

**ITEM NUMBER:**

<b>22/01187/MOA</b>	<b>Hybrid application (with access details of two main access points from Bulbourne Road and Station road in full and the main development on the rest of the site in outline with all matters reserved) for the demolition of all existing buildings on the site and the development of up to 1,400 dwellings (including up to 140 use class C2 dwellings); a new local centre and sports /community hub, primary school, secondary school, and public open spaces including creation of a suitable alternative natural green space.</b>	
<b>Site Address:</b>	<b>Land East Of Tring</b>	
<b>Applicant/Agent:</b>	<b>Mr Tim Noden</b>	<b>Professor Bob May</b>
<b>Case Officer:</b>	<b>Martin Stickleby</b>	
<b>Parish/Ward:</b>	<b>Tring Town Council</b>	<b>Tring East</b>
<b>Referral to Committee:</b>	<b>The application is for major development with a proposed legal agreement.</b>	

**1. RECOMMENDATION**

1.1 That planning permission be refused.

**2. INTRODUCTION**

2.1 The following report into the proposed development of 'Land East of Tring' summarises the proposed scheme and to assess it against local and national planning policy guidance and recommendations. It sets out the other material considerations including previous assessments of the site made by Dacorum Borough Council (DBC), including in the Dacorum Local Plan (2020-2038) Emerging Strategy for Growth (December 2020) and other relevant information. It concludes with an overall planning balance following the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004.

2.2 The proposal has been submitted by Ryan and May ('the Agent') on behalf of Harrow Estates ('the Applicant'), who have promoted the land as an allocation for housing development through the local plan process. The site is included within the draft Local Plan, identified as Growth Area 'Tr03'. The draft allocation proposes around 1,400 homes (including provision for older people), a new neighbourhood centre with sports/community hub, new primary and secondary schools and public open space. The emerging Local Plan is currently subject to further evidence testing in light of responses received to the last public consultation held between November 2020 and February 2021, and revisions to the strategy are being considered in light of this. The next consultation on the emerging Plan is scheduled for the summer of 2023.

*Growth of Tring*

2.3 The key issues raised by representations on the draft delivery strategy for Tring was that it proposed significant growth for the town. Whilst growth for the other market towns was relatively modest, the total population for Tring was expected to increase by circa 50% – significant opposition was recorded through the representations received.

2.4 The population of Tring was recorded at 11,635 in 2001, 11,713 in 2011 (circa +0.7%) (Settlements Profile Paper 2017) and was estimated at 12,464 in 2021 (as of 01.04.21) (estimation based on housing completions and average household size in the UK being 2.4 (ONS, 2020)) (circa +6.4%). It is noted that according to the housing completions data 313 dwellings have been constructed between 2011 and 2021.

2.5 A number of medium-sized housing schemes have contributed to this increase, including:

4/00129/10/VOT – Maud & Irvine, Brook Street – 38 units

4/00102/13/MFA – Rose & Crown Hotel, High Street – 35 units

4/03167/17/MFA – Convent of St Francis De Sales Preparatory School, Aylesbury Road – 31 units

2.6 In 2019, planning permission was granted for the construction of 226 dwellings including 90 affordable units on the western edge of Tring under local allocation 'LA5' – see Local Planning Authority (LPA) reference: 4/00958/18/MFA. This site, referred to as 'Land at Icknield Way' was allocated as part of the Core Strategy (2013) and subsequent Site Allocations Development Plan Document (DPD) (2017). At the time of writing this report the construction work for LA5 is nearing completion. Based on the average household size, the LA5 development will be increasing the population of Tring by circa 542 residents.

2.7 It is also worth noting that various schemes totalling 53 units are currently outstanding at the Akeman Business Park, Akeman Street. These are made up of the following applications: 4/01257/16/OPA, 4/02762/16/OPA, 4/02857/17/FUL, 4/00553/18/LPA and 4/01170/19/FUL.

2.8 The draft allocations for Tring (Tr01-05) suggest the construction of around 2,274 homes for the emerging Plan period, which would give rise to an approximate population increase of 5,457 based on the aforementioned average household size. Around 3,360 residents would be attributed to the proposed development.

2.9 It is worth noting that there are a number of other site allocations associated with Tring (Tr01-Tr05). These are listed within the 'Proposals and Sites' chapter of the emerging Plan. Two are particularly relevant to this application, Tr01 and Tr02, as they are sited within close proximity to the site and intrinsically linked in terms of broader infrastructure requirements and the emerging growth and delivery strategies. Tr02 is sited directly adjacent to the site, along the western boundary. It encompasses approximately 15ha of agricultural land and is identified as 'Tr02: New Mill'. The New Mill site is discussed later in the report.

### *Environmental Impact Assessment*

2.10 The Applicant has submitted a voluntary Environmental Impact Assessment (EIA) of the proposed development, following the previous scoping opinion, which can be found under Local Planning Authority (LPA) reference: 21/04241/SCO.

### *Glossary*

2.11 The following abbreviations are used in this report.

AAS – Area of Archaeological Significance

ALC – Agricultural Land Classification

AONB – Area of Outstanding Natural Beauty

ASHP – Air Source Heat Pumps

BMV – Best and Most Versatile (Agricultural Land)

BNG – Biodiversity Net Gain

BNGMP – Biodiversity Net Gain Management Plan

BPA – British Pipeline Agency

CBSAC – Chilterns Beechwoods Special Area of Conservation

CEMP – Construction and Environmental Management Plan

CRT – Canal and River Trust

DAS – Design and Access Statement

DBC – Dacorum Borough Council

Defra – Department for Environment, Food and Rural Affairs  
DfE – Department for Education  
DMRB – Design Manual for Roads and Bridges  
DPD – Development Plan Document  
ECP – Environmental and Community Protection  
EEAST – East of England Ambulance Service  
EES – Energy and Sustainability Strategy  
EIA – Environmental Impact Assessment  
FBS – Future Buildings Standard  
FHS – Future Homes Standard  
FIT – Fields in Trust  
FRA – Flood Risk Assessment  
FTP – Framework Travel Plan  
GFRA – Grove Fields Residents Association  
HCC – Hertfordshire County Council  
HDA – Hankinson Duckett Associates  
HMWT – Hertfordshire & Middlesex Wildlife Trust  
HoTs – Heads of Terms (for the Section 106 Agreement)  
HVCCG – Herts Valley Clinical Commissioning Group  
HVCCG – Herts Valley Clinical Commissioning Group  
ILP – Institute of Lighting Professionals  
LAP – Local Area of Play  
LDS – Local Development Scheme  
LEAP – Locally Equipped Area of Plan  
LEMP – Landscape and Ecological Management Plan  
LPA – Local Planning Authority  
LSE – Likely Significant Effects  
LVIA – Landscape and Visual Impact Assessment  
LWS – Local Wildlife Site  
MUGA – Multi-Use Games Area  
NEAP – Neighbourhood Equipped Area of Play  
ONS – Office of National Statistics  
OSSP – Open Space Standards Paper  
PPG – Planning Practice Guidance  
PV – Photovoltaic  
RHG – Rothchild House Group  
RHG – Rothschild House Group  
RIHRA – Report to Inform the Habitat Regulations Assessment  
S106 – Section 106 Agreement  
SA – Sustainability Appraisal  
SAC – Special Area of Conservation  
SAMM – Strategic Access Management and Monitoring  
SANG – Suitable Alternative Natural Greenspace  
SBHC – Self-Build and Custom Housing  
SDS – Sustainable Drainage Strategy  
SEIS – Socio-Economic Impact Statement  
SPAS – Sport and Physical Activity Strategy  
SPD – Supplementary Planning Document  
SPG – Supplementary Planning Guidance  
SRMP – Soul Resource Management Plan  
SSSI – Site of Special Scientific Interest  
STS – Sustainable Transport Study  
SuDS – Sustainable Drainage Systems  
SWMP – Site Waste Management Plan  
TA – Transport Assessment

### 3. SITE DESCRIPTION

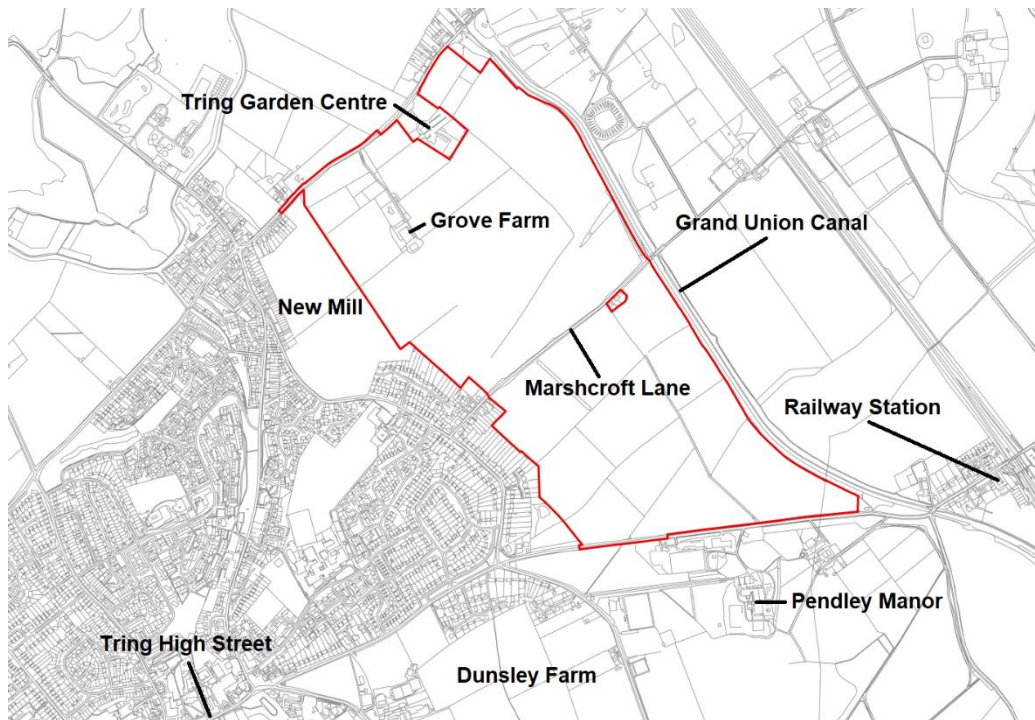
3.1 The application site, referred to as ‘Land East of Tring’, ‘Marshcroft’ or ‘Marshcroft Garden Suburb’ comprises an area of land circa 121 hectares to the east of Tring. It falls within Landscape Character Area 114 (Tring Gap Foothills), described in the Dacorum Landscape Character Assessment (2004) as a traditional landscape between the low lying Aylesbury Vale and the Chilterns.

3.2 The site comprises open agricultural and pastoral land, with a small number of farm buildings at the northern end. It has a relatively flat landform with a localised mound in the north-west, sloping down to the south-eastern extent of the site. There are no significant level differences across the site. A raised bank runs alongside the canal corridor, which is thought to have been created during the excavation of the Grand Union Canal. This creates a ‘lip’ on the eastern edge of the site. There is also a slight ridge where the current buildings of Grove Farm are located. The Canal is set down within a deep cutting and is not readily visible from the site due to existing vegetation.

3.3 Marshcroft Lane runs through the centre of the site but is excluded from the site boundaries. Also excluded are the residential properties on Marshcroft Lane, Tring Garden Centre (to the north-west of the site) and Ivy Cottage in the south-east corner.

3.4 The site is bounded by Bulbourne Road on the north-west and the Canal on the north-east. To the south of the site is Station Road, which has a number of buildings associated with Pendley Manor. To the south-west of the site lies the settlement of Tring. The site has a rural character with hedgerows running through and tree planting on the north-east and southern periphery. Other treed areas exist around and within the site.

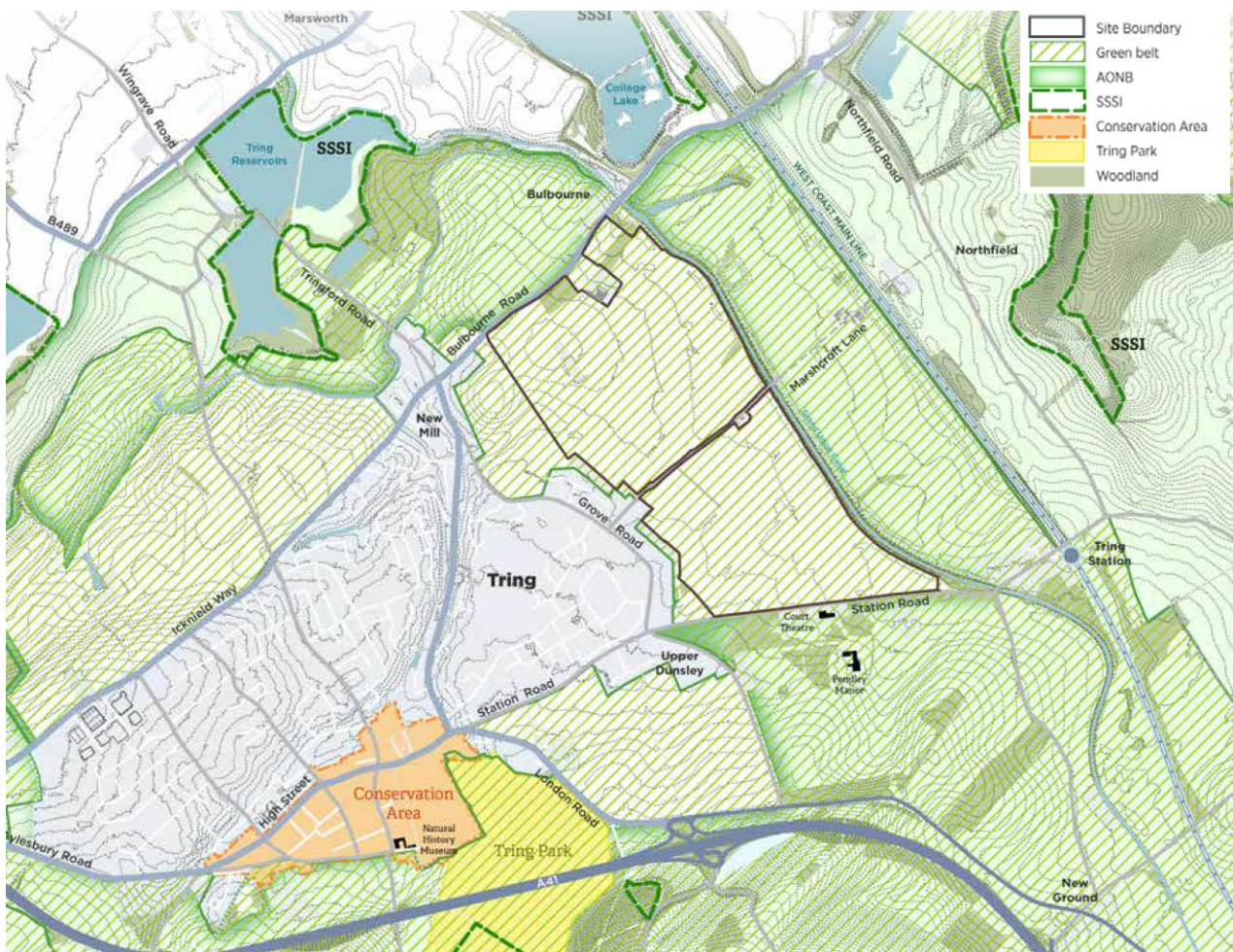
Figure 1 – Context Map



3.5 In terms of planning designations and constraints, the entire site lies within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB) borders the northern, eastern and southern boundaries of the site.

3.6 Regarding heritage assets, part of the site lies within an Area of Archaeological Significance (AAS). There are no nationally designated buildings or conservation within the site boundary. However, 29 listed buildings are within one kilometre of the site. Most importantly, to the south of Station Road are a number of buildings associated with Pendley Manor, a grade II listed building. The application site is situated adjacent to the Grand Union Canal and two Local Wildlife Sites (LWS). There is a high-pressure petroleum pipeline that runs through the site.

*Figure 2 - Topography and Landscape Character*



3.7 Of specific relevance, the site is situated within relatively close proximity to the Chilterns Beechwoods Special Area of Conservation (Beechwoods SAC), which includes the Ashridge Estate managed by the National Trust. DBC are legally required through the Habitats Regulations Assessment to ensure the integrity of the SAC is not adversely affected by new planning proposals. Natural England have advised the council that a mitigation strategy is needed to set out the actions necessary to protect the SAC from recreational pressure.

3.8 There are a number of residential properties on Marshcroft Lane that have been excluded from the site boundaries. Tring Garden Centre has also been 'cut out' of the north-western boundary. Tring Train Station is located on Station Road, around 450 metres from the eastern boundary of the site. Rail services north and south provide important connections to various destinations including Birmingham and London.

## 4. PROPOSAL

4.1 The proposals comprise up to 1,400 dwellings including affordable, elderly persons' accommodation, first homes and self/custom-build. The proposals also include new vehicular and pedestrian/cycle routes, a local centre with retail, health, community and work spaces, a sports/community hub, allotments and orchards, a primary and secondary school and areas of open space and suitable alternative natural green space (SANG).

4.2 The application is an outline application with all matters reserved except access. Vehicular access points are proposed to both Bulbourne Road and Station Road, connected by a link road running north-south through the site, as required by the draft allocation.

