

4/02539/16/MOA - OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE, DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS).

SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE AND CHERRY TREE LANE, HEMEL HEMPSTEAD.

APPLICANT: HOMES AND COMMUNITIES AGENCY AND THE CROWN ESTATE.

[Case Officer - Ross Herbert]

Summary

The application is recommended for Delegate with a View to Approval, subject to the completion of a S106 agreement and notification being sent to the Secretary of State, due to the objections from Sport England.

The applicant and their agents have engaged pro-actively with both DBC and SADC through an in depth pre-application submission. This process has helped to inform the masterplanning of the site and has helped to guide the proposals so that they are able to meet the aspirations of the applicants, along with both Local Planning Authorities. The outline planning application is supported by a Statement of Community Involvement (SCI) setting out how consultation has informed the scheme. In addition a suite of technical assessments have been submitted, including an Environmental Statement, demonstrating that no adverse impacts would arise from the development.

The proposed development accords with the Dacorum Borough Council Development Plan as the Core Strategy identifies the site as being suitable for development. In terms of the planning balance, the benefits of the proposed development clearly outweigh any adverse impacts. The only limited adverse impact identified is the loss of a small amount of agricultural land.

There are significant benefits associated with the scheme. The proposed development will assist both local planning authorities in meeting their housing requirements in a sustainable new neighbourhood where employment, a primary school, play areas and small scale local facilities are being provided. The scheme has been designed to incorporate new footways and cycleways to encourage walking and cycling.

An assessment of relevant Development Plan policies demonstrates that the proposals are in accordance with the Core Strategy and the saved policies of the DBLP. The proposals would deliver a high quality, sustainable development of the site, subject to details being submitted at Reserved Matters stage (other than access details).

Site Description

The site comprises of the Spencer's Park Phase 2 site between Three Cherry Trees Lane and Cherry Tree Lane in north east Hemel Hempstead. The site is located immediately to the south of the Spencer's Park Phase 1 development, which is currently being built out by David Wilson Homes. The site is located within the built up area of Hemel Hempstead, within the Maylands General Employment Area (GEA). The site currently comprises of arable fields, with

field access points off both Three Cherry Trees and Cherry Tree Lanes.

The site crosses the administrative boundaries of Dacorum and St Albans City and District Council's and is owned by the Crown Estate and The Homes and Communities Agency. The red line site including some highway land extends to around 24.4 hectares, and includes land in Dacorum Borough Council (DBC) and in St. Albans City and District Council (SADC). The boundary between the districts is not defined by any physical boundary on the ground. Around 18.7 hectares (76.7%) of the site is within DBC and around 5.7 hectares (23.3%) is within SADC. The land within DBC includes highway land. Two identical outline planning applications have been submitted: one to DBC and one to SADC. Each Local Planning Authority (LPA) will determine the extent of the proposed development that falls within its administrative area.

The site is bounded by Three Cherry Trees Lane to the west, Cherry Tree Lane to the East and the Phase 1 development site and the Thames Water reservoir to the north. A variety of employment uses are located to the west and south of the site within the Maylands General Employment Area, including with Buncefield Oil Depot site to the south of the site. Arable fields are located to the east. A Gypsy and Traveller site (Cherry Tree Caravan Park) is located to the west of the site. The open countryside to the east of the site forms part of a draft allocation for a new sustainable growth location in the draft St. Albans Strategic Local Plan (Land East of Hemel Hempstead).

The site is currently designated for employment use under Policy E4 of the saved Dacorum Borough Local Plan, although it has long been an objective of the Council to see this site developed for residential use. This is reflected in the Council's Core Strategy, which identifies north-east Hemel Hempstead for housing growth. It should be noted that the site is not designated for housing under the Council's Site Allocations DPD, as Maylands and north-east Hemel Hempstead are covered by a separate Area Action Plan.

The site has been promoted through the local planning system for a number of years by both the HCA and The Crown Estate. The site was originally allocated for Employment uses in the Dacorum Local Plan (1991 – 2011) and the St. Albans District Local Plan (1994). The Crown Estate and HCA considered the site to be more suitable for mixed uses, predominantly residential use, consistent with Phase 1 of Spencer's Park. The site has since been allocated in the Dacorum Core Strategy as a site that is suitable for residential development. The southern part of the site is still proposed for employment uses as part of this mixed use proposal.

Proposal

The proposal comprises of an outline planning application for a mixed use development to include up to 600 dwellings (C3), land for primary school (D1), land for local centre uses (A1,A3,A4,A5,D1,D2), land for up to 7,500 square metres of employment uses (B1,B2,B8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, new priority junction off Three Cherry Trees Lane, new vehicular access to Spencer's Park Phase 1 and an emergency access to the employment land off Cherry Tree Lane. Detailed approval is sought for access arrangement only, with all other matters reserved (cross-boundary application falling within Dacorum Borough Council and St Albans City and District administrative areas).

The description of development given above is for the entire development that falls within both DBC and SADC's administrative areas. It should be noted that the school, local centre and employment uses all fall within DBC's administrative area along with the site accesses, including emergency access. Uses proposed in SADC are residential, open space, drainage and ancillary works.

The proposal follows an in depth pre-application phase where the applicants worked pro

actively with both Dacorum Borough Council and St Albans City and District Council to inform the indicative masterplan and wider development proposals. The pre-application and application phases have been the subject of a Planning Performance Agreement (PPA).

The site is owned by HCA and The Crown Estate. The two organisations have both signed a Memorandum of Understanding and have worked together to prepare the outline planning application for the site to ensure that the site is developed in a comprehensive manner. The applicants are not the developers of the site, and the site will either be sold to one or more developers or a building licence will be provided to one or more developers for the site. The developer(s) will then submit reserved matters applications for development of the site.

The following plans have been submitted in support of this outline application for determination. All other plans are submitted for illustrative purposes only.

- Location plan – reference TP 001;
- Application Red Line Boundary Plan – reference TP 002;
- Main Development Access – reference 131121A/A/12;
- Employment Access – reference 131121A/A/13;
- Emergency Access Employment - reference 131121A/A/14;
- Framework Parameter Plan for DBC – reference TP 003; and
- Framework Parameter Plan for SADC – reference TP 004.

A sketch illustrative masterplan (reference SK 005) is also included in the DAS. As the title suggests this is for illustrative purposes only and is submitted to demonstrate how the design approach could be interpreted at the reserved matters stage to create a high quality and sustainable scheme.

Referral to Committee

The application is referred to the Development Management Committee due to the application being a large scale major development for which approval would be subject to a S106 agreement.

Planning History

4/00275/16/PRE UP TO 600 NEW DWELLINGS AROUND 2HA OF EMPLOYMENT LAND FOR PRIMARY SCHOOL AND ANCILLARY USES.

Related History - Spencer's Park Phase 1

4/01972/16/NM NON MATERIAL AMENDMENT (ALTERNATIVE BRICKS) TO
A OUTLINE PLANNING PERMISSION 4/01477/09/MOA (RESIDENTIAL
DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED
AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS
FROM NICKEY LINE AND EMERGENCY ACCESS. COMMUNITY
FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY
BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME))
Granted
22/09/2016

4/03376/15/NM NON MATERIAL AMENDMENT TO PLANNING PERMISSION

- A 4/02351/13/RES FOR PLOTS 2, 3, 38, 39, 41 AND 42 (SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION 4/01477/09/MOA (RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKEY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME))
Granted
11/11/2015
- 4/02793/15/RES AMENDMENT TO MATERIALS PREVIOUSLY APPROVED ON OUTLINE PLANNING PERMISSION 4/01477/09/MOA CONDITION 5 (b).
Granted
07/10/2015
- 4/02351/13/RES SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION 4/01477/09/MOA (RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKEY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME))
Granted
26/06/2015
- 4/01477/09/MO A RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME)
Granted
29/10/2012

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport

CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS15 - Office, Research, Industry, Storage and Distribution
CS16 - Shops and Commerce
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles
CS34 - Maylands Business Park
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 31, 37, 51, 54, 55, 57, 58, 59, 61, 62, 63, 64, 69, 73, 76, 79, 99, 100, 101, 102, 103, 111, 113, 118, 125, 129
Appendices 1, 2, 3, 4, 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [BCA 3:Bank Mill]
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Summary of Representations

Strategic Housing

Strategic Housing comments are as follows in response to the proposal below:

To meet the affordable housing policy requirements 35% of the dwellings should be agreed for affordable housing.

Therefore, 210 units should be provided for affordable housing. We would ask the provision to consist of 90 one bed units, 90 two bed units and 30 three bed units. We would also stipulate a handful of three bed units to be adapted for full wheelchair access.

We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership in line with our Affordable housing SPD.

Strategic Policy

1. Introduction

The comments below focus on the broad principles of the proposal rather than on detailed site considerations. The response also includes comments from the Infrastructure Officer regarding infrastructure contributions and the Enterprise and Investment team concerning the employment element of the scheme.

This proposal will be one of the principal mixed use development schemes in the Borough over the coming years. It is a key site in terms of future housing supply for Dacorum (c.415 homes) and in ensuring the Council continues to make good progress in meeting its housing target (Policy CS17) and 5-year housing land supply requirements. The scheme is also important in relation to securing new mixed use employment floorspace (7,500 sqm) and on-site primary school provision.

The scheme is complicated in that it:

- straddles the Borough boundary into St Albans district;
- is not identified as a formal housing allocation with any associated planning requirements;
- does not benefit from an adopted development brief as per the first phase of this overall development (<http://web.dacorum.gov.uk/docs/default-source/planning-development/h18landatthreecherrytreeslaneddevelopmentbriefadopted-websiteversion.pdf?Status=Master&sfvrsn=0>) (i.e. saved DBLP Proposals H18 and L9).

The policy position is explained below. That is not to say that the current policy arrangement provided through the saved DBLP and Core Strategy does provide adequate advice and guidance in terms of determining the application.

2. Policy Position

The policy position on this land has changed significantly over time from that in the saved DBLP. Policy 35 originally stated that the land would be allocated for a new General Employment Area at North East Hemel Hempstead. Priority would have been given to development for specialised technological activities and other activities which are in the national or regional interest. The employment element of the scheme was to have been brought forward through Employment Proposal E4. There was an equivalent policy in the St Albans Local Plan (Policy 26) covering that portion of Spencer's Park in their district. For completeness, Policy 35 is no longer in operation as it has been superseded by Core Strategy Policies CS1, CS14, CS15 and CS34.

The associated DBLP Area Based SPG (Land for Development at North East Hemel Hempstead) elaborated on Policy 35. It identified the land as a "key site" for employment-led development (Proposal E4): http://web.dacorum.gov.uk/docs/default-source/planning-development/areabasedpolicies_f04_landfordevelopment_nehemel.pdf?sfvrsn=0 At the time the land was needed to meet an identified county-wide need for specialised technological industries, but could have included other ancillary uses such as offices, and hotel with conference facilities. There was no reference to residential being an appropriate use on the site.

The policy approach first began to evolve with the publication of the Maylands Master Plan: The Gateway to a Greener Future – Planning Policy Statement (September 2007) (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/aa10-maylands-master-plan-september-2007-low-res.pdf>). The master plan divided up the business park into a number of character areas in order to guide appropriate forms of development to different parts of Maylands. It identified an area fronting the A414 as the Maylands Gateway. This sought a range of building sizes suitable for key tenants in landmark buildings, including a higher

education presence, HQ offices, and conference and hotel facilities.

This implied that the function of the Maylands Gateway would begin to change from open land to a high-tech office park (c. 130,000 sqm). The Gateway area is the subject of an adopted Development Brief (2009) (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/aa8-ehaap-sa-scoping-doc---march-2009.pdf>). This was later updated in 2013 (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/aa1-maylands-gateway-development-brief-may-2013.pdf>) to reflect changing market conditions over that originally envisaged, in favour of warehousing/industrial rather than office floorspace. We understand that there is current active interest in commercial development of the land.

This Character Area was important as the Gateway development would involve the relocation of Employment Proposal E4 in the DBLP and the reserved land covered by Policy 26 of the St. Albans Local Plan. The Master Plan recognised that the release of the land would also free Spencer's Park (E4 and Policy 26 site) for alternative uses. However, it only acknowledged in any detail the potential for residential for the first phase of Spencer's Park and at the Heart of Maylands.

The initial Issues and Options consultation on the East Hemel Hempstead Area Action Plan approach during June-August 2009 (AAP) (<http://www.dacorum.gov.uk/docs/default-source/planning-development/spatialplanning-09-07-07-aap16thjune.pdf?Status=Master&sfvrsn=0>) presented the Council with a formal opportunity to test the revised approach to Maylands and Proposal E4 set out in the Master Plan. Spencer's Park fell within the boundary of the AAP. The consultation document acknowledged that the relocation of employment proposal E4 and Policy 26 site to the Gateway allowed the Council to explore other uses on the original site. It suggested the land could be suitable for a mix of housing, open space and social and community uses, subject to their safe distance from Buncefield and the advice of the HSE.

The broad suitability of the land for housing was tested through the 2008 SHLAA (<http://www.dacorum.gov.uk/docs/default-source/planning-development/shlaavolume3a-a-deyfieldeast.pdf?Status=Master&sfvrsn=0>). The document accepted that the site was appropriate for housing in identifying the land as housing site AE44. A notional housing capacity of 537 homes was given to the site. However, the SHLAA was a technical document only and it was not its role to formally allocate the land as a housing proposal.

The Core Strategy recognises residential opportunities at Spencer's Park, although it does not identify the location as a formal allocation. The plan assumed that the AAP would elaborate on the policy for Maylands and designate development sites together with their planning requirements. As a consequence, the vision diagram for the town excludes the AAP area in Figure 19. However, the housing programme under Tables 7 and 8 assume a contribution from both Phases 1 and 2 at Spencer's Park (the latter under the contribution from East Hemel Hempstead). The AMRs continue to acknowledge its contribution towards the Council's 5-year housing supply and Core Strategy housing programme.

This housing contribution from Spencer's Park was further expanded upon in the Hemel Hempstead Place Strategy ([http://www.dacorum.gov.uk/docs/default-source/strategic-planning/chapter-20-hemel-hempstead-place-strategy-\(pdf-2-05mb\).pdf?sfvrsn=0](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/chapter-20-hemel-hempstead-place-strategy-(pdf-2-05mb).pdf?sfvrsn=0)). Under the East Hemel Hempstead vision it states:

"...Spencers Park is a new residential neighbourhood with its own services and Facilities."

Figure 18 refers to Spencer's Park as follows:

"Spencer's Park – lies south of Hunters Oak and north west of Buncefield. The land is currently greenfield and extends into St Albans District. This area is prime land for residential

development. A new primary school and other facilities will serve the area. Development on greenfield land also offers opportunities for decentralised heating systems or CHP.”

Policy CS34 sets out the policy approach for the Maylands Business Park. It does not expressly mention residential development at Spencer’s Park as detailed policy and allocations were to be deferred to the AAP. However, the location was identified on the AAP vision diagram under Figure 22.

The Site Allocations DPD also assumed that progress would be made on the AAP and thus detailed allocations would be set out in that document.

(<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/site-allocations-written-statement---pre-sub-inc-foc-changes---jan-2016.pdf?sfvrsn=0>). This position is set out in paragraph 6.12. The paragraph explains that key sites in the AAP are listed in Table 2 (Spencer’s Park is specifically referred to) and that they are accounted for in the housing programme under Table 3.

The 2008 SHLAA has now been updated (2016 SHLAA (April 2016)

(<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/dacorum-shlaa-2016-volume-2-site-schedules.pdf?sfvrsn=0>). The latest SHLAA continues to see the original site AE44 as being a developable housing site.

While both the Core Strategy and Site Allocations DPD envisaged that the AAP would eventually form part of the Local Plan, limited progress has been made in preparing the document. A new timetable to the Local Development Scheme (LDS) was agreed at Cabinet on 13th December 2016. It now proposes that the new LDS timetable no longer includes a detailed programme for production of the East Hemel Hempstead Area Action Plan (AAP). This is due to uncertainties regarding St Albans’ plan-making programme and the fact that good progress has been made on a landowner-led masterplan for the Gorhambury land, which is likely to mean that an AAP for the whole area is no longer required. Whilst there remains reference to the joint AAP within St Albans’ own LDS, this document remains similarly un-programmed. Appropriate policies for the Maylands area can be included as appropriate within the new single Local Plan for the Borough.

Therefore, given the above points, policy does make it clear that housing development is now the preferred approach to bringing forward land at Spencer’s Park.

3. Master Plan

While a development brief has been adopted to guide Phase 1 of Spencer’s Park (Land at North East Hemel Hempstead / Three Cherry Trees Lane Development Brief (December 2006)), no brief has been adopted by Dacorum and St Albans Councils for Phase 2. Despite its absence, that is not to say that the current policy framework provided through the saved DBLP and Core Strategy cannot provide adequate advice and guidance in terms of determining the present outline application.

However, officers have worked closely with the applicants agents (Amec Foster Wheeler) at the pre-application stage in terms of inputting into their informal master plan to guide this latest phase. While the applicants master plan has no formal status as a policy document, as it has not been adopted by either Council, it does take on board comments from officers and does broadly reflect the approach set out in policy. It clearly provides a detailed and structured framework for the development.

Furthermore, we consider that it is reasonable to use the approved Phase 1 development as a broad template for assessing the appropriateness of the second phase. We would expect the two schemes to dovetail to achieve a comprehensive form of development for this part of the town (Policy CS11).

4. Assessment of the proposal

We note that the proposal is supported by a Planning Statement and detailed Design and Access Statement (DAS) (what was the master plan at the pre-application stage). These documents are also supported by a number of technical studies. These are all welcomed in terms of assessing the suitability of the development in policy terms.

(i) Mix of housing/affordable housing

While the scheme is in outline form only, the site is large enough to support a mix of housing types, sizes and tenures (Policy CS18). This is welcomed in terms of meeting the wider housing needs of the community and, in particular, providing opportunities for affordable housing and family homes.

Policy CS19 would anticipate affordable housing being provided at 35% of the total number of units. We note that across the two parts of the current scheme, 210 of the 600 homes are to be affordable. This equates to an affordable housing contribution of 35%. In addition, the split would be 158 social rent homes and 52 intermediate homes (i.e. a 75:25 split). Both the overall proportion and tenure split are in general accordance with the policy.

We acknowledge that the Government is due to shortly introduce a new approach to affordable housing with the Starter Homes initiative. This is likely to impact on the future mix of housing when a detailed scheme(s) is eventually submitted. Given that local authorities have not yet received confirmation as to how this initiative will operate, in the interim the current approach is considered reasonable.

However, you should seek the views of the Strategic Housing team regarding this matter.

(ii) Employment Land

As stated above, the current policy approach accepts that there will be a loss of the original employment proposal E4. It also accepts that this would be made up by alternative employment provision at the Maylands Gateway (see Core Strategy Figure 18 and Policy CS34 (Maylands Business Park)).

The Maylands Gateway is Dacorum's principal proposed employment development site. Core Strategy Figure 18 states that Maylands Gateway offers around 29.7 ha. of developable land and uses suited to the area and will be primarily HQ offices, conference facilities and a hotel, but there may be opportunities for other development that accords with its high status and green character.

The Maylands Gateway Development Brief (revised May 2013) gives more flexibility for different types of B-class use. It is now estimated that this site will accommodate 28,000 sqm of offices and 60,000 sqm of industrial, storage and distribution space. Current indications are that the market will deliver mainly warehousing there i.e. the scale of office development on the Maylands Gateway site is now expected to be far lower than envisaged when the Core Strategy was produced (whilst warehousing development will probably be much higher).

In addition, this proposal will deliver a potential mix of B-class uses (7,500 sqm) on 1.77ha of land. This will ensure that the scheme continues to contribute towards employment floorspace in the Borough (Policies CS14 and CS15) and overall local job creation (albeit in a reduced scale to that originally intended under Proposal E4).

The Enterprise and Investment team are supportive of the principles of this approach in that it will meet a local demand for small-mid range flexible commercial units. However, the site falls

within the Enterprise Zone which will come into effect from 1st April 2017. Thereafter, there will be incentives to encourage green/environmental businesses to locate there. This issue could be pursued when a detailed application is submitted.

(iii) Highways/Access/Parking

Proposal E4 originally intended that access would be secured by two separate junctions on Three Cherry Trees Lane, with phased road improvements to facilitate the North East Relief Road (then proposal T7) and other off-site improvements.

The relief road has now been incorporated into the joint DBC/HCC/LEP work on the Maylands Growth Corridor. The Growth Corridor considers the impact of new development in and around the Maylands Business Park, including Spencer's Park and potential new development on the eastern side of Hemel Hempstead (Gorhambury) in the St Albans district. This will be an important context for the assessment of the scheme's transport impact.

The scheme was subject to separate pre application discussions with the County Council as the local Highway Authority.

A Transport Assessment (TA) accompanies the outline application. It sets out full details of the proposed mitigation measures chiefly based on capacity improvements through two key proposals:

- improvements to the Redbourn Road/Three Cherry Trees Lane roundabout; and
- signalisation of the junction of Swallowdale Lane and Three Cherry Trees.

The planning statement also refers to the proposed access into the site, including a new roundabout main site access from Three Cherry Trees Lane, access through Spencer's Park Phase 1 to the north and a separate access to the employment site, south of the main roundabout access on Three Cherry Trees Lane. An emergency access is proposed to the employment land from Cherry Tree Lane to the east.

The scheme should provide sufficient car and cycle parking (Policies CS8(h) and CS12b)) to accommodate the different proposed residential, community and commercial uses. The applicant states that commercial and residential car parking is proposed in accordance with DBC and SADC's adopted standards (saved Appendix 5). The exact number of spaces is to be determined at the reserved matters stage once the exact number / mix of different dwelling types and sizes are known.

According to the DAS, 900 spaces will be provided overall that equates to 1.5 spaces per dwelling. This appears a reasonable overall quantum of parking. However, no detailed figures are provided although the applicant is confident that these can be secured to standard.

We note that a Green Travel Plan has been developed to support the application in order to encourage a modal shift away from car-travel (Policy CS8(a)). There is also scope to route an existing bus service through the site along the new spine road serving the development (Policy CS8(c)). Both measures are welcomed in terms of reducing the impact of traffic on the local roads.

The views of the local Highway Authority should be sought on transport matters.

