing population in order to maintain mandated ambulance response times and treatment outcomes.
- The need to recruit, train and provide new equipment for additional voluntary Community First Responders (CFR) to support the proposed development and the community as a whole.

EEAST are in a unique position that intersects health, transport and community safety and does not have capacity to accommodate the additional growth resulting from the proposed developments combined with other developments in the vicinity. This development is likely to increase demand upon existing constrained ambulance services and blue light response times.

Table 1 shows the population likely to be generated from the proposed development. The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £14,094.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

Additional Population Growth (67 dwellings)	1 Rate	2 Ambulance Cost	3 Total
161	0.15	£675	£14,094

1 Calculated assuming 2.4 persons for each dwelling average household 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).

2 Calculated using per head of population in Hertfordshire and West Essex 1996 of 1.4m and emergency activity volume in 2018/19 (203,066).

3 Calculated from EEAST ambulance data.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth and demand generated by this development.

Any funding would be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), and/or new additional parking space(s) for ambulances at existing ambulance stations or if ability to expand is constrained to support relocating the ambulance station to an appropriate site to meet the needs of the existing and additional residents. In addition, capital funding could be used to recruit and train new volunteer community first responders or provide new volunteer community responder equipment.

Assessment of Development Impact on Existing Healthcare and Ambulance Service Provision

Non-emergency patient transport services are commissioned by NHS Herts Integrated Care Board to take patients who meet set eligibility criteria from their usual place of residence to hospital for appointments (which may be provided in a hospital, diagnostic hub or primary care setting) in sufficient time for their appointment and then returned to their usual place of residence. As with emergency services, location and siting of PTS sites is important to meet the needs of the population.

The age profile is important for EEAST as well as the ICB, as people at both ends of the age spectrum consume a disproportionately large quantity of healthcare services and resource). Over 75s are most likely to have multiple long-term conditions and complex care needs. Analysis of EEAST activity from 2019/20 indicates residents aged 65 years and over account for over 1/3

(35%) of Category 1 ambulance activity and 52% of all activity. Those aged 2-18 years account for 15% of Category 1 activity and 8% of all activity.

Review of Planning Application

The change of use from former hotel to housing will impact on emergency ambulance services. EEAST would highlight that since the COVID-19 pandemic more people are likely to work from home for at least part of the week and room size and layout should be sufficient to facilitate at least one person working from home in a suitable environment as this supports both physical and mental health and well-being.

EEAST notes from the Flood Risk Assessment and Outline Drainage Strategy that the site is in Flood Zone 1 at low risk of flooding. The impact of flooding significantly affects residents physical and mental health in both the short and long term. EEAST together with other emergency blue light services support people when incidences of flooding occur.

EEAST would welcome the developers to utilise the catchment of clean and grey water to include underground storage tanks or multiple water butts (ie garage and house) to help reduce the risk of localised flooding post development. There is the potential for residents to reuse water for gardens, car washing and in community space instead of entering main sewers.

EEAST would welcome the potential for community gardens/planting of orchard trees to support community physical and mental health and well-being. The planting and usage of communal and residents' amenity are welcomed as these can support physical and mental health and wellbeing and help develop community cohesion.

EEAST supports central open spaces and would encourage the developer to consider the establishment of seating in the open spaces and along walkways to provide the opportunity for residents to meet and supports those who have limited mobility to rest.
Transport, Design and Access Assessment of Development Impact on Existing Healthcare Provision.

EEAST notes there are 2 recorded accidents in the vicinity and that the Transport Assessment identifies no concerns with the existing highway safety situation.

It should be noted that EEAST as a blue light emergency service would request the developers support the Vision Zero/Safe System approach to design out road accidents for vehicle occupants, motorcyclists, bicyclists and pedestrians by utilising clear lines of sight, use of appropriate street/road lighting, use the of village gateways on approach to the junctions/roundabout and other opportunities to support speed reduction.

EEAST would request clear lines of sight are retained close to properties and walkways to support the reduction and fear of crime whilst also minimising the impact of artificial light.

EEAST would request the developer ensures cycle parking should allow for different types of cycles to be stored (eg trike), covered, secure and well lit.

Item 5b

22/01692/FUL Construction of a detached industrial building comprising 3 units (each with flexible use within Use Classes E(g)(iii) / B8) with associated car parking, landscaping and other associated works.

Binghams Park Farm, Potten End Hill, Water End, Hemel Hempstead, Hertfordshire, HP1 3BN

No updates required.

Recommendation

As per the published report.

Item 5c

21/04605/RET Change of use of basement from restaurant to hot food take-away (Cloud kitchen concept).

Basement at 65 High Street, Hemel Hempstead, Hertfordshire, HP1 3AF

No updates required.

Recommendation

As per the published report.

Item 5d

22/00273/ROC Variation of Condition 5 (Approved Plans) attached to planning permission 20/00393/ROC (Variation of Condition 5 (Approved Plans) Attached to Planning Permission 4/01888/17/FHA (Single and two storey front extensions, single storey side extensions and enlarge and convert roofspace, all with front and rear velux windows))

17 Whytingham Road, Tring, Hertfordshire, HP23 5JN

No updates required.

Recommendation

As per the published report.

Item 5e

**22/00891/FHA Single storey front extension, demolition of part of garage, 2
single storey rear extensions and associated alterations.**

18 Bartel Close, Hemel Hempstead, Hertfordshire, HP3 8LX

No updates required.

Recommendation

As per the published report.