### ***Quantum of Development***

4.3 The planning application is for a mixed-use development and, as such, proposes a range of other uses on top of the residential provision. Core Strategy Policy CS23 – Social Infrastructure encourages the provision of new services and facilities for the community to be located to aid accessibility and allow different activities. The policy specifies that larger developments may include land and buildings to provide social infrastructure as well as making contributions as part of planning obligations where necessary.

4.4 The emerging Plan states that the Tr03 allocation would be capable of accommodating around 1,400 new homes, as well as a new neighbourhood centre, sports/community hub, primary school and secondary school.

4.5 Table 2.1 of the Sport and Physical Activity Strategy (Revision B) provides a useful breakdown of the proposed built development, quantum of development and use classes, which has been reproduced below. Please note that this was updated during the course of the application and is therefore different to various other documents, for example, the Planning Statement.

*Table 1 – Quantum of Development and Use Class*

<b>Built Development</b>	<b>Quantum</b>	<b>Use Class</b>
<b>Dwellings</b> Including: Market Housing Affordable Housing Self-Build / Custom Build	Up to 1,400 units	C3
<b>Older Persons Housing</b> Including: Extra Care Housing Nursing Home	Up to 140 units (within the overall total of 1,400 dwellings)	C2
<b>Shops and Services</b>	Built floorspace of up to 1,000sq.m	E
<b>Wine Bar, Pub and Takeaway</b>	Up to 250sq.m	Sui Generis
<b>Sports Hub</b> Including: Indoor Sports and Recreation	A building of up to 1,600sq.m	E (Indoor) F2

Facilities Outdoor Sports Facilities		
<b>Health Facility</b>	A building of up to 1,000sq.m	E
<b>Primary School</b>	2 Form Entry	F.1
<b>Secondary School</b>	6 Form Entry + Sixth Form	F.1
<b>Community Building(s)</b> For use as Public Hall or Worship and Incorporating Changing and Sports Pavilion Facilities	Up to 405sq.m plus 150sq.m addition for clubhouse	F.1

4.6 The application would provide a mixed use, residential led development with an appropriate mixture of facilities. Officers are satisfied that the proposed quantum has been robustly evidenced and justified through a suite of technical documents that support the application.

### ***Timing and Phasing***

4.7 Section 20 of the submitted Planning Statement (Document 7) and the Draft Phasing Plan (Document 5b) highlight the illustrative phasing and timescales of the proposed development. They identify that various elements of the scheme would need to be brought forward at different times depending on the existing needs of Tring and the new population generated by the number of houses built.

4.8 It appears that the commencement of works including the SANG are proposed to begin in 2023 with the main accesses and spine road being constructed in 2024. The Agent has clarified that the first residential occupation of 155 units, referred to as 'Housing A' would tie in with the completion of the SANG and sustainable drainage systems (SuDS) in 2025. Between 2026 and 2033 the remaining housing would be constructed, with larger numbers of units being occupied in the latter stages (circa 310 units (B and C) in 2025-27, 310 units (D and E) in 2028-29 and the remaining 625 units (F and I) in 2028-2033).

4.9 It should be noted that the majority of social/community buildings are proposed to be constructed between 2026 and 2029 including the schools, community building, sports hub and health facility. Most of the open space, landscape and off-site infrastructure works are also proposed during this period.

4.10 The aforementioned documents and specifically Table 20.2 of the Planning Statement describes the proposed timescales and phasing in more detail.

4.11 The proposed indicative phasing and proposed legal triggers (i.e. to provide X contribution at the occupation of X number of dwellings) appears appropriate in terms of the on-site delivery. These would become more accurate and finalised at reserved matters stage. However, there are a number of wider infrastructure considerations such as education, which have not been fully resolved due to the progress of the emerging Plan, and specifically the emerging strategy for growth in Tring.

## **5. PLANNING HISTORY**

### ***Background***

5.1 Harrow Estates purchased the land lying between Station Road and Marshcroft Lane in 2013 (the 'southern parcel'). The company subsequently promoted the land as an allocation for housing development through the local plan process.

5.2 In early 2017, they entered into a joint promotion agreement for the remainder of the land within the application site, creating an overall site, which also included the land between Marshcroft Lane and Bulbourne Road (the 'northern parcel'), of c.121ha.

#### *Pre-Applications*

**Dates:** Validated 22<sup>nd</sup> October 2021, Reply Sent 20<sup>th</sup> January 2022

**LPA Reference:** 21/04044/PREA

**Description:** Outline planning permission for around 1,400 dwellings (including 40% affordable dwellings); a new local centre and sports/community hub; a primary school; a secondary school; and public open space. All matters, save access, to be reserved.

**Summary:** The pre-application advice acknowledged that a number of issues e.g. ecology, archaeology, flooding, drainage and highway safety could be addressed through suitable mitigation in-line with consultation with relevant consultees. However, a number of outstanding concerns remained including the impacts on the Green Belt designation and adjacent AONB.

The proposal was considered inappropriate development, which is, by definition, harmful to the Green Belt and would not be approved except in very special circumstances (VSCs). It was explained that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It was therefore concluded that the onus is on the Applicant to put forward an argument in this regard.

#### *Environmental Impact Assessment – Scoping Opinion*

**Dates:** Validated 2<sup>nd</sup> November 2021, Reply Sent – 8<sup>th</sup> December 2021

**LPA Reference:** 21/04241/SCO

**Description:** Development comprising 1,400 dwellings, a new local centre and sports/community hub; a primary school; a secondary school; and public open space and associated infrastructure.

**Summary:** The report explained the views of the local planning authority in terms of the scope of the Applicant's Environmental Statement, including types of environmental effect, mitigation measures, cumulative effects and types of projects.

#### *Public Consultation*

5.3 The Applicant carried out a number of public consultation activities, including: sending brochures and letters to politicians and stakeholders to raise awareness and invite them to consultation events; hosting exhibitions and public consultation events; creating a website; undertaking a community review panel (response from panel can be found in Appendix C) and a number of design code workshops; and undertaking a number of calls and meetings with relevant consultees and residents. The consultation took place between October 2021 and February 2022 (see timeline in Table 12.1 of the Planning Statement).



5.4 During the course of the public consultation exercise the scheme evolved. The most notable change was that the proposed layout merged from two 'village centres' (north and south) into one central core. Full details of the consultation exercises and the changes that were made can be found within the Applicant's Statement of Community Engagement (Document 13) and other associated documents.

### *Current Application*

5.6 The current application was validated by DBC on the 13<sup>th</sup> April 2022. The application was subsequently extended twice during the determination period to address outstanding matters. The extensions of time were agreed by both parties.

## **6. CONSTRAINTS**

Area of Archaeological Significance: 6  
Adjacent to the Chilterns Area of Outstanding Natural Beauty  
Article 4 Directions: Land by Marshcroft Farm, Bulbourne Road, Tring  
British Waterways (25m Buffer) – North: 25m buffer  
British Waterways (25m Buffer) – South: 25m buffer  
Canal Buffer Zone: Minor  
Former Land Use (Risk Zone)  
Green Belt  
Oil Pipe Buffer: 100  
RAF Halton and Chenies Zone: Green (15.2m)  
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE  
Residential Area (Town/Village): Residential Area in Town Village (Tring)  
Adjacent to Residential Character Areas: TCA12, TCA17 and TCA19  
Wildlife Sites: Grand Union Canal, Bulbourne to Tring Station

## **7. REPRESENTATIONS**

### Consultation responses

7.1 These are reproduced in full at Appendix A.

7.2 The LPA has consulted the following statutory and non-statutory consultees on this planning application. Their responses have helped to shape the proposal and inform the recommendation.

Affinity Water - Three Valleys Water PLC  
British Gas  
British Pipeline Agency  
British Telecommunications PLC  
Cadent Gas Limited  
Canal & River Trust  
Chilterns Conservation Board  
Civil Aviation Authority  
Community Partnerships and Wellbeing (DBC)  
Conservation & Design (DBC)  
Countryside & Rights of Way (HCC)  
Crime Prevention Design Advisor (HCC)  
East of England Ambulance Service  
EDF Energy  
Education (HCC)  
Environment Agency - East Anglia Team  
Environmental and Community Protection (DBC)

Fire Hydrants (HCC)  
Forestry Commission  
Hazardous Substances (HSE)  
Health & Safety Executive  
Hertfordshire Building Control  
Hertfordshire Ecology  
Hertfordshire Fire & Rescue (HCC)  
Hertfordshire Gardens Trust  
Hertfordshire Highways (HCC)  
Hertfordshire Property Services (HCC)  
Herts & Middlesex Badger Group  
Herts & Middlesex Wildlife Trust  
Herts Valleys CCG  
Highways England  
Historic Buildings & Places  
Historic England  
Historic Environment (HCC)  
Land & Movement Planning Unit (HCC)  
Lead Local Flood Authority (HCC)  
Lighting Expert (DBC)  
National Air Traffic Services  
National Amenity Societies  
Natural England  
Network Rail  
Parks & Open Spaces (DBC)  
Planning Liaison Officer  
Public Health (HCC)  
Ramblers Association  
Rights Of Way (DBC)  
Royal Society for the Protection of Birds  
Secretary Of State  
Society for the Protection of Ancient Buildings  
Southern Gas Network  
Spatial Planning Unit (HCC)  
Sport England  
Strategic Planning & Regeneration (DBC)  
Sustainability (HCC)  
Thames Water  
The Chiltern Society  
The Council for British Archaeology  
The Countryside Charity  
The Gardens Trust  
The Georgian Group  
The National Trust  
The Victorian Society  
Trees & Woodlands  
Tring Town Council  
Twentieth Century Society  
UK Power Networks  
Urban Design (DBC)  
Valuation & Estates Unit (DBC)  
Waste Services (DBC)

7.3 The consultation responses are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

7.4 The LPA has undertaken a formal public consultation as prescribed in Article 15 of the Development Management Procedure Order (as amended) and the council's Statement of Community Involvement (2019). Letters were sent to 286 residences and four site notices were erected around the site on 12<sup>th</sup> May 2022.

7.5 The neighbour responses are reproduced in full at Appendix B.

### Applicant's public consultation

7.6 Where proposals are large scale and likely to impact on an area, the Council's Statement of Community Involvement encourages applicants to engage directly with the local community prior to the submission of a planning application. The application has been subject to pre-application discussions and public consultation formed part of the pre-application process. Officers and members from DBC also engaged with the public consultation process. A summary of the main issues raised at the public consultation events, together with the applicant's responses, are set out within the Applicant's Statement of Community Engagement.

## **8. KEY DOCUMENTS AND PLANNING POLICIES**

Main Documents:

National Planning Policy Framework (2021)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Borough 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  
CS5 – Green Belt  
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  
CS16 – Shops and Commerce  
CS17 – New Housing  
CS18 – Mix of Housing  
CS19 – Affordable Housing  
CS23 – Social Infrastructure  
CS24 – The Chilterns Area of Outstanding Natural Beauty  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS27 – Quality of the Historic Environment  
CS28 – Carbon Emission Reductions  
CS29 – Sustainable Design and Construction

CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

#### Dacorum Borough Local Plan (DBLP) (Saved Policies)

Policy 18 – Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 37 – Environmental Improvements  
Policy 51 – Development and Transport Impacts  
Policy 57 – Provision and Management of Parking  
Policy 58 – Private Parking Provision  
Policy 62 – Cyclists  
Policy 76 – Leisure Space in New Residential Development  
Policy 77 – Allotments  
Policy 79 – Footpath Network  
Policy 80 – Bridleway Network  
Policy 97 – Chilterns Area of Outstanding Natural Beauty  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 101 – Tree and Woodland Management  
Policy 102 – Sites of Importance to Nature Conservation  
Policy 103 – Management of Sites of Nature Conservation Importance  
Policy 106 – The Canalside Environment  
Policy 108 – High Quality Agricultural Land  
Policy 111 – Height of Buildings  
Policy 113 – Exterior Lighting  
Policy 118 – Important Archaeological Remains  
Policy 119 – Development Affecting Listed Buildings  
Policy 120 – Development in Conservation Areas  
Policy 129 – Storage and Recycling of Waste on Development Sites  
Appendix 1 – Sustainability Checklist  
Appendix 3 – Layout and Design of Residential Areas  
Appendix 8 – Exterior Lighting

#### Supplementary Planning Guidance/Documents (SPG/SPD) and Other Relevant Information

Chilterns Building Design Guide – Chilterns Flint Technical Note (2003)  
Character Areas – Area Based Policies (2004)  
Landscape Character Assessment (2004)  
Environmental Guidelines (2004)  
Chilterns Building Design Guide – Chilterns Brick Technical Note (2006)  
Chilterns Building Design Guide – Roofing Materials Technical Note (2007)  
Strategic Housing Market Assessment (2008)  
Manual for Streets (2010)  
Chilterns Buildings Design Guide (2010)  
Dacorum Urban Design Assessment Tring (2010)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3<sup>rd</sup> Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)  
Affordable Housing (2013)  
Refuse Storage Guidance Note (2015)  
Sustainable Development Advice Note (2016)  
Strategic Housing Market Assessment (2016)  
Settlements Profiles Paper (2017)  
Conservation of Habitats and Species Regulations (2017)

The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning (2017)  
Garden City Standards for the 21<sup>st</sup> Century: Practical Guides (2017 – 2021)  
Tring Conservation Area Appraisal (2018)  
Affordable Housing Clarification Note (2019)  
Open Space Study – Standards Paper (2019)  
Chilterns Area of Outstanding Natural Beauty Management Plan (2019 – 2024)  
Car Parking Standards (2020)  
South West Hertfordshire Local Housing Needs Assessment (2020)  
Building for a Healthy Life (2020)  
AECOM Site Assessment Study (2020)  
Interim Sustainability Appraisal Report (2020)  
Dacorum Landscape Sensitivity Study (2020)  
Dacorum Local Plan Consultation Summary Report (2021)  
Authority Monitoring Report 2019/20 (2021)  
Housing Delivery Test Action Plan (2021)  
Dacorum Strategic Design Guide (2021)  
National Model Design Code (2021)  
National Design Guide (2021)  
Visitor Survey, Recreation Impact Assessment and Mitigation Requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan (2022)

## **9. CONSIDERATIONS**

### **Main Issues**

9.1 There are a number of key considerations that are relevant to this application. These include:

- Policy context and principle of development;
- Green Belt harm;
- Landscape and visual impacts;
- Chilterns Beechwoods Special Area of Conservation;
- Housing delivery;
- Density of residential development;
- Quality of design;
- Environmental implications including air quality, noise and vibration, loss of agricultural land, ecology and biodiversity and trees/vegetation, flood risk and drainage, lighting and contamination.
- Residential amenity;
- Healthy communities including open space, play provision, sports facilities and food growing;
- Community facilities including education, health and other buildings;
- Socio-economic impacts;
- Climate change and sustainability;
- Heritage, archaeology and conservation;
- Connectivity, highway implications and parking provision;
- Other material planning considerations including utilities, oil pipeline, public consultation responses, planning obligations and community infrastructure levy;
- Any other harm; and
- The case for very special circumstances.

### **Policy Context and Principle of Development**

9.2 DBC, in line with the National Planning Policy Framework (2021) (henceforth referred to as the 'Framework') has adopted an "open for business" approach to new development in order to secure

sustainable economic growth by proactively supporting sustainable economic development to deliver homes, business and infrastructure with particular emphasis on high quality design.

9.3 The Green Belt, in which the East of Tring development is located, is key to Government policy. It aims to prevent urban sprawl by keeping land permanently open, protect its character, local distinctiveness and the physical separation of settlements. DBC's Core Strategy, adopted in 2013, states that the council will apply the Government's national Green Belt policy (see Policy CS5).

9.4 For this application Paragraphs 147 to 151 of the Framework ("Proposals affecting the Green Belt") are most important for considering the principle of development. Paragraph 149 states that LPAs should start from the premise that the construction of new buildings in the Green Belt is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although the Framework allows for a number of exceptions (see Appendix D), they are not considered to apply to the current proposal. Therefore, the proposals would constitute inappropriate development in the Green Belt contrary to both national and local policy.

9.5 The site was identified in the council's emerging Local Plan (the 'emerging Plan') (Regulation 18 stage) as a preferred location for a housing-led mixed-use development (see Tr03). The selection of sites for allocation in the emerging Plan is complex and underpinned by a number of evidence studies which has informed officers' recommendations on draft site allocations.

9.6 In July 2021, the council's cabinet raised significant objections to many core proposals in the draft emerging Plan, including the overall Spatial Strategy, the proposed Delivery Strategy for Tring, and the proposed allocation Tr03: East of Tring. As such, the cabinet deferred further progress of the Plan to allow additional time for evidence to be gathered.

9.7 It is likely that going forward there will be an increased emphasis on brownfield sites within Hemel Hempstead to provide larger amounts of housing to reduce pressure on the Green Belt. At present, and until the emerging Plan is finalised, the site remains unallocated and subject to Green Belt designation. Regarding timescales, a Local Development Scheme (LDS) was approved in February 2022; highlighting that the adoption of the Plan is now scheduled for October 2025.

9.8 Having regard to paragraph 48 of the Framework, which indicates that LPAs may give weight to relevant policies in emerging plans according to a set of criteria, it is considered that only very limited weight can be afforded to the site's inclusion in the emerging Plan. This is primarily due to the stage of preparation of the emerging Plan, the extent of the unresolved objections to strategic policies at this time, the prematurity of this application and the fact that the proposal does not wholly align with the emerging delivery strategy for Tring, including the need for comprehensive development with other draft allocations to the west and south.