(iv) Open Space/Leisure Space

This issue was considered in detail at the pre application stage. We also note that the play space is essentially geared towards informal leisure use. The best opportunity for formal pitch-based sports is through the dual-use of the primary school's playing fields, although this will

ultimately be dependent on entering into an arrangement with the operator of the school (Policy CS23).

We have based the response on the standards set out in the saved DBLP. We would stress from the outset that these are not straightforward to apply as there are a number of separate standards for open space as a whole, and for formal and informal leisure space. Furthermore, for simplicity, we have applied the standards across the site as a whole (i.e. including that in St Albans), as we see the open space as meeting the needs of the development as a whole.

We note that the development will provide for a total of 5.4 ha of open space of all types which forms a significant area of the scheme as a whole. We think it would also be reasonable to take into account that already provided by the first phase given the inter-relationship between the two phases.

Saved DBLP Policy 73 sets out the standard of leisure space on a town-wide basis based on the NPFA standard of a minimum of 2.8ha per 1,000 population. Only larger schemes are expected to contribute to this full standard. Given the scale of the development, we consider the proposal would justify some provision in the form of on or off-site towards adult/youth play (i.e. at a rate of 1.6 ha per 1,000 population). If we applied the full standards to the Spencer's Park development and assuming this was all met on-site, based on 600 homes and a household size of 2.4 persons then this would generate a need for c.4ha of leisure space (i.e. $600 \times 2.4 = 1,400$ residents, then $1.4 \times 2.8 = 4$ ha). The policy (point (b)) emphasises that such land should reflect the needs of the local population and be accessible i.e. be within a reasonable walking distance of 400m. We note that the second phase would provide for a total open space of 5.4 ha if all spaces are accounted for and thus exceed the 2.8ha standard.

Saved DBLP Policy 76 refers to leisure space in new residential developments. This states that for larger developments (i.e. of 25 homes or more) leisure space should be provided on a standard of at least 1.2 ha per 1,000 population or 5% of the development area, whichever is greater. This is the standard that most development is expected to achieve and principally seeks to secure the children's play provision element of the NPFA standard. We have assumed a total residential site area of 19.4ha (i.e. total area (24ha) – employment area (2.2ha) – school site (2.4ha) = 19.4 ha). On this basis, we would anticipate the development should provide 1.7ha (i.e. $\text{population} \times 1.2\text{ha} = 1.4 \times 1.2 = 1.7\text{ha}$). This compares to 1ha when measured against the developable area (i.e. $19.4 \times 5\% = \text{c.}1\text{ha}$).

Saved DBLP Appendix 6 elaborates on how these standards should in theory be applied. The NPFA standard does not include school playing fields, or other large areas of woodlands, commons and verges. Therefore, these will need to be excluded from any of the calculations.

The 1.2ha standard under Policy 73 is chiefly for younger play space (at 0.8ha per 1,000 population) and other areas (at 0.4 ha per 1,000 population). The former would equate to very generous levels of provision at c.1ha and should include provision for LAPs (minimum area each of 100sqm) and LEAPs (minimum area each of 400sqm). Appendix 6 explains that where family and starter homes are provided then this will require general open space and play space for children and toddlers. They should be readily located from the areas they serve i.e. 200m for toddlers and 400m for older children.

We note that the illustrative layout will provide for a hierarchy of formal (0.59ha) and informal (2.1ha) areas of open space:

- 2 x MUGA (2,235 sqm)
- 2 x LEAPs (1,070 sqm)
- 6 x LAPs (1,800 sqm)
- 8 x Doorstep LAPs (800 sqm)
- Youth park (200 sqm)

Taking a pragmatic view of the standards, we note that very generous levels of open space of all types are envisaged to be provided in a structured approach across the development. This is welcomed. They will make important contributions towards greening the development and in providing opportunities for play space. These spaces will also form part of the SuDS and key landscaping features across the development.

While no exact standards are provided in the DBLP for the number of LAPs and LEAPs to be provided, we note that a good range and spread of child play spaces is to be secured as listed above. Furthermore, space would also be provided to meet the needs of older children including dual use of the school playing fields, MUGA area, and a small youth park. (The exact provision of MUGAs needs to be confirmed by the applicant as we understood the southern MUGA was to be removed in favour of a more informal play area/community orchard.) We are therefore satisfied that the overall provision makes a good contribution under the NPFA standards. However, the views of the Clean, Safe and Green team should be sought regarding the type, amount and management of the play space.

We understand that there is a general demand for allotment in the town (are the Clean, Safe and Green team able to quantify this e.g. in terms of any local waiting list?). Is there scope to provide this type of facility within the development (saved Policy77)? This will ensure the open space meets other wider leisure needs.

Our main concern with the application is that the open space/play space is properly funded and managed which we understand is likely to be through some form of management arrangement (rather than being adopted by the Council).

We note that Sports England have objected to the proposal, essentially due to the lack of contribution the scheme makes to local sports facilities. This issue is covered in detail in the section below. We would generally comment that:

- the development will contribute towards meeting locally generated informal leisure needs through the play space provided and through potential dual use of the school playing fields (albeit the latter arrangement may not satisfy the aspirations of Sports England);
- we acknowledge the complication arising from the fact that the proposal is zero CIL rated and what can legitimately be secured through a planning obligation (while avoiding funding conflicts with the Regulation 123 list);
- funding through developer contributions is not the sole source of delivering new facilities;
- there is a generally poor geographical link between the proposal and priority schemes identified in the Playing Pitch Strategy and Action Plan – update (2015) (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/playing-pitch-strategy-action-plan---june-2015.pdf?sfvrsn=0>) (Astley Copper School being the closest); and
- the primary source for funding sports facilities is through the CIL.

It is also fundamental that we can be satisfied that any contribution meets the statutory tests as set out in the CIL Regulations 2010.

(v) Community facilities

The applicant has been aware of the requirement to provide for a 2 form entry primary school to address the need for future school places generated by the development. 2.4ha of land has been set aside for this. The school is to be secured under the s.106 arrangement. We also acknowledge that there is scope for the provision of a small shop and community building within the first phase of Spencer's Park which could be shared across the wider development.

(v) Infrastructure

The Council has undertaken a series of high level assessment of the infrastructure required to support the development of Spencer's Park as part of its evidence in support of its CIL Charging Schedule and through its annual review of its Infrastructure Delivery Plan. The evidence provided in support of the Council's CIL Charging Schedule included an assessment of the viability of a number of strategic sites required to support the delivery of the core strategy including the formal Strategic Sites and Local Allocations identified in the plan and strategic housing proposals identified for the town centre of Hemel Hempstead and Spencer's Park (the later originally intended to be pursued through an Area Action Plan for the East of Hemel Hempstead and through a master planning process) This assessment of strategic sites was used to establish a zero CIL rating for the site and to set out a number of items to be excluded from the Council's Regulation 123 list. These items should be secured under a Section 106 agreement in relation to the site.

The primary objective of the S106 is to secure the delivery of a new 2 form entry primary school upon the application site in order to meet the needs arising for primary education facilities within the NE Hemel Hempstead quadrant. It is understood from the County Council that current child yield forecasts do not equate to the delivery of a full two forms and therefore a mechanism for off-setting any over provision will need to be established by the County Council.

The site is to be considered as a strategic allocation (as per the testing for the CIL examination) and exemptions in the Regulation 123 list allow for the Council to secure contributions towards the following items of infrastructure:

- Early years education (these should be provided alongside the new primary school)

- GP facilities

NHS England and the Herts Valley Clinical Commissioning group calculates the scale of contribution to be applied to the development on the basis of a national tariff and you may need to establish where such funds will be targeted to satisfy the tests in Regulations 123 and 124 of the CIL Regulations 2010 (as amended)

- Community space and facilities (youth facilities and libraries)

Although the County Council have suggested that a contribution should be provided towards activities operated by 'youth connexions' officers are aware of a pressing need to carry out improvements to and extensions to the nearby adventure playground. It is our view that such improvements should be prioritised given the geographical relationship with the application site and given the number of youths utilising the site.

- Direct access measures

- Highway improvements resulting from the TA.

- Sustainable transport measures

- Provision and maintenance of public open spaces

Officers would encourage the dual use of outdoor and indoor sports facilities associated with the provision of a new school on the application site and would request that such matters are added to the planning conditions associated with the site.

The Council are not able to enter into an agreement for the provision of secondary education and such matters should be subject to a side agreement with St. Albans City and District Council (as established in the legal advice from Hertfordshire County Council)

5. Conclusion

We are supportive of the scheme as a whole given its potential contribution to housing supply, employment land and community facilities. As a result of the early pre-application engagement we are satisfied that much of the scheme is in broad conformity with policy. However, we acknowledge that there are a range of detailed matters that still need to be resolved through discussion with the applicant and a number of agencies.

Herts and Middlesex Wildlife Trust

Objection: The principle of development on this site is not contested, but at present the Trust does not consider that enough compensation has been provided to achieve no net loss or net gain to biodiversity. It is therefore not yet consistent with the aims of NPPF.

The ecological assessment makes sound subjective assessments by using the CIEEM EIA guidelines. However this mechanism does not quantify the relative value of existing and compensatory habitats. The development proposals need to employ an objective ecological assessment mechanism to demonstrate net gains to biodiversity as required by NPPF and to be consistent with BS 42020.

NPPF, paras 109 and 118 state:

109 "the planning system should contribute to and enhance the natural and local environment by:

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."

118 "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- opportunities to incorporate biodiversity in and around developments should be encouraged."

In order to objectively assess the ecological value of the land proposed for development a consistent and fair methodology should be employed. It is not sufficient to subjectively state that no net loss will be achieved, this must be measured. The implementation of an acceptable methodology should ensure appropriate mitigation or compensation is provided to achieve the aims of NPPF. It is recommended that the biodiversity impact calculator (BIC Environment Bank 2015) is employed to assess the pre and post development ecological value of this development. The calculator has been devised for this purpose by DEFRA and upheld in a number of planning decisions as a suitable mechanism to assess net gain.

HMWT has applied the calculator to this development site using the figures provided in the ecological report. These figures reveal a biodiversity shortfall of -7.29 ecological units or a 10.7% site biodiversity loss. In addition it reveals a deficit of 720 m of required compensatory hedgerow planting to offset that shown to be lost.

This is clearly not as neutral a development as is being claimed by using the CIEEM guidelines. The objectivity and measurability of the calculator reveal that ecological impacts have not been accurately assessed or quantified and demonstrates that it does not achieve net gains in biodiversity or even no net loss.

The applicant needs to address this by providing a revised assessment of the development using the BIC. Additional compensation measures will then be required to generate a neutral or positive ecological unit score. The proposals should not be approved until it has been demonstrated that a neutral to positive ecological unit score can be generated by the development.

No specific detail has been provided on any habitat creation or management. It is critical that it is clearly understood exactly what will be delivered (e.g. species and establishment regimes) and how it will be managed in perpetuity in order to secure permanent ecological compensation for the permanent losses. BS 42020 states that ecological reports must be definitive in stating what WILL be delivered. The measures put forward in outline in the ecological report are acceptable but not yet definitive.

The LPA should either require that this detail is provided before making a decision on this application or place a robust condition for the production of an Ecological Design Strategy which must be supplied before development can commence. A suitable condition can be adapted from BS 42020:

'No development shall take place until an ecological design strategy (EDS) addressing has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.
- k) A demonstration that the development achieves a neutral or positive ecological unit score (BIC 2015 or as amended)

The EDS shall be based on the measures outlined in the approved ecological report. It shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.'

If you wish to discuss any of these comments please do not hesitate to get in touch.

Further comments

Thank you for sending this through. Regarding the hedgerow point, I have checked figure 10.5. It is an illustrative masterplan and does not specify how much or where 621 m of new hedge will be planted. The suggested location in the Wardell Armstrong response for the 621 m of hedge planting is the southern boundary of Three Cherry Trees Lane. This already has a hedgerow along it, albeit broken and varied in structure. I do not think their 621 m assurance is definitive enough. What I think is required is a definitive location and composition of compensatory hedgerow planting sufficient to offset that being lost. The amount required should not be left to the subjective judgement of the ecological consultant but determined by the DEFRA biodiversity impact calculator. This metric was developed by DEFRA and NE precisely for this purpose and has been upheld by the Secretary of State and the Inspector in planning appeals as a suitable mechanism to gauge no net loss to biodiversity and net gain consistent with NPPF (e.g. APP/E3715/V/12/2179915 APPLICATION BY WILLIAM KENDRICK & SONS LIMITED – LAND AT STRETTON CROFT, BURBAGE LE10 3JB: APPLICATION REF: R11/0239). The attached calculation shows the required compensation to be 720m – which is still 99m more than the 621m. Therefore more hedgerow compensation will be required in addition to the 621m and definitively marked on maps. This is consistent with BS 42020, which seeks definitive measures to be presented in ecological reports. This

application does not do this yet and so is not compliant with BS 42020 which states:

‘6.6.2 An ecological report should avoid language that suggests that recommended actions “may” or “might” or “could” be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.’

Regarding the second point, it is not disputed that arable land is of less value than other habitats. The important consideration is that it is not without value – as evidenced by the ecological report itself which found it to be used by a wide range of farmland bird species in particular. It should not be merely dismissed as not ‘significant’ (significant is not defined anywhere in govt. guidance or NPPF). This must be quantified. The DEFRA metric has been endorsed as being compliant with the aims of NPPF:

(from the above planning ruling) ‘12. For the reasons given in IR8.76-8.77, the Secretary of State agrees with the Inspector that the proposal, together with the proposed ecological mitigation, would comply with the policies in the Framework’

HMWT assert that it is entirely reasonable for ecological impacts to be properly assessed using the metric, which is compliant with NPPF according to the Secretary of State, to determine no net loss.

Finally NPPF does not just aim to reduce significant harm. The theme of net gain and no net loss runs through the document e.g.

Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, **natural** and historic environment, as well as in people’s quality of life, including (but not limited to):

- **moving from a net loss of bio-diversity to achieving net gains for nature**

Paragraph 109 “*the planning system should contribute to and enhance the natural and local environment by:*

- *recognising the wider benefits of ecosystem services;*
- ***minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.***”

Even the quoted paragraph 118 primarily seeks to **conserve and enhance biodiversity**. If biodiversity value is not quantified it cannot be stated that net gains to biodiversity can be achieved. It is subjective to dismiss the impacts of this scheme as not being significant without an empirical measure of those impacts – as provided by the biodiversity calculator. It is a legitimate and fair mechanism to ensure objective and consistent outcomes, it accords with the NPPF requirement to provide net gains in biodiversity where possible, and it will ensure a level playing field for developers.

Therefore I do not consider that the response from Wardell Armstrong adequately addresses my objection yet. If the calculator is applied and the necessary shortfall of habitat is incorporated into the development or offsite, then the objection will be withdrawn.

Herts Ecology

Thank you for consulting Hertfordshire Ecology on this outline application.

We do not hold any biological data (species or habitats) for this application site. There is a

single Local Wildlife Site (LWS) located 100 m to the north; however the Environmental Statement (ES) has considered any direct, indirect and cumulative effects the development might have on this LWS and scoped it out. The neighbouring development is already implementing mitigation strategies to reduce the effect on this site, which should also account for this current application.

The ES has considered all relevant ecological constraints and analysed all possible effects during construction and operational phases. Due to the scale of the development the ES has mentioned the production of a Construction Environmental Management Plan (CEMP) that will inform how the construction process will avoid and mitigate possible effects on ecological receptors. I would recommend that this is Conditioned within any planning decision. I can suggest that the following wording is used.

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones".
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) Responsible persons and lines of communication.
- G) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- H) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The ES has stipulated avoidance strategies with respect to bats and breeding birds; however possible foraging and commuting badgers have been overlooked. There is evidence of past use of the site by badgers and therefore the possibility of them returning remains. I would therefore add a note of caution in terms of the following Condition, or suggest that the applicant includes precautions for badgers within the CEMP.

No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.
- b) Open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

The ES has set out a clear vision of habitat enhancement within the landscape of the development with an emphasis on the use of locally significant native species, enhancing and protecting hedgerows and woodland, and replacing any hedgerows or woodland that are to be removed. This strategy is in-line with the NPPF and will help to enhance the area for wildlife and biodiversity. I would therefore recommend that the applicants produce a Landscape and Ecological Management Plan (LEMP) through Condition which will set out the aims and

objectives of the landscape plan, detail management prescriptions, and set out a clear timetable of activities. It will also state who will be responsible for the management of the landscape and how it will be funded post construction. I can suggest the following wording is used.

A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement or occupation of development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP 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. The approved plan will be implemented in accordance with the approved details.

Lastly due to the presence of foraging and commuting bats; I would also caution against inappropriate lighting which could discourage bats from their current flight-lines. I would therefore include the following Informative within any planning condition.

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

I trust these comments are of assistance.

Further comments following review of position in light of HMWT response

I have considered the position regarding Spencer's Park Phase 2 and the issues raised regarding the above, for which I would like to make the following comments:

1. There are several principle ecological issues which are linked:

The extent to which the development proposals will impact upon biodiversity interests on the site;

The extent to which biodiversity losses are compensated or also enhanced, providing the no net loss and net gains sought by Govt;

The use of a Biodiversity Impact Assessment Calculator to determine these issues objectively;

The justification to refuse the application if a calculator is not used to demonstrate the extent to which net gain has been achieved.

2. I will deal with these issues thus:

2.1 Impact of the proposals.

The existing site is largely intensive arable with hedgerows and a small area of rough grassland in the southern corner. Ecological surveys have been undertaken and these seem reasonably thorough. Clearly currently open countryside, this will be wholly lost given the development required to provide new housing and a school.

Hedges. The most intrinsically valuable features described are the surviving hedgerows (and shelter belt) in the middle of the site which are ecologically important under the hedgerow Regs. These are also old features being shown on the 1843 Tithe map and subsequent maps - along with the larger shelter belt. Cherry Trees Lane hedgerow has not been recorded but this will not be directly affected. Whilst most sections of these features will remain, other sections will be removed in the middle of the site and along Three Cherry Trees Lane, amounting to 360m. There are no plans to replace these lengths of hedgerow with similar features in terms of size and structure. In this respect there will be a net loss of original high quality hedgerow.

Wooded blocks / belt. The existing woodland block to the north within the site will remain, as will the wooded shelter belt feature running N-S through the site. Although not described as such, this is also an historic feature - possibly with a part-hedgerow origin given that it is also shown on the Tithe map. However, this will be fragmented by the access road across the middle of the site. Consequently this feature will be degraded by the proposals.

Rough grassland. There is a small area of rough grassland and scrub in the southern corner of the site. Whilst this has little intrinsic interest as grassland, its presence does provide an additional undisturbed habitat within the site. It has been considered as of negligible value; whilst I do not consider it represents any form of constraint, it is not reasonable to dismiss this area as such given that it clearly exists and will be wholly lost. The replacement of 'natural grasslands' within the development will not recreate the conditions currently present. In this respect this ecological diversity will be lost.

Arable margins. Arable crops appear to be close to the edge of the fields with little or no headlands or weed strips. There is nothing to suggest the fields themselves have any significant intrinsic ecological value. Consequently the loss of arable land is of negligible consequence and there is little or no expectation of compensation, or proposals for enhancements elsewhere.

Farmland birds. Breeding farmland birds have been recorded, typical of arable land with hedges. Some species are of significance; it is most unlikely these will be retained given the complete change in nature of the site. Wintering farmland birds did not suggest species of particular interest were using the site, other than more common hedgerow species. However the net impact will be a loss of at least some farmland birds from the site.

2.2 Compensation and enhancements

Hedges: It is considered by the ecological consultants that 620m of new hedgerow will be planted, as shown on Fig 10.5., to compensate for the loss of 320m of existing hedgerow (part 1, 2, 3 and 4 in hedgerow report). Whilst this more-than provides for the length of hedgerow, it seems that all of the replacement hedging will be smaller hedgerows provided along many of the proposed property boundaries. These will be formal and severely limited in size in comparison with the existing resources. In themselves these will not compensate for the existing resources to be lost as shown within the photos of Hedgerows 1, 2 and 3 or field evidence of 4 if still present. Furthermore the surviving elements of hedges will be further fragmented by new roads within the development. The net impact of this cannot realistically be regarded as insignificant, as it has been. Existing boundary vegetation will be enhanced through management and complementary planting, although I do not consider this will necessarily compensate for the loss of existing important hedgerow resource. I am not clear as

to what is meant by understorey planting as this is unlikely to be successful if the feature is already casting significant shade.

Consequently I do not consider the hedgerow resource has been sufficiently compensated given the losses; the solution would be to provide a number of lengths of more ecologically significant hedgerows across the site where appropriate. These may best be associated with SUDS and the original roadside features, otherwise an offsite solution in the local area may need to be found. Residential dwelling and other roadside hedgerows would then provide a level of enhancement within the site, commensurate with the nature of the new urban area.

Wooded blocks / belt / trees. Existing vegetation to be enhanced through management and complementary planting. Although not described in detail, I consider this may enhance the feature to the extent that overall there will be compensation for the loss of habitat, although the impact of fragmentation cannot be directly compensated. However the proposed community orchard is supported and will provide a valuable ecological and cultural feature of the site. Specimen trees will also provide additional ecological features. These will represent an enhancement of the ecological diversity and resource currently present.

Rough grassland. Areas of proposed amenity grass will have negligible ecological interest. However the proposed natural / meadow grass could have ecological benefits if management can maintain a beneficial structure and species composition. All such areas will be subject to considerable disturbance either directly or indirectly in contrast with the current area of rough grassland. These are also largely associated with SUDS features and may develop a different character to that expected of natural / meadow grassland if affected by inundation or managed to ensure maximum SUDS efficiency. However on balance I consider that the overall provision of such grassland will broadly compensate for the loss of undisturbed rough grassland.

Wetland features. It is not clear whether these are expected to provide permanent wetland pond features - in which case their SUDS performance / efficiency will be reduced - or whether they will hold water only in periods of need. In any event the provision of grassed or wetland open spaces will create some habitat resources across the site not currently present.

Arable land. Loss of this resource cannot readily be compensated elsewhere, unless additional arable land is created or existing arable land can be enhanced for farmland ecology. Clearly the loss of the existing intensive arable farmland ecology cannot be compensated anywhere on-site, along with associated bird interest, given the nature of the development. I acknowledge there is no expectation to re-create arable land elsewhere, although appropriate enhancements would be beneficial.