9.9 Taking the above into account, the proposal taken as a whole needs to demonstrate 'very special circumstances' sufficient enough to justify the principle of development in this location. Paragraph 148 makes clear that 'very special circumstances' (VSCs) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This will be explored in detail later in the report.

### **Planning Policy Note – Emerging Plan**

9.10 Whilst it is acknowledged that there are a range of draft policies within the emerging Plan, which have been discussed in detail in the Applicant's documents, they are considered to have little weight due to the current stage of the emerging Plan and because of their un-adopted nature.

Some of the draft policies are mentioned in this report, however, the full range of policies, whilst considered, are not discussed in detail.

### **Green Belt Harm**

9.11 The Framework is clear that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

9.12 Case law has established that, following confirmation that the proposed development is 'inappropriate development' (i.e. development not identified at Paragraphs 149 and 150 of the Framework), then whether there is 'any other harm' to Green Belt must be established through an assessment of:

1. The performance of the Green Belt in question, having regard to the five purposes of the Green Belt identified at NPPF Paragraph 134;
2. The harm to the openness of the particular area of Green Belt as a result of existing development; and
3. The direct harm caused by the proposed development (i.e. new buildings).

9.13 Once the level of harm is quantified, the extent of 'other considerations' necessary to overcome that harm can be established. Reference to 'any other harm' should be taken to mean non Green Belt harm (e.g. highways, ecology, etc.).

#### 1. Performance of Green Belt:

9.14 The Applicant's Planning Statement (paragraphs 17.9-17.9.5) acknowledges that the development is inappropriate in the Green Belt, resulting in a loss of openness and encroachment to the countryside. No impact on the setting and special character of historic towns is identified.

9.15 In 2013, a Green Belt Review Purposes Assessment was carried out for DBC on behalf of SKM, identifying Zone GB04 in which the Land East of Tring formed part of, as significantly contributing towards preventing merging (providing a strategic gap between Tring and Berkhamsted) and safeguarding the countryside.

9.16 As the majority of the site is open agricultural land, it is considered that the entire site constitutes open countryside. It follows, therefore, that the application site is sensitive and effective in safeguarding the countryside from encroachment as highlighted in the Green Belt Review.

9.17 A further 'Stage 2' assessment was carried out in 2016 (see Green Belt Appraisal Report 2016 by ARUP) to look at smaller 'sub-parcels' in more detail. The Land East of Tring site was split into parcels TR-A2 and TR-A3. It was concluded that the parcels do not provide a gap between any settlements and therefore make no discernible contribution to separation. However, both parcels ranked highest in terms of purpose 3 i.e. to assist in safeguarding the countryside from encroachment.

9.18 In relation to Purpose 1 (prevent the unrestricted sprawl), TR-A2 was rated 3 out of 5. The score highlights that the area is connected to a large built-up area, though the large built-up area is predominantly bordered by prominent, permanent and consistent boundary features. TR-A3 was considered to score 3+ out of 5 i.e. connected to a large built-up area predominantly bordered by features lacking in durability or permanence.

#### 2. Existing Openness

9.19 In terms of openness, there are open views of the site from the footpath (numbers 057 and 058), which runs parallel to the Grand Union Canal on the eastern edge of the site. Views into the site from the roads to the north, south and centre (Marshcroft Lane) are somewhat circumscribed by existing hedgerows and trees. There are views into the site from adjacent properties. Middle distance views are relatively limited, however there are several public rights of way (including the Ridgeway National Trail) located on the high ground of the Chilterns escarpment, which afford distant open views of the site. The landscape and visual impact assessment review undertaken by Hankinson Duckett Associates (and discussed in more detail in the next section) highlights that the site is sensitive to views from footpaths.

### 3. Proposed Development

9.20 As set out within the baseline of the LVIA, the existing settlement of Tring is well integrated into the landscape. The proposed green infrastructure would help soften development, particularly the proposed green corridors/wedges that would extend from the SANG on the eastern edge, which would give the development a degree of permeability. However, the proposed development is of a significant scale, resulting in a quantum of built development would appear as a prominent new feature from a number of public vantage points including the Chilterns Hill escarpment and Ridgeway National Trail.

9.21 When considering the existing site (primarily empty) and proposed footprint and volume of development, and the visibility from within and outside of the site, the proposal is considered to significantly reduce openness.

9.22 Taking the areas of assessment above into account, it is considered that the development would result in very substantial harm to the Green Belt in terms the definitional harm as per paragraph 147 of the Framework and encroachment into the countryside.

9.23 In determining the level of harm to the countryside, it is important to note that not all countryside is the same. In this case, and acknowledged in the various green belt reviews/assessments, the application site is considered 'open countryside' and therefore would result in a substantial level of harm in this respect. The overall harm to the Green Belt is afforded very substantial weight.

9.24 National planning policy directs that '*substantial weight is given to any harm to the Green Belt*'. The 'other harm' associated with the proposals will be discussed throughout this report and summarised at the end.

### **Landscape and Visual Impacts**

9.25 A Landscape and Visual Assessment (LVIA) have been submitted, details of which are found in the Environmental Statement (Chapter 8) and associated Appendices: D.1 (Figure 8.3 – Landscape Character Plan and 8.7 Figure Night-Time Light Sources Plan); D.2 (LVIA Methodology); D.7 (Landscape and Visual Effects Tables); and the Framework Construction Environmental Management Plan (Document 6i) (Chapter 6).

9.26 The documents above describe the landscape of the site and surrounding area, and the impacts of the development on the landscape including its appearance at night.

9.27 As part of the following assessment, DBC commissioned and independent review of landscape impacts, which was undertaken by Hankinson Duckett Associates (HDA).

### ***Planning Policies***



9.28 There are a number of planning policies and documents that are relevant to an assessment of the landscape and visual impacts.

9.29 The Framework, paragraphs 174 and 176, recognise the intrinsic character and beauty of the countryside and ensure that planning decisions protect and enhance valued landscapes. Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

9.30 Policy CS10 requires, at the broad settlement level, development to respect the landscape character surrounding settlements. Policy CS24 ensures that the special qualities of the Chilterns AONB are conserved and that regard is given to the policies and actions set out in the Chilterns Conservation Board's Management Plan. Policy CS25 ensures that Dacorum's natural and historic landscape is conserved. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition.

9.31 Saved Policy 97 states that any development that in the AONB, the prime planning consideration will be the conservation of the beauty of the area. Any proposal that would seriously detract from this will be refused.

9.32 There are also a number of notable documents relevant to the assessment of landscape and visual impacts on this site, including Dacorum's Landscape Character Assessment (2004) and Landscape Sensitivity Study (2020).

9.33 Planning Practice Guidance for 'Natural Environment – Landscape' (July 2019) states that in considering development proposals that are situated outside of AONB boundaries, but which might have an impact on their setting, relevant authorities shall have regard to the purposes for which these areas are designated.

### ***Assessment***

9.34 The site retains a generally rural and highly open character, and has a strong relationship with the countryside beyond, as opposed to the settlement. The site is bounded by the AONB on its northern, eastern and southern boundaries. The site also lies within the 'Tring Gap Foothills' i.e. Area 114 of the Landscape Character Assessment.

9.35 In terms of visibility, there are open views of the site from the footpath (numbers 057 and 058), that runs parallel to the Grand Union Canal on the eastern edge of the site. Views into the site from the roads to the north, south and centre (Marshcroft Lane) are heavily filtered by existing hedgerows and trees. There are views into the site from adjacent properties. Middle distance views are relatively limited, however there are several public rights of way (including the Ridgeway National Trail) located on the high ground of the Chilterns escarpment, which afford distant open views of the site.

9.36 The submitted LVIA sets out a baseline situation in terms of landscape character, features and existing visibility. It then identifies opportunities and constraints and explains how these have informed the design of the proposed development. The likely landscape and visual effects during construction and operation phases follow.

### ***Construction Phase***

9.37 The LVIA confirms that there would be inevitable effects on the landscape during the construction phase of the development, which would take approximately ten years. Regarding landscape effects, the Assessment highlights three receptors that would be likely to experience significant effects, including agricultural fields, waterbodies and the character of the site and its immediate surroundings.

9.38 Turning to visual effects, nine visual receptors were considered likely to experience significant effects, including residents of properties on the north-eastern edge of Tring, pedestrians on the canal, pedestrians on Marshcroft Lane and a number of other public vantage points e.g. the Ridgeway on Pitstone Hill and various other public footpaths.

9.39 In terms of night-time effects, it is highlighted that construction works would be primarily restricted to standard working hours with lighting occurring in the mornings and evenings in the winter. Overall, the effects ranged from minor adverse to moderate adverse effects.

#### *Operational Phase*

9.40 Turning to the operational phase of development, the LVIA explains that by year one of operation, the agricultural fields would be subject to moderate to major adverse landscape effects as a result of the completion of development. However, the remaining receptors were mainly identified as experiencing minor or negligible adverse effects, primarily due to the retention of hedgerows and the proposed planting and proposed waterbodies.

9.41 Following completion of the development, the LVIA reports that two visual receptors would experience significant effects, with the majority of surrounding footpaths/rights of way being considered minor adverse.

9.42 Similar to the construction phase, the night-time effects range from moderate adverse to minor adverse effects. However, as noted in the response from HDA, they are of the opinion that the potential night-time effects are underplayed and the new housing and in particular any need floodlighting would be noticeable, bringing light sources closer to the AONB. This is discussed in more detail in the 'Lighting' section.

9.43 The LVIA concludes that at year 15 (post-development), following the establishment of proposed planting, no significant adverse effects would remain for any visual receptors in relation to landscape or visual impacts.

#### *Mitigation Measures*

9.44 The proposal includes a number of mitigation measures that have been embedded through design and further measures that would be implemented through the Framework Construction and Environmental Management Plan (CEMP). These include:

- Setting back of development from eastern Site boundary to create a substantial area of open space along the canal corridor;
- Reinforcement of proposed defensible Green Belt boundary by the provision of a comprehensive landscape strategy within the SANG along the eastern boundary;
- Enhancement of green infrastructure connections;
- Creation of strategic open space;
- Retention of existing vegetation along site boundaries providing enclosure;
- Retention of vegetation and enhancement of green infrastructure network along the southern boundary of the site to minimise the impact upon the heritage setting of Pendley Manor;
- Consideration of height and scale of development to ensure sensitivity to the surrounding landscape;
- Creation of a Landscape Management and Biodiversity Strategy (Document 29) in order to ensure successful establishment of proposed hard and soft landscape features and areas; and
- Use of exterior lighting standards to minimise light spill.

### *Residual and Cumulative Effects*

9.45 The LVIA concludes that whilst the proposed development would result in some significant adverse landscape and visual effects, the majority of these will be experienced during the construction phase, with the level of adverse effect significance generally diminishing as the landscape proposals are completed and planting begins to become established. No significant (i.e. major or moderate) adverse residual effects are identified following establishment of the planting.

9.46 Regarding lighting, the presence of additional lighting associated with the proposed development, including floodlighting and any street lighting required, is expected to lead to effects that are considered significant for one night-time receptor. However, as mentioned above, concerns have been raised in this regard and therefore suitable mitigation would be required in this respect.

9.47 The LVIA states that of the two cumulative developments that were identified, none produced significant adverse cumulative landscape, visual or night-time effects.

### *HDA Review*

9.48 HDA have reviewed the LVIA on behalf of DBC and note that the baseline situation is accurately described. However, they judged that there were several discrepancies, for example, Dacorum's Landscape Sensitivity Study judged the site to be have neighbourhood landscape value and a 'Moderate High' susceptibility to change (see parcel reference 124), whereas the Applicant's LVIA assessed the overall sensitivity as 'Medium'. HDA also considered that the LVIA underplayed the visual effects from the footpaths on the Chilterns escarpment.

9.49 The residual effects would be reduced, however, HDA noted that the wireframes provided demonstrate that the proposals would remain visible and would not be reduced to the level of Neutral or Negligible effects as recorded in the LVIA.

9.50 HDA concluded that the proposals would adversely affect the experiential qualities and visual experience of the AONB, which would harm the setting to the AONB.

9.51 Whilst HDA noted that *'the general principle of landscape design is well thought through'* and that the SANG is appropriately located, concern was raised in relation to views into and out of the AONB. Recommendations were put forward to minimise the effects on the setting of the AONB, including:

- A stronger landscape structure within the development area, particularly in a north-south alignment;
- Additional structural tree planting;
- Inclusion of retained trees and woodland areas on parameter plans;
- Naturalistic designs for the SuDs basins; and
- Limit external lighting.

9.52 It is considered that additional structural tree planting would be of considerable importance to providing a development that would satisfactorily integrate into the landscape, overtime. It is noted that when the existing settlement of Tring is viewed from the AONB, the later suburban developments comprising the Grove Road/Grove Park area have successfully integrated into the landscape due to a large number of structural trees/high level of structural planting. There is also a strong tree-lined corridor along the linear park at Brook Street/Wingrave Road. As such, when viewing Tring from the Chilterns escarpment, the core settlement is visible in the distance,

whereas the later heavily planted developments moving towards the AONB are considerably softened/screened. It is considered that the proposed development would need to follow suit to enable a satisfactory residual impact.

9.53 The Design Code specifies mandatory design principles for streets within the development. It explains that the majority of streets have the capability to provide trees. However, limits are set for the width of verges. For the streets that have verges, limits are set at 2.5 metres. It also appears that buildings could be located within close proximity to the proposed verges. The Highway Authority at Hertfordshire County Council (HCC) were contacted regarding specifications for trees and they highlighted that:

*Planting design should take account of longer-term maintenance, management, nature of the road corridor that this is intended for, including operational as well as safety requirements with:*

- *Shrubs used in edge planting not to be planted within 0.5m from the edge of the carriageway.*
- *Medium size trees (tree girth less than 450mm) and pollards (such as Platanus, Tilia etc.) no closer than 1m.*
- *Larger, un-pollarded trees (tree girth greater than 600mm) not within 2m unless otherwise agreed by HCC.*

*The minimum clearance to tree branches that overhang any pedestrian or cycle facility shall be 2.4m. Therefore, where possible trees should be crown lifted to 3m to minimise the need for excessive routine maintenance due to re-growth of branches, or any sag from the weight of the foliage.*

*The clearance distance to tree branches that overhang the trafficked carriageway shall be 5.6m minimum, with the crown lifted to 6m.*

9.54 The Trees and Woodlands Department at DBC were also contacted regarding the feasibility of structural planting within the streets of the development. They highlighted that on the illustrative street that show buildings sections (see Design Code, pages 78-83), the sections would represent medium-sized trees such as whitebeams, hawthorns, cherries or birch. They explained that the proposed London plane and fastigiata hornbeam trees can be considerably sized trees on maturity but should only be considered where there is sufficient space. The proposed 2.5 metres verges were not considered sufficient to accommodate their canopy spread and their size on maturity may cause pressure for their removal. The remaining proposed street trees of the soft landscape palette (p.60) were considered smaller in stature.

9.55 The Trees and Woodlands Team also noted that the lime trees proposed on the primary and secondary streets would not be appropriate near residential uses, parking areas or high traffic areas as they have a number of nuisance issues that would place pressure on their removal.

9.56 In response to the comments HDA, the Agent submitted updated drawings to include the retained trees and woodland areas and the relocation of the Neighbourhood Equipped Area of Play (NEAP). However, further details were not provided, for example, in relation to structural planting. A rebuttal was also submitted in relation to HDA's comments. This was subsequently responded to by HDA (see second response).

9.57 Regarding some of the other points raised by HDA, it is noted that appropriate planning conditions could be added e.g. SuDS design to incorporate naturalistic designs and an external lighting strategy. These would help to mitigate landscape and visual impacts.

## **Summary**

9.58 The overall landscape and visual effects are considered significant during the construction phase. At early stages of operation, significant landscape and visual impacts would still be apparent. After 15 years, the establishment of proposed planting would help to reduce the impacts. The impacts would generally reduce as the larger trees species mature further.

9.59 The proposed green infrastructure improvements such as the SANG, open spaces, orchards, allotments, parks and gardens and amenity spaces would help to mitigate the visual impacts by increasing the vegetation across the site, which is currently primarily arable and subsequently vegetation-bare. The majority of existing hedgerows and trees would remain and the built form would be softened and integrated in the landscape, overtime.

9.60 Some concern is raised over the proposed mandatory principles for street design, as sufficient space is deemed necessary to provide a strong corridor of larger trees along the primary route. In turn, this would soften the visual impacts of the proposed development parcels, particularly along the western side of the site, from the AONB.

9.61 It is acknowledged that the SANG and other open spaces could enhance parts of the site through landscape restoration. However, a strong north-south corridor with sufficient structural planting is considered important, particularly where areas of the development would not be broken up by mature planting in the proposed green wedges or other areas of open space. It is therefore considered important, if the application is approved, to ensure that a strong internal landscape structure can be provided, notwithstanding the street design principles set out in the Design Code. It may be necessary to increase the widths of the street verges and proximity to buildings in certain areas to provide larger trees. When considering the scale of the site, it is not felt that some minor adjustments to the mandatory street principles would result in significant impacts on other parts of the scheme e.g. quantum or layout.

9.62 It is noted that The Chilterns Conservation Board, Chilterns Society and the Countryside Charity have commented on the proposals. The Chilterns Conservation Board highlighted that the Green Belt here serves as a key means of managing the setting of the AONB as part of protecting its natural beauty and providing space within which that beauty may be enhanced through landscape restoration.

9.63 The Countryside Charity stated that *'development of the magnitude proposed would seriously and detrimentally affect the setting of the AONB.'* The Chiltern Society explained that the development would be detrimental to the AONB in terms of inter-visibility and should therefore add to the harm to be considered in the planning balance.

9.64 It is acknowledged that substantial landscape and visual impacts would arise as a result of the proposals, conflicting with the aforementioned policies. Whilst overtime the proposals would integrate into the landscape, the visual effects during the construction and earlier years of the operational phases would be significant. As such, the proposal would have a major negative impact on the landscape character of the area and adjacent AONB even for allowing for additional mitigation which might be secured by condition.

## **Chilterns Beechwoods Special Area of Conservation – Habitat Regulation Assessment**

9.65 A Special Area of Conservation (SAC) is an internationally recognised designation for sites whose habitats and species have significant ecological importance. Dacorum is home to part of the Chilterns Beechwoods SAC (CBSAC). As a whole, the CBSAC comprises of nine separate sites scattered across the Chiltern Hills, including a number of counties.

9.66 Dacorum hosts two of these designated SACs both of which are also Sites of Special Scientific Interest (SSSIs): Ashridge Commons and Woods SSSI, which designation broadly corresponds with the extent of the Ashridge Estate, 2km to the east of the Site; and Tring Woodlands SSSI, which lies about 350m away (as the crow flies) from Tring Park and circa 2.3km southwest of the site.

9.67 The location of the aforementioned SACs have three main protected features, which are: (1) Beech forests on neutral to rich soils; (2) Semi-natural dry grasslands and scrub on chalk; and (3) Stag beetle populations. Beechwood forests form part of the most extensive area of native beech woodland in England and contain a number of notable and rare plants.

9.68 The CBSAC also has a unique character that can be difficult to replicate, hence designation guarantees a high level of protection to ensure the integrity of the site is protected.

9.69 Detailed surveying of the link between relative recreational pressure on European sites and risks of 'Likely Significant Effects' (LSE) to interest features and the achievement of their conservation objectives has been carried out with regard to the SAC.

9.70 After extensive research undertaken by Footprint Ecology (commissioned by DBC), Natural England produced a letter dated 14 March 2022 that made recommendations for accommodating development while also protecting the interest features of the European site. This included the recommendation of implementing a series of zones within which varying constraints would be placed upon development.

#### *Ashridge Commons and Woods SSSI*

9.71 The zones relating to recreational pressure extended to 12.6km (as this was determined from visitor surveys to be the principal recreational catchment for the Ashridge Commons and Woods component part of this European site). At distances from the SAC of 500m–12.6km the Mitigation Strategy SPD advises that development projects should be required to contribute toward provision of Suitable Alternative Natural Greenspace (SANG) and toward access management to the SAC (Strategic Access Management and Monitoring (SAMM)).

#### *Tring Woodlands SSSI*

9.72 The zones relating to recreational pressure extended to 1.7km, as this was determined from visitor surveys to be the principal recreational catchment for the Tring Woodlands component part of this European site. At distances from the SAC of 500m–1.7km the council has been advised by Natural England that the emerging Plan and major speculative development projects will be required to prove whether there will be LSEs on this unit of the SAC and where necessary contribute towards the provision of SANG and SAMM.

9.73 In respect of the recreational pathway, DBC, in consultation with Natural England, has formed the view that any net increase in residential development between 500m and 12.6km in a 'straight-line' distance from the Chilterns Beechwoods SAC (Ashridge Commons and Woods SSSI) is likely to have a significant effect on the integrity of the CBSAC, either alone or in-combination with other plans or projects.

9.74 In accordance with Part 6, Regulation 70 of the Conservation of Habitats and Species Regulations 2017, there is a duty that if a proposed plan or project is considered likely to have a significant effect on the SAC (either individually or in combination with other plans or projects), an Appropriate Assessment should be undertaken. This will assess the likely impact pathways and resultant impacts for the site in view of the site's conservation objectives. A significant effect should be considered likely if it cannot be excluded on the basis of scientific information and it might undermine a site's conservation objectives.

9.75 The council is working with Natural England and other relevant partners to agree a strategic mitigation strategy and once adopted this will enable the council to mitigate the impacts from granting of planning permission for residential development in the Borough.

9.76 At this time, in the absence of a strategic mitigation strategy or a satisfactory scheme specific bespoke mitigation package (both in terms of SAMM and SANG), there is insufficient evidence to allow the council to rule out that the development would not cause additional reactional pressure to the CBSAC and that its impacts, whether alone or in combination, could ensure that the harm to the integrity of the SAC would be avoided or mitigated.

### ***Planning Policy and Legislation***

9.77 European Sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended).

9.78 Paragraphs 10 and 11 of the Framework highlight that there should be '*a presumption in favour of sustainable development.*' However, this presumption '*does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site*' (para. 182). 'Habitats site' has the same meaning as the term 'European site' as used in the Habitat Regulations 2017.

9.79 Paragraph 176 requires that potential Special Protection Areas (SPAs), possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

9.80 Paragraph 174 requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity. Further, paragraph 180 identifies that development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

9.81 Under Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017 (as amended) an Appropriate Assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. Should a LSE on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) will need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

9.82 The Government's National Planning Practice Guidance (PPG) provides detail on Habitat Regulation Assessments and Appropriate Assessments (see Reference ID: 65-005-20190722).

9.83 The Core Strategy, Policy CS26, requires development and management action to contribute towards the conservation and restoration of habitats and species.

9.84 Saved Policy 102 of the DBLP states that sites of importance to nature conservation will be protected from development in accordance with their designation, value and scarcity. Saved Policy 103 goes on to say that where loss of features or habitats is unavoidable, the Council will require compensatory measures to replace or reinstate the nature conservation value that has been lost.

## ***Appropriate Assessment***

9.85 A Report to Inform Habitats Regulation Assessment (RIHRA) (Revision A) has been submitted as part of this application, setting out the LSEs of the proposals and then the 'integrity test'. Section 6 discusses the potentially significant effects on the CBSAC sites.

9.86 The initial scoping of potential pathways for effects identifies that, given the distances and intervening land uses, it is considered that there would be no significant effects relating to lighting or noise due to the construction or operational phases of the development proposals. Further, there are no hydrological links between the site and SACs, hence no pathways for contamination to arise at the designated sites as a result of surface water run-off, siltation or waterborne pollution.

9.87 Regarding the protected species (Stag Beetle), the RIHRA suggests that they are unlikely to be present in either of the Tring Woodlands SSSI or the Ashridge Commons and Woods SSSI based on the best available scientific evidence. In any case, the Report states that *"it is not of particular sensitivity to disturbance or other direct effects arising from an increase in recreational pressures at the SAC."*

9.88 The Report concludes that the development proposals would not be likely to have a significant effect on the SAC through lighting, noise, hydrological impacts, effects on calcareous grassland habitat, or disturbance to qualifying species (Stag Beetle), either when considered alone or in combination with other plans or projects. As such, no specific avoidance or mitigation measures are therefore proposed by the applicant in this regard.

9.89 The potential pathways for significant effects identified relate to: physical damage and disturbance to qualifying habitats due to increased recreational pressure from new residents; and air quality impacts arising from an increase in traffic movements within 200m of the SAC. The Report states that it is unlikely that new residents would access the SAC on foot but acknowledges that residents at the site could drive or use other transport means to access the SAC for recreation purposes, subsequently leading to potential habitat damage and disturbance.

9.90 The LPA agrees with the findings of the report that in relation to recreational pressure, that the proposed development would lead to likely LSEs relating to physical damage and degradation to habitats when considered alone or when considered in combination with other plans or projects.

9.91 In terms of air quality, the RIHRA explains that it is commonly agreed that, in general, deposition at 200+ metres from a road is at a level so small to be considered insignificant. As such, the assessment encompasses only Tom's Hill Road and the B4506, which lie within 200ms of Ashridge Commons and Woods SSSI. It is noted that some priority woodland habitats lie within 200m of these roads.

9.92 A further assessment of air quality has been undertaken based on the information provided in the Air Quality Consultant's (AQC) report (June 2022). Detail on predicted reductions in emissions is provided. For example, there is a decrease in road traffic exhaust emissions due to an increase in electric and fuel cell vehicles. Overall, the assessment concludes that, with regards to nitrogen dioxide (Nox), ammonia (NH<sub>3</sub>), nitrogen deposition and acid deposition, the proposed development is considered to result in 'negligible' effects at Ashridge Commons and Woods SSSI i.e. non-significant when considered alone or with other plans and projects.

9.93 Whilst no air quality assessment has been undertaken for the A41 which lies within 200m of Tring Woodlands SSSI, Natural England have confirmed that due to the siting of Tring Woodlands between the junctions of the A41, traffic generated to serve the development is unlikely to give rise to LSEs.



9.94 Taking the above into account, the LPA concludes that a further assessment in line with the Habitats Regulations (Appropriate Assessment) is required and mitigation and avoidance measures proposed.

9.95 In summary, an Appropriate Assessment cannot conclude that there will be no adverse effects on the integrity of the CBSAC and as such, the LPA therefore must consider potential mitigation or avoidance measures. Mitigation has been presented by the applicant through SANG and acceptance to provide SAMM in the form of a tariff.

### **Proposed Mitigation**

#### ***Suitable Alternative Natural Greenspace***

9.96 The application includes a large area of proposed SANG in the east of the site. Its role is to provide alternative green space to divert visitors from visiting protected areas such as the CBSAC as frequently through provision of enhanced green space choice. The RIHRA explains that the SANG has been designed in accordance with Natural England's guidance, which highlights that 8 hectares should be provided per 1000 residents. As such, 26.88 hectares would be required based on an average occupancy rate of 2.4 for 1,400 dwellings.

9.97 The proposal initially included 27.19 hectares of SANG but this has been increased to 37.56 hectares during the course of the application. A SANG Statement and Management Plan have also been submitted. It is envisaged that the SANG would provide opportunities for walking, dog walking, cycling and informal recreation. Existing public rights of ways including the canal tow path would be enhanced and a café provided as part of the SANG.

9.98 The RIHRA highlights that the former extent of the SANG would have accounted for 3,398 new residents but the expanded SANG could now account for 4,695 residents, an additional 1,297 people above the predicted population of the proposed development. The SANG would have a 5km catchment.

9.99 The majority of the SANG (27.19ha) would be delivered as part of the first phase of the development prior to occupation of any dwellings. The proposals indicate that the remaining SANG (10.76ha) would be delivered for other development proposals in the area, should they come forward. Whilst mentioned in the proposals, no mechanism or details are provided in the Heads of Terms (HoTs) for the proposed legal agreement ('Section 106 Agreement/S106 Agreement') regarding this and how it would work in practice.

9.100 It is suggested that the above-mentioned features i.e. the new habitats, the walks, café, etc. would result in the site becoming an attractive destination site to attract/pull residents away from visiting the CBSAC as frequently.

9.101 It is worth noting that the SANG cannot be both used for mitigation and Biodiversity Net Gain. Any improvements to the SANG required to meet SANG quality cannot be counted for Net Gain – this is to avoid double counting.

#### ***SANG Management and Maintenance***

9.102 During the course of this application both Hertfordshire County Council's (HCC) Ecology Department and Natural England requested further information on the management and maintenance of the proposed SANG. Without this information they highlighted that the LPA would be unable to ascertain that the proposed development, as currently submitted, would not adversely affect the integrity of the SAC.

9.103 A SANG Management Plan (Document 33) was submitted in response to the above. The document includes various things such as landscape maintenance components, general maintenance and management tasks, habitat maintenance schedule, design criteria, visitor infrastructure and management costs.

9.104 Regarding the responsibility for implementation and delivery, the document explains that a suitable body would be appointed to take on stewardship and future management of the SANG. It further explains that *'there is certainty regarding the delivery of both the SANG infrastructure (by Harrow Estates) and ongoing maintenance funded via commuted sums.'* It points to the proposed S106/HoTs in relation to this.

9.105 The S106/HoTs Statement (Document 8a) states, *'The Owner shall establish a management company for the long-term management and maintenance of the SANG in accordance with the approved SANG Management Plan...the Owner shall procure that the management company is retained for so long as the SANG is open (unless otherwise agreed in writing by the Council).'*

9.106 The 'Summary of Contributions' Section notes that 27ha of land would be made available for SANG purposes, in addition to a £1,270,000 cost for implementing the Management Plan.

9.107 Responses from both HCC Ecology and Natural England explain that whilst the principle of the SANG element of the mitigation scheme appears acceptable, further information is required on the work taken place to identify a suitable body to manage the SANG in perpetuity. It is worth noting that in perpetuity in this context refers to the fact that management and funding must be secured for a minimum period of 80 years.

9.108 At this stage no further information has been provided regarding a suitable body for the management and maintenance of the SANG including implementation or identification of the long term landowner. Furthermore, whilst the SANG Management Plan identifies that there is certainty over the delivery and ongoing maintenance to be funded by commuted sums, no specific details have been provided in this regard. Whilst the HoTs state that the management company would be procured as long as the SANG is 'open' (unless otherwise agreed by the council), it does not deal with the possibility that the management company becomes insolvent or fails to discharge its obligations. No specific provision for step-in-rights for the council are included within the HoTs, nor a bond for the cost of future maintenance or repairs/replacement of infrastructure. Therefore, the proposals lack certainty that the mitigation would be secured in perpetuity.

### ***Strategic Access Management and Monitoring***

9.109 SAMM relates to financial contributions (usually per residential unit or per additional bedroom) towards mitigation measures involving visitor access management and monitoring measures through a SAMM strategy. Natural England's letter of 14 March 2022 identifies that SAMM is the preferred mechanism for managing impacts at CBSAC due to the draw that the designation has.

9.110 The SAMM strategy is currently being forged through discussions with Natural England, the National Trust and DBC (as lead authority for the rest of the LPAs within the Zone of Influence). The Agents have suggested that a bespoke solution in advance of the strategic solution could be advanced, however, the council's preference is to finalise the strategic approach.

9.111 Paragraph 7.5.22 of the submitted RIHRA (Revision A) explains that the Applicant is content to pay the required SAMM figure per unit once it has been agreed by the relevant parties. Furthermore, the RIHRA explains that as the phasing of the proposals would result in first occupation in 2023, there is likely to be sufficient time to agree and deliver the funds prior to that point.

9.112 At the stage of writing this report the draft mitigation strategy detailing the SAMM details has not been published, however, it is noted that this is due for imminent release. It is therefore considered that this matter should be capable of being addressed through the S106 Agreement. A further update will be provided prior to, or at, committee in this regard.

### ***Summary***

9.113 DBC concludes that LSE from recreational pressure on the Chilterns Beechwoods SAC cannot be ruled out in-combination with other plans or projects. There is a risk that the conservation objectives for the SAC will be undermined as a result of the lack of long terms reassurance of the ownership, management and maintenance of the SANG in perpetuity.

9.114 Whilst, it is accepted that Natural England are broadly accepting of the sites proposals, highlighting that they are agreeable to the SANG element of the mitigation scheme, they are particularly concerned that the long term management of the SANG has not been secured and the LPA cannot therefore be satisfied that the development will not adversely affect the integrity of the CBSAC in perpetuity.

9.115 The LPA accept that the SAMM element (tariff) is likely to be acceptable to the Applicant, however, this element is not currently available/formally agreed, so cannot be proven in the Appropriate Assessment as secured/mitigation for the SAC. Any decision would need to be subject to the scheme adhering with the SAMM requirements set out in the Mitigation Strategy and the S106 Agreement updated to reflect this.

9.116 Further information is required to rule out whether as a result of the development (alone or in combination) that it would not have a likely significant effect in terms of recreational pressure on CBSAC.

9.117 In accordance with paragraph 182 of the Framework, the Appropriate Assessment has concluded that the project will adversely affect the integrity of the designated sites. Therefore, DBC as the Competent Authority consider the proposals not to be acceptable under the tests of the Habitats Regulations.

### **Housing Delivery**

#### ***Standard Method***

9.118 The standard method for calculating local housing need provides a minimum number of homes to be planned for. Authorities should use the standard method as the starting point when preparing the housing requirement in their plan, unless exceptional circumstances justify an alternative approach.

9.119 The introduction of the national standard method to assess the local housing need since adoption of the Core Strategy has meant that DBC (and other authorities) are having to meet the difficulties of accommodating dramatically increased housing numbers. In DBC's case, this has risen from 430 homes per annum in the Core Strategy to 1,023 dwellings per annum (dpa) through the standard method (an uplift of over 230%). It should be noted that the Applicant's Socio-Economic Impact Assessment (Document 15) has updated this figure to 1,018dpa as at March 2022, as the 'current year' baseline.

#### ***Housing Delivery Test***

9.120 The Government's Housing Delivery Test (HDT) was introduced in 2018. It compares how many homes should have been built over the last three years in each local authority area with how many actually were.

9.121 Where more than 95% of the required homes have been built, the test is passed and councils need take no action. If delivery is below that level, councils will be required to investigate the reasons and publish an action plan explaining how they will catch up. There are escalating sanctions applied based on the scale of any shortfall, set at 85% and 45%.

9.122 The Government's original 2021 results revealed that DBC has delivered 89% of its housing requirements between 2017 and 2020 i.e. 1,685 homes out of an assessed requirement of 1,887 homes and therefore DBC created an Action Plan, which was published in 2021.

9.123 DBC's HDT Action Plan (2021) explained that Dacorum had seen a marked increase of delivery in the last 5 years (2016-21) with an average of 608 homes built each year. Much of this is as a result of larger schemes coming on-stream and as a consequence of the relaxation of the planning system and prior approvals regime, particularly in respect of the conversion of offices to residential.