On balance, landscaping does seek to provide new ecological features to compensate for the losses and provide some enhancement. Whilst I acknowledge this, I consider some further ecologically significant hedgerow planting is required to demonstrate this has successfully been achieved, given the species rich / historically significant hedgerows which will be lost. Given the future development of the features if managed appropriately to provide herb-rich grasslands, blossom, wetlands and new trees across the site, there will be local enhancements to these resources compared with the existing arable land.

Biodiversity Offsetting

Placing compensation and enhancement value on land previously considered to be of little or no ecological interest is also a step change in approach, currently not linked to any formal planning process which is likely to succeed in Hertfordshire at the present time. However, any additional enhancements could be provided offsite as part of a Biodiversity Offsetting exercise. Whilst this would provide another or alternative solution, the issues I consider pertinent are:

- Whether this is justified in any case for a site with little or no ecological interest other than the features recognised already which are common and widespread and will largely be

retained as part of the development.

- Whether any such offsetting can be provided locally;
- The length of time expected for such gains to be provided - the current expectation is for 25-30 years;

Clearly impact on the proposals site should be limited as far as possible in order to protect on existing features, whilst landscaping should seek to provide compensation or enhancements. This follows the approach taken over many years for large and small developments. I consider this will have been moderately achieved if additional hedgerow planting is secured. .

2.3 Biodiversity Impact Assessment Calculator

Use of a formal calculator was developed to enable Biodiversity Offsetting to be applied in an objective manner. I acknowledge there is merit in this approach, although the process can be rather complicated. It seeks to score all features on a site of whatever quality, taking into account their nature and condition, provide a measure of what is required for compensation to be provided, and also factors-in enhancements to provide a net gain. Where compensation and enhancement measures are proposed, these are themselves scored to enable comparisons and net gains to be demonstrated. Ultimately, if these cannot be delivered on site, they should be delivered offsite to ensure a net gain in biodiversity.

However, at present there is no policy or best practice guidance that requires the use of Biodiversity Offsetting and /or consequently, use of a calculator. The relatively new process has been tested nationally and remains a valuable tool where necessary to demonstrate there is no net loss and ideally a net gain, but DEFRA have not formally endorsed this approach as a planning requirement, despite its application in a number of planning cases. Nevertheless, although it is still aspirational, this does reflect the approach LPAs are expected to secure when determining applications.

In turn, whilst more subjective, I consider there remains scope for making professional value judgements based upon an understanding of the application site, the impact of the proposals and assessments of biodiversity compensation and enhancements directly or indirectly as part of landscaping proposals. This has been reviewed in 2.2 above, and detailed within the Environmental Statement, which I consider is acceptable with some provisos.

Depending on the nature and scale of development, there will always be potentially significant changes to ecology. These cannot possibly be addressed without access to sufficient opportunities within the application site or elsewhere, which require both suitably available land and receptive landowners. Currently neither formally exist sufficiently in Dacorum or Hertfordshire to achieve this. Caution also must be taken in respect of enhancements to existing ecologically valuable sites, where very significant improvements would be required to justify such an approach to offsetting.

At Spencer's Park there will clearly be a loss of some biodiversity and a significant change in character; but there will be gains in other aspects as the development evolves over time and overall biomass may increase to favour more urban wildlife tolerant of or able to exploit such change. Currently, offsetting calculations take no account of species interests, although the provision of appropriate habitat resources is clearly the most significant factor in respect of biodiversity.

On this basis, I consider the views 2.2 above are broadly sufficient to summarise the key impacts on this site, taking into account the existing ecological quality of the land and the potential within the site. This is achieved without applying a calculator although this approach may confirm the position. So much will also depend upon the future management of the areas of proposed ecological benefit; although these should also have been assessed within the calculator, they can also be adequately addressed by reviewing proposals for habitat

management which will be needed anyway, ensuring they are appropriate to deliver the biodiversity benefits claimed.

On this basis, there is no compelling reason to apply the calculator, particularly where low quality sites are concerned and where the need to demonstrate compensation and enhancement in this way may not be so high.

2.4 Application refusal.

The application position would appear thus:

- Given the nature of the existing site which is of overall low biodiversity value, no ecological objections have been made to the development proposals. This follows the NPPF guidance in seeking to develop land of least [relative] environmental value.
- There will be a net loss of ecologically valuable hedgerow as identified under the hedgerow regulations and some fragmentation of what remains; rough grassland - of local importance to the site - will also be lost but areas of new natural grassland are proposed, often associated with swales, along with an orchard and potential wetland features. With additional hedgerow planting yet to be agreed, the net loss of this biodiversity resource would be reduced, whilst the habitat creation proposals are considered to restore some parity of existing biodiversity resource, but this will inevitably be very different from the current site.
- I consider any ecological net gain to be low, at least in the short term, whilst any improvements will in any event depend upon long-term management.
- The lack of policy expectation to apply biodiversity offsetting or the calculator, given the ecological judgements outlined above, are in my opinion insufficient to justify a refusal on the basis that such a formal approach has not been taken.

The extent to which such proposals should also result in clear biodiversity gain through biodiversity offsetting is clearly a valuable aspiration but whether a lack of such delivery justifies a refusal does not appear to be currently supported. Furthermore the practical delivery of this approach is not likely to be possible at the present time given the relative land values and aspirations of landowners in Hertfordshire. This must be a consideration when if a refusal is considered given that this should be both reasonable and proportionate to the circumstances.

3. Local authority position.

Given that currently there is no mandatory or policy requirement to achieve biodiversity offsetting or apply the biodiversity calculator, I consider it is unreasonable to refuse an otherwise ecologically acceptable application on the grounds that this particular approach to demonstrating the delivery of desired compensation or enhancements has not been followed. Furthermore, if some aspects of enhancements are likely to be undeliverable anyway, the ecological justification for otherwise refusing the application would need to be strong - and this is not the case.

On this basis I consider that the proposals are currently sufficient to be determined without any formal biodiversity offsetting or application of biodiversity calculator. However I am of the opinion that additional hedgerow planting of sound ecological value should be provided, as well as detailed specifications for long term management and maintenance of the grasslands and orchard. These can be addressed with the details submitted for a full application.

4. Previous Hertfordshire Ecology comments to DBC.

I have attached our previous comments to Dacorum for information. These highlight the production of a CEMP (Construction Environment Management Plan), measures to protect

badgers if entering the site during development, the production of a LEMP (Landscape and Ecological Management Plan) and proposals to limit light pollution, all of which I endorse although I am less convinced they reflected the impacts of hedgerow loss as highlighted by HMWT and now considered accordingly in more detail above. I consider that:

- CEMPs and badger protection (as well as other environmental considerations such as root protection zones etc.) should in any event follow best practice as part of a development of this scale. They can be Conditioned as appropriate;
- The basic landscaping principles should be a requirement prior to any approval given they will affect overall layout and functionality of the development. Further details (species, cultivars etc.) and how they are managed can be conditioned as part of a LEMP;
- An appropriate lighting scheme should also be presented as part of the detailed proposals to be determined by the LPA. Lighting is an integral part of the overall development particularly where adjacent to open countryside.

I trust these comments reflect our position in respect of the issues being considered.

Latest comments on amended plans/information

The ES states:

2.7.31 The GI to be provided as part of the Proposed Development retains existing and provides new buffers to existing woodland and retained hedgerow habitats, thereby providing enhanced ecological connectivity and habitat value for wildlife across the Site that are associated with this habitat. In addition, new native hedgerow planting will be provided throughout the development, as shown on Drawing number 01771.00006.29.006.1 Hedgerow Provision. A total length of 1,521 m of new native hedgerows will be planted and maintained to a minimum width of 2m and a minimum height of 2.5m in order to maximise their value to wildlife. These will be located adjacent to public open space and alongside the frontage to Three Cherry Trees Lane. These are considered to adequately mitigate for the effect of the loss of the lengths of hedgerow elsewhere within the Site.

Significance of Residual Effects

2.7.32 Through the retention and buffering of much of the existing linear habitat features, coupled with the proposed new planting of native hedgerows throughout the Proposed Development, residual effects during construction would be insignificant at the local (study zone) scale.

3. Whilst I acknowledge the extent of new planting, I remain unconvinced that the residual effect will be insignificant, at least locally at the site level. The photos within the recent transport document amendments show the nature of existing roadside hedgerow features within the existing rural environment as well as similar locations within the adjacent urban environment. Whilst I recognise the current mature hedgerows are essentially unmanaged and would immediately change their character if laid or heavily trimmed, I remain to be convinced that their long term overall ecology will remain unaltered given the very different nature of the developed areas and its features. Despite the expectations outlined above, landscape management will in the long term tend to tidy the hedgerows as part of regular management, whilst they will also be subject to a wholly changed urban environment with increased noise, lighting, human disturbance, cat and dog predation / effects, as well as litter and other adjacent altered habitat characteristics. This, however, is the inevitable consequence of developing a greenfield site and cannot possibly be avoided if such retained / proposed features are integral to the development itself. The alternative is to replicate the former environment elsewhere and I have not considered this form of offsetting to be justified for development on what is largely land of limited environmental value, consistent with NPPF guidance.

4. That said, I am of the opinion that the extent of new planting and proposed management will provide additional habitat resources not present currently. Along with the retained habitats, this will serve to provide an improved local urban environment with respect to biodiversity in addition to contributing to the visual amenity of the area.

5. Consequently I acknowledge and support the amendments provide and encourage the application of management as proposed. I consider this approach to be acceptable. This will need to be outlined within an suitable Ecology / Landscape management plan acceptable to the LPA and secured with an appropriate mechanism to ensure delivery, such as a S106 Agreement.

HSE

Proposed development and major hazard site

The proposed site is located within the HSE consultation distance of Buncefield Oil Terminal. The site has hazardous substances consent and HSE uses the information contained in the consent to establish a consultation distance (CD) around the installation. This usually comprises three zones or risk contour areas. The CD is based on the maximum quantity of hazardous substance(s) the site is entitled to have under its consent which in this case, includes petrol.

HSE's land use planning zones for petrol storage sites and the Buncefield incident
In December 2005, a large release of petrol from an overfill event at one of the storage tanks at the Buncefield Oil Terminal led to a devastating vapour cloud explosion and subsequent fire.

HSE Research and Public Consultation

Following the Buncefield Incident, HSE commissioned research (RR511) to assist it in reviewing its approach to providing land use planning (LUP) advice in the vicinity of the terminal and similar installations. This research enabled us to publish a Consultation Document CD211 early in 2007 to seek the public's views on greater control of development around those sites similar to Buncefield, known as Large Scale Petrol Storage Sites (LSPSS). The consultation document made particular reference to ways of strengthening development control procedures in the areas closest to the site perimeter.

Outcome of the 2007 public consultation

The responses to the CD supported HSE's view that much more cautious advice should be given and the arrangements to implement this advice have been in place since 2008. These arrangements meant a more than doubling of the previous consultation distance to 400m along with much tighter controls on development within 150m of the tank storage area.

Development Types and Sensitivity Levels for the proposed development

HSE's Planning Advice Web App determines HSE's advice for a consultation by generating the advice for each development type separately and then using this to determine HSE's advice for the consultation as a whole. Therefore because this proposal is made up of different development types, we need to look individually at each development type that falls within the HSE consultation distance.

Housing – The proposed development at Spencer's Park consists of a large housing development, with approximately 145 dwelling units located within the outer zone. Within HSE's methodology, more than 30 dwelling units in any development area is sensitivity level (SL) 3 development. HSE does not advise (DAA) against any SL3 developments in the outer zone.

Tennis Courts/ The 3 tennis courts would be classified as 'Outdoor Use by the Public' development type and are located within the middle zone. As long as no more than 100 people will gather at the facilities at any one time, then this would be classified as a sensitivity level (SL) 2 development. HSE does not advise (DAA) against any SL2 developments in the middle zone.

Commercial Units – The commercial units would be classified as 'Workplaces' within the HSE methodology, and are located within the inner zone. As long as the workplaces provide for less than 100 occupants in each building and are less than 3 occupied storeys, then this would be classified as a sensitivity level (SL) 1 development. HSE does not advise against (DAA) any SL1 developments in the inner zone.

Development Proximity Zone (DPZ)

The DPZ is a new land use planning consultation zone, being the zone closest to the boundary of the Hazardous Installation. Within the DPZ, only development which are not normally occupied will attract a Does not Advise against (DAA) advice from HSE. The layout shown in the map marked 'Illustrative Masterplan, 6 September 2016' indicates that only car parking for the commercial units will be within the DPZ. Therefore, HSE does not advise against the location of this car parking within the DPZ. Therefore, looking at the individual decisions for each of the development types, overall HSE Does not Advise Against (DAA), on safety grounds, against the granting of planning permission in this case

Trees and Woodlands

I've been through submitted documentation for the site that relates to trees and have provided comment below. If you think I've missed anything, please let me know.

The Boulevard

If this design feature is installed properly with carefully chosen species it could provide great visual character to the development. It is important to ensure that trees are planted far enough away from the highway to avoid root / surface / kerb conflict, and also issues for high sided vehicles. Where vehicles are likely to park near to trees, the fall of debris should be considered.

Village Greens

Again, a good design feature if trees are chosen and located well. Indicative drawings (Spencer's Park Phase 2, Design p74) show trees a bit too close to the highway surface / structure.

Rural Edges

The proposed link between urban development and rural landscape is welcomed, mixing retained trees with new planting stock.

Landscape Strategy

It is recognised by the Trees & Woodlands team that an amount of existing vegetation will need to be removed to facilitate the layout of the new development. The level of proposed mitigation planting is very good and of a varied nature that will create aesthetic interest throughout the site.

The performance of SuDs can be improved through the addition of vegetation so it is important that this link is fully developed.

The provision of a linear park, tree buffer zones and village greens will add greatly to the development and the lives of its residents. The mix of retained and new vegetation within those features will provide year round visual and amenity value.

Landscape Approach

Well considered principle to retain high quality trees and existing woodland, and to enhance these with new habitats and green features. Incorporating the ability for residents to link to the Nickey Line is important, bringing greater access to an established linear woodland leading to the town centre to the west and rural landscape to the east.

The planting of native tree species on the site perimeter and adjacent to wildlife corridors is vitally important to local ecology. The provision of a broad mix of indigenous species will maximise the ability of wildlife to use and travel through the site.

The use of semi-ornamental and street tree species along internal highways could provide exciting focal features and frame views, as stated. Wherever possible, the inclusion of varieties of native species bred for urban use would be desirable.

Community Orchard

The provision of a community orchard is a fantastic design feature and links with Trees & Woodlands existing work in other urban areas, providing residents with locally grown produce and an opportunity to forage within their immediate environment. Again, species selection will be important, both for culinary and pollination purposes.

Southern Entrance

Such a major transport intersection requires bold landscaping, giving the entrance to the development a strong visual statement.

BS5837 Arboricultural Constraints Survey

A high percentage of existing trees have been categorised as 'A' or 'B', recognising their quality as individuals or groups. The retention of these trees is desirable, whereas the removal of lower classification 'C' and 'U' trees is not opposed.

Tree protection measures

A detailed plan should be submitted showing proposed tree protection measures for each individual tree or tree group, conforming with BS5837:2012. The protection of tree root zones is vital to the successful development of the site and its long term visual integrity. Any infringement of protected zones, especially when ground conditions are wet, could compromise tree health and detrimentally affect the visual impact of the retained landscape.

The installation of tree protection measures prior to any other ground works is of upmost importance and would warrant an inspection site visit to confirm that proper installation and placement has been carried out.

Tree species

A detailed inventory of tree species proposed, planting location and specification, and maintenance regime should be submitted for assessment. Conformance with relevant British Standards would be expected, as would the supply of high quality tree stock.

Clean, Safe and Green

A few comments about the above planning proposal, nothing too onerous.

- There seems to be plenty of play space provided for the site, 2 LEAPS, 6 LAPS and 8 doorstep LAPS. It will be interesting to see the designs for these once they are completed. Plus you have the MUGA at the top corner of the development, which are always popular with kids of all ages. It is a good thing that it is not a managed site, otherwise its use would be limited to evenings and weekends and its main users would more than likely be football clubs etc.
- The open space provided at the bottom of the development, that provides a buffer between the employment area, is an interesting idea. On page 89 of the design and access statement is indicates an orchard and a picnic area in a natural grassland setting. As long as there is some kind of management plan for this area it should work. The fruit trees need proper care as they simply cannot be left to their own devices, they need a proper maintenance schedule. The drawings also indicate that the MUGA and tennis courts are to be retained, I was under the impression that they were no longer in the plan?
- The sports pitches that are part of the school I presume they will be open access for the wider community to use?
- Good to see that a large majority of the existing hedging is being kept, which will help retain the old character of the area as well as providing good habitat for birds and other wildlife.
- It may be worth getting someone who knows about drainage etc to look at the Swales as a separate issue(Or would this be the EA? Which if it is I'm sure it will all be in hand!)
- I think as the new estate is near the adventure playground, a 106 contribution should be considered.

Environmental Health - Air Quality

Chapter 6 of the 'Environmental Statement Volume 1: Main Text' reports the likely significant effects of the Proposed development in terms of air quality in the context of the Site and surrounding area. In particular, it considers the likely significant effects of dust and fine particulate matter associated with the construction phase of the Proposed Development and road traffic emissions associated with the operational phase of the Proposed Development.

The Environmental Scoping Report (Volume 2 Technical Appendix) submitted to the Council in January 2016, included a description of the scope of works to be considered in the air quality assessment, as follows:

- A qualitative assessment in order to consider the potential effects associated with the construction phase of the Proposed Development; and
- Air dispersion modelling in order to assess the potential effects associated with the operation of the Proposed Development.

The significance of the overall effects of the Proposed Development has been assessed in accordance with the EPUK/IAQM guidance. This assessment is based on professional judgement and takes into account a number of factors, including:

- Baseline pollutant concentrations are below the relevant annual mean objectives at all nine existing sensitive receptor locations considered;
- The assessment predicts a negligible impact on NO₂, PM₁₀ and PM_{2.5} concentrations at all nine existing sensitive receptor locations, with the Proposed Development in place; and
- The assessment predicts that pollutant concentrations at all six proposed sensitive receptor locations will be well below the relevant AQO.

Based on these factors, the overall effect of the Proposed Development on human health is considered to be not significant, in accordance with the EPUK/IAQM guidance.

The sensitivity of the receptors considered is high (due to their residential nature) and the magnitude of change, prior to mitigation, is low. Therefore, prior to the implementation of mitigation measures, there is likely to be a direct, permanent, long-term effect on receptors that is not significant.

Whilst the effect of the Proposed Development at existing sensitive receptor locations is not significant (hence no mitigation measures are deemed necessary), the effect could be further reduced with the implementation of various mitigation strategies. For example, it is understood that a Travel Plan will be put in place to promote the use of more sustainable forms of transport as part of the operational phase of the Proposed Development.

An assessment of cumulative effects has been made. In terms of the construction phase, the committed residential development at Land at Hemel Hempstead, Three Cherry Trees Lane (Ref: 4/02351/13/RES) is located immediately to the north of the Proposed Development. The timescales for the construction of this development is not known at this stage. However, given the scale of the Proposed Development, for the purposes of this assessment, it is assumed that there will be some overlap in the construction phases and so there is the potential for cumulative effects. The existing receptors that are most likely to be affected by cumulative effects as a result of construction activities associated with both the Proposed Development and

the committed development are the Cherry Tree Lane Caravan Park and those properties located along Hunter's Oak. Assuming that consent is granted for the Proposed Development, there will be a requirement for the appointed Principal Contractor to develop and implement a Dust Management Plan as part of the CEMP. This will include details of the measures that will be put in place to mitigate effects for nearby sensitive receptors. With the implementation of mitigation measures during the construction phase of the Proposed Development, and the associated measures incorporated at the nearby committed/proposed developments, the potential for cumulative effects is considered to be not significant.

In terms of the operational phase, there is the potential for cumulative air quality effects associated with traffic from the Proposed Development and a number of relevant nearby committed developments, as vehicles associated with these developments are likely to use the same sections of the road network. Three additional model scenarios (i.e. scenarios 3, 4 and 5) have, therefore, been considered to assess the potential cumulative effects associated with the Proposed Development and committed developments. These include:

- The consideration of committed developments in the 2015 Base Year
- The consideration of general traffic growth and the Proposed Development in the 2024 Future Year; and
- The consideration of general traffic growth, the Proposed Development and committed developments in the 2024 Future Year.

For each scenario, two approaches have been adopted. First, an assessment has been undertaken that uses 2024 background pollutant concentrations and vehicle emission factors. Second, a sensitivity analysis has been undertaken that uses 2015 background pollutant concentrations and vehicle emission factors (see Appendix 4/6.8 for the full detailed results of both the cumulative assessment and the sensitivity analysis). The results of both the assessment and sensitivity analysis indicate that, for the majority of existing sensitive receptor locations, the cumulative impacts will be negligible. The only exceptions are for NO₂ when all committed developments are taken into account alongside general traffic growth and traffic associated with the Proposed Development. When the committed developments are taken into account in the 2015 Base Year, a slight adverse impact is predicted at ESR 3 (i.e. 30 Hunter's

Oak). When the committed developments and general traffic growth are taken into account in the 2024 Future Year, a slight adverse effect is predicted at ESR 3 in the assessment and ESR 3 and ESR 9 (i.e. Breakspears, Green Lane) in the sensitivity analysis. The slight adverse impacts on NO₂ concentrations are predicted due to:

- The change in traffic on the closest roads to ESR 3; and
- Existing elevated NO₂ concentrations at ESR 9 that currently exceed the annual mean NO₂ objective.

It should be noted, however, that this presents a worst case approach in that it is assumed there will be no improvement in air quality by 2024. Also, with regards to the exceedance of the annual mean NO₂ objective that is predicted within the sensitivity analysis at ESR 9, this is an existing exceedance and is not a result of the Proposed Development. All impacts on PM₁₀ and PM_{2.5} concentrations, at all existing sensitive receptor locations in all scenarios considered, are predicted to be negligible. In addition, all predicted pollutant concentrations are below the relevant annual mean AQO at the six proposed sensitive receptor locations considered when committed developments are taken into account alongside general traffic growth and the Proposed Development. Taking all of this into account, the overall cumulative effect of the Proposed Development and the nearby committed/proposed developments is considered to be not significant.

Comments:

In general, I am in agreement with the findings of the air quality assessment. The resulting Dust Mitigation Plan should be submitted for review when this becomes available.