9.124 The latest results were published by the Department for Levelling Up, Housing and Communities (DLUHC) on 14<sup>th</sup> January 2022, which recalculated the results by reducing the number of homes required in light of the Covid-19 Pandemic and the disruption caused.

9.125 The 2022 measurement makes clear that the borough has delivered in excess of the target set by Government for 2020/21. 755 new dwellings were completed, a record year for delivery despite the impacts of the global pandemic on the construction industry during that time. It surpasses the requirement of 681 dwellings set by DLUHC.

9.126 As set out in the HDT Action Plan, it is accepted that more can be done regarding housing delivery in the future (as set out in sections 6 and 7 of the HDT Action Plan). However, the delivery of housing is not considered so severe that a 20% buffer is required for the purposes of calculating housing supply (which is the sanction applied if delivery falls below 85% of the required amount), or that the presumption in favour of sustainable development applies as a consequence of past under delivery.

### ***Council Housing Completions***

9.127 DBC is one of the more active authorities in Hertfordshire in directly bringing forward council homes, both in terms of its own land ownership and land it has bought on the open market. This has helped support housing completions generally in the borough. It has a proactive housing delivery team which has delivered nearly 300 homes over the period 2013-21, of which 162 of these were completed in 2019/20, representing 33% of all completions that year.

9.128 DBC have also sold a number of under-used garage blocks for affordable and market homes under our Garage Disposal Programme since September 2014 when Cabinet gave approval for the disposal of 97 of these sites. The council has continued to review sites to establish their suitability for development.

### ***Five Year Housing Supply***

9.129 The five year housing land supply is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement (or, in some circumstances, local housing need) over the next 5 years.

9.130 The Council is not at present able to demonstrate a 5-year supply of deliverable housing sites as required by the Framework and therefore the policies of the development plan most important for determining the application are out of date. However, the tilted balance is not engaged if the site lies within the Green Belt and in the absence of the demonstration of very special circumstances, the Framework's Green Belt policy provides a clear reason for the refusal of planning permission (see Framework footnote 7).

9.131 DBC's latest published position as at 1st April 2020 explains that that under the best circumstances of the 5% buffer, the council can only deliver a maximum of 3.2 years' worth of housing supply. It is unlikely that the Council will be able to demonstrate a sufficient supply until the new Local Plan is adopted as the existing spatial strategy cannot fully support delivery against the local housing needs figure.

9.132 The Applicant's submission puts forward that the DBC has a current deliverable supply of 2.17 years. The Strategic Planning Team were contacted on this matter. They have determined that the current housing supply is in the region of 2.5 years, which is higher than that put forward by the Applicant, but lower than the latest published position.

9.133 The precise figure is difficult to determine given the current issues relating to the Chilterns Beechwoods SAC. The Strategic Planning Team consider the supply figure of 2.5 years is on the cautious side to allow for some resilience in relation to this.

## **Density of Residential Development**

### ***Planning Policy***

9.134 Saved Policy 21 of the Dacorum Borough Local Plan (DBLP) (2004) states that sites will be expected to demonstrate densities of between 30 to 50 dwellings per hectare (dph). The policy goes on to state that, for sites on the edge of the settlement, particular attention should be given to the effect of development density upon open countryside and views.

### ***Assessment***

9.135 The average net density of housing development across the site is discussed in the Planning Statement, paragraph 17.19. It confirms that the site will fall within the range of 30-50dph as per the requirements of saved Policy 21. It also highlights that special attention has been paid to the effect of development density on the open countryside and views, referring to the Design Code (Document 10) for specific details.

9.136 The Design Code identifies that despite an overall density of 30-50dph, density differs between the character areas and typologies within these areas. For example, the 'Garden Suburb Core' has an overarching density of 30-40dph with higher density in the primary streets, mews and courtyards (GS1 and GS4) and lower density in the secondary streets, central green and in areas overlooking existing hedgerows and trees (GS2 and GS3) (see page 126 in the Design Code for more detail).

9.137 The density of the character areas are set out in the following table:

*Table 3 – Character Area Overall Density*

<b>Character Area</b>	<b>Density (dph)</b>
Orchard Quarter	25-35
Outer Garden Suburb	25-30

Station Road	25-35
Garden Suburb Core	30-40
Village Centre	Up to 40
Village Edge	20-30

9.138 The average density across the site would fall within the guidance of 30-50dph as per saved Policy 21. The separate character areas provide contrast in density with the largest area, the 'Garden Suburb Core', and the 'Village Centre' providing medium-to-high density across the central parts of the site with lower densities generally provided towards the more sensitive edges (e.g. adjacent to existing properties or the SANG).

9.139 The proposals would meet policy requirements in terms of an overall density figure and provide a sufficient mix across the site. The overall approach to density is therefore considered acceptable.

### **Housing Mix**

9.140 There are a number of supporting documents that provide information on the proposed housing mix, including the Housing Needs Statement (Document 14) and its associated technical reports, Affordable Housing (Document 14i), Self-build and Custom Housing (Document 14ii), and Older Persons' Housing Needs (Document 14iii). These documents also set out an assessment of the various components of housing need and supply in Dacorum.

### ***Planning Policy***

9.141 The Government requires the planning system to significantly boost the supply of homes, ensuring that a sufficient amount and variety of land comes forward where it is needed and that the needs of groups with specific housing requirements are assessed. Further, the size, type and tenure of housing for different groups in the community must be considered, including those who require affordable housing (see Framework, Section 5).

9.142 Policy CS18 requires housing developments to provide a choice of homes. This comprises a range of housing types, sizes and tenure; housing for those with disabilities and affordable housing in accordance with Policy CS19. The policy goes on to state that the mix and type of housing within development will be guided by evidence such as Strategic Housing Market Assessments (SHMA) and other site-specific considerations. Saved Policy 18 states that the development of a range of dwellings (size and type) will be encouraged.

### ***Assessment***

9.143 The LPA's Pre-Application Advice (21<sup>st</sup> January 2022) suggested that the Applicant proposes their own housing mix based on market research and discussions with housing associations and registered providers. The LPA explained that if the application is approved, and when considering the time it takes to build out, it may be that market conditions have changed. As such, the LPA would not want to impose a rigid housing mix.

9.144 The Applicant has provided the above-mentioned evidence base, which has identified that a majority of the housing need is for housing, with some flats identified. In terms of affordable housing, the evidence points towards larger numbers of smaller units (1 and 2-bedroom) for affordable housing, with larger units (3+ bedrooms) in the market sector.

9.145 The submitted Housing Needs Statement concludes that in general, "a wide range of new housing is required, including market housing, affordable homes to rent and buy, first homes, accommodation for older persons, and opportunities for self-build or customised housing."

9.146 The proposed housing breakdown is shown in the following table.

*Table 4 – Housing Breakdown*

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>	<b>Tenure %</b>
<b>Market</b>	24	140	322	216	50%
<b>Affordable Rent</b>	143	117	143	21	30%
<b>Affordable Home Ownership / First Homes</b>	53	84	51	17	15%
<b>Self-Build / Custom Build</b>	2	14	32	21	5%
<b>Total</b>	222	355	548	275	100%

9.147 The proposals indicate that extra care accommodation for the elderly could be accommodated within the above mix. The Housing Needs Statement, Paragraph 5.10, notes that in this case, it is assumed that the number of 1 bedroom market sale homes would be increased, with the proportionate reductions in the number of 2 to 4-bedroom market homes being made accordingly.

9.148 The proposed development proposes a wide range and mix of new homes, which include different types, sizes and tenures to meet a variety of needs. The proposed mix is evidence-based and in-line with the needs of the Borough and more locally in Tring. The scheme is therefore considered policy-compliant in this regard.

### ***Affordable Housing***

9.149 Policy CS19 suggests an overall policy objective of 35% affordable housing with a 75/25 affordable rent/intermediate housing tenure. For Greenfield sites, such as local allocations, the Core Strategy usually requires 40% affordable housing. The Government now requires 25% of affordable homes to be 'First Homes', which are market sale units discounted by a minimum of 30% against the market value and have a price cap, after the first discount, of no greater than £250,000 (outside London).

9.150 The application offers 45% (630) of all new dwellings as affordable housing, to be secured through the proposed S106 Agreement. The proposed tenure split of the first 40% of the housing would comprise 75% affordable rent and 25% affordable home ownership including First Homes. The further 5% would be wholly affordable home ownership including First Homes. The proposal therefore meets policy requirements in terms of tenure split and exceeds policy requirements in terms of provision.

### ***Self-Build and Custom Housing***

9.151 Paragraph 62 of the Framework explains that local authorities should provide opportunities for people who wish to commission or build their own homes.

9.152 The application proposals include 70 serviced plots for the provision of self-build and custom housebuilding, which equates to 5% of the total proposed units. As per the affordable housing, this would be secured through the legal agreement, if approved.

9.153 Whilst there are currently no adopted local policies that require this type of housing, it is reflected in national policy together with policies in the draft emerging Plan. Strategic Planning have confirmed that the total number of people on the Dacorum Self-Build Register as of 31.07.22 was 205, with nine applicants from Tring. It is further noted that since 31.10.2014 there have been nearly 230 CIL exemptions indicating self-build or custom house build, 11 of which were in Tring. Overall, considering the number of self-build applicants, the proposed self-build and custom housing is welcomed.

### ***Older Persons Housing***

9.154 Chapter 14 of the Core Strategy discusses requirements for extra care housing and residential care. Policy CS18 identifies the range of housing types required including those with special needs.

9.155 The Applicant's Older Persons Need Assessment (Document 14iii) identifies increased demand for specialist housing for older people, which has been triggered by an aging population.

9.156 The proposed development makes provision for up to 10% (140 units) of accommodation for older persons. The Planning Statement explains that this is likely to be in the form of an extra-care facility.

9.157 The provision of older persons accommodation would contribute to meeting wider housing needs and is therefore supported and considered as benefit of the proposals.

### ***Summary***

9.158 The evidence-base informing the Applicant's approach towards the mixture of housing appears thorough. The proposal is of a significant scale to deliver a much wider range of housing than would normally be the case for smaller schemes. The proposals would provide an appropriate balance between housing types, sizes and tenures to meet a variety of needs. This includes provision of a significant amount affordable housing and accommodation for older persons. As such, the proposals are considered acceptable in this regard.

### **Quality of Design**

9.159 In terms of the wider masterplan area, the detailed design of the overall layout and individual buildings within it are to be considered at the reserved matters stage. However, the Applicant has provided parameter plans, which serve to establish a structure for the development, as well as an illustrative masterplan, which serves to show the potential configuration.

9.160 The Design Code was initially submitted in draft format but following discussions and amendments, a final version was provided. The purpose of the Design Code is to accompany the submitted Design and Access Statement (DAS) (Document 9) to provide design guidance and principles for the proposed development. The proposed Design Code would be used at reserved matters stage to ensure that the established design principles are embedded in the final design.

9.161 As mentioned in the Planning History section, the Applicant has engaged with DBC's Community Review Panel and a number of their own design code workshops to help inform the design proposals, as well as other elements of the scheme.

### ***Planning Policy***

9.162 Section 12 of the Framework identifies that good design is a key aspect of sustainable development, creates better places to live and work and makes development acceptable to



communities. Furthermore, high quality, beautiful and sustainable buildings and places are fundamental to what the planning and development process should achieve.

9.163 Permission should therefore be refused for poor design that fails to improve the character and quality of an area and the way it functions. Equally, if the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

9.164 The emphasis on good design is highlighted in the Core Strategy, Policies CS10, CS11 and CS12; which state that development should coordinate streetscape design between character areas, integrate with such character, and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, landscaping, and amenity space.

9.165 Appendix 3 of the DBLP states that development should be guided by the existing topographical features of the site, its immediate surroundings, and respect the character of the surrounding area with an emphasis on there being adequate space for the development in order to avoid a cramped appearance.

9.166 Dacorum's Strategic Design Guide ensures that new development is of the highest quality and contributes towards making distinctive, attractive and sustainable places to live and work.

### ***Assessment***

9.167 The DAS explains the policies to which the outline designs have been based, including the National Design Guide and Model Design Code, DBC's Strategic Design Guide and Garden Village Principles. It provides detail on the concepts and evolution of the scheme, following outcomes from public engagement.

9.168 The document explains that a key influence on the masterplan work was an aspiration to maintain the network of hedgerows across the site and provide strong links to the canal.

9.169 A character evaluation exercise was undertaken to establish the existing characteristics of Tring. In summary, it highlights that:

- The density varies across Tring with lower density at the fringes and higher density on primary routes. The pattern, grain, typology and form follow this trend, transitioning from higher density in the town centre to the sensitive edges overlooking the countryside. Distinct character areas are present throughout the town.
- The suburban character is prevalent in the east of Tring.
- Architectural styles and materials are the most distinct element that make up the character of a place. Red brick, terracotta tiles, flint, clay roof tiles are key building materials associated with Tring. Some main contributors to Tring's architectural character are the Victorian and Edwardian buildings, built in Tudor revival tradition of timber framed construction. Patterns of repeating gables and sub-gables is a consistent streetscape character across Tring.

### ***Proposed Design***

9.170 The proposed scheme is split into six character areas, which comprise the Garden Suburb Core, Village Centre, Orchard Quarter, Village Edge, Outer Garden Suburb and Station Road. The Design Code illustrates that each character area would benefit from its own character in terms of location, design principles, block layout and materials. The specific design principles include the following details: access, frontage character and setback, use, building height and typology, density, boundary treatments, materials and parking.

9.171 The Garden Suburb Core constitutes the largest character area, with a suburban character typically comprising terraced, detached and semi-detached houses at a medium-high density (30-40dph).

9.172 The Village Centre forms the civic heart of the development, providing the majority of the non-residential uses e.g. local amenities, schools and leisure. This area would be generally denser with taller buildings.

9.173 The Orchard Quarter and Village Edge provide lower density development to respond to the adjacent edges of the development, for example, it is suggested that the Orchard Quarter would provide buildings of linear form and courtyard groupings to draw inspiration from the surrounding rural settlements and farmsteads.

9.174 The Outer Garden Suburb is situated next to the existing properties on the edge of Tring and therefore the Design Code explains that the proposals would respond sensitively to existing buildings. A low density is provided here.

9.175 The Station Road character area is proposed to provide medium to high density along the Station Road corridor with a rich variety of forms and materials.

9.176 It is proposed that a new tree-lined spine road would provide a link through the development, connecting Station Road and Bulbourne Road with green wedges/fingers opening towards the canal corridor. The character areas would be accessed from this main road. Aside from the green connections, the following features would also intersect with the spine road:

- Existing hedgerows/trees;
- Traffic calming measures;
- Main cycle/footpaths; and
- Mixed uses located at intersections.

9.177 The layout would comprise one 'village centre' with a series of focal points along the main street. Large areas of open space and proposed adjacent to the canal with green wedges. The proposed playing fields would be adjacent to these open spaces.

9.178 A number of parks, gardens and open spaces would be provided, including Marshcroft Gardens (North/South), Marshcroft Green, Woodland Garden, Heritage Garden, Orchards, Community Wildlife Garden and the SANG – see DAS, Figure 11.

9.179 The Station Road Corridor is discussed in specific detail and the application aims to enhance the connectivity between Tring to its railway station, as the consultation and engagement events highlighted issues with safety and security, particularly outside of daylight hours.

9.180 The 'Regulatory Plan' in the Design Code sets broad design fixes for various land uses (see Figure 6, p26), including the sports hub and facilities, schools, inner parcels of open space, primary/secondary streets, traffic calming/public realm areas, frontage typologies and marker buildings.

### ***Building Heights***

9.181 Initially, the proposed maximum building heights were relatively consistent across the site, allowing a maximum height of three-storeys (up to 11 metres). Following discussions with DBC's Urban Designer, it was agreed that variety in building heights would be provided across the character areas, for example, within the Garden Suburban Core, the heights would be

predominantly two-storey (up to eight metres) with occasional three-storey units (up to 12 metres), whereas the Station Road Character Area allows for a range of 2/3-storey houses (up to nine metres) with occasional taller marker buildings. The school and community buildings would have a maximum height of three-stories (12m).

### ***Building Appearance***

9.182 The detailed design of buildings would be established in future reserved matters applications, which would be required to demonstrate compliance with the proposed material palette in the Design Code and parameter plans. However, the Design Code sets out certain principles for the individual areas e.g. materials.

9.183 DBC's Principal Urban Designer has reviewed the proposals and raised some concerns over certain elements of the design, for example, the amount of render proposed (see responses). Following discussions with the Applicant, a revised Design Code was submitted to address a number of issues raised. For example, the percentage cap on the use of brick was removed. However, concerns were still raised over the inclusion of white render in all of the character areas, as this would be highly visible when viewed from a landscape context. It was suggested that 2-3 areas should comprise render.

9.184 The revised proposals, at this outline stage, broadly respond to the context of Tring. A variety of building heights would be provided. The dominant wall material would be red-brick with differing details/features (tile hanging, decorative bonds, patterns, etc.). Other materials would be used e.g. buff brick, brown multi-brick and render to add variety. The roofs are generally pitched, hipped and gabled with red and reconstituted slate/grey tiles. The Orchard Quarter would differ somewhat, with timber boarding and timber shingles together with brickwork being the dominant wall material.

9.185 The Principal Urban Designer noted that the masterplan proposals still require design changes to be made to ensure the vision for this site is delivered. As such, several conditions were suggested to mitigate some of the outstanding design concerns and ensure quality is delivered. These will be discussed in the 'Summary' section below.