With regards to the 2015 diffusion tube data, due to my sickness absence during the summer of 2015, the diffusion tubes were left exposed from 10 July until the 4 September 2015. As a result, Defra has since advised that the result for this period be omitted from the annual mean calculation. This omission alters the annual mean calculation for both the Wood Lane End and St Agnells Lane monitoring sites for 2015. Furthermore, the local bias adjustment factor has also been altered as a result, see below:

Previously provided data:

Diffusion tube 1: Wood Lane End

- Raw mean: 26.6
- Bias adjusted (using the National BAF 0.81): 21.5
- Bias adjusted (using the Local BAF 0.85): 22.6

Diffusion tube 2: St Agnells Lane

- Raw mean: 33.3
- Bias adjusted (using the National BAF 0.81): 26.9
- Bias adjusted (using the Local BAF 0.85): 28.3

Updated data:

Diffusion tube 1: Wood Lane End

- Raw mean: 27.3
- Bias adjusted (using the National BAF 0.81): 22.1
- Bias adjusted (using the Local BAF 0.84): 22.9

Diffusion tube 2: St Agnells Lane

- Raw mean: 34.3

- Bias adjusted (using the National BAF 0.81): 27.8
- Bias adjusted (using the Local BAF 0.84): 28.8

Whilst I am confident that these amendments will not alter the outcome of the assessment, I would ask for completeness, that the model be re-run utilising the updated figures and a covering letter provided as an addendum stating the outcome of this update.

Environmental Health - Contaminated Land

Chapter 9 of the 'Environmental Statement Volume 1: Main Text' is entitled 'Ground Conditions and Contaminated Land'. The chapter summarises the findings of the following report included within Environmental Statement Volume 2: Technical Appendices':

- Preliminary Ground Conditions Assessment; Job No. ST14699; Report Number: 04; Wardell Armstrong; July 2016

The report details the findings of a desk study and preliminary site investigation undertaken at the site.

I am in agreement with the recommendations for further investigation prior to redevelopment as detailed with the report. The further investigation should take into account the proposed end use and site layout if available.

It would appear that the application has not been formally decided; as such I recommend that the contamination conditions be applied should planning permission be granted in order to ensure that the recommended further investigative works (and any resulting remedial works) are undertaken.

Environmental Health - Noise

I have no adverse comments to make concerning this proposed development as it is presented in the drawings supplied. I have noted that the potential blast affected area in relation to the Buncefield Depot has been taken into account by the siting of small low occupancy commercial units and also recreational land between the Depot and the proposed new housing.

Regarding other planning matters I would want to see the construction phased to ensure residents moving into completed homes are not unnecessarily disturbed by ongoing construction in their immediate neighbourhood.

Refuse

Houses should have sufficient space to store at least 3 wheeled bins and a kerbside caddy and space to present them outside their boundary nearest the road (normally the front of the property) on collection day.

Flats where space is limited there should be sufficient storage space for shared containers 1 X 1100ltr per 5 residences or maybe 6 if there are 1 bed properties on a weekly collection and the same again for co-mingled recycling when it is introduced there should also be space for 1 X 140ltr wheeled bin for food waste shared between 6 residences on a fortnightly collection. There should be no steps between the storage area and the collection vehicle and any doors should be suitably robust.

It is difficult to know the waste requirements for a business but it would be prudent to allow space for 2 X 1100ltr containers, 1 for residual and 1 for recyclables that may be collected in the future. There should be no steps between the storage area and the collection vehicle and any doors should be suitably robust.

Our collection vehicles are currently 26ton rigid freighters so consideration should be given to its size, weight and manoeuvrability.

Sport England

Summary: An objection is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of confirmed provision. This position would be reviewed if it was proposed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a section 106 agreement, as set out in this response. Comments are also made about the considerations that need to be accounted for when determining whether to provide the proposed Multi-Use Games Areas and what type of facility should be provided. A planning condition is also requested in relation to the design of the formal MUGA.

Comments are also made about how consideration should be given to Sport England's Active Design guidance when preparing the masterplan and detailed proposals for the development and if applicable the need to secure community access to the facilities provided in the proposed primary school.

Design Out Crime Officer

Thank you for consulting me with regard to planning application 4/02539/16/MOA - Spencer's Park Phase 2, Land Between Three Cherry Trees Lane And Cherry Tree Lane, Hemel Hempstead for outline planning application to include up to 600 dwellings (C3), land for primary school (D1), land for local centre uses (A1,A3,A4,A5,D1,D2), land for up to 7,500 square metres of employment uses (B1,B2,B8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, new priority junction off Three Cherry Trees Lane, new vehicular access to Spencer's Park Phase 1 and an emergency access to the employment land off Cherry Tree Lane. detailed approval is sought for access arrangement only, with all other matters reserved (cross-boundary application falling within Dacorum Borough Council and St Albans City and District administrative areas).

Comments

- **Outline Application:** As regards this outline application regarding access only with all other matters reserved, I have no comment.

- 1. Illustrative Masterplan:** As regards the illustrative master plan, at the present time I am content with the proposed layout (subject to more detailed layout plans). I am pleased to see that
 1. There are no proposed rear parking courts, which are often hidden away and become areas for anti-social Behaviour to occur.
 - a. Block format is proposed, and appears to follow the format as recommended in manual for Streets (MfS)
 - a. Page 45, para 4.5.2 - The principle of integrated access and movement means that the perimeter block is usually an effective structure for residential neighbourhoods. A block structure works in terms of providing direct, convenient, populated and overlooked routes. In addition, it makes efficient use of land, offers opportunities for enclosed private or communal gardens, and is a tried and tested way of creating quality places.

- Page 18, para 2.3.8 – Providing frontages that are directly accessible on

foot and that are overlooked from the street is highly desirable in most circumstances as this helps to ensure that streets are lively and active places.

- Page 56, para 5.6.1 - In general, it is recommended that streets are designed with the backs and fronts of houses and other buildings being treated differently. The basic tenet is 'public fronts and private backs'. Ideally, and certainly in terms of crime prevention, back gardens should adjoin other back gardens or a secure communal space. Front doors should open onto front gardens, small areas in front of the property, or streets.

- **Physical Security – ADQ and SBD – Informative:**

For the information of the applicants, all developments granted planning permission after 1st October 2016 have to comply with building Regulation 'Approved Document Q: Security' to 'Prevent Unauthorised Access'. This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

1. Into a dwelling from outside
1. Into parts of a building containing flats from outside
 - a. Into a flat from the common parts of the building

Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award.

Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

I would ask the above information is passed on to the applicant by way of informative.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- a. 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

& the National Planning Practice Guidance (NPPG) – Design section

- a. 010 – re Sec 17 of the Crime and Disorder Act 1998 – to prevent crime & disorder.
 - 011 – re taking proportionate security measures being a central consideration to the planning and delivery of new developments and substantive retrofits.

& Dacorum Core Strategy policies:

- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

However, in the meantime, if you or the applicants have any queries about crime prevention design in relation to the proposals then please feel free to contact me.

St Albans City and District Council District Archaeologist

RECOMMENDATION

Approve with an archaeological recording condition

ADVICE/COMMENTS

The application is not in a nationally or locally designated area of archaeological significance. However, previous work associated with the M1 widening and the new development immediately to the west (Spencers Park Phase 1) suggests that this site has archaeological potential and interest as defined by the National Planning Policy Framework (Annex 2). Onsite pre-application works have taken place comprising a geophysical survey and a 2% trial trenching evaluation based on this survey. Accompanying the application are the results of this work. This is good practice and compliant with the National Planning Policy Framework (Paragraph 128, p.30).

In isolation, the results of the fieldwork suggest that the application area generally can be best described as apparently unfocussed landscape features which may range in date from the Bronze Age to the medieval and later periods. Most of the features uncovered appear to relate to field boundaries and therefore field systems. The fact that the majority of the features in Area 1 ((largely St Albans District: Wardle and Armstrong, June 2016, Land at Spencer's Park (Phase 2) Hemel Hempstead, Hertfordshire, Archaeological Evaluation Report, Figure 27: Trenches 12, 15, 16 and 18) did not show up in the Geophysical Survey results may be significant and will have a bearing on risk management for the development and for mitigation.

Work on Phase 1 to the west, the M1 widening project and a partial geophysical survey to the south, would suggest that the application area is between landscape elements which themselves are foci (Late Iron Age/Roman and medieval farmsteads/settlements). Therefore, although superficially the ditches may appear to be of little significance, they potentially bind together culturally significant nodes in the landscape. Furthermore, the ditch ([1803], (1804)) in Trench 18 had four sherds of pottery and a saddle quern stone fragment in its fill. These were mainly dated to the Bronze Age/Iron Age (ibid, 5.2.2, 5.2.4 and 5.4.2, p.26). Pottery of this date is generally poorly fired and does not survive well in anything but a buried environment, implying a lack of substantive movement from their original point of breakage. If these artefacts are of this early date, they are of at least regional significance due to rarity and their ability to meaningfully add to our understanding of the area; a later date would imply only a local significance, at this stage. Whatever their importance, the proposed development will have a significant impact (excavation, compaction, deformation) on any buried remains where the two coincide; therefore mitigation is required to protect the interests of the Historic Environment. The results from this work suggests that there is the potential for significant archaeology, albeit in localised areas, and that the currently undated ditches may have a significant function in the landscape, that of linking foci. In consequence, more work is required to further elicit the evidence so far presented. Overall, there needs to be an understanding of the general development of the landscape before its loss and to pick up other localised areas of interest for further work. Specifically in Area 1, additional work is necessary to understand the features scattered in and around Trenches 10 to 16.

CONDITIONS

1. Archaeological Investigation

No development shall take place/commence until an archaeological Written Scheme of Investigation (WSI) 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. Provision to be made for analysis of the site investigation and recording for post-investigation assessment and report writing.
- iii. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- iv. Provision to be made for archive deposition of the analysis and records of the site investigation.
- v. Nomination of a competent person or persons/organisation to undertake the works set

out within the Archaeological Written Scheme of Investigation

Reason

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

2. Post-Fieldwork

The development shall take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under Condition 1 and shall include the site investigation and completed and formal agreed provision made for post-investigation assessment and analysis, archiving and publication.

Reason

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

Lead Local Flood Authority

Thank you for consulting us on the above outline application to include up to 600 dwellings (C3), land for primary school (D1), land for local centres uses (A1,A3,A4,A5,D1,D2), land for up to 7500square metres of employment uses (B1, B2, B8), landscaping, open space and play areas and associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, New priority junction off Three Cherry Trees Lane, new vehicular access to Spencer's Phase 1 and an emergency access to the employment land off Cherry Tree Lane. Detailed approval sought for access arrangement only, with all other matters reserved (cross-boundary application falling within Dacorum Borough Council and St Albans City and District administrative areas).

Following a review of the information submitted in support of the above application, we can confirm we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The proposed drainage strategy is based upon attenuation and discharge into Thames surface water sewer. Infiltration tests have been carried out and show that infiltration is not a feasible mechanism and there are no watercourses within the vicinity of the site. We note that the applicant has been in contact with Thames Water and are carrying out an impact study.

We note that the proposed design has accommodated a 30% for climate change allowance and tested against 40%. Under the new climate change allowances, the approach we are currently taking is looking at worst case scenario and we are asking for 40% for the drainage design.

As the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning condition to the LPA should planning permission be granted:

LLFA position

We consider that outline planning permission could be granted to the proposed development if the following planning condition is included as set out below.

Condition

No development approved by this planning permission shall take place until a detailed surface

water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based the submitted Flood Risk Assessment carried out by Wardell Armstrong reference ST14699/07 dated August 2016.

The surface water drainage scheme should include;

- Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event
1. Implementing the appropriate drainage strategy based on attenuation and discharge, using appropriate SuDS measures.
 1. Details of how the scheme shall be maintained and managed after completion.
 2. Detailed engineered drawings of the proposed SuDS measures

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment.

Condition 1

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

Condition 2 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details

Reason

To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

HCC Rights of Way

Please note that the verge of Cherry Trees Lane is registered common land (CL33). The Commons Act 2006 makes it an offence to resurface common land without Defra's consent. If the access road across the common is to be surfaced consent must be sought. More information can be found at <https://www.gov.uk/guidance/carrying-out-works-on-common-land>.

Highway Authority

Initial response

Objection - lack of information - see full response on Anite.

Latest response

Objection withdrawn. Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to a number of conditions and S106 Heads of Terms - see full response on Anite.

Highways England

Initial holding response

Our formal response to this application has been complicated due to it affecting two of our operational regions. For this reason we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 9 December 2016. If we are in a position to respond earlier than this we will withdraw this recommendation accordingly.

Full response

Formal notice is hereby given that Highways England's formal recommendation is that we: recommend that planning permission not be granted for a specific period (Annex A - further

assessment required).

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to 4/02539/16/MOA and has been prepared by Penny Mould.

Following review of the Transport Assessment associated with the proposed mixed use development at Spencer’s Park, Hemel Hempstead. Highways England has a number of concerns. The primary concern is the lack of assessment of the impact of the proposed development on the strategic road network where the development may result in a number of additional trips at Junction 8 of the M1.

Highways England Planning Response (HEPR 16-01) January 2016

It is recommended that assessment is undertaken of the impact of the proposed development on the M1 Junction 8 including the preparation of capacity and operational assessments where deemed appropriate. In addition it is recommended that the impact of the proposed development including the preparation of capacity and operational assessments of the A414/Breakspear Way/Green Lane junction is also undertaken as the operation of this junction could impact on the operation of SRN. It is also recommended that where an adverse impact is predicated that mitigation measures are given consideration.

Therefore it is requested that the applicant provide a revised TA that fully assesses the impact of the proposed development on the operation of the strategic road network and that the applicant is given until 9th February 2017 to provide this update information.

Further holding response

Our formal response to this application has been complicated due to it affecting two of our operational regions. For this reason we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 7th April 2017. If we are in a position to respond earlier than this we will withdraw this recommendation accordingly.

Further holding response

Our formal response to this application requires review of the Transport Assessment that is currently being undertaken. For this reason we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 30th April 2017. If we are in a position to respond earlier than this we will withdraw this recommendation accordingly.

Further holding response

Our formal response to this application requires review of the Transport Assessment that is currently being undertaken. For this reason we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 7th June 2017. If we are in a position to respond earlier than this we will withdraw this recommendation accordingly.

Latest response

The proposed development is located close to the M1 motorway. Highways England are concerned with the impact of the application on the Breakspear Way / A414 / Green Lane roundabout, which causes queuing onto the northern slip road at junction 8 of the M1. Queuing has a risk of safety for users of the motorway. Therefore, it is requested that the following condition is included in the S106 for the site.

Proposed Condition

The applicant will contribute £250,000 towards an improvement scheme at the junction of Breakspear Way / A414 / Green Lane roundabout. The contribution will be used towards the wider planned improvements at the junction which includes, but is not limited to:

1. Redesign of the junction to form a staggered signalised junction;
1. Realignment and widening of both Green Lane Approaches (North and South);
- Widening of Breakspear Way and A414; and
- Introduction of traffic signals on all arms.
- Or to deliver an alternative design as agreed with both Hertfordshire County Council and Highways England.

Reason

To ensure M1 motorway will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013, The Strategic Road Network and the Delivery of Sustainable Development, the National Planning Policy Framework and Planning Practice Guidance.

HCC Planning Obligations Officer

I refer to the above mentioned application. I am writing in respect of planning obligations sought towards education, youth, library and fire and rescue services to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information to date for a development of up to 554 dwellings we would seek the following financial contributions and provision.

This site falls into one for the CIL £0 areas of Dacorum Borough Council's CIL Charging Schedule. Accordingly, planning obligations in their restricted form are the only route to address the impact of this development. HCC's standard approach is to request a table (setting out the contribution figures by type, size and tenure of individual dwelling) is referred to and included within any Section 106 (index linked as specified). This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix if required and the financial contribution to be calculated accordingly. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010: "fairly and reasonably related in scale and kind to the development".

Financial Contributions:

Primary Education : Amount to be calculated based on the Table below index linked to BCIS 3Q2016, to be used towards the provision of a new 2FE primary school with nursery provision on the development site.

Nursery Education : Nursery provision will be required as a result of this proposal but is currently included within the primary school provision and contribution.

Childcare: Childcare provision will be required to address the needs of this development accordingly, provision should be based on or adjacent to the new primary school. The details

of the obligations towards this service are to be confirmed

Secondary Education: Amount to be calculated based on the Table below, index linked to PUBSEC 175, to be used towards the expansion of secondary school places at one of the existing schools, the school will be identified following further assessment however currently initial indications are this project will be based at the Adeyfield secondary school.

Library Services : Amount to be calculated based on the Table below, index linked to PUBSEC 175, to be used towards increasing ICT provision to meet increased demand from additional residents at the new Hemel Hempstead Library.

Youth Services: Amount to be calculated based on the Table below, index linked to PUBSEC 175, to be used towards the developing resources for outreach work based at the XC.

Provision

Primary Education - provision of a suitable, serviced site sufficient to provide a 2FE primary school with nursery provision. Further discussions will be needed regarding the location of the school within the site and the development of a Master Plan. In addition, it is understood further work will be needed in respect of SuDs. (A specification has previous been provided previously)

Nursery Education: Nursery provision will be required as a result of this proposal but is currently included within the primary school provision and contribution.

Childcare: Childcare provision will be required to address the needs of this development accordingly, provision should be based on or adjacent to the new primary school. The details of the obligations towards this service are to be confirmed

Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

All dwellings must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire-fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit for Hertfordshire, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit at paragraph 12.33 and 12.34 (page 22). In practice, the need for hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

The Section 106 template documents appended to the Toolkit include the standard planning obligation clauses. However, since this document was published this wording has been amended as set out in the attached document.

Justification

The above figures have been calculated using the amounts and approach set out within the

Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:
www.hertsdirect.org/planningobligationstoolkit

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that planning obligations should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83). In addition, for education requirements, paragraph 72 of Section 8 of the NPPF states "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education."

The development plan background supports provision of planning contributions. Policy CS35 of the Core Strategy adopted September 2013 covers the requirement for development to provide or contribute to the provision of on-site, local and strategic infrastructure required to support the development through in-kind or financial contributions.

(ii) Directly related to the development;

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. Only those fire hydrants required to provide the necessary water supplies for fire-fighting purposes to serve the buildings comprising this proposed at this site are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

The above financial contributions are calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield). Only those fire hydrants required to provide the necessary water supplies for fire-fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

Please note, financial contributions and provisions are requested based on current service information for the local area however these may change over time, for example, as a result of school forecast information being updated. Accordingly, future applications on this site will be reassessed at the time of submission and the requirements may differ from those identified above.

I trust the above is of assistance if you require any further information please contact me.

HCC Herts Fire and Rescue Service

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

NHS Herts Valleys CCG

NHS England and East & North Herts Clinical Commissioning Group have now had an opportunity to review the impact of this proposed development on local health provision.

Should this development of up to 600 residential units go ahead it will create circa 1,440 new patient registrations.

The current situation in the area is there two GP Surgeries closest to the development site in Hemel Hempstead that will be affected by the proposed developments that, in the opinion of NHS England, do not have the capacity to absorb the additional requirement for general medical services (GMS) should this application be successful.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from, the Commissioning Team of NHS England. Even when surgeries are significantly constrained NHS England would not wish an individual patient to be denied access to their nearest GP surgery. Patient lists are therefore only closed in exceptional circumstances. However, when a large number of new dwellings and registrations is planned the preferred option is to try and find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. re-configuring, extending or relocating the practice to provide sufficient space to increase clinical human resources and clinical services and thus keeping the patient lists open. A developer contribution under these circumstances is considered fair and reasonable.

'Constrained' means a practice working to over-capacity for the size of their premises and the clinical space available to provide the required services to their patients. A Practice in this situation would usually need to be re-configured, extended or even relocated to absorb a significant number of new registrations.

Patients are at liberty to choose which GP practice to register with and NHS England cannot prescribe which surgery patients should attend. However the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons; quickest journey, non-car dependent (public transport or walking distance), parking provision if a car journey is necessary, easy access during surgery hours, especially for families with young children and for older adults.

For the above reasons a S106 contribution is requested to make this scheme favourable to NHS England.

Please note that our calculations below are based purely on the impact of this development, based on the number of dwellings proposed and do not take into account other development proposals in the area.

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

4/02539/16/MOA - Up to 600 dwellings x 2.4 = 1,440 new patients
1400/2000 = 0.72 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"
0.72 x 199 = 143.28m2 additional space required
143.28 x £2,600* = 372,528* (*Build cost; includes fit out and fees)
372,528/600 = 620.88 (rounded to £621 per dwelling)

Therefore we would be grateful if you would ask for a contribution relative to this development of £372,528 for the primary care GMS element.

As well as the importance of a s106 contribution for the primary care GP provided General Medical Services (GMS), it is also vital to consider the impact of developments and additional residents on community, mental and acute healthcare. Following consultation with the CCG community, mental health and acute services providers it is requested the comments below are taken into account.

Comments received from Hertfordshire Partnership Foundation Trust (HPFT - mental health services provider) raise concerns around the impact that this development will have on mental health services in Hemel Hempstead and would like to request a s106 contribution to support outreach appointments for mental health at Coleridge House Medical Centre, Woodhall Farm, Highfield and Grove Hill Surgeries. The development will have a similar impact on community and acute services and a s106 contribution is also requested for these providers. Based on recent cost impact forecasting calculations that have previously been shared by the CCG with East Herts District Council, the potential cost impact of these developments going ahead on community, acute and mental healthcare could be as follows:

Mental Health costs:

600 dwellings x £201.75 = £121,050

Acute costs:

600 dwellings x 2609.58 = £1,565,748

Community healthcare costs:

600 dwellings x £272.30 = £163,380

Total mental health, acute and community costs requested for development = £1,850,178

Therefore we would be grateful if you would ask for the above GMS, community, mental health and acute contributions relative to this planning application. We trust this information is sufficient for you to proceed.

HCC Historic Environment Advisor

Thank you for consulting this office on the above application. My apologies for the delay in responding.

The following advice is based on the policies contained in National Planning Policy Framework (NPPF).

Pre-application archaeological investigations comprising a geophysical survey and an archaeological trial trench evaluation were carried out at the site in October 2015 and April 2016, respectively, and reports on the results of these investigations accompany the application. These works were recommended by this office at pre-application stage with regard to 4/00275/16/PRE, in accordance with NPPF paras 128 and 139.

The site is immediately adjacent to Spencers Park Phase I, where archaeological investigations have revealed high quality archaeological remains (heritage assets) representing Late Iron Age and Romano-British domestic, industrial, ritual and agricultural activities, dating from the mid 1st century to the late 2nd century, and of regional and potentially, national significance. It is also close to the M1, where archaeological investigations carried out during road widening in the 1990s and in 2006 identified significant archaeological remains of Bronze Age, Iron Age, Roman and medieval date.