### ***Accessible and Adaptable Dwellings and Spaces***

9.186 Saved Policy Local Plan Policy 18 (the size of new dwellings) states as follows (for open market and affordable housing schemes):

*'At least 10% of all dwellings on housing sites accommodating 25 or more dwellings shall be designed as life-time homes (i.e. they shall be readily accessible and usable by a disabled or elderly person or capable of adaptation for such use at minimal cost).'*

9.187 The design approach should also accord with Policies CS18 (Mix of Housing) and CS29 (Sustainable Design and Construction) in this regard.

9.188 The 'Housing Quality and Design' section of the Health Impact Assessment (Document 16, Revision A) provides detail on the accessible and adaptable homes within the development. Section 5.7 states that the Applicant commits to providing homes that at Building Regulations M4(2) compliant to support independent living for older and disabled people.

9.189 The Design Code highlights the provision of accessible play spaces that would provide opportunities for disabled and non-disabled children to play together. In addition, the Design Code highlights that the allotments would be designed to meet the needs of disabled and older gardeners. A policy-compliant level of parking (5%) is also committed to.

9.190 All of the above would be captured through more detailed design at reserved matters stages; however, it is useful to understand the Applicant's commitment to providing a fully accessible development to meet the needs of vulnerable groups.

### ***Street Types and Designs***

9.191 The Design Code sets out a street hierarchy and a number of mandatory design principles such as the speed limit, use of street trees and parking restrictions. These are set out for primary, secondary and tertiary streets in addition to the mews, private drives and Station Road corridor. The proposed street hierarchy appears suitable, providing a range of types and designs across the development to suit each character area and their likely footfall and vehicular activity.

### ***Civic Space***

9.192 The Principal Urban Design has identified that although the illustrative material shows a public space surrounded by active mixed-uses, the Design Code states that the square can be delivered with large amounts of car park use integrated instead of a core public space. They noted that this is not considered as a good design principle and would not safeguard the delivery of high quality civic space. Specifically, the following mandatory design principles were highlighted as a concern:

*'Mandatory Design Principals for Village Square:*

*5. Parking for visitors to the commercial units should be well designed and integrated within the Square.*

*6. The different components that make up the Square - carriageway, pedestrian paths, cycle way, parking, street furniture - should be held together by an attractive grid of street trees and pavement design.*

*8. 3. Parking for the retail and community facilities shall be provided within the Village Square. They shall be well-designed and integrated into the public realm with high quality street furniture and planting. Access options for delivery and servicing of the retail and community facilities shall be integrated within the public realm design.'*

9.193 It is agreed that if they key area of civic space is dominated by car parking it could potentially result in poor placemaking. Subsequently, the Village Square may not provide the envisioned civic and community heart – a key part of the project that would provide a meeting point and sense of community.

### ***Designing Out Crime***

9.194 Paragraph 5.18 of the updated Design Code includes a number of principles for designing out crime for example the use of natural surveillance and appropriate lighting. Whilst full design details have not been provided at this stage it is considered that the LPA in consultation with the Applicant and Hertfordshire Constabulary would be able secure a safe and satisfactory design in relation to crime prevention at reserved matters stage.

### ***Summary***

9.195 The detailed design including layout and building appearance is not for determination at this stage. Considering the scale of the project and outstanding concerns from the Principal Urban Designer, a number of conditions to refine the design and capture certain elements have been suggested. The conditions relate to:

1. A further set of quality or design review panels at the reserved matters stage focusing on the design and vision for the village centre, a review of the architectural interpretation of the character areas and the public realm framework – with a focus on walking and cycling and wider connections. The sessions would ensure the delivery of a successful place and community with a high quality design.
2. A requirement for a Building for a Healthy Life assessment to ensure that the parcel layouts and wider masterplan are well integrated, distinct and inclusive for future residents.
3. A landscape concept plan for the village centre to establish the key principles for the public square to establish the relationship between public realm, community space and car parking.
4. Provision of 3D massing and visuals at reserved matters stage including street scenes and key views from public footpaths, particularly from within the AONB.
5. A limit on the use of white render on buildings across all of the character areas, as it is believed that this would result in visual harm in views from the wider landscape and negatively impact the AONB. It is recommended that this is limited to three character areas or two if the Garden Suburb Core is included, as it is the largest character area.

9.196 Whilst the reserved matters stage would provide further detail on design, it is considered that the conditions above would help to capture and develop important parts of the scheme. Notwithstanding the details within the mandatory design principles, it is considered appropriate to request the conditions above should the application be approved.

9.197 In relation to point 5 above, it may be preferable to determine the most appropriate locations for white render through the quality or design review panels, as certain areas of the site are considered more sensitive in terms of landscape and visual impacts.

9.198 The proposed building heights as detailed in the overarching Building Heights Parameter Plan (Document 4a, Part 3, Revision A), and more precisely within the character area mandatory design principles within the Design Code. These are considered acceptable and would provide some variety across the development, whilst also reflecting the need to respect the amenity of existing local residents in accordance with Core Strategy Policy CS12.

9.199 The set of design principles for the wayfinding/signage, street furniture, public art and lighting are all considered acceptable. However, as addressed in other parts of this report, some concerns have been raised over the principles for streets, public realm and landscaping. Primarily in relation to the provision of suitable tree species, sufficient space for structural planting and the concept for the civic space.

9.200 Section 12 of the Framework places great emphasis on the role of good design in place making. On balance, it is considered that the detail submitted, along with the above-mentioned conditions, would allow the scheme to respond appropriately to the key relevant principles within Dacorum's Strategic Design Code, as well as more general design considerations with Core Strategy Policies CS10, CS11, CS12 and CS13.

9.201 It is emphasised that the reserved matters, in light of the parameters set out in this application and aforementioned conditions, has the opportunity to secure a high quality design scheme with the appropriate level of interest and variety, which pays respect to the context in which it sits.

## **Environmental Implications**

9.202 The environmental implications associated with the proposed development are primarily discussed in the Environmental Statement (Document 6), the Framework CEMP (6i) and the relevant Appendices (G.1-G.8). It should be noted that a further 'Air Quality Note' (July 2022) was received following comments from DBC's Environmental and Community Protection Team (ECP).

### ***Air Quality***

9.203 The Environmental Statement includes an Air Quality chapter, which lays out the impact of air quality impacts on the site and surrounding area. The document provides the assessment criteria in which air quality has been assessed and covers construction impacts (dust and traffic), road impacts (traffic), residual effects, cumulative effects and mitigation. Both human health and impacts on ecology are discussed. As highlighted in the documentation, this has been undertaken in the context of relevant national and European standards.

### ***Planning Policy***

9.204 The Framework, Para. 186, states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

9.205 Paragraph 105 also identifies the role that sustainable transport and genuine choices of transport modes can make to reducing congestion and emissions, whilst improving air quality and public health.

9.206 The Core Strategy, Policy CS32 (Air, Soil and Water Quality), requires development to maintain air quality standards and ensures that any proposals that would cause harm from a significant increase in pollution (including air) by virtue of fumes or particles will not be permitted.

9.207 Saved Policy 51 of the DBLP ensures that air pollution and air quality implications of transport demands arising from development should be specifically considered.

### ***Assessment***

9.208 The submitted information explains that construction activities, without mitigation, would range from negligible to high risk of dust impacts. Therefore, a number of measures have been identified based on the level of risk of adverse effects during construction, which are proposed to be implemented during construction to minimise emissions (see Section G.5.2 of Appendix G.5). The resultant residual effects are described as 'not significant'. These details could be captured through a Construction Environmental Management Plan (CEMP) condition should the application be approved.

9.209 The proposed development would lead to an increase in traffic on the local road network during construction and operational phases; however, the assessment confirms that there would be negligible adverse impacts at some existing receptors and the overall air quality effects would be 'not significant'.

9.210 Dacorum's Environmental and Community Protection (ECP) Team highlighted that a worst-case scenario for peak construction traffic and fully operational development has only been run for up to 2027, when just 400 of the 1,400 homes will have been built; whereas the Construction Transport Management Plan states that the majority of the housing will not be completed until 2032. This issue was raised with the Agent and further information was received from Air Quality Consultants Ltd explaining that peak occupancy coinciding with peak construction traffic had been

modelled for 2027 to represent an estimated worst case scenario (see Air Quality Note, July 2022). ECP were happy with this explanation.

9.211 Within the Borough of Dacorum there are three Air Quality Management Areas (AQMAs) identified for exceedances of the annual mean nitrogen dioxide objective, predominantly as a result of emissions from road transport. The nearest AQMA lies 4.5 km from the site in Northchurch. ECP requested that an air quality assessment for sensitive receptors within Northchurch be included within this application. An assessment was made and detailed in the Air Quality Note, which concluded that “even when it is assumed that the entire development will be operational in 2027, the additional road traffic emissions result in negligible impacts at all receptors.” Therefore, the overall air quality effect within Northchurch is predicted as ‘not significant’ and no additional mitigation is proposed.

9.212 The Air Quality Note states that future air quality conditions at the site would be acceptable, with pollutant concentrations predicted to be below the objectives across the site. Further, the proposal would not have an adverse effect on local air quality conditions and would not introduce new exposure within an area of poor air quality and therefore no additional mitigation is proposed. The cumulative effects would also be ‘not significant’.

9.213 Based on the further information provided, ECP raised no objection to the proposal subject to the imposition of three conditions relating to: (1) construction traffic management plan; (2) construction and environmental management plan; and (3) operational phase travel plan. However, they noted that although the cumulative effects of the development are considered ‘not significant’, they recommended the use of the Defra Air Quality Damage Cost Appraisal (DAQDCA).

9.214 The DAQDCA can be applied to key road links associated with a reduction in local air quality at relevant receptors; for example, Station Road and Cow Lane in this case. ECP highlighted that a commitment should be required from the Applicant that the value of any calculated damage costs (if any) is made available to the council for investment in measures, over and above those sustainable travel measures already promised, to mitigate air quality impacts of the proposed development.

9.215 The development as a whole would result in a negligible adverse impact on local air quality. This means that the development would result in a 2-5% increase in pollutant concentrations within the 75% or less of the Air Quality Action Level (AQAL). Therefore, whilst there would be a reduction in predicted baseline air quality at some locations, the impact of this reduction is quantified as negligible.

9.216 ECP explained that whilst basic air pollution mitigation is offered, the development as a whole would result in a negligible adverse impact on local air quality. Any damage costs via the DAQDCA could be invested in projects to further offset the air pollution impact of the development. The scale and nature of the development is such that the damage costs would be fair and reasonable. Although not specifically objecting to the proposals, ECP note that the reason for this is because there is an expectation that there would be additional air quality mitigation possible by way of money secured through the application of the DAQDCA.

9.217 A further note was received from ECP, noting the policy situation in relation to the DAQDCA. Whilst not specifically mentioned in local policy, the Framework, paragraph 174 (e) states that planning decisions should contribute to and enhance the natural and local environment by...wherever possible, help to improve local environmental conditions such as air quality. The Applicant has not agreed to use the DAQDCA if the application is approved. Considering that a negligible impact has been identified, it is not considered that the application would be refused in the absence of the DAQDCA. The impact is not considered sufficient, even unmitigated, to justify

its imposition and would therefore not be felt to meet the requirement of regulation 122 of the Community Infrastructure Levy Regulations in terms of necessity.

### **Noise and Vibration**

9.218 The application is supported by a noise survey (see Appendix H.1-H.3). The methodology and findings are set out within the Noise and Vibration chapter of the accompanying Environmental Statement (pages 209-228). This chapter assesses the likely significant effects of the prevailing noise climate upon noise-sensitive components of the proposed development, specifically on the proposed residences, schools and SANG. Furthermore, the likely significant noise and vibration effects at existing residences, employment uses, the canal and environs from construction activity and traffic are considered.

### **Planning Policy**

9.219 Paragraph 174 of the Framework identifies that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

9.220 Planning *'decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum the potential adverse impact resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and quality of life...'* (Para. 185).

9.221 As such, the proposed development should avoid noise and vibration nuisance to surrounding properties/premises in accordance with Policies CS12 and CS32 and Paragraph 130 (f) of the Framework. Any development proposals which could cause harm from a significant increase in pollution by virtue of noise will not be permitted.

### **Assessment**

9.223 The Environmental Statement highlights that without the implementation of appropriate noise mitigation measures, construction site noise may give rise to short-term noise impacts of up to 'Moderate Adverse' significance during periods where the noisiest activity is taking place at the closest points to existing noise-sensitive receptors that border the site. Mitigation is therefore recommended by implementing appropriate measures in accordance with best practice guidance set out in BS5228-1 (Code of practice for noise and vibration control on construction and open sites). It is concluded that with the implementation of appropriate measures, the residual noise impact from construction works is likely to be of 'Minor Adverse' significance or less and only for a temporary period at any noise-sensitive location.

9.224 Regarding the operational phase, it is identified that some noise mitigation measures would be required e.g. glazing, ventilation systems, acoustic screening, etc. for the proposed residences in proximity to Station Road and Bulbourne Road, in accordance with BS8223 (Guidance on sound insulation and noise reduction in and around buildings). It appears that no noise mitigation is required for the proposed schools to achieve acceptable internal and external noise limits. Limits have been set for the proposed commercial uses and mechanical plant.

9.225 The ECP Team have reviewed the submission in respect of noise and vibration, highlighting that the level of detail is acceptable but that a number of conditions would be required, should this application be approved, ensuring that the methodology and mitigation outlined in sections 12.8-



12.12 is implemented across the whole development and maintained throughout. Further, a request for a construction management plan condition has been made.

9.226 The proposals have been assessed in respect of noise and vibration. Overall, the proposals have been assessed as not having a significant impact in this regard. It has been confirmed that the development would not be subject to any noise or vibration impact that cannot be sufficiently mitigated against. Therefore, the proposals appear to align with the aforementioned policies in this regard.

### ***Loss of Agricultural Land***

9.227 Chapter 13 of the Environmental Statement discusses agricultural land and the likely significant effects associated with the proposals in relation to the loss of this land and soil resources. It explains the method of assessment, establishes baseline conditions, likely significant effects, mitigation measures and any likely significant residual effects.

9.228 The application is also supported by an Agricultural Land Classification and Soil Resources Report (Environmental Statement, Appendix I.1), which includes the classification and soil survey results.

### ***Planning Policy***

9.229 The Framework (paras. 174-175) advises local planning authorities to strive to protect the Best and Most Versatile agricultural land (BMV) (classified as Grades 1, 2 and 3a in the Agricultural Land Classification (ALC) system) from 'inappropriate and unsustainable development' and consider areas of poorer quality land (Grade 3b, 4 and 5) for significant development instead.

9.230 The PPG repeats the policy in the Framework in respect of soils, stating that the planning system should protect and enhance valued soils because they are an essential finite resource that provides important ecosystem services, such as a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution.

9.231 Saved Policy 108 of the DBLP echoes the above approach, stating that development that would result in the permanent loss of BMV agricultural land will be refused, unless it can be demonstrated that there is an overriding need for the development and there is no alternative land of a lower quality which could reasonably be used. Furthermore, planning permission will not be granted for development that would fragment farm holdings unless mitigation is possible e.g. the land can be incorporated into surrounding holdings and there is no severance of buildings from the land.

9.232 The Department for Environment, Food and Rural Affairs (Defra) have produced a Soil Strategy for England (2009) that sets out a vision to sustainably manage all of England's soils by 2030. It advises that the protection, use and movement of soils should be considered from the outset of planning projects and through its design, construction, maintenance and operation phases.

### ***Alternative Land***

9.233 As required by the Framework and saved Policy 108, an assessment of alternative land of a lower quality should be undertaken to ensure that BMV land is protected, where possible.

9.234 Evidence gathered for the emerging Plan considered agricultural land quality across numerous sites in the Borough. An extract from the AECOM Site Assessment Study (Volume 3, Part 3, p.163-164) highlights the following in relation to this site.

*‘Overall site conclusion comments: Site has significant constraints in terms of Green Belt, and also performs relatively poorly on heritage, landscape (including AONB setting) and agricultural land quality. However, its Green Belt constraints are considered to be outweighed by its slightly better performance on these latter criteria, combined with even better performance on other criteria. Additionally, scale of the site and ability to deliver significant growth, i.e. regeneration and economic benefits, are further major advantages. As such, the site is considered potentially suitable for allocation but with major constraints.’*

*Overall site conclusion – final rating: Potentially suitable for allocation with major constraints.’*

9.235 The above identifies a constraint in terms of agricultural land quality but appears to explain that the ability for the site to deliver significant growth outweighs the loss of BMV land. Whilst sites of lesser agricultural land quality may be of lesser scale, there may be the potential to meet need on a number of smaller sites, rather than opting for a single larger site that includes more BMV land, such as this. As discussed earlier in the report, the review within the emerging Plan process may well identify further urban sites within Hemel Hempstead, which would reduce the need to develop sites of a higher agricultural land quality.

9.236 DBC’s Local Plan Interim Sustainability Appraisal Report (SA) (2020) also identifies the significant effects on agricultural land (see p41-45) associated with this site. The SA explains that this was carefully considered against other objectives for these sites as well as alternative sites. Furthermore, the provision of large areas of open space would help to *‘mitigate the impact that the development would have on this particular objective.’*

9.237 It is acknowledged that few single sites across the Borough would be able to provide the proposed quantum of development without resulting in the loss of agricultural land. Whilst a range of sites have been considered as part of the draft Plan, further investigations into the development of existing urban areas may well reduce the pressure to develop BMV agricultural land.