The evaluation identified archaeological features which while fairly dispersed across the site, do appear to show that activity may be more concentrated on the higher ground. The majority of these features were ditches, but there were also pits, and two possible small enclosures. These features are likely to relate to field boundaries in the main, but the survival of the small quantity of Bronze Age/Early Iron Age pottery recovered from features in three trenches (Trenches 18, 35 and 55) may indicate some settlement activity (pottery of this early date is generally poorly fired and does not survive well unless present in a buried feature rather than in ploughsoil). The majority of the features were undated, and may therefore range in date from the Bronze Age to the medieval and later periods. It should also be noted that the majority of the features identified in Area 1 were not identified by the geophysical survey carried out in 2015, and conversely, several features identified by the survey in Areas 2 and 3, were not present in the evaluation trenches targeting these features. This also is relevant to the formulation of an appropriate mitigation strategy for the development.

The results of the evaluation suggest that there is the potential for archaeological remains (heritage assets) to be present on the site, on which the development will have a significant impact. Therefore an appropriate mitigation strategy will be required. This is likely to involve further evaluation of the site via trial trenches, targeted areas of open area excavation, and a programme of post-excavation analysis, leading to publication of the results, and the deposition of the archive from the site.

I recommend, therefore, that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF), and that the following provisions be made for a programme of archaeological works secured by a negative condition, should you be minded to grant consent:

1. A programme of further archaeological evaluation (in the form of trial trenches) of the proposed development site, prior to the commencement of any development.
2. And such appropriate mitigation measures indicated as necessary evaluation, prior to the commencement of any development.

These may include:

warranted; a) the preservation of any archaeological remains in situ, if

b) the appropriate archaeological excavation of any remains before any development commences on the site

3. The archaeological monitoring and recording of the ground works of the development as appropriate (and also including a contingency for the preservation or further investigation of any remains then encountered)

4. The analysis of the results of the archaeological work with provisions for subsequent production of report and an archive, and the publication of the results, as appropriate;

5. Such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and
5. Provision to be made for archive deposition of the analysis and records of
6. Nomination of a competent person or persons/organisation to undertake the

recor
the si
works

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) The development shall not be occupied 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

If planning consent is granted, this office can provide detailed advice as to the requirements for the investigation and information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

I hope that you will be able to accommodate the above recommendations. Please do not

hesitate to contact me should you require any further information or clarification.

HCC Public Health

Recommendation:

That the Planning Authority sets out a clear expectation to the applicant of the need to maximise the impact the development can make in promoting good physical health and mental wellbeing. This should have regard to the necessary infrastructure to encourage physical exercise, healthy lifestyles, behaviours and choices. Further details on this can be made available through signposting to the Hertfordshire Health, Wellbeing and Planning guidance, and would be a positive reflection of Chapter 8 of the NPPF.

Recommendation:

That the Planning Authority sets out an expectation for positive and sensitively planned development which adopts a design-led approach in the consideration of air quality, given the location of the proposal.

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. It is therefore recommended that a surface water impact study for the development is carried out to confirm the extent of any network reinforcement required. We are aware that relevant impact study is being carrying out now but we request for the condition not to be removed until the outcome of the impact study is be known, implemented and approved by, the local planning authority in consultation with the sewerage undertaker.

Affinity Water

No objections.

National Grid

Please be advised national grid haven't responded to your planning application as there are no assets affecting the planning application boundary.

Comments received from local residents:

Southfield House, Lily Lane

Objection - highways impact of further residential development at NE Hemel Hempstead (including Spencer's Park and SADC proposals) on local road network.

The Lodge, Lily Lane

Objection - highways impact of further residential development at NE Hemel Hempstead (including Spencer's Park and SADC proposals) on local road network. New housing and school so close to Buncefield should be avoided.

Comments received from local businesses:

ITAB, Swallowdale Lane (via transport consultants i-transport)

Comments on additional transport information

Thank for your correspondence and information on this application to date. We have now been through the additional transport information submitted by the Applicant's transport consultants and have liaised with our client (ITAB) and have the following questions:

1. Whilst the Applicant has presented a percentage impact assessment of the Green Lane / A414 Breakspear Way roundabout in the additional information and that it was agreed with HCC that an assessment of this roundabout wasn't required, there doesn't seem to be justification from HCC or the Applicant as to why it was omitted from a full assessment - please could the Applicant/HCC clarify why it was omitted and why it wasn't required to be assessed; and
2. Has the Applicant undertaken vehicle tracking of the Swallowdale Lane / Three Cherry Trees Lane junction for articulated HGVs making all movements? In particular, given ITABs proximity to this junction with vehicle accesses either side it would appear that there is a need for articulated vehicles to be tested routing through the proposed junction mitigation as well as in/out of ITABs site.

I hope the above questions make sense. If it would be easier to discuss these issues directly with the highways officer or the Applicant's transport consultant I'm more than happy to do so. If so, please could you provide me with their contact details?

Considerations

Pre-application and Community Engagement

Pre-application

The applicant and their agents have engaged pro actively with both DBC and SADC through an in depth pre-application submission. This process has helped to inform the masterplanning

of the site and has helped to guide the proposals so that they are able to meet the aspirations of the applicants, along with both Local Planning Authorities.

An early pre-application inception meeting was held with DBC and SADC in October 2015 to discuss the overall approach to the masterplanning process and the pre-application process. A series of regular pre-application meetings was held since then and a Planning Performance Agreement (PPA) was signed by the applicants, DBC and SADC. This agreed the approach to joint working between DBC and SADC, as well as the approach and timing of the pre-application and the planning application. It agreed the pre-application schedule of meetings, along with submission and determination dates of the planning application. Case officers from DBC and SADC agreed a joint policy framework for the assessment of the proposals as part of the pre-application process.

The schedule of pre-application meetings included a programme of masterplanning meetings, along with meetings covering the S106 and technical aspects of the proposed development. These meetings included officers from both DBC and SADC, and included officers from departments including Policy, Landscape, Open Spaces, Environmental Health and Legal. Discussions have also been held with other key stakeholders such as officers at Hertfordshire County Council (HCC), including Highways, Education, Archaeology, Ecology, the S106 team and the Lead Local Flood Authority. The applicants engaged with these key stakeholders directly through their own pre-application procedures where required, in combination with DBC and SADC. Other stakeholders have also been consulted including the Health and Safety Executive, Highways England and the Environment Agency.

Public Consultation

A Public Consultation event was held on the 26th February 2016 at the Woodhall Farm Community Centre in Hemel Hempstead. The purpose of the consultation event was to gain views from the local community about proposed mixed use development on the site. The event was well attended by both the business community and local residents, along with local councillors.

The accompanying Statement of Community Involvement sets out in detail the community engagement undertaken for the proposed development. The application proposals have been designed to take into account feedback received from the pre-application meetings and consultation events and feedback has also been incorporated into the technical work.

Environmental Impact Assessment EIA

The HCA and The Crown Estate considered the development to be Environmental Impact Assessment development in accordance with the Town & Country Planning (Environmental Impact Assessment (EIA)) Regulations 2011 No. 1824 (as amended 2015). This was agreed with both Local Planning Authorities at pre-application stage. In accordance with Part 4, Regulation 13 of the Regulations, a formal Scoping Opinion was sought from both Local Planning Authorities and statutory consultees on 28th January 2016. An Environment Statement has been prepared for the scheme, taking into account the comments received from the Scoping exercise. This has been submitted in support of the application.

HSE Consultation Zone

The southern part of the site falls within the Health and Safety Executive (HSE) Consultation Zones (associated with the Buncefield Oil Depot), within which HSE must be consulted on planning applications. Early consultation has taken place with HSE at pre-application stage, with the following criteria being discussed:

- Development Proximity Zone (DPZ) - only parking and landscaping;

- Inner Zone – employment acceptable if no more than 2 storey, less than 100 employed and general working population (not involving high number of disabled people or lengthy visits from members of the public).
- As the application is an outline with illustrative masterplan only, HSE would specify conditions in addition to their usual advice of ‘don’t advise against’ or ‘advise against’.
- Middle zone – acceptable if not playing pitches that would attract more than 100 people at a time, so tennis courts and MUGA fine (as long as it is not a tennis club with clubhouse etc).
- Outer zone – the school size would fall under sensitivity level 4, which would be to advise against in outer zone. School building and associated pitches/playing fields need to be outside outer zone. However, housing is acceptable in this zone.

The discussions with the HSE has indicated that the land uses shown on the sketch Illustrative Masterplan within the consultation zone are acceptable. Formal consultation at application stage has resulted in the standard HSE response requiring a PAHDI Assessment to be undertaken. This is not in line with their pre-application advice, as the presence of the DPZ requires a direct advice from the HSE (as has indeed been confirmed by the PAHDI Assessment). At the time of writing we are still awaiting a formal response. Given the pre-application advice, officers are however confident that the scheme has been carefully designed in line with the guidance from the HSE.

Principle of Development

Policy Position - suitability of the site for proposed development

The Spencer's Park site has some history which needs to be clarified in order to understand the current policy context.

The Spencer's Park site was originally identified as an employment site as part of a larger allocation at North East Hemel Hempstead. It was identified as a Key Employment Site for Specialised Technological Activities through Policy 15 of the County's Structure Plan 1991 to 2011 (adopted in April 1998).

Despite this allocation, with no suitable employment uses identified, DBC reviewed the potential of the site and the Dacorum Borough Local Plan (Adopted April 2004) subsequently allocated the land to the north of the site (known as Spencer's Park Phase 1 or Land at North East Hemel Hempstead) for residential development. Planning permission has been granted for Spencer's Park Phase 1 and development of the site is underway.

The Dacorum Borough Local Plan retained an employment allocation on the land that is the subject of this planning application - Proposal Site E4 in the Schedule of Employment Proposal Sites. Policy 35 of the Local Plan (Land at North East Hemel Hempstead) sets out the policy for this employment allocation, centred on specialised technological activities. The St. Albans Local Plan (1994) allocated the part of the site that fell within SADC for employment development at Policy 26. For completeness, Policy 35 is no longer in operation as it has been superseded by Core Strategy Policies CS1, CS14, CS15 and CS34.

Despite the southern section of the Spencer's Park site (the application site - Spencer's Park Phase 2), being allocated for employment, the site has long been identified as being acceptable for residential based mixed use development. Following the adoption of the Dacorum Borough Local Plan, given the above context, it was decided that this employment allocation would effectively be transferred to the Maylands Gateway site. This has been

confirmed by the Strategic Policy Team.

The Dacorum Core Strategy (September 2013) identified the potential for around 1,000 dwellings at this location (including the 350 that were subsequently permitted at Spencer's Park Phase 1). The Hemel Hempstead Place Strategy includes visions for the town as a whole and 'East Hemel Hempstead'. The 'Local Objectives' for East Hemel Hempstead makes reference to 1000 homes being provided in this location. The East Hemel Hempstead Character Zones and Development Opportunities set out in Figure 18 of the Core Strategy identifies Spencer's Park as 'prime land for residential development'.

The Council's intention was that further detailed requirements relating to the site would be included in the East Hemel Hempstead Area Action Plan (AAP), which was due to be prepared jointly with SADC. There are numerous references to the AAP in the adopted Core Strategy, particularly in the Place Strategy for East Hemel Hempstead referenced above. The site is not included in the Council's Site Allocations DPD for this reason.

This position is clarified further in the response from the Council's Strategic Policy team:

'The initial Issues and Options consultation on the East Hemel Hempstead Area Action Plan approach during June-August 2009 (AAP)

(<http://www.dacorum.gov.uk/docs/default-source/planning-development/spatialplanning-09-07-07-aap16thjune.pdf?Status=Master&sfvrsn=0>) presented the Council with a formal opportunity to test the revised approach to Maylands and Proposal E4 set out in the Master Plan. Spencer's Park fell within the boundary of the AAP. The consultation document acknowledged that the relocation of employment proposal E4 and Policy 26 site to the Gateway allowed the Council to explore other uses on the original site. It suggested the land could be suitable for a mix of housing, open space and social and community uses, subject to their safe distance from Buncefield and the advice of the HSE.

The broad suitability of the land for housing was tested through the 2008 SHLAA (<http://www.dacorum.gov.uk/docs/default-source/planning-development/shlaavolume3a-aadeyfieldeast.pdf?Status=Master&sfvrsn=0>). The document accepted that the site was appropriate for housing in identifying the land as housing site AE44. A notional housing capacity of 537 homes was given to the site. However, the SHLAA was a technical document only and it was not its role to formally allocate the land as a housing proposal.

The Core Strategy recognises residential opportunities at Spencer's Park, although it does not identify the location as a formal allocation. The plan assumed that the AAP would elaborate on the policy for Maylands and designate development sites together with their planning requirements. As a consequence, the vision diagram for the town excludes the AAP area in Figure 19. However, the housing programme under Tables 7 and 8 assume a contribution from both Phases 1 and 2 at Spencer's Park (the latter under the contribution from East Hemel Hempstead). The AMRs continue to acknowledge its contribution towards the Council's 5-year housing supply and Core Strategy housing programme.

This housing contribution from Spencer's Park was further expanded upon in the Hemel Hempstead Place Strategy

([http://www.dacorum.gov.uk/docs/default-source/strategic-planning/chapter-20-hemel-hempstead-place-strategy-\(pdf-2-05mb\).pdf?sfvrsn=0](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/chapter-20-hemel-hempstead-place-strategy-(pdf-2-05mb).pdf?sfvrsn=0)). Under the East Hemel Hempstead vision it states:

"...Spencers Park is a new residential neighbourhood with its own services and Facilities."

Figure 18 refers to Spencer's Park as follows:

“Spencer’s Park – lies south of Hunters Oak and north west of Buncefield. The land is currently greenfield and extends into St Albans District. This area is prime land for residential development. A new primary school and other facilities will serve the area. Development on greenfield land also offers opportunities for decentralised heating systems or CHP.”

Policy CS34 sets out the policy approach for the Maylands Business Park. It does not expressly mention residential development at Spencer’s Park as detailed policy and allocations were to be deferred to the AAP. However, the location was identified on the AAP vision diagram under Figure 22.

The Site Allocations DPD also assumed that progress would be made on the AAP and thus detailed allocations would be set out in that document.

(<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/site-allocations-written-statement---pre-sub-inc-foc-changes---jan-2016.pdf?sfvrsn=0>). This position is set out in paragraph 6.12. The paragraph explains that key sites in the AAP are listed in Table 2 (Spencer’s Park is specifically referred to) and that they are accounted for in the housing programme under Table 3.

The 2008 SHLAA has now been updated (2016 SHLAA (April 2016))

(<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/dacorum-shlaa-2016-volume-2-site-schedules.pdf?sfvrsn=0>). The latest SHLAA continues to see the original site AE44 as being a developable housing site.

While both the Core Strategy and Site Allocations DPD envisaged that the AAP would eventually form part of the Local Plan, limited progress has been made in preparing the document. A new timetable to the Local Development Scheme (LDS) was agreed at Cabinet on 13th December 2016. It now proposes that the new LDS timetable no longer includes a detailed programme for production of the East Hemel Hempstead Area Action Plan (AAP). This is due to uncertainties regarding St Albans’ plan-making programme and the fact that good progress has been made on a landowner-led masterplan for the Gorhambury land, which is likely to mean that an AAP for the whole area is no longer required. Whilst there remains reference to the joint AAP within St Albans’ own LDS, this document remains similarly un-programmed. Appropriate policies for the Maylands area can be included as appropriate within the new single Local Plan for the Borough.

Therefore, given the above points, policy does make it clear that housing development is now the preferred approach to bringing forward land at Spencer’s Park.’

Loss of employment

Given the established suitability of the Spencer's Park Phase 2 site for a residential-led mixed use development; the tacit allocation of the site in the adopted Core Strategy; and the effective transfer of the allocation to the Maylands Gateway site, it is not considered that the development of the site for the proposed mixed use proposal would result in any loss of employment land supply. This is especially true when you consider that the proposals include 7,500sqm of mixed B1, B2 and B8 employment space in the southern part of the development. The Council's Economic Development and Regeneration Team supports the proposals.

Masterplanning/Design

While a development brief was adopted to guide Phase 1 of Spencer’s Park (Land at North East Hemel Hempstead / Three Cherry Trees Lane Development Brief (December 2006)), no brief has been adopted by Dacorum and St Albans Councils for Phase 2. Despite its absence,

that is not to say that the current policy framework provided through the saved DBLP and Core Strategy cannot provide adequate advice and guidance in terms of determining the present outline application.

However, officers have worked closely with the applicants agents (Amec Foster Wheeler) at the pre-application stage in terms of inputting into their informal masterplan to guide this latest phase. While the applicants masterplan has no formal status as a policy document, as it has not been adopted by either Council, it does take on board comments from officers and does broadly reflect the approach set out in policy. It clearly provides a detailed and structured framework for the development.

Using the approved Phase 1 development as a broad template for assessing the appropriateness of the second phase is considered to be a reasonable approach. The masterplan has been designed to allow the two schemes to dovetail to achieve a comprehensive form of development for this part of the town, in compliance with Core Strategy Policy CS11. The illustrative masterplan has sought to achieve a comprehensive development and has drawn on Phase 1's development principles as a starting point for the masterplanning of Phase 2.

As confirmed in the Design and Access Statement, the scheme for the site was primarily influenced by:

- Issues of access and movement for pedestrians, cyclists and vehicles. In particular connectivity to the surrounding facilities via the existing and proposed new accesses off Three Cherry Trees Lane and into Phase 1 to the north, and also to the wider surroundings for better permeability and clearer legibility and public connectivity;
- The development of a sequence of public open spaces, creating green spaces that define the built form and providing spaces for communities to develop around. Completing the green heart space that brings together the combined Spencer's Park development;
- The development of character areas linked by open spaces that respond to a strong landscape strategy;
- The movement infrastructure through the site, urban blocks and open spaces are designed to create a higher level of spatial experiences incorporating focal building features, long street views and vistas, creating clear wayfinding strategy through the site;
- The development of a street hierarchy, ranging from a tree-lined boulevard, smaller secondary residential streets and a range of more private tertiary or mews lanes are all designed to create a logical and robust movement structure.
- Consulting the HSE in creating and shaping an appropriate development that responded appropriately to the HSE consultation zones of Buncefield;
- Phase 1 currently being constructed along the northern boundary of the Phase 2 site should positively influence the design of Phase 2 Spencer's Park.

The design principles adopted for the masterplan are also set out in the Design and Access Statement and are as follows:

Good design that positively reacts to the site constraints, the boundary of Phase 1 and the mature treescape/vegetation across the scheme.

- Place-making – creating areas of distinct character across the site;

- A strong, clear landscape strategy;
- Teamwork – The design team working closely with both Local Authorities;
- Community involvement – neighbours and involvement at the public exhibition;
- Sustainable solution - suggest appropriate water mitigation;
- Connecting places: Create sustainable cycle and pedestrian links from Maylands, northwards, east and westwards towards the town centre.

The current illustrative masterplan has been developed jointly with both DBC and SADC through the design process to ensure the illustrative masterplan is in accordance with the council's vision and requirements for the site. A Framework plan has been submitted with the planning application which indicates the strategy for the future development. The illustrative masterplan shows how this framework plan can be developed further, illustrating how the masterplan is compliant with the Council requirements across the site. The masterplan is for illustrative purposes only, given the outline nature of the application.

The illustrative masterplan reflects all the development constraints as explored through the analysis section of this Design & Access Statement. The alignment of the underground services has been respected, yet posed the largest challenge where services converge along the northern boundary along Phase 1 and the green space. Root Protection Zones for the mature vegetation have also been respected, allowing for a strong landscaping strategy across the scheme, integrating landscaped corridors that combine water and ecological routes across the scheme. A new village centre supports the 600 new homes, also supporting the neighbouring development of Phase 1. The school benefits from the proximity to the local centre.

The illustrative masterplan comprises of:

- 600 new high quality homes;
- Land for up to 7,500 square metres of employment uses (B1,B2,B8);
- Up to 2.4 ha of land for 2FE primary school within the heart of the scheme;
- A shop/drop off area with retail below apartments within a circus that creates a new public heart and a feature to the east character area, complimenting the supporting uses found in Phase 1;
- Sports areas over converging buried utilities - a formal multi court MUGA to the east and an informal MUGA in the north western part of the site;
- An entrance arrival space framed with apartments;
- A lake for SUDS at the entrance of the site, taking run off water from the employment space and feeding new swales (2no) that run northwards to the natural valley and surface water pipes;
- The main central open space includes play and water features as part of the wider SUDS strategy;
- Detached 4 bedroom properties have been located fronting onto the linear woodland strips;
- 2 & 3 bed semi and terraced dwellings front onto E-W road connections;
- 35% affordable housing spread evenly across the development;
- 10,805 m3 attenuation / swales / SUDs incorporated;
- Appropriate noise screening on Three Cherry Trees Lane.

The DAS illustrates the opportunity to create a distinctive residential development based

around character areas that respond well to the proposed landscape strategy. This creates the future opportunity for a distinctive range of houses and flats that can be delivered, set within existing mature trees and a sloping landscape on the periphery of Hemel Hempstead.

The illustrative masterplan has taken reference from nearby examples of good design and local setting, which contributes to high quality public realm as well as good quality homes to live in. The Outline application identifies examples of neighbouring developments such as Phase 1 and Brockwood Drive to the north, but detailed design will come forward at the Reserved Matters stage. The design and setting of Spencer's Park Phase 1 housing, road layout, parking and street widths have been very influential in the development of the Spencer's Park Phase 2 illustrative layout since both new communities will ultimately be one holistic development when completed.

The surrounding urban character and type of housing stock in the Cherry Tree Lane and Redbourn Road area is varied and not of one distinct architectural style. The upcoming development of Phase 1 and the housing at Brockwood Drive represents nearby local development within a similar setting. The street pattern has been designed to create a new link to the adjacent Phase 1 and Three Cherry Trees lane, with a looped infrastructure road through the eastern part of the site. The street design takes reference from the adjacent Phase 1 scheme to create a unified layout and holistic development when complete.

Layout

The indicative layout of the proposed development is shown in the illustrative masterplan. Approximately 14 hectares of the site will be used for new homes; 2.4 hectares for a new primary school; just under 2 hectares for employment uses; and just under 5.5 hectares for open space and Sustainable drainage systems (SUDS).

The scheme has been designed to integrate well with the proposed Phase 1 development to the north which is currently being built out. It will incorporate a mix of uses including employment, education and local facilities. The school and local centre have been located centrally within the site to ensure that it is within walking distance of all properties (including those at Phase 1). The employment has been located on the southern part of the site within the HSE consultation zones, as residential is not acceptable in this location, thus making best use of available land. The employment is separated from the housing by a significant open space and landscape buffer to protect the amenity of the new residents.

The development will be sustainably designed to incorporate new planting and ponds, creating opportunities for new habitats. There will be new public open space in the south eastern part of the site and new footpath routes through the site.

Whilst the layout is indicative only at this stage, it has been informed by a full masterplanning process which has included significant pre-application engagement. The proposed layout is considered to be acceptable. It draws on the development principles of Phase 1 and will serve to inform the detailed proposals at Reserved Matters stage. The high quality layout proposed is considered to comply with the objectives set out in Core Strategy Policies CS10, 11, 12 and 13.

Quantum

The proposed development would provide up to 600 new homes, 7,500 sqm of employment uses and a two-form entry primary school. This is considered to be appropriate for this site, considering the site constraints, the developable area and planning policy constraints.

Core Strategy Policy CS17 (New Housing) states that an average of 430 net additional dwellings will be provided each year during the plan period between 2006 and 2031. The new

housing will be phased over the plan period and a five year supply of housing will be maintained.

The proposed development would provide around 600 new homes, with over 400 of these being located within the DBC part of the site. The proposals will assist the Council in achieving its housing delivery target set out with Core Strategy Policy CS17. The proposals will also assist the Council in maintaining a five year supply of housing, as the site forms part of the Council's five year housing supply.

Phasing

According to the Planning Statement and the Design and Access Statement submitted in support of the application, it is anticipated that construction on site will commence on site in 2018. Based on an average delivery rate of up to 100 per annum, the development could potentially be complete by 2024. This will depend on the number of developers working on the site.

Phasing is not fixed and will be agreed at Reserved Matters stage. An illustrative phasing plan is included in the Design and Access Statement. A phasing strategy is envisaged that starts phasing the development from the north and south. This would promote development adjacent to the Phase 1 boundary, with development along Three Cherry Trees Lane promoting the new gateway to the development, as well as creating a development edge to the site.

The employment zone in the southern part of the site will depend on tenant demand. Individual plots will be able to cater for a variety of building sizes, subject to the HSE height and employee numbers limits. These can be developed independently from the main residential area to the north and can be accessed separately.

It is anticipated that the school would be constructed at an early stage in the build programme, although it is important to note that Hertfordshire County Council (via a free school provider) will be responsible for this rather than the developer. This will be the subject of heads of terms in the S106. Building the north-south boulevard will allow for the immediate connection eastwards to create access to the new school plot, the mixed use local centre and the adjacent housing plots.

A phasing condition is attached to the recommendation accordingly.

Residential Mix/Size of New Dwellings

It is anticipated that the proposed development will include a range of dwelling types and sizes ranging from 1-bed to 4-bed properties, including both apartments and houses. The emphasis is likely to be on smaller dwellings in accordance with identified need in both DBC and SADC, following advice provided at pre-application stage. Apartments blocks of up to 4 storeys are appropriate at certain locations on the site, as illustrated in the Framework Parameter Plans. The exact mix of housing will be determined at Reserved Matters stage. This will take into account the mix identified in both Councils' latest Strategic Housing Market Assessments (SHMAs), the affordable housing and level of Starter Homes required at the time.

Core Strategy Policy CS18 (Mix of Housing) states that new housing development will provide a choice of homes. The policy seeks to deliver a range of housing types, sizes and tenures, including housing for those with special needs. Saved Local Plan Policy 18 is similar to Core Strategy Policy CS18, but also highlights the need to provide smaller dwellings (1 or 2 bedrooms).

Whilst a range of dwelling types and sizes is proposed, the illustrative mix favours smaller dwellings in line with Policy CS18. Around 45% of the dwellings will be two-bed, with around

37% being three-bed. This illustrative mix accords with the latest SHMA.

The approach outlined above is considered to be in compliance with both Core Strategy Policy CS18 and saved Local Plan Policy 18. The proposed scheme would provide an appropriate mix of housing at the site, full details of which will be provided at reserved matters stage.

Density

Housing will be provided at a mix of densities appropriate to different parts of the site. Some of the gateway areas and the local centre are better suited to higher densities and apartments. These areas are indicated on the Framework Parameter Plans (Reference TP 003 and TP 004). The sketch illustrative masterplan shows an overall average gross density of around 38 dwellings per hectare (dph), as illustrated in the Design & Access Statement (DAS) and referred to in the Planning Statement.

The density of the proposed development will vary throughout the site, with lower densities being more appropriate on the eastern side of the site, which currently adjoins open countryside. Higher density housing will be provided in appropriate locations, including the key gateways into the site and areas surrounding the local centre.

The proposed density is considered to be appropriate to the location and the surrounding character of the area. It strikes a good balance between optimising the use of the site and providing a high quality environment for future residents. It is also appropriate in the context of the need for new housing and making the most effective use of appropriate sites to assist in meeting the Council's five year housing supply requirements. The DAS and illustrative masterplan satisfactorily demonstrates how up to 600 new homes can be accommodated on the site.

Saved Local Plan Policy 21 (Density of Residential Development) states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of land available. Densities will generally be expected to be within the range of 30-50 dwellings per hectare. The policy goes on to note that, for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views. In such locations, proposals will be expected to retain existing trees and hedges and incorporate appropriate landscaping in order to achieve a soft edge to the countryside.

The indicative masterplan, with its overall average gross density of around 38 dwellings per hectare, is considered to comply with saved Local Plan Policy 21. The masterplan has been designed to achieve an appropriate soft edge to the countryside to the east of the site.

Affordable Housing

35% affordable housing will be provided on the site. This follows on from advice and agreement at pre-application stage. The mix and tenure have been agreed with the Strategic Housing team and SADC. This illustrative mix accords with the latest SHMA.

The overall percentage of affordable housing and tenure mix will form part of the S106 agreement for the site, and be agreed and secured accordingly. The size of affordable dwellings will be agreed at reserved matters stage depending on the latest housing need requirements.

Core Strategy CS19 (Affordable Housing) states that affordable homes will be provided on sites of a minimum size of 0.3ha or 10 dwellings (and larger) in Hemel Hempstead. 35% of the new dwellings should be affordable homes. Higher levels may be sought on sites which are specified by the Council in a development plan, providing development would be viable and need is evident.

Across the two parts of the current scheme, 210 of the 600 homes are to be affordable. This equates to an affordable housing contribution of 35%. In addition, the split would be 158 social rent homes and 52 intermediate homes (i.e. a 75:25 split). Both the overall proportion and tenure split are in accordance with policy.

The proposed development is considered to be in compliance with Policy CS19, along with the guidance set out in the Affordable Housing SPD. The planning proposals accord with the current Local Plan policy target for both DBC and SADC for 35% of homes to be affordable and provided on site.

Given the Housing and Planning Act 2016 places a duty on local authorities to promote the supply of starter homes (the details of which will be set out in the forthcoming Regulations), the indicative masterplan has built in flexibility to future proof the development against the potential need to include Starter Homes in the future, without there being significant amendments required to the layout, quantum and mix.

Employment Uses

The proposed development would provide up to 7,500 sqm of employment uses, with a mix of B1, B2 and B8 use proposed in the southern part of the site. The employment uses at the site will need to comply with the HSE's requirements limited height of buildings to two storeys and numbers of employees to 100 per building.

Core Strategy Policy CS14 (Economic Development) states that sufficient land will be allocated to accommodate growth in the economy of approximately 10,000 jobs between 2006 and 2031. Most employment generating development will be located in town and local centres and General Employment Areas in accordance with Policies CS1 and CS4. The policy confirms that Hemel Hempstead will be the main focus for new economic development uses, which will be used to support the regeneration of the Maylands Business Park and Hemel Hempstead Town Centre.

The Spencer's Park Phase 2 site is located on the edge of the Maylands General Employment Area and as such, is deemed to be an appropriate location for employment uses, albeit as part of a mixed use, residential-led scheme. The proposals will assist the Council in meeting the job creation targets set out in Core Strategy Policy CS14. The development will provide employment opportunities in close proximity to new homes and is supported by the Council's Economic Development and Regeneration teams.

Primary School site

A 2.25 hectare site will be provided for a two form entry primary school. The primary school site is shown on the Illustrative Masterplan. This will be located centrally on the site as it will also serve Spencer's Park Phase 1. The central location means that the school will be within easy walking and cycling distance of the housing, including that being developed at Phase 1. The school is located away from the HSE consultation zones.

The 2.25 hectare school site will be transferred to HCC for provision of the school and this will be dealt with through the S106 agreement. HCC will make a contribution towards the school as the development doesn't quite generate a need for a full two form entry primary school. Please see the S106 section for more details.

The delivery of the primary school and the phasing thereof have been the subject of lengthy discussions with the County Council (as Education Authority) at both pre-application and application stages. Both phases have seen a lack of clarity being provided by the County Council regarding the delivery mechanism for the school, given that all new schools within

Herts must now be free schools, delivered by a free school/academy provider. Providers are selected via a competition process, but this process can only begin once planning permission has been granted.

In order for the County Council to go out to competition they need to have the land for the school, together with contributions to build the school out, secured through the planning process via S106. The County Council have confirmed that they would like the school to be delivered at an early stage of the development.

School Delivery

Further to lengthy S106 negotiations, the heads of terms in the draft 106 now confirm that the primary school will indeed be secured at an early stage of the development. The relevant heads of terms are summarised below.

The school site will be provided by HCA to HCC in a fully secure, fenced and serviced state suitable for the provision of a two form entry primary school (including nursery) with appropriate drop off and parking facilities. The applicant agrees to serve notice that completion of the serviced works has taken place no more than 7 days following practical completion. The transfer of the school site is then to take place within 3 months of HCC receiving notice of practical completion of the servicing works, subject to a longstop date of 2 years 9 months from the date of the Commencement Notice (the applicant will serve at least 6 months notice on HCC of its intended date for Commencement of the Development).

The school site is also the subject of an occupancy restriction, such that the occupancy of the 300th residential dwelling is to be subject to the highways and footpath accesses and site services to the school site having first been satisfactorily provided to adoptable standard.

HCC will ensure that the school is open before the first September after 3 years from the date of the transfer of the school site. This 3 year period may, if necessary, be extended by mutual agreement between HCA and HCC, both parties acting reasonably. HCC will provide a minimum of 6 months of its intention to commence the school building works and will provide notice within 7 days of commencement.

Subject to the clauses summarised above, officers and the Council's solicitor are now satisfied that the primary school will be delivered as early as is reasonable possible during the development.

Local Centre

The Illustrative Masterplan shows a small local centre adjacent to the primary school site to create a focal point within the development. The local centre will provide space for a small retail unit (a coffee shop for example) or small community buildings. Locating the local centre adjacent to the primary school is logical from an urban design point of view and would maximise passing trade from the school and drop off and pick up times for example. This location is also central on the site and is within easy walking distance from all parts of the development, as well as Phase 1.

Access and Highways Impact

Vehicular Access

Two principal points of access are proposed to the residential part of the site. A new four arm roundabout access is proposed at the junction of Three Cherry Trees Lane and Boundary Way, at the gateway to the site. A further gateway access will be through Phase 1 of Spencer's Park to the north, which will link Phase 1 to Phase 2 via a north-south boulevard.

Spencer's Park Phase 1 is accessed from a three arm signalised junction with Three Cherry Trees Lane.

A separate vehicular access to the employment area is proposed on the southern part of the site. This is proposed as a three arm priority junction with Three Cherry Trees Lane between Boundary Lane and Cherry Tree Lane. This has been designed to accommodate movements by heavy goods vehicle.

In addition to the above access points, an emergency access will be provided to the employment land from Cherry Tree Lane on the eastern part of the site. This access is designed in such a way that it can only be used for emergency vehicles.

The Highway Authority, HCC, have been consulted on the application and provided initial comments in December 2016, raising objections. A summary of their comments is set out below:

'Insufficient information has been provided to demonstrate that the proposed development might not have a severe residual impact on the surrounding public highway network. Specifically: (i) The applicant will need to clarify aspects of the proposed trip generation as detailed in the response; and (ii) The applicant will need to alter the proposed mitigation measures to ensure that the assessed junctions operate at a minimum to the baseline condition. Alternatively, further information is required from the applicant to justify why alternative mitigation measures are not feasible. S278 Agreement Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.'

Highways England were also consulted, due to the potential impact of the scheme on the strategic highway network (M1 Junction 8). Following a number of holding response comments were finally received in January. These are summarised below:

'Following review of the Transport Assessment associated with the proposed mixed use development at Spencer's Park, Hemel Hempstead. Highways England has a number of concerns. The primary concern is the lack of assessment of the impact of the proposed development on the strategic road network where the development may result in a number of additional trips at Junction 8 of the M1.
Highways England Planning Response (HEPR 16-01) January 2016

It is recommended that assessment is undertaken of the impact of the proposed development on the M1 Junction 8 including the preparation of capacity and operational assessments where deemed appropriate. In addition it is recommended that the impact of the proposed development including the preparation of capacity and operational assessments of the A414/Breakspear Way/Green Lane junction is also undertaken as the operation of this junction could impact on the operation of SRN. It is also recommended that where an adverse impact is predicated that mitigation measures are given consideration.

Therefore it is requested that the applicant provide a revised TA that fully assesses the impact of the proposed development on the operation of the strategic road network and that the applicant is given until 9th February 2017 to provide this update information.'

Following receipt of the initial comments from HCC and Highways England, a meeting was set up and took place between the transport consultants (Vectos) and HCC's DM Implementation Team, with a separate meeting taking place with Highways England. The consultants have worked with them to address their points. A full response to the Highway Authority's outstanding issues, along with those of Highway England, was submitted in March with full reconsultation taking place.

The Highway Authority are now satisfied that their concerns have been addressed and have withdrawn their objection, subject to appropriate conditions and S106 heads of terms.

Whilst Highways England were still not entirely satisfied with the further response from Vectos, their outstanding issues have now been addressed by a new S106 contribution of £250k towards junction improvements to the Breakspear Way junction, in order to mitigate impact from the development on this junction.

Therefore, both Highways England and the Highway Authority are now satisfied with the proposed scheme. It is considered that it will result in no significant impact to highway safety, the free flow of traffic or the strategic highway network, subject to the conditions and S106 heads of terms recommended and agreed.

It is considered that the proposed access arrangements would provide a safe and satisfactory means of access for all users, in compliance with Core Strategy Policy CS12.

Pedestrian, Cycle and Public Transport Access

High quality pedestrian and cycle routes will be provided as part of the development proposals. Pedestrian routes are proposed to encourage new and existing residents to access the facilities on site such as the employment, primary school, local retail and community facilities, open space and play areas by foot. This will assist in reducing the need for residents to make short journeys by private car. Pedestrians and cyclists will be able to access the Maylands General Employment Area via the proposed access on Three Cherry Trees Lane and they can access facilities in Woodhall Farm via links up through Spencer's Park Phase 1 and across the new crossing of the Nickey Line.

High quality cycle routes are proposed within the site and northwards to connect to the Nickey Line and the National Cycle Network. Hemel Hempstead Town Centre, Hemel Hempstead Railway Station and the whole of the Maylands employment area are all within 5km of the site and so are considered to be suitable for cycling. St. Albans Town Centre is 8km from the site. DfT's 'Cycle Infrastructure Design' (October 2008) states that for commuter journeys, a trip distance of over 5 miles (8km) is not uncommon. There is therefore good scope for encouraging journeys by cycle as part of the redevelopment of the site.

There is an existing bus stop close to the site on Three Cherry Trees Lane, close to the proposed gateway entrance to the site. There are also bus stops on the Redbourn Road that can be accessed via Phase 1 Spencer's Park. It is proposed to upgrade the existing bus stop on Three Cherry Trees Lane and provide new footway from the site access to enable pedestrians to easily access the bus stop. The layout of the scheme will optimise access to these existing bus stops.

In addition, the main spine road of the scheme has been designed in accordance with the Roads in Hertfordshire Design Guidance and is suitable to accommodate a bus route should there be opportunity to divert an existing bus route through the site. A Green Travel Plan has been developed to support the application in order to encourage a modal shift away from car-travel. Both measures are welcomed in terms of reducing the impact of traffic on the local roads and are in compliance with Core Strategy Policy CS8.

It is considered that the site is relatively well located when considering the need to encourage walking, cycling a modal shift away from the private car. The proposals will provide high quality pedestrian and cycle links to the surrounding area and will improve links to the nearest bus stops. Despite the location of the site on the edge of Hemel Hempstead, these proposals will help to maximise the sustainable transport opportunities available as part of the redevelopment of this site.

It is considered that the proposed access arrangements would provide a safe and satisfactory means of access for all users, in compliance with Core Strategy Policy CS12.

Internal Movement

The Framework Parameter Plans (TP 003 and TP004) indicate the indicative route of the main boulevard which is being proposed as part of the Illustrative Masterplan. The central north/south and east/west routes will be the key internal movement corridors of the development. They will be designed according to the Hertfordshire Design Guide Standards with pedestrian footways along each side and a tree lined character. Cross-sections of these boulevard routes are shown at Section 4.7.3 of the Design and Access Statement.

Secondary routes leading off the central access roads would be of a more residential nature and would also adopt the principles of the Hertfordshire Design Guide for residential access roads.

Car Parking/Cycle Parking

Car and cycle parking is proposed in accordance with DBC and SADC's adopted car and cycle parking standards. According to the DAS, 900 spaces will be provided overall that equates to 1.5 spaces per dwelling. This appears a reasonable overall quantum of parking. The exact number of spaces will be determined at reserved matters stage once the exact number and mix of different dwelling types and sizes is established. However, the sketch Illustrative Masterplan meets the car parking standards for the size and mix of dwellings indicated, in order to demonstrate that the parking arrangements can be satisfactorily accommodated within the scheme.

Whilst the exact parking arrangements will be determined at Reserved Matters stage, the Illustrative Masterplan adequately demonstrates that the proposed development can comply with the Council's car and cycle parking standards, as set out in Appendix 5 of the saved Local Plan.

Off-site Mitigation Measures

The application is accompanied by a Transport Assessment by the applicant's transport consultants Vectos. The Transport Assessment provides advice on the transport and traffic aspects of the proposed development, and follows significant pre-application engagement with the Highway Authority, along with both Dacorum Borough Council and St Albans City and District Council.

The key conclusions from the assessment are set out below:

- The site is well located for residential development being close to Hemel Hempstead and Maylands Industrial Estate. It is also located immediately adjacent to Spencer's Park Phase 1 which the local authority deem suitable for residential development and granted permission for 357 residential units.
- Primary education, up to 7,200 sqm of employment floorspace and small scale community / retail facilities will be provided on site which will reduce the need to travel.
- 1. The proposed development has been developed with pedestrians and cyclists in mind and suitable routes will be provided within the site and to link to external footpaths and cycle routes.
- The proposed development will seek to optimise access to existing public transport infrastructure including access to local bus stops. The Proposed Development will

incorporate a main spine road designed in accordance with the Roads in Hertfordshire Design Guidance to accommodate a bus route. This will provide the potential for existing bus services which currently run along Three Cherry Trees Lane to be diverted into the site and serve both Spencer's Park Phase 1 and Phase 2 if the bus company choose to implement such a diversion.

- A new pedestrian route will be provided between the Spencer' Park Phase 1 development and the Nickey Line/residential areas to the north as part of the Phase 1 development. A series of 2.0m wide boardwalk ramps will connect the northern perimeter of the Phase 1 development and Hunters Oak/Crackley Meadow to the north via the Nickey Line. This will enable future residents to be able to walk from the site directly to the bus stops on Redbourn Road via the Nickey Line.
- Also, as part of the development proposals, it is envisaged that the existing stop on Three Cherry Trees Lane (130m from the Site boundary) would be upgraded and appropriate footways would be provided to the bus stops and shelters would also be provided.
- A Framework Travel Plan has been prepared and is submitted with the planning application. This contains measures and a management regime to encourage the use of non-car modes.
- The Phase 1 residential accesses and the proposed Phase 2 residential access both operate within capacity even with the inclusion of traffic generated by committed developments and by the Maylands Gateway Site (sensitivity test). Similarly, the proposed commercial access via Three Cherry Trees Lane would operate well within capacity in both Scenario 3 and Scenario 5.
- Of the existing junctions, modelling outputs demonstrate that the Three Cherry Trees Lane/Cherry Tree Lane/Buncefield Lane junction, the Green Lane/Hogg End Lane junction and the Green Lane/Boundary Way junction all work within capacity following the application of 2024 future year traffic, development traffic and traffic generated by the Maylands Gateway Site.
- Whilst the Cherry Tree Lane/Redbourn Road junction is predicted to operate over capacity, the percentage impact of Spencer's Park Phase 2 traffic would not exceed 1.05% when considered against any of the future year scenarios during both the AM and PM peak hours. This shows that the impact of development traffic will be negligible.
- Initial modelling at the Swallowdale Lane/Three Cherry Trees Lane junction and the Three Cherry Trees Lane/Redbourn Road/Shenley Road junction demonstrated that both junctions operate above over capacity in the existing scenario. Queuing and delay increase due to the additional traffic from committed developments in the area as well as Spencer's Park Phase 2.
- Indicative improvements to both junctions have been proposed that improve performance significantly thus facilitating the planned growth in the area. The HCA/TCE are content to contribute to the cost of the proposed improvements in proportion to their impact and in accordance with current legislation and guidance including the CIL regulations.
- Both the junction improvements are deliverable within highway land.
- Notwithstanding the above, there are likely to be two potential consequences if any residual traffic congestion did take place as follows:
 - Peak Spreading: This is when people chose to vary their travelling time away from

the peak periods in order to minimise their journey time. This is now a well-accepted phenomenon and many authorities, including the Highways Agency, accept the inclusion of peak spreading within peak period analysis.

- Mode Shift: Some delay during peak periods may encourage people to shift mode and, for example walk or cycle to work/school. This is a positive outcome.
- On the basis of the above, it is considered that the site complies with the transport tests set out in NPPF i.e.:
 - The opportunities for sustainable transport modes have been taken up;
 - Safe and suitable access can be achieved for all people;
 - The residual cumulative impacts of the development are not severe.