### ***Fragmentation***

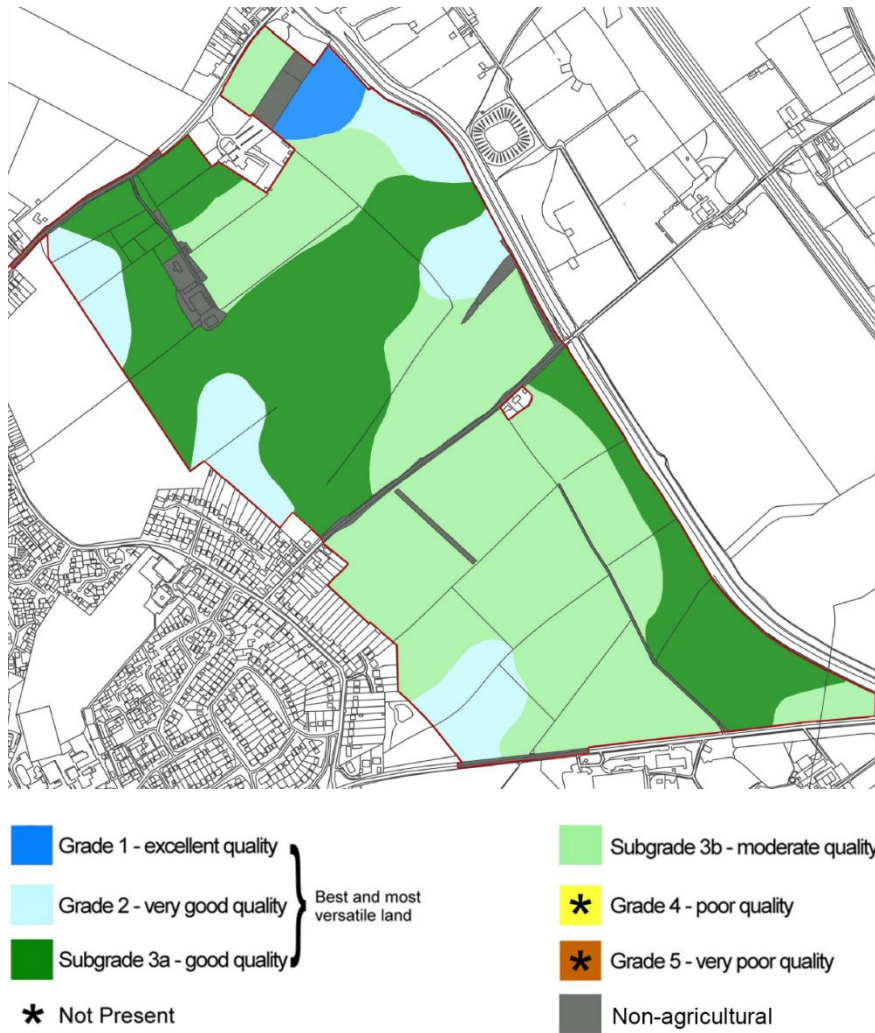
9.238 Saved Policy 108 also seeks to ensure that development does not fragment farm holdings. This point was raised with the Agent, who clarified that the *‘development will not lead to the fragmentation of any farm holdings – those farm holdings that are on the site will simply cease to exist when the development takes place.’*

9.239 The above clarifies that there would be no fragmentation of farm holdings.

### ***Assessment***

9.240 In the proposed scheme, 49% of the land, circa 59ha, is considered BMV quality (grade 1, 2 or 3a – see below) and will be subject to development.

*Figure 5 – Agricultural Land Classification*



9.241 The Environmental Statement identifies that the magnitude of change is major, resulting in a direct, permanent, major adverse effect on agricultural land and food production. No measures have been identified that would mitigate the direct loss of agricultural land but it is highlighted that the proposed design provides 27ha of SANG located along the eastern boundary that coincides with the area of BMV land and better quality soils.

9.242 The Statement also explains that there would be the retention and enhancement of existing areas of green infrastructure and incorporation of areas of new planting and retention of existing trees. Further, landscape areas would include allotments, SuDS, orchards, amenity green space, parks, gardens, natural and semi-natural green space, outdoor sports facilities and play areas. The Statement explains that the soil resources will be available and used to meet these different functions and uses.

9.243 Although identifying that there are no universally applicable measures available to mitigate the direct loss of agricultural land, the Statement suggests a 'Soil Resource Management Plan' (SRMP) condition could be added if the application is approved to alleviate some of the impacts on soil resources. The SRMP would confirm the different soil types; suggest the most appropriate re-use and methods for handling, storing and replacing; and help to re-use displaced soil resources.

9.443 Whilst it is acknowledged that there would be a loss of agricultural land, the development proposals position the SANG on the BMV land and better quality soils to reduce disturbance in these areas. The Illustrative Masterplan does show a number of large SuDS features situated

within the SANG area and therefore the creation of these features are likely to result in soil disturbance. However, the use of an SRMP, if approved, would help to reduce these impacts.

9.444 Overall, the loss of agricultural land is regrettable and would have some negative impacts, as previously identified. However, when viewed against the requirement for new housing and the other economic and social benefits that would arise from this development (e.g. employment, housing and education – see Section 6 of the Environmental Statement for full list of socio-economic benefits) it is not considered significant enough to warrant a reason for refusal.

### ***Ecology and Biodiversity***

9.445 The application is supported by two Ecological Assessments, which split the site into the northern and southern parcels due to its scale. The Assessments explain that a number of surveys were undertaken between 2017-2020 in relation to bats, badgers, otters, water voles, dormice, breeding and wintering birds, reptiles and great crested newts.

9.446 Further information relating to ecology and biodiversity is provided within the Biodiversity Net Gain (BNG) assessment, Landscape and Biodiversity Management Strategy, Environmental Statement (Section 9) and other documents previously mentioned in relation to the HRA.

### ***Planning Policy***

9.447 The Framework, Section 15 (Conserving and enhancing the natural environment), discusses ecology and biodiversity, stating that planning decisions, amongst other things, should minimise impacts on and provide net gains for biodiversity including by establishing coherent ecological networks most resilient to current and future pressures.

9.448 Policy CS26 states that development and management action will contribute towards: the conservation and restoration of habitats and species; the strengthening of biodiversity corridors; the creation of better public access and links through green space; and a greater range of uses in urban green spaces.

9.449 Policies NP1, CS2, CS10 and CS29 also ensure that development proposals improve the environment, regard environmental assets, preserve and enhance green gateways and wildlife corridors and minimise impacts on biodiversity whilst incorporating positive measures to support wildlife.

### ***Assessment***

#### ***Statutory and Non-Statutory Sites***

9.500 There are no statutory designated sites within or directly adjacent to the site. The closest sites are: Tring Reservoirs SSSI circa 0.7km north-west of the site; Aldbury Nowers SSSI approximately 0.9km to the north-east of the site; and Tring Park SSSI around 1.1km south-west of the site. As previously mentioned, the Tring Woodlands SSSI and Ashridge Commons and Woods SSSI are circa 2.4km and 3km from the site, respectively.

9.501 Turning to non-statutory designations, there are two that lie adjacent to the site, the Grand Union Canal (Bulbourne to Tring Station) Local Wildlife Site (LWS) and Station Road / Grove Road Fields LWS. College Lake LWS is also situated within close proximity to the site, some 0.2km northeast of the site.

9.502 The Ecological Assessment states that it is not likely that there would be any adverse direct effects on the above-mentioned sites. However, similarly to the CBSAC, there is potential for adverse indirect effects through increased recreational pressure and other sources e.g. air quality

and hydrological effects. The Assessment goes on to explain that the proposed SANG would help to avoid adverse effects on the above-mentioned sites through increased recreational pressure, as it would deter visitors from visiting the protected sites.

9.503 The Assessment explains that the layout and design of the proposals have had regard to the value and location of the LWSs. Further, the submission for a CEMP, secured by condition, would ensure that potential adverse effects (e.g. run-off during construction) are minimised. A lighting plan condition could also be added to ensure that the LWSs are satisfactorily protected from light spill.

9.504 The canal corridor LWS and proposed built development are separated by a sizable area of SANG. It is unlikely that, with the imposition of the aforementioned conditions, that there would be any significant impacts on this LWS.

9.505 Turning to the Station Road / Grove Roads Fields LWS, the proposed Development Framework Plan indicates that residential use would be located c. 20-25 metres from the LWS boundary. There is a hedgerow buffer between the sites and the proposals indicate an open space 'buffer zone'. Whilst not as significant as the proposed separation distance to the canal corridor, it is considered that appropriate layout, design, lighting and construction management, secured through reserved matters and conditions, would safeguard the LWS. It is noted that specific concerns have not been raised in relation to the LWSs by the County Ecologist in their final response. Taking this all into account, the proposals would have an acceptable impact on the adjacent LWSs.

### ***On-Site Ecology***

9.506 There are a number of existing habitats on the site, which are detailed in Section 5 (Ecological Evaluation) of the Ecological Assessment. The ecological features comprise a number of hedgerows, arable land, improved grassland, tall ruderal, woodland, wooded belts, individual trees, scattered scrub, buildings, orchards and two ponds. The locations of these features are visible on drawing 'ECO2', within the Assessment. The habitats within the site are generally defined as of 'low ecological interest'.

9.507 A number of surveys were undertaken including a desk study, habitat survey, faunal survey and surveys for bats, badgers, otters, water voles, dormice, birds, reptiles and amphibians.

9.508 No evidence of badgers, hedgehogs or dormice was recorded during the surveys undertaken. However, despite no evidence being recorded, the Assessment highlights that the site does provide some suitable opportunities for foraging, dispersal and hibernation. Whilst it is unlikely that otters would use the site for foraging, the Assessment indicates that given the close proximity to the Canal, the potential future presence of otters along the eastern boundary cannot be ruled out. Regarding water voles, it is concluded unlikely that they would be present due to existing disturbance from walkers and boats.

9.509 The site supports suitable nesting and foraging habitats for a number of common bird species. A range of species were recorded during the relevant surveys, including a barn owl.

9.510 No reptiles or amphibians were recorded within the two ponds on-site. These ponds were identified as 'below averaged' and 'poor' on the Habitat Suitability Index for their ability to support great crested newts.

9.511 The Assessment identifies that given the habitats present, it is likely that the site would support an assemblage of common invertebrates. However, the majority of the site is arable land, which is of little value to these creatures. Further, there was no evidence that any notable species would be present.

9.512 The loss of habitat and opportunities for wildlife has been identified. However, the surveys indicate that there would be no loss of, or harm to, designated habitats or protected species.

9.513 A range of mitigation measures are proposed, for example, owl nest boxes, hedgehog gateways, creation of new habitat and a sensitive lighting scheme to reduce potential impacts. Notably, a significant area of SANG is proposed, which would, in time, offer new habitats. The scheme also proposes to retain the existing hedgerow and tree network and strengthen biodiversity corridors within the site and provide an overall 'biodiversity net gain' (BNG).

9.514 HCC Ecology have reviewed the proposals and initially raised some concerns over protected species. However, after further investigation they noted that the buildings proposed for demolition have been identified as having negligible potential to support roosting bats. They have also explained that whilst there are trees identified as having potential to support roosts, these do not appear to be directly affected by felling or pruning. These trees can be seen on 'Plan ECO2 – Ecological Features' in the Ecological Assessments for both northern (Document 26a) and southern (Document 26b) parcels. Consequently, there is no need for further bat surveys at this stage. HCC stressed the importance of a lighting strategy that takes account of the identified trees and also associated commuting and foraging areas. A condition would be added in this regard if the application is approved.

9.515 HCC Ecology also originally raised some concerns over the ecological mitigation measures, stating that they were limited. They also noted that the opportunities and constraints provided by the orchard to the north should play a greater role in the design and assessment of biodiversity, landscape and access provision. HCC Ecology echoed the Hertfordshire and Middlesex Wildlife Trust's (HMWT) comments, which requested the inclusion of a Biodiversity Net Gain Management Plan (BNGMP) condition ensure that existing and proposed foraging areas are sufficiently managed. If this application is approved further ecological mitigation measures should also be secured through a separate or combined Landscape and Ecological Management Plan (LEMP) condition, a condition capturing the mitigation measures in the Ecological Assessment and the inclusion of further swift and bat boxes as requested by HMWT.

9.516 Overall, HCC Ecology concluded that the proposed mitigation and illustrative landscape proposals would provide an overall benefit to biodiversity. However, it was requested that the ecological mitigation and the integration of these proposals with net gain and SANGS be captured through the above-mentioned conditions.

### ***Biodiversity Net Gain***

9.517 Paragraph 180 (a) of the Framework specifically advocates a hierarchical approach to biodiversity mitigation – the principle that on-site biodiversity loss should be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated and, as a last resort, compensated.

9.518 As above, the Framework suggests that biodiversity loss should be avoided through locating the proposals to an alternative site with less harmful impacts. Similarly to the pressures on BMV agricultural land, when considering the stage of the emerging Plan and the search for further urban sites, it is not clear whether alternative sites with less harmful impacts exist.

9.519 A 'Biodiversity Net Gain Assessment (Revision A)' has been submitted to accompany the other ecology/biodiversity documentation. The documents indicate that net gains in-line with the requirements of the Environment Act 2021 would be provided.

9.520 The Applicant has liaised with Natural England and in summary, it has been agreed that 'basic SANG' i.e. any improvements to the land necessary to meet the basic recreational

requirements of SANG quality cannot be counted towards the net gain score, whereas the provision of SANG habitats of greater ecological value, can. Taking this into account, two metrics have been produced.

9.521 A 'Mini Metric' has been produced to runs calculations based only on habitats and hedgerows within the proposed SANG area. This metric is designed purely to satisfy the basic requirements of SANG. These habitats are functional, providing the variety and structure to meet the requirements for SANG to be attractive for recreation, but not to maximise ecological interest and wildlife opportunities.

9.522 A 'Main Metric' has then been produced to provide SANG habitats of greater ecological value and also includes habitats within the application site that lie outside of the proposed SANG and which wholly contribute towards BNG.

9.523 The Mini Metric 'baseline' of habitat and hedgerow units was then subtracted from their counterparts in the Main Metric to subsequently establish a BNG calculation. When using this methodology, the proposal would provide a resultant net gain of 96.61 habitat units (34.85%) and 0.58 hedgerow units (0.65%) between pre and post development.

9.524 The Biodiversity Net Gain Assessment (Revision A) (July 2022) highlights that the site has a strong existing hedgerow network and the majority of this is to be retained, allowing for small losses for access, but the relative abundance of existing hedgerows means there are limited opportunities to establish new ones on wholly new lines.

9.525 The proposed scheme aims to provide the BNG uplift through the provision of a variety of habitats including woodland, orchards, meadow, amenity lawn, scrub, allotments, swales and areas of permanent and ephemeral water. In addition, semi-mature tree planting will also be undertaken within the proposed residential areas and a predominantly native seed mix used throughout the proposed habitats. It is envisioned that these habitats would provide floristic diversity across the site that would in turn, attract a greater diversity of invertebrates, provide nesting and foraging opportunities for bats and increase foraging and dispersal opportunities for birds. Full details of the BNG proposals can be found in Table 4.5 of the Biodiversity Net Gain Assessment (Revision A) (July 2022).

9.526 HCC requested the submission of the underpinning BNG spreadsheets, explaining that until such time it is, the outcomes of the BNG report cannot be relied upon. Both the Main Metric and Mini Metric spreadsheets were submitted to the LPA on the 21.09.22. Comments were received from HMWT and HCC Ecology, explaining that the metric shows an acceptable net gain in terms of terrestrial habitats but not in hedgerows. It was therefore requested that hedgerow provision delivering a 10% net gain in linear habitats be secured.

9.527 As mentioned earlier, a BNGMP condition was recommended to secure the habitats outlined in the metric. It was noted that the Landscape and Biodiversity Management Plan alone would not be sufficient, as there is no obligation to provide the requisite number of habitat units. Therefore the Agent was contacted and they confirmed that the 10% net gain in hedgerow units could be included as a requirement in the BNGMP condition.

### **Summary**

9.528 The proposals indicate an overall increase in BNG primarily through habitat creation. The proposed legal agreement confirms a minimum of 30% BNG. This is substantially above the 10% requirement discussed in the Environment Act 2021. The proposed BNG would be likely captured through conditions relating to Landscape and Ecological/Biodiversity Management Plans and a BNGMP in conjunction with the legal agreement, should the application be approved. A specific condition requesting swift and bat boxes could also be imposed, as requested by HMWT.

9.529 The proposed uplift in biodiversity is considered as an attribute of the scheme and exceeds policy expectations. The proposed conditions appear to have broadly satisfied HCC Ecology and HMWT in terms of BNG delivery and ecological impacts. As such, no objection is raised in relation to the impact on neighbouring LWSs or on-site ecology.

### ***Existing Trees and Vegetation, Proposed Planting and Landscaping***

#### ***Planning Policy***

9.530 The Framework, para. 131, identifies that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined unless there are clear, justifiable and compelling reasons why this would be inappropriate. Further, opportunities should be taken to incorporate trees elsewhere e.g. parks and community orchards. Appropriate measures should be in place to secure long-term maintenance of newly planted trees and retain existing trees wherever possible. Section 15 of the Framework also discusses the character and beauty of trees and woodland and seeks to retain ancient and veteran trees.