As stated in the access sub-section above, further off-site mitigation works have now been agreed with Highways England in relation to the Breakspear Way junction. The off-site highways works proposed are deemed acceptable, and will adequately mitigate the highways impacts of the scheme.

Open Space

Detailed discussion took place at pre-application stage in relation to Open Space requirements and the current proposals reflect those discussions. Significant areas of open space are proposed on the site, as demonstrated on the Indicative Masterplan Plan and detailed in the DAS. Overall around 5.4 hectares is proposed as open space. This equates to over a fifth of the site area.

The existing key landscape structure, including the hedgerow and trees are proposed to be retained. Over 3 hectares of the site will be natural green space, in addition to play areas, multi-use games areas and playing pitches associated with the school. The detailed breakdown of open space typologies is set out in the DAS that accompanies this application.

It is noted that the play space is essentially geared towards informal leisure use. The best opportunity for formal pitch-based sports is through the dual-use of the primary school's playing fields, although this will ultimately be dependent on entering into an arrangement with the operator of the school (Policy CS23). HCC's Education Team have agreed to the principle of dual-use after negotiations, and heads of terms to this effect are included in the S106.

Our assessment is based on the standards set out in the saved Local Plan. These are not straightforward to apply as there are a number of separate standards for open space as a whole, and for formal and informal leisure space. Furthermore, for simplicity, these have applied across the site as a whole (i.e. including that in St Albans), as we see the open space as meeting the needs of the development as a whole.

Officers note that the development will provide for a total of 5.4 ha of open space of all types which forms a significant area of the scheme as a whole. It is also reasonable to take into account that already provided by the first phase given the inter-relationship between the two phases.

Saved Local Plan Policy 73 sets out the standard of leisure space on a town-wide basis based on the NPFA standard of a minimum of 2.8ha per 1,000 population. Only larger schemes are expected to contribute to this full standard. Given the scale of the development, it is considered that the proposal would justify some provision in the form of on or off-site towards adult/youth play (i.e. at a rate of 1.6 ha per 1,000 population). If we applied the full standards to the

Spencer's Park development and assuming this was all met on-site, based on 600 homes and a household size of 2.4 persons then this would generate a need for c.4ha of leisure space (i.e. $600 \times 2.4 = 1,400$ residents, then $1.4 \times 2.8 = 4$ ha). The policy (point (b)) emphasises that such land should reflect the needs of the local population and be accessible i.e. be within a reasonable walking distance of 400m. It is noted that the second phase would provide for a total open space of 5.4 ha if all spaces are accounted for and thus exceed the 2.8ha standard.

Saved Local Plan Policy 76 refers to leisure space in new residential developments. This states that for larger developments (i.e. of 25 homes or more) leisure space should be provided on a standard of at least 1.2 ha per 1,000 population or 5% of the development area, whichever is greater. This is the standard that most development is expected to achieve and principally seeks to secure the children's play provision element of the NPFA standard. We have assumed a total residential site area of 19.4ha (i.e. total area (24ha) – employment area (2.2ha) – school site (2.4ha) = 19.4 ha). On this basis, it is anticipated that the development should provide 1.7ha (i.e. population \times 1.2ha = $1.4 \times 1.2 = 1.7$ ha). This compares to 1ha when measured against the developable area (i.e. $19.4 \times 5\% = \text{c.}1$ ha).

Saved Local Plan Appendix 6 elaborates on how these standards should in theory be applied. The NPFA standard does not include school playing fields, or other large areas of woodlands, commons and verges. Therefore, these will need to be excluded from any of the calculations.

The 1.2ha standard under Policy 73 is chiefly for younger play space (at 0.8ha per 1,000 population) and other areas (at 0.4 ha per 1,000 population). The former would equate to very generous levels of provision at c.1ha and should include provision for LAPs (minimum area each of 100sqm) and LEAPs (minimum area each of 400sqm). Appendix 6 explains that where family and starter homes are provided then this will require general open space and play space for children and toddlers. They should be readily located from the areas they serve i.e. 200m for toddlers and 400m for older children.

The illustrative layout will provide for a hierarchy of formal (0.59ha) and informal (2.1ha) areas of open space:

- 2 x MUGA (2,235 sqm)
- 2 x LEAPs (1,070 sqm)
- 6 x LAPs (1,800 sqm)
- 8 x Doorstep LAPs (800 sqm)
- Youth park (200 sqm)

Taking a pragmatic view of the standards, it is considered that very generous levels of open space of all types are envisaged to be provided in a structured approach across the development. This is welcomed. They will make important contributions towards greening/softening the development and in providing opportunities for play space. These spaces will also form part of the SuDS scheme and key landscaping features across the development.

While no exact standards are provided in the saved Local Plan for the number of LAPs and LEAPs to be provided, we note that a good range and spread of child play spaces is to be secured as listed above. Furthermore, space would also be provided to meet the needs of older children including dual use of the school playing fields, MUGA area, and a small youth park. (*The exact provision of MUGAs needs to be confirmed by the applicant as we understood the southern MUGA was to be removed in favour of a more informal play area/community orchard.*) We are therefore satisfied that the overall provision makes a good contribution under the NPFA standards.

It is important that the open space/play space is properly funded and managed. Following pre-application discussions it has been agreed that this is likely to be via management company

(rather than being adopted by the Council).

With regards to sports provision, it is noted that Sports England have objected to the proposal, essentially due to the lack of contribution that the scheme makes to local sports facilities. This issue is covered in detail in the CIL/S106 section of this report. However, I would draw members attention to the following:

- the development will contribute towards meeting locally generated informal leisure needs through the play space provided and through potential dual use of the school playing fields (albeit the latter arrangement may not satisfy the aspirations of Sports England);
- we acknowledge the complication arising from the fact that the proposal is zero CIL rated and what can legitimately be secured through a planning obligation (while avoiding funding conflicts with the Regulation 123 list);
- funding through developer contributions is not the sole source of delivering new facilities;
- there is a generally poor geographical link between the proposal and priority schemes identified in the Playing Pitch Strategy and Action Plan – update (2015), which are located to the west of the town;
- the primary source for funding sports facilities is through the CIL.

It is also fundamental that we can be satisfied that any contribution meets the statutory tests as set out in the CIL Regulations 2010.

Overall the open space proposals are considered to comply with the Council's Open space standards, as confirmed by both Strategic Planning and Clean, Safe and Green, who both support the proposals. It is considered that the proposals are in compliance with saved Local Plan Policies 73 and 76.

Landscaping

Landscape and visual impact

Chapter 10 of the ES deals with the landscape and visual impact of the scheme and includes a Tree Survey. The landscape and visual impact assessment was informed by pre-application advice provided by both DBC and SADC, and discussions took place with SADC's Landscape Officer regarding the scope of assessment.

The assessment identifies that the site is enclosed on three sides by existing development and that the significant effect of likely landscape and visual impacts will be limited to the site and its immediate surroundings. The visibility of the site is limited to viewpoints overlooking its boundaries due to the enclosure offered by the site's boundaries and the urban edge of Hemel Hempstead. The site is very well contained in landscape and visual terms. There are no medium or long distance views of the site from countryside to the east or north-east. The Chilterns AONB lies beyond the area that will be visually influenced by the proposed development and therefore will not be affected.

The proximity of large scale industrial development to the west and south exerts a built influence on the character of the site, along with overhead power lines on the southern part of the site. The Spencer's Park Phase 1 development will introduce further built features in the immediate vicinity of the site. The assessment finds that the overall landscape sensitivity of the site is low.

Impact on trees

A tree survey and constraints assessment was undertaken as part of the technical work associated with the masterplanning process, and this has been submitted in support of the application as part of the ES. The survey confirms that none of the trees on the site are

protected by Tree Preservation Orders (TPO's). The survey assessed 57 individual trees, 21 groups of trees and 5 hedges within the site or immediately adjacent to the site. The survey confirms that the majority of the trees on site are mature trees and around 44% of the individual trees are either category A or category B trees (i.e. trees that should be retained where possible).

The Tree Survey states that priority will be given to the retention of trees, hedgerow and woodland areas and their protection during development. Regard will also be paid to future management mechanisms in line with saved Local Plan Policy 101. The Council will require an accurate tree survey indicating which trees are proposed for retention and removal and will require details of tree protection measures at Reserved Matters stage.

The illustrative masterplan (SK 005) seeks to retain as many trees and hedgerows on site as possible and a significant amount of new tree and vegetation planting is also proposed. The exact number of trees to be lost as a result of the scheme will be assessed at the reserved matters stage once the detailed design has been established by the developer.

The landscaping proposals have been assessed by the Councils Trees and Woodlands team, who have confirmed their support of the proposals. They welcome the inclusion of the community orchard and call for bold landscaping at the development entrance. They confirm the need for detailed landscaping and tree details at Reserved Matters stage, once the design has been finalised.

Overall the landscaping proposals are considered to be of a high quality. Landscaping has been considered from the outset and has helped to inform the proposed masterplan. The proposed landscaping will help to soften the proposed development and will comprise of an important component in this high quality development. The proposals comply with Core Strategy Policies CS25 and CS26, as well as Saved Local Plan Policies 99, 100 and 101.

Ecology

An extended Phase 1 Habitat Assessment of the site was undertaken by the applicant's ecologists in May 2015, and this was then followed by specific surveys of:

- Hedgerow;
- Bats;
- Badger;
- Dormouse;
- Reptiles;
- Great Crested Newt;
- Breeding Birds;
- Wintering Birds.

The results of the assessment and the results of the surveys are set out in the ES, and summarised in the Planning Statement.

In terms of habitats, the site contains broadleaved woodland (semi-natural and plantation), dense and scattered scrub, semi-improved neutral grassland (poor), tall herb and fern, cultivated land, arable field margins, native species rich hedge and trees and individual trees.

The Habitat Assessment confirms that there are a number of designated sites within 2km of the site. Of these, only one, the Nickey Line Local Wildlife site that is around 100m to the north of the site has the potential to be affected by the proposed development. However, although there is good ecological connectivity between the site and the Nickey Line, the proposed development is not anticipated to significantly impact the conservation value of the Local

Wildlife Site.

The species specific surveys confirmed the following:

- Hedgerow Survey – 4 hedgerows were surveyed and all were found to be 'species rich and qualify as important hedgerow under Paragraph 7 of the Habitat Regulations (1997). The majority of these hedgerows are to be retained as part of the development proposals.
- Bats – The surveys found evidence of pipistrelle bats on site. Mitigation is proposed to enhance roosting opportunities for bats in the area.
- Badger survey – there was evidence of two disused outlier setts within the site boundary and one adjacent to the boundary. The illustrative masterplan shows retention of areas that are suitable for badger habitat, and therefore connectivity for any badgers using the site is retained. Further badger checks will be needed approximately 6 weeks in advance of any works on site;
- Breeding birds – the site supports breeding farmland and woodland birds and the site is described as being of local significance in relation to bird species richness. Redwing and red kite were recorded during the survey. The species rich hedgerows and boundary trees are the most significant habitat on site for breeding birds. The majority of this habitat is to be retained on site and new habitat will be created on site through new landscaping and tree planting;
- Great Crested Newts – Great Crested Newt presence/absence surveys were undertaken at three waterbodies within the site boundary and within 500m of the boundary. No Great Crested Newts were recorded and development of the site will have no impact on Great Crested Newts.
- Reptiles – The surveys found no reptiles or evidence of reptiles.
- Dormouse – No dormouse or field evidence of dormouse were recorded on the site during surveys. Nest tubes and boxes were in situ for 10 months during the survey and were checked monthly. Although no dormouse were recorded during the survey, habitat for dormouse is to be proposed for retention as part of the scheme and green corridors are also proposed, so there is still potential for dormouse to use the site in future.
- Wintering birds – The site is considered to be of local importance in relation to species richness for over wintering farmland and woodland bird species. Species of significance recorded on site are fieldfare, redwing, red kite, mistle thrush, skylark, song thrush, yellowhammer, dunnoek, mallard and reed bunting. Mitigation proposals will involve an ecological management plan and mitigation strategy that limit the impact on wintering birds including habitat restoration.

The proposals have been the subject of consultation with Hertfordshire Ecology and Herts & Middlesex Wildlife Trust (HMWT).

Herts Ecology provided initial comments which confirmed that they were satisfied with the proposals. Their response confirmed that they do not hold any biological data (species or habitats) for this application site. There is a single Local Wildlife Site (LWS) located 100 m to the north; however the Environmental Statement (ES) has considered any direct, indirect and cumulative effects the development might have on this LWS and scoped it out. The neighbouring development is already implementing mitigation strategies to reduce the effect on this site, which should also account for this current application.

Their response also confirmed that the ES has considered all relevant ecological constraints and analysed all possible effects during construction and operational phases. As such Herts Ecology confirmed that they are satisfied with the proposals from an ecology point of view, subject to the imposition of conditions relating to:

- the submission of a Construction Environmental Management Plan (CEMP);
- an associated condition relation to the protection of badgers, linked to the CEMP;
- the submission of a Landscape and Ecological Management Plan (LEMP).

In contrast to the support shown in the Herts Ecology response, HMWT have objected to the proposed development. Whilst the principle of development on this site is not contested, the Trust does not consider that enough compensation has been provided to achieve no net loss or net gain to biodiversity. They feel a Biodiversity Impact Calculator (BIC) should be used to assess the scheme in this regard.

Following the HMWT objection, The ecologists provided a full response addressing the points raised in the HMWT comments, including the BIC issue. HMWT then commented again and confirmed that this was not enough to remove their objection however. Given the outstanding objection the case officer therefore asked our statutory consultee, Herts Ecology to review the scheme in the context of this objection and provide further comments.

Ecology Review

A full review of the scheme was then undertaken by Herts Ecology accordingly. Their latest advice in relation to the HMWT comments and the impact of the proposals is summarised below:

- Given the nature of the existing site which is of overall low biodiversity value, no ecological objections have been made to the development proposals. This follows the NPPF guidance in seeking to develop land of least [relative] environmental value;
- There will be a net loss of ecologically valuable hedgerow as identified under the hedgerow regulations and some fragmentation of what remains; rough grassland - of local importance to the site - will also be lost but areas of new natural grassland are proposed, often associated with swales, along with an orchard and potential wetland features. With additional hedgerow planting yet to be agreed, the net loss of this biodiversity resource would be reduced, whilst the habitat creation proposals are considered to restore some parity of existing biodiversity resource, but this will inevitably be very different from the current site.
- I consider any ecological net gain to be low, at least in the short term, whilst any improvements will in any event depend upon long-term management;
- The lack of policy expectation to apply biodiversity offsetting or the calculator, given the ecological judgements outlined above, are in my opinion insufficient to justify a refusal on the basis that such a formal approach has not been taken.
- The extent to which such proposals should also result in clear biodiversity gain through biodiversity offsetting is clearly a valuable aspiration but whether a lack of such delivery justifies a refusal does not appear to be currently supported. Furthermore the practical delivery of this approach is not likely to be possible at the present time given the relative land values and aspirations of landowners in Hertfordshire. This must be a consideration when if a refusal is considered given that this should be both reasonable and proportionate to the circumstances;
- Given that currently there is no mandatory or policy requirement to achieve biodiversity offsetting or apply the biodiversity calculator, I consider it is unreasonable to refuse an otherwise ecologically acceptable application on the grounds that this particular approach to demonstrating the delivery of desired compensation or enhancements has not been followed. Furthermore, if some aspects of enhancements are likely to be undeliverable

anyway, the ecological justification for otherwise refusing the application would need to be strong - and this is not the case;

- On this basis I consider that the proposals are currently sufficient to be determined without any formal biodiversity offsetting or application of biodiversity calculator. However I am of the opinion that additional hedgerow planting of sound ecological value should be provided, as well as detailed specifications for long term management and maintenance of the grasslands and orchard. These can be addressed with the details submitted for a full application.

On this basis, and subject to receipt of details showing the additional hedgerow planting requested, the proposals are deemed to be acceptable from an ecology and biodiversity point of view.

Additional Information

Following the comments from Herts Ecology, following their review, requesting increased hedgerow provision as part of the proposals, the applicant's ecologists have taken this advice on board and have submitted additional information to address these points. This takes the form of an addendum to the ES Chapter 8, with the additional hedgerow provision reflected in:

- Drawing No. 01771.00006.29.006.2 Hedgerow Provision;
- Drawing No. 16475 GA-001 Illustrative Masterplan; and
- Drawing No. 01771.00006.29.005.6 Illustrative Landscape & Green Infrastructure Masterplan.

Additional reconsultation has taken place and Herts Ecology have confirmed that these details are acceptable. The required conditions have been added to the recommendation accordingly.

Flood Risk/Drainage

The site is located in Flood Zone 1, the area of the lowest flood risk. The site is at low risk of flooding from all other sources. The overall flood risk to the development is considered to be low.

A thorough Flood Risk Assessment (FRA) has been undertaken for the site and has been submitted in support of the application. An Outline Drainage Strategy has also been submitted, and is appended to the Environmental Statement. This followed detailed pre-application discussions with the Lead Local Flood Authority (Herts County Council).

The FRA has identified the volume of water storage that is required on site. A Sustainable Urban Drainage System (SUDS) network is proposed to ensure that water is properly managed on the site and does not increase flood risk elsewhere. Full details are set out within the Outline Drainage Strategy. The Framework Parameter Plan shows how this can be met through a series of swales and attenuation ponds, along with some underground crate storage. The swales and ponds will be landscaped and designed to maximise potential for habitat creation and recreational benefit.

Infiltration was initially not considered to be feasible on the site by the EA due to the risk of mobilising contaminants derived from the Buncefield Oil Depot explosion in 2005. Thames Water have confirmed that a surface water connection to their sewer is appropriate, subject to the results of a developer funded impact study. The outfalls from attenuation features would be to the public surface water sewer that crosses the site at a restricted greenfield runoff rate of 3.5l/s/ha.

At the detailed design stage, further investigations will identify if the ponds will infiltrate into the ground water or if they will hold the water before discharging it to the local sewer network.

Discussions have taken place with the Lead Local Flood Authority, Environment Agency and Thames Water about this, following the discussions which took place at pre-application stage. These consultee's are supportive of the proposed development, subject to conditions and informatives.

Thames Water have also confirmed that a foul water connection into their network is suitable, and discussions are taking place with the developers of Phase 1 to establish a combined solution to upgrades.

The FRA and Drainage Strategy have included an allowance for climate change. Estimated peak rainfall intensities have been increased by 30% to allow for climate change during the lifetime of the development and have been tested to ensure no flooding during a 40% increase.

The proposed SUDS solution is considered to be an extremely sustainable flood risk and drainage solution for the site, which will have significant open space, landscape and ecological benefits to the development. The proposals are considered to be acceptable from a flood risk and drainage point of view.

CIL/S106/Infrastructure

Community Facilities

The applicant has been aware of the requirement to provide for a 2 form entry primary school to address the need for future school places generated by the development. 2.25ha of land has been set aside for this. The school is to be secured via a S106 agreement. There is also scope for the provision of a small shop and community building within the first phase of Spencer's Park which could be shared across the wider development.

Infrastructure

The Council has undertaken a series of high level assessment of the infrastructure required to support the development of Spencer's Park as part of its evidence in support of its CIL Charging Schedule and through its annual review of its Infrastructure Delivery Plan. The evidence provided in support of the Council's CIL Charging Schedule included an assessment of the viability of a number of strategic sites required to support the delivery of the core strategy including the formal Strategic Sites and Local Allocations identified in the plan and strategic housing proposals identified for the town centre of Hemel Hempstead and Spencer's Park (the later originally intended to be pursued through an Area Action Plan for the East of Hemel Hempstead and through a master planning process) This assessment of strategic sites was used to establish a zero CIL rating for the site and to set out a number of items to be excluded from the Council's Regulation 123 list. These items should be secured under a Section 106 agreement in relation to the site.

The primary objective of the S106 is to secure the delivery of a new 2 form entry primary school upon the application site in order to meet the needs arising for primary education facilities within the NE Hemel Hempstead quadrant. It is understood from the County Council that current child yield forecasts do not equate to the delivery of a full two forms and therefore a mechanism for off-setting any over provision will need to be established by the County Council.

The site is to be considered as a strategic allocation (as per the testing for the CIL examination) and exemptions in the Regulation 123 list allow for the Council to secure contributions towards the following items of infrastructure:

- Early years education (these should be provided alongside the new primary school)

- GP facilities - NHS England and the Herts Valley Clinical Commissioning group calculates the scale of contribution to be applied to the development on the basis of a national tariff and you may need to establish where such funds will be targeted to satisfy the tests in Regulations 123 and 124 of the CIL Regulations 2010 (as amended)
- Community space and facilities (youth facilities and libraries) - Although the County Council have suggested that a contribution should be provided towards activities operated by 'youth connexions' officers are aware of a pressing need to carry out improvements to and extensions to the nearby adventure playground. It is our view that such improvements should be prioritised given the geographical relationship with the application site and given the number of youths utilising the site.
- Direct access measures
- Highway improvements resulting from the TA.
- Sustainable transport measures
- Provision and maintenance of public open spaces - Officers would encourage the dual use of outdoor and indoor sports facilities associated with the provision of a new school on the application site and would request that such matters are added to the planning conditions associated with the site.

The Council are not able to enter into an agreement for the provision of secondary education and such matters should be subject to a side agreement with St. Albans City and District Council (as established in the legal advice from Hertfordshire County Council).

The application is subject to a S106 agreement to secure the infrastructure summarised above. This has been the subject of significant negotiation between the applicants, DBC, SADC and HCC. Officers and the Council's solicitor are now satisfied with the S106 heads of terms. A final draft of the S106 has been submitted and agreed.

Geo-environmental/Contaminated Land

Desk based research and preliminary site investigations have been undertaken for the site and these have been submitted in support of the application as part of the ES. The historical mapping undertaken therein reveals that the site has remained largely unchanged since 1883, being agricultural with only minor changes to the field boundary layout. One structure was constructed and then subsequently demolished. Historical development in the surrounding area includes industrial development and the Buncefield Oil Depot.

No made ground was recorded on site and no evidence of made ground was found during the preliminary site investigations. The majority of the site is underlain by Clay with Flints Formation, further underlain by the White Chalk subgroup.

A major incident occurred at the Buncefield Oil Depot that is immediately to the south west of the site in 2005. As a result of this, the Environment Agency and Health Protection Agency have been monitoring impacts. The incident has resulted in some pollution of the underlying groundwater at the Buncefield site by PFOS (fluorosurfactant perfluorooctane sulfonate) and hydrocarbons. There has however been no significant increase in ground contamination as a result of the Buncefield incident. Consideration has been given to the Phase 1 Spencer's Park Site Investigation results in relation to PFOS. The preliminary Site Investigations for Phase 2 indicate that the risk of ground contamination at the site is low, although there was a concentration of Nickel at one location on the northern boundary, and there could be further such hotspots. The limited ground gas monitoring undertaken indicates low ground gas concentrations that indicate conditions that do not require any specific ground gas protection

measures.

Published information suggests that radon is a risk in the area and the percentage of homes at risk of radon above the Action Level is between 1 and 3%.

Due to the geological setting of the site and the presence of pyrite, there is a risk of accelerated weathering where the Lambeth Group deposits overlie the Chalk. This results in the development of erosion features in the chalk. The most common hazard associated with this type of erosion is the development of solution pipes. This is a zone of instability. The preliminary Site Investigations identified that the risk of dissolution varies across the site from high to low.

The work undertaken to date finds that the site is suitable for the proposed use subject to some mitigation measures that may need to be identified following further to more targeted site investigations being undertaken. These further site investigations would need to be undertaken prior to development of the site and would need to be conditioned.

The ES and the preliminary site investigation results have been assessed by the Council's Contaminated Land officer. She has confirmed that she is in agreement with the recommendations for further investigation prior to redevelopment as detailed with the report. She has recommended that the further investigation should take into account the proposed end use and site layout if available. She has also recommended that the contamination conditions be applied should planning permission be granted in order to ensure that the recommended further investigative works (and any resulting remedial works) are undertaken.

As such it is considered that the proposals are acceptable from a contaminated land point of view.

Air Quality

An Air Quality Assessment (AQA) has been undertaken to inform the proposals and has been submitted in support of the application, as part of the ES.

The AQA notes that the proposed development does not fall within an Air Quality Management Area (AQMA) or any known area of concern with regard to poor air quality. Monitoring data from the closest urban monitoring point demonstrates that pollutant concentrations in the local area are well below Air Quality Objectives. Site specific mitigation will be implemented during the construction phase to ensure that the works are compliant with the relevant guidance. This will include a Dust Mitigation Plan (DMP) to be presented as part of the Construction Management Plan.

The effect of road traffic once the proposed development is operational is not considered to be significant, and mitigation measures introduced through the Travel Plan will reduce the effect further.

The assessment shows that air quality should not be considered as a constraint to the proposed development.

The Council's Environmental Health team have assessed the proposals and have raised no objections on air quality impact grounds. They have confirmed the following:

The significance of the overall effects of the Proposed Development has been assessed in the AQA in accordance with the EPUK/IAQM guidance. This assessment is based on professional judgement and takes into account a number of factors, including:

- Baseline pollutant concentrations are below the relevant annual mean objectives at all nine

existing sensitive receptor locations considered;

- The assessment predicts a negligible impact on NO₂, PM₁₀ and PM_{2.5} concentrations at all nine existing sensitive receptor locations, with the Proposed Development in place; and
- The assessment predicts that pollutant concentrations at all six proposed sensitive receptor locations will be well below the relevant AQO.

Based on these factors, the overall effect of the Proposed Development on human health is considered to be not significant, in accordance with the EPUK/IAQM guidance.

They have also confirmed that whilst the effect of the Proposed Development at existing sensitive receptor locations is not significant (hence no mitigation measures are deemed necessary), the effect could be further reduced with the implementation of various mitigation strategies. For example, it is understood that a Travel Plan will be put in place to promote the use of more sustainable forms of transport as part of the operational phase of the Proposed Development.

Furthermore, they have confirmed that, assuming that consent is granted for the Proposed Development, there will be a requirement for the appointed Principal Contractor to develop and implement a Dust Management Plan as part of the CEMP. This will include details of the measures that will be put in place to mitigate effects for nearby sensitive receptors. With the implementation of mitigation measures during the construction phase of the Proposed Development, and the associated measures incorporated at the nearby committed/proposed developments, the potential for cumulative effects is considered to be not significant.

Overall the Environmental Health team have confirmed that, in general, they are in agreement with the findings of the air quality assessment. The outline proposals are considered to be acceptable when considering potential air quality impacts. With mitigation measures (full details of which will be provided at Reserved Matters stage), the proposals would result in no significant adverse air quality impacts. The proposals are considered to be in compliance with Policy CS12 of the Core Strategy in this respect.

Noise

A noise assessment has been undertaken to inform and support the proposed development and this has been submitted as part of the ES. This considers the impact of existing noise sources on the proposed development, increased traffic noise and the impact of noise generated from the development once operational.

With regard to noise from the construction phase, there are a number of sensitive receptors, including existing residents of properties near the site including at Hunter's Oak to the north, the residents of Cherry Tree Caravan Park, and the future residents of Spencer's Park Phase 1. The assessment confirms that a series of mitigation measures can be put in place to reduce the impact of temporary construction noise on these receptors.

Noise monitoring of the site identified noise sources such as road traffic noise from the M1 (which is particularly dominant at night time) and industrial noise from gates opening at the Framework Specialists to the south of the site, which was audible throughout the day and night. The assessment indicates that noise levels in outdoor areas will be acceptable across the majority of the site, although some mitigation may be required at detailed design stage on the southern parts of the site.

An assessment was undertaken to determine the potential impact of noise from the Framework Specialists on the proposed new dwellings. This indicates that amenity open space should be orientated away from the noise source on the south western part of the site and that some relatively small stretches of noise barriers will be required on this part of the site. These barriers are shown on the sketch illustrative masterplan in the DAS. Officers are

satisfied that mitigation measures can be incorporated into the site design to reduce the existing ambient noise level in order to meet guidance noise levels in gardens. These mitigation measures include orientation of buildings, close boarded fencing to screen some garden areas, and the use of higher specification glazing may be required for bedrooms on the southern and eastern parts of the site.

Any noise from the proposed employment area on the site should be limited so as not to exceed the background noise level at the receptors. The outdoor play areas at the location of the proposed school would be acceptable although mitigation may be required if children were to be taught outside.

The Council's Environmental Health team have assessed the proposals and have raised no objections on noise impact grounds. The outline proposals are considered to be acceptable when considering potential noise impacts. With mitigation measures (full details of which will be provided at Reserved Matters stage), the proposals would result in no significant adverse impacts noise impacts when considering the impact of existing noise sources on the proposed development, increased traffic noise and the impact of noise generated from the development once operational. The proposals are considered to be in compliance with Policy CS12 of the Core Strategy in this respect.

Impact on Street Scene

The scheme has been designed to integrate well with the proposed Phase 1 development to the north which is currently being built out. Whilst the layout is indicative only at this stage, it has been informed by a full masterplanning process which has included significant pre-application engagement. The indicative masterplan has sought to ensure that the various elements of the development integrate successfully with the surrounding street scene, avoiding any significant harm in terms of visual amenity. The masterplan has drawn on the principles from Phase 1, which include creating strong gateway entrances to the development, and creating a strong sense of place. Densities and heights are higher at appropriate locations such as the proposed entrance to the development on Three Cherry Trees Lane and fronting Three Cherry Trees Lane. The scale and heights of buildings has drawn on the assessment of the surrounding area undertaken as part of the masterplanning analysis so as to ensure that they will sit sympathetically within the street scene.

The proposed layout is considered to be acceptable. It draws on the development principles of Phase 1 and will serve to inform the detailed proposals at Reserved Matters stage and should help to ensure that the proposed development integrates successfully with the surrounding street scene. The high quality layout proposed is considered to comply with the objectives set out in Core Strategy Policies CS10, 11, 12 and 13.

Impact on Neighbours

The potential impact of the proposed development on the surrounding properties has been carefully considered right from the start of the pre-application process. The need to effectively minimise the impact of the proposals on the amenity of the neighbouring properties was identified by officers at an early stage in the pre-application process, and was also raised at the public consultation event. The masterplanners have taken these comments on board and have produced a masterplan which seeks to minimise the impacts of the proposals through a combination of good masterplanning and mitigation.

The impact on neighbours is assessed in both the Design and Access Statement and the noise and LVIA chapters of the ES.

There are a number of existing properties in the immediate vicinity of the Spencer's Park Phase 2 proposals. These include the Spencer's Park Phase 1 new development

(Swallowfields) to the north, the Gypsy & Travellers site (Cherry Tree Caravan Park) to the west, the existing commercial businesses to the west and south and a small number of detached dwellings on Cherry Tree Lane to the east. The masterplanning process evaluated the impact and referenced these different land uses / properties to provide a masterplan that respected and reinforced the surrounding context. This was undertaken at concept stage and through detailed analysis of the context and challenges and opportunities. The Design and Access Statement provides further information as to how the masterplan recognises and reduces the impact upon neighbouring development.

At the time of the masterplanning process development the Swallowfields development (Spencer's Park Phase 1) was progressing well on site. The masterplanners obtained the full layout details of Swallowfield and the masterplan looked to replicate the general design of the street and house locations using footprints and plot dimension similar to the Swallowfield development as this provided the most direct contextual approach to the new masterplan. Referencing the proposed development at Swallowfields enables Spencer's park Phase 2 to be contextually appropriate to the emerging development currently being built. This enables the outline application to identify very appropriate layouts that would be sympathetic to the existing and emerging housing layout and thus a final solution developed that would mitigate any impact on the future (emerging) neighbours in Swallowfields. Design decisions also replicate the approach taken on Swallowfields with apartments along Three Cherry Trees Lane and housing further into the site whilst arranging the village green to join with the proposed Swallowfields village green to complete the oval shaped public open space. None of the housing has been designed to overlook the proposed housing in Swallowfields and streets have been designed to join up enabling a well-connected permeable solution through both developments.

The masterplan responds to the Gypsy & Traveller site context by placing public open space and amenity provision along the boundary between the G&T site and new housing. This response allows for a greater distance between dwellings in both the G&T site and the new housing proposed in the masterplan, enabling space and distance between the two areas. This enables the G&T site to benefit from not having a long length of housing along their eastern boundary overlooking their land and thus provides privacy to their properties. The apartment block that is planned to sit to the north has limited windows overlooking the Gypsy & Traveller site.

There are a number of active commercial businesses located to the south of Three Cherry Trees Lane, but these uses have large areas of car parking to the front of each of their premises. The masterplan looks to replicate the urban design solution at Swallowfields by placing apartments at the main entrance to the site to reinforce the gateway entrance and create a sense of arrival into the development. This theme was adopted on Swallowfields to great effect and is replicated in design terms. The existing commercial premises will benefit from greater surveillance created by properties overlooking the car parking areas along Three Cherry Trees Lane and do not look directly into any employment office/business windows as these are some distance away from the road. The remaining half of the Spencer's Park Phase 2 development along Three Cherry Trees Lane is commercial/business use which replicates the uses across the main road and is contextually appropriate to the locations as well as being uses defined through the Buncefield consultation zone restrictions preventing housing in these locations.

There are a very limited number of large detached properties to the east of Cherry Tree Lane - a heavily wooded/hedge lined street that runs along the eastern side of the site. There is a single property to the southern end of Cherry Tree Lane which is well embedded in a plot surrounded by trees and hedges. As a result of the Buncefield consultation zone restrictions, housing is not permitted in the relevant parts of the Spencer's Park Phase 2 layout at the southern end and thus the masterplan proposes employment space in this area, which is a direct context to the employment space across Three Cherry Trees Lane. The impact upon

this neighbour is very limited as the employment space is accessed off Three Cherry Trees Lane and only emergency fire access is from Cherry Tree Lane.

There are a number of detached properties further north on Cherry Tree Lane which again are embedded into their sites and surrounded by trees and hedges along the road. The design approach for the masterplan assessed the impact on these neighbours and the design of the outline masterplan was to provide detached and semi-detached housing facing onto Cherry Tree Lane, but set back some distance from the existing tree lined road and provide a more rural street between the new housing and the Cherry Tree Lane. This provides a distance of some 15-18m from the existing trees to the face of new housing and this was considered to minimise the 'urban feel' of this eastern edge of the masterplan proposals - especially if the new road is of a rural aesthetic and the grass strip and landscaping along the existing trees on Cherry Tree Lane is sympathetically considered at the reserved matters stage. This design approach should soften the appearance of the development at it's more rural eastern end, reducing the impact on the small cluster of neighbouring properties on Cherry Tree Lane.

In conclusion the impact of the proposed scheme on the neighbouring residential and commercial properties has been considered at an early stage of the masterplanning process and the consultation responses integrated into the final outline application masterplan layout. The masterplan has respected their context with a layout that mitigates impact upon their locations. Notwithstanding the fact that this is an outline planning application with all matters apart from access reserved, it is considered that the proposed indicative masterplan has been designed to minimise the impact of the proposed scheme on the amenity of the neighbouring properties, and would result in there being no significant adverse effects in relation to loss of light, loss of privacy, visual intrusion or noise and disturbance. The proposals are considered to comply with Core Strategy Policies 11 and 12.

Waste

The development will be designed to minimise waste both during the construction stage and the operational life of the development. The waste management hierarchy as set out below would be taken into account by the developer of the site:

- Prevention of waste;
- Minimising waste;
- Reusing waste;
- Recycling waste;
- Energy recovery from waste (on site opportunity limited); and
- Disposal to landfill.

The detailed design and layout of the proposed development at reserved matters stage will seek to encourage sustainable waste management, facilitating ease of kerbside collection and community recycling. In accordance with national policy the aim will be to ensure that there is sufficient provision for recycling and that where possible waste management facilities are integrated into the scheme so that their impact is minimised.

Sustainability

DBC's C-Plan sustainability toolkit has been completed for the scheme. The intention underlying the proposals is for the site to comply with good practice with the development being built to the current building regulations at the time of construction (equivalent to Code Level 4).

SuDS has been integrated into the indicative masterplan from an early stage. Urban swales and attenuation ponds have been designed into the scheme to create a sustainable drainage strategy, whilst also contributing to the character of spaces.

Whilst full details will be provided at Reserved Matters stage, the proposed development is considered to be in compliance with Core Strategy Policy CS29.

Conclusions

The proposed development accords with the Dacorum Borough Council Development Plan as the Core Strategy identifies the site as being suitable for development. In terms of the planning balance, the benefits of the proposed development clearly outweigh any adverse impacts. The only limited adverse impact identified is the loss of a small amount of agricultural land.

There are significant benefits associated with the scheme. The proposed development will assist both local planning authorities in meeting their housing requirements in a sustainable new neighbourhood where employment, a primary school, play areas and small scale local facilities are being provided. The scheme has been designed to incorporate new footways and cycleways to encourage walking and cycling.

An assessment of relevant Development Plan policies demonstrates that the proposals are in accordance with the Core Strategy and the saved policies of the DBLP. The proposals would deliver a high quality, sustainable development of the site, subject to details being submitted at Reserved Matters stage (other than access details).

RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and notification being sent to the Secretary of State, due to the objections from Sport England.

2. In the event that the application is not called in by the Secretary of State that the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

Draft Terms to be reported to DMC via the Addendum, as they are currently

still being

3. and subject to the following conditions:

RECOMMENDATION -

- 1 **Approval of the details of the layout, scale, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The reserved matters shall follow the general parameters set out in the Design and Access Statement dated 14/09/2016 (in particular Section 4 Design and 4.13 Masterplan Framework) and plan nos. TP003 and TP004.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this**

permission.

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development 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. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development in accordance with CS Policy CS12.

- 5 **Prior to the commencement of development, details of the finished floor levels of all of the buildings within the site in relation to existing ground levels 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 construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, the amenities of neighbouring occupiers and existing trees, hedgerows and other landscaping, in compliance with Core Strategy Policy CS12.

- 6 **The details to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **hard surfacing materials;**
- **car parking layouts;**
- **other vehicles and pedestrian access and circulation areas;**
- **means of enclosure;**
- **retained historic landscape features and proposals for restoration where relevant;**
- **existing trees and hedgerows to be retained;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate. Details shall include replacement hedgerow planting;**
- **tree/hedgerow removal;**
- **tree planting, including species, planting location, timing of planting, specification and maintenance. Details shall include details of the community orchard;**
- **tree protection measures;**

- measures for biodiversity enhancement;
- programme of management for the soft planting;
- proposed finished levels or contours;
- external lighting;
- secure cycle storage facilities for those dwellings without garages;
- refuse facilities;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.

The approved hard and soft landscape works shall be carried out prior to the first occupation of any part of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory appearance to the development and landscape treatment of the site. To safeguard the visual character of the immediate area in accordance with Policies CS10, 11, 12, 13 and saved Policy 100 of the Dacorum Borough Local Plan 1991-2011.

- 7 **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 8 **If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance of Core Strategy Policy CS Policy 12.

- 9 **No development shall take place until details of earth works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory landscape treatment of the site in the interests of

visual amenity in accordance with Policy Core Strategy CS12.

- 10 **A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of development. The content of the LEMP shall include the following.**

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the LEMP 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. The approved plan will be implemented in accordance with the approved details.

Reason: to ensure habitat enhancement within the landscape of the development.

- 11 **No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.**

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timings of sensitive works to avoid harm to biodiversity features.
- The times during which construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to avoid or mitigate the effects of the construction of the development on

ecological receptors to accord with Core Strategy Policies CS 25 and 26.

- 12 **No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe culverts are submitted to and approved in writing by the local planning authority. The measures may include:**

- **Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.**
- **Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.**

Reason: to avoid or mitigate the impact of the construction of the development on badgers in accordance with Core Strategy Policy CS 26.

- 13 **No development of the formal multi-use games area (MUGA) hereby permitted shall commence until details of the location, design and layout of the MUGA including surfacing, fencing and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Details shall also be provided of the mechanism(s) by which the long-term management and maintenance of the MUGA shall be secured by the developer with the management body(ies) responsible for its delivery. The formal MUGA shall not be constructed other than substantially in accordance with the approved details.**

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

- 14 **No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Wardell Armstrong reference ST14699/07 dated August 2016.**

The surface water drainage scheme should include:

- **Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;**
- **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event;**
- **Implementing the appropriate drainage strategy based on attenuation and discharge, using appropriate SuDS measures;**
- **Details of how the scheme shall be maintained and managed after completion;**
- **Detailed engineered drawings of the proposed SuDS measures.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of

surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 15 **Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, prior to commencement of development, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in line with policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

- 16 **No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details**

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in line with policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

- 17 **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To protect groundwater in line with policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

- 18 **Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

- i. Roads, footways, foul and on-site water drainage.
- ii. Existing and proposed access arrangements including visibility splays.
- iii. Parking provision in accordance with adopted standard.
- iv. Cycle parking provision in accordance with adopted standard.
- v. Servicing areas, loading areas and turning areas for all vehicles.

Reason: In the interests of maintaining highway efficiency and safety.

- 19 **Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic**

Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;**
- b. Traffic management requirements;**
- c. Construction and storage compounds (including areas designated for car parking);**
- d. Siting and details of wheel washing facilities;**
- e. Frequency and method of cleaning of site entrances, site tracks and the adjacent public highway;**
- f. Provision of sufficient on-site parking prior to commencement of construction activities;**
- g. Post construction restoration/reinstatement of the working areas and 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.

- 20 **At least three months prior to first occupation of the development hereby permitted, a revised Travel Plan shall be prepared in accordance with Hertfordshire's Travel Plan Guidance (or any subsequent amendment) and submitted to, and approved in writing by the Local Planning Authority. The following matters shall be addressed within the revised Travel Plan:**

- **Details of Travel Plan Co-Ordinator including date of their appointment, contact details, and a second contact person in case of personnel changes.**
- **Identification of key individuals/external partners whose buy in/engagement with the Travel Plan is required for its success e.g. bus operators, local authorities, cycling groups/equipment/training providers.**
- **The Employment travel plan should include provision of showers/lockers/changing facilities for cyclists and other workplace appropriate schemes such as Bicycle User Group, emergency ride home, flexible working.**
- **A combination of multi-modal counts and questionnaire surveys shall be conducted. in order to obtain a statistically accurate way of measuring trips generated over a certain time period reasons for transport mode choice.**
- **The Local Planning Authority shall be notified at least three months prior of the commencement of construction.**
- **Annual monitoring to take place and submit data every year to the local planning authority Review reports to be submitted in years 1, 3 and 5.**
- **Identification of additional measures necessary in order to meet targets after years 3 and 5.**
- **As part of future submission, two appendices are required to be sent separately:**
 - **Travel plan summary proforma**
 - **Walking and cycling in Maylands note**

The development shall be carried out in accordance with the approved Travel Plan.

Reason: To promote sustainable transport measures to the development in accordance with Core Strategy CS8.

- 21 **Prior to commencement of any part of the development, swept path assessments are required for the following:**

- Large car accessing car parking spaces to demonstrate that they can be safely entered and departed from. This should be demonstrated for the car parking spaces that are in corners and for one midway in a row. This will be necessary for any public, school, residential or employment car parks;
- Swept path assessment for a fire tender manoeuvring within the site to demonstrate that a fire tender can safely manoeuvre within to access all units;
- Swept path assessment for a public transport bus to demonstrate that, should a bus route be diverted through the site, the internal network can accommodate a bus;
- Swept path assessment for a refuse vehicle to demonstrate that refuse collection and servicing can take place within the development site;
- Swept path assessments for servicing and delivery vehicles for the school and commercial land uses to demonstrate that servicing and deliveries can be accommodated within the development site and within the respective land use sites.

Reason: In order to protect highway safety and the amenity of other users of the site in accordance with Core Strategy CS9 and Saved DBLP Policies 54 and 58.

- 22 **Prior to the commencement of development, an Archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:**

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF).

- 23 **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 22.**

ii) The development shall not be occupied until the site investigation and post investigation archaeological assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 22 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF).

- 24 **Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E and Part 2, Class A of the Town and Country Planning (General Permitted**

Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings hereby permitted, including any additions or alterations to the roof, and no building, enclosure or means of enclosure shall be constructed within the application site without prior written permission of the Local Planning Authority.

Reason: To allow the Local Planning Authority to retain control of the development in the interests of: the character and appearance of the dwellings and the development as a whole, the visual and residential amenities of future and neighbouring occupiers, to safeguard existing and proposed landscaping, to ensure the retention of adequate private amenity space in accordance with Core Strategy Policy CS12.

- 25 **The development hereby permitted shall be carried out in accordance with approved plans: TP001; TP002; 131121A/A/12; 131121A/A/13; 131121A/A/14.**

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

Article 35

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.