9.531 Local policies in the Core Strategy (Policies CS13 and CS13) and Local Plan (saved Policies 99 and 101) seek to preserve woodlands, trees and hedgerows and provide suitable replacements if their loss is justified; provide planting to help assimilate development and softly screen settlement edges; encourage living walls and soft landscaping; and give consideration to existing and proposed trees to ensure that harmonious relationships exist with new developments.

#### ***Assessment***

##### ***Existing Trees***

9.532 The existing trees are identified within the Tree Report (Document 25i) and the proposed tree work is captured within the Arboricultural Report (Document 25). To summarise, the proposal would result in the removal of two horse chestnut trees of which one is category B and one is category C. Category B trees are considered to be of moderate quality within the region of 20+ years life expectancy and category C with 10+ years useful life expectancy. The proposals also involve the removal of some boundary hedging (groups G107, H161 and G157) to allow for proposed pathways, road surfacing and visibility splays.

9.533 The Trees and Woodlands Team have reviewed the proposals and believe that the proposed trees works are considered appropriate when considering the overall size of the site and the opportunity to mitigate the loss through the planting of urban trees and trees within the SANG. The Arboricultural Report explains that considering the number and density of category 'B' trees along the southern boundary, the removal of just one higher category tree is considered positive and would result in an overall 'low-key' impact on the boundary as a whole.

9.534 Some further tree works are required to accommodate the proposed accesses, such as the lifting of four sweet chestnut tree canopies above the proposed road on the southern boundary and the above-mentioned hedgerow works.

9.535 The scheme appears to have been designed with trees in-mind, resulting in an overall minimal loss of trees and hedgerows, particularly when considering the scale of the site. No objection has been raised by the Trees and Woodlands Team but they have requested further information on proposed planting by way of an 'Urban Planting Scheme' condition, if approved. They highlighted that the planting scheme species choice should take account of climate change and offer opportunities of shade in public areas. In addition, information relating to the SANG



planting should be sought and take into account protection from animal damage through species choice and guarding/fencing where appropriate.

9.536 Lastly, the Trees and Woodlands Team requested a programme of continued tree maintenance in perpetuity of the development to ensure that all existing and proposed trees and supported.

### ***Proposed Planting***

9.537 The Design Code (Document 10) explains the provision of trees and other planting (e.g. shrubs and herbaceous planting) within amenity spaces, green corridors and play spaces. The Code also states that street trees would be provided within primary, secondary and tertiary streets as well as the mews and private drives. It is also envisaged that soft and hard landscaping would be integrated across the site.

9.538 The above principles are written into the Design Code and although at this stage full landscaping details (including on-going management and maintenance) have not been provided, this element of the proposal could be secured by condition if the application is approved.

9.539 As previously discussed, DBC employed an external company 'HDA' to undertake an assessment of landscape impacts and a review of the submitted Landscape and Visual Impact Assessment. The response, dated 22.08.22, highlights that additional structural tree planting is required to assimilate the development into the landscape. It was suggested that a stronger landscape structure be provided, particularly in a north-south alignment. It was also suggested that large-scale native species should be planted in this respect. HDA explained that the above should be secured within the Landscape and Open Space Framework parameter plan in order to provide certainty, as concerns were raised that trees, particularly large species, should be planned from the offset to ensure sufficient spacing with buildings, roads, etc. The Applicant did not respond to the above requests above and therefore it is considered necessary to impose a conditions relating to the internal landscape structure as mentioned earlier in paragraphs 9.52–9.64.

### ***Summary***

9.540 The proposal would have a modest impact on trees and other vegetation when considering the large-scale nature of the site. Turning to the proposed planting, this is embedded within the design code, which highlights that a variety of trees would be provided across the site both within the urban areas and areas of open space. Although the proposed landscaping palette site is broadly acceptable, as raised in the 'Landscape and Visual Impact' section, concerns have been raised in relation to the internal landscape structure. This is due to uncertainty over the proposed mandatory street design principles and whether they would be sufficient to accommodate larger, structural planting. Concerns have also been raised in relation to the use of lime trees along the street corridors. Therefore, the landscaping proposals should be re-visited at reserved matters stage, or through condition, in-light of this.

### ***Landscaping***

9.541 The Design Code highlights that landscaping would be used throughout the development with substantial areas provided in certain areas e.g. the garden suburb core and the outer garden suburb and with some limited opportunities in other areas e.g. courtyards and mews. Full details of hard and soft landscaping would be sought by condition, if approved.

9.542 As above, HDA noted a number of concerns regarding the landscape and visual impacts associated with the development. Certainty over the internal landscape structure is required to mitigate these impacts, as the proposed street design principles may result in routes that are

unable to accommodate larger tree species due to verge widths and proximity to buildings. It is therefore suggested that, if approved, a condition be added to provide further details on landscape structure in consultation with DBC's Trees and Woodlands Team and HCC Highways to ensure that the street design principles are sufficient.

9.543 With the addition of a hard and soft landscaping scheme condition and further details regarding internal landscape structure and appropriate street design principles, which could also be captured via condition, it is felt that a high quality landscaping scheme could be provided and therefore policy-compliant in this regard.

### ***Flood Risk and Drainage***

9.544 Flood risk and drainage are assessed in the 'Water Resources and Flood Risk' chapter of the submitted Environmental Statement (Chapter 15), which contains detailed considerations pertaining to matters relating to flooding, surface water drainage, foul water drainage and water resources.

9.545 This has been supported by a Flood Risk Assessment (FRA) (Document 22, Revision A), Sustainable Drainage Strategy (Document 26, Revision A) and Utilities Statement (Document 9ii).

9.546 The potential hydrological impacts associated with the proposed development, during both the construction and operational phases, have been considered. These assessments and their conclusions are summarised below.

### ***Planning Policy***

9.547 The Framework, Section 14, states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Core Strategy Policy CS31 echoes this approach.

9.548 Paragraph 169 of the Framework states that major developments are expected to incorporate SuDs with appropriate operational standards, maintenance arrangements and where possible, provide multifunctional benefits.

9.549 The Planning Practice Guidance identifies that new developments should be designed to provide adequate flood risk management, mitigation, and resilience against the 'design flood' for their lifetime.

9.550 This is a flood event of a given annual flood probability, which is generally taken as fluvial (river) flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year), or tidal flooding with a 0.5% annual probability (1 in 200 chance each year), against which the suitability of a proposed development is assessed and mitigation measures, if any, are designed.

### ***Assessment***

9.551 The site is currently in agricultural use with few existing drainage features on site. These include a series of ditches, largely following field boundaries, the majority of which were observed as dry and therefore are likely informal land drainage. There are no public sewers within the site boundary.

9.552 There is a sizable embankment between the site and the canal and therefore any exceedance flows are expected to be maintained in the site. The Canal and River Trust (CRT) have not objected to the proposals. It is noted that they are not aware of any records of

overtopping or breach of the waterway adjacent to the site. HCC's Preliminary Flood Risk Assessment notes that there is no significant flood risk in Hertfordshire associated with canals.

9.553 The application site is located entirely within Flood Zone 1 (low risk) and there are no recorded historic incidents of flooding at the site. All potential sources of flood risk have been assessed. An assessment of a further range of potential risk sources including canals, groundwater, reservoirs, waterbodies and sewers has also been undertaken. None of these flood sources have been identified as posing a barrier to the development.

9.554 A Sustainable Drainage Strategy (SDS) (Document 26, Revision A) has been submitted with the application. It provides details on proposed run-off rates based on the predicted impermeable area created by the development proposals, including a 10% 'urban creep' buffer within residential parcels.

9.555 Surface water run-off would be stored within a series of infiltration basins along the eastern section of the site, within the SANG. The basins would be appropriately planted to provide a primary level of treatment through filtration, prior to the water infiltrating into the ground. The SDS recommends further levels of treatment through permeable paving, rain gardens and tree pits, which could be incorporated into the detailed design stage at reserved matters stage. It is highlighted that areas of permanent water within the basin would be provided to improve biodiversity.

9.556 Swales are also incorporated into the layout to convey surface water from the development into the above-mentioned SuDS basins – these would generally follow the edges of the proposed development parcels to incorporate them into blue/green corridors.

9.557 The proposed basins would not conflict with the easement for the oil pipeline, which runs through the site. However, the SDS notes that the pipeline would need to be crossed in several places to allow connections to be made between the swales and basins. The levels would need to be reviewed at the detailed design stage regarding the depth of the pipeline in addition to the proposed crossing point locations.

9.558 The British Pipeline Agency (BPA) have reviewed the proposals, stating '*we are pleased that the BPA pipeline appears to have been taken on board in the master plan with most of the housing designed away from the pipeline.*' No objection has been raised by BPA in relation to the proposals.

9.559 The proposals indicate that the drainage systems would be up for adoption by Thames Water but if any of the SuDS remained un-adopted, an appropriate maintenance company would be appointed.

9.560 A number of other flood risk mitigation measures would be incorporated into the design to reduce the risk of flooding. For example, finished floor levels of any new buildings would be raised to a minimum of 15cm above surrounding levels. Full details can be found in Section 4 of the FRA.

9.561 Regarding potential for groundwater pollutants, the SDS discusses the 'treatment train' incorporated to monitor and mitigate risk. This assesses the pollution hazard at a particular site, the effectiveness of SuDS treatment components in reducing levels of pollutants and the sensitivity of the receiving environment. It is proposed that SuDS Source Control measures would be implemented to manage water quantity and quality across the development. The SDS explains that a 'treatment train' stages would be determined through the detailed design stage, once the layout and drainage areas are fixed.

9.562 The Environmental Statement (Chapter 15) also comments on water resources and flood risk. It highlights that a Construction Environmental Management Plan is key to minimise effects on water resources and flood risk during the construction phase. It concludes that based on the information available, the effects are considered not significant when including appropriate mitigation measures.

9.563 The Environment Agency have reviewed the proposals and note that the proposed uses do not pose a high contamination risk, falling below their risk bar in terms of ground water and contaminated land. Similarly, as the site falls within Flood Zone 1, it falls below their risk bar for consultation in terms of flood risk.

9.564 DBC has commissioned a drainage consultancy (JBA) to review the proposals in absence of comments from the Lead Local Flood Authority. JBA have reviewed the drainage proposals are following the submission of revised and additional information, have not raised any concerns with the proposed drainage proposals. Final technical details have been provided by the Applicant and the LPA is awaiting JBA's confirmation that these details are appropriate. Members will be further update prior to committee in this regard.

9.565 A number of conditions would be required to ensure satisfactory drainage and flood prevention on the site. There would include a condition for the sustainable drainage strategy and a condition for timing, phasing, management and maintenance arrangements for the SuDS features and drainage network. The CRT have also requested an assessment of the impacts on the Grand Union cutting slope and reservoirs, any necessary mitigation measures and future responsibilities.

### ***Foul Water Drainage***

9.566 The application proposes to drain foul water from the development separately to surface water. New connections would be required to Thames Water's public sewer network. The SDS notes that at least one pumping station would be required, following a review of site levels.

9.567 Thames Water responded to the proposals and highlighted that they would not wish to restrict the development from being approved despite having concerns over current capacity. They stated that they would require a planning condition relating to a foul water drainage strategy if the application is approved. This would allow them to establish the proposed phasing plan with the Applicant and subsequently ensure that sufficient upgrades are made in relation to waste water so that the networks are able to accommodate the development within an agreed timeframe.

9.568 At this stage a timeframe has not been confirmed or agreed by either party. Therefore, this may have a bearing on the ability of the site to contribute to the five year housing land supply, should permission be granted.

### ***Summary***

9.569 Given the above assessment it is considered that, when the mitigation works detailed are taken into account, the proposed drainage strategy is deemed acceptable and no significant issues are identified relation to water resources or flood risk. Therefore, the proposal is considered acceptable in relation to Policy CS31 and Section 14 of the Framework.

### ***Lighting***

9.570 This application is in outline form and therefore detailed lighting strategy has not been submitted. The impacts of lighting, however, is discussed in various documents including the Environmental Statement.

## ***Planning Policy***

9.571 Saved Policy 113 of the DBLP permits exterior lighting, provided it, amongst other things, does not have a significant impact on the natural environment. In rural areas and other parts of the countryside, provision of new exterior lighting will be minimised.

9.572 Saved Appendix 8 of the DBLP explains that in the assessment of new proposals, the environmental impact of new exterior lighting will often be a material planning consideration. It highlights, amongst other things, that the strictest control over outdoor lighting is essential to maintain the dark landscapes of the open countryside and AONB – justification is therefore required for external lighting in these areas.

9.573 The Institute of Lighting Professionals (ILP) guidance notes should also be considered when assessing the impacts of light from proposed developments.

## ***Assessment***

9.574 The proposals would increase lighting both through construction and operational phases resulting in subsequent impacts on the landscape and natural environment. Whilst the Environmental Statement and LVIA highlight that the lighting would be seen in the context of the wider settlement, it identifies there would be some significant impacts from certain receptors.

9.575 HDA noted that the LVIA's assessment of the lighting effects recorded for the ILP Environment Zones recorded were fair. They noted that the Night Time views submitted at Appendix D.5 indicate that the eastern edge of Tring is generally unlit/relatively dark. The new housing and in particular and floodlighting would be noticeable, particularly in views from the east, and would bring light sources closer to the edge of the AONB. As such, HDA concluded that it is likely that the ILP Environment Zone would change as a result of the development. To combat this, structural planting was recommended, particularly to the east of any floodlit sports facilities. Whilst a standalone condition is not considered necessary in this instance, the provision of structural landscaping in these locations within the planting plans/landscaping conditions is of utmost importance.

9.576 The Environmental Statement explains that the exterior lighting would be designed in accordance with best practice. It also proposes a lighting strategy condition. The imposition of this condition would further help to alleviate the impacts caused by lighting across the development.

9.577 It is clear that the proposal would result in a significant increase in light when compared to what currently exists on site. This, in turn, would have knock-on effects on the surrounding environs, particularly when viewing the site in the dark. As the use of a lighting strategy would help to reduce these impacts to a degree, however, it is considered that there would still be harmful impacts, particularly on the Chilterns AONB. This has been discussed in the 'Landscape and Visual Impact' section of this report. Whilst impacts were identified, suitable tree planting and lighting strategy conditions are considered sufficient to help mitigate the impacts.

## ***Ground Conditions and Contamination***

9.578 The application has been supported by a Phase I Geo-Environmental Assessment, which has been used to inform the proposals. The report concludes that the site is suitable for the proposed use in terms of levels of ground contamination and ground conditions (geology), subject to further investigations to determine various things such as foundation design and contamination mitigation strategies.

9.579 DBC's Environmental and Community Protection Team has been consulted on the planning application. They have raised no objections to the proposals in terms of contaminated land at this

stage but requested an intrusive site investigation report via condition if the application is approved.

9.580 Taking the above into account and the further investigations that could be secured by condition, it is not considered that ground conditions or contamination would pose a significant constraint to the proposed development. The proposals are therefore considered to comply with Policy CS32 and the Framework in this regard.

## **Residential Amenity**

### ***Planning Policy***

9.581 The impact on the established residential amenity of neighbouring properties is a significant factor in determining whether the development is acceptable and Paragraph 130(f) of the Framework states that developments should provide a high standard of amenity for existing and future users.

9.582 Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.583 Saved Appendix 3 (Layout and Design of Residential Areas) requires new developments to provide sufficient space around residential buildings to avoid a cramped layout and maintain residential character. Spacing between buildings ensures privacy and allows movement around buildings for maintenance and other purposes.

### ***Assessment***

#### ***Neighbouring Properties***

9.584 There are a number of residential properties on the edge of Tring within proximity to the site, including those on Netherby Close, Hollyfield Close, Marshcroft Lane, Ridge View, Grove Road, Orchard Gardens and Station Road. These properties are situated on the south-western boundary with the majority of the properties having their rear gardens backing on to the site. In terms of distances, it appears that the vast majority of neighbouring buildings would be sited over 60 metres from the proposed development.

9.585 The Illustrative Masterplan (ES Appendix: Illustrative Masterplan) and Parameter Plans (Document 4a, Parts 1-5) illustrate allotments and areas of vegetation to be used to create buffer zones between the existing and proposed properties. The proposals have also been designed to provide two-storey development adjacent to the aforementioned neighbouring properties to reduce overlooking and potential for loss of light (see Building Height Parameter Plan (HRE003-027 Revision C)). Private gardens would be closer, however, the buffer zones/distances are considered sufficient as to avoid any significant impacts.

9.586 There are several buildings within closer proximity to the proposed build development area (e.g. 1-4 Grove Farm Cottages and 5-9 The Grove on Marshcroft Lane). 9 The Grove, in particular, would be closest, being sited some 20 metres from the proposed development area. Saved Appendix 3 requires a separation distance of 23 metres between habitable room windows. At this stage the final layout has not been agreed and therefore should this application be approved, the orientation and layout of the proposed properties should be carefully considered at reserved matters stage.

9.587 There are other buildings adjacent to the site e.g. properties and garden centre on Bulbourne Road and Goldsworth Road (north western border), properties and buildings associated

with Pendley Manor on Station Road (southern border) and Marshcroft Cottages and Marshcroft House, which have been 'cut out' of a central part of the site. Considering the separation distances between these buildings and the proposed build form, it is not felt that there would be any significant impacts in relation to residential amenity.

### ***Proposed Properties***

9.588 At this stage the exact layout and orientation of the proposed properties has not been established. Therefore, an accurate assessment of residential amenity for future occupiers cannot be known. The proposals would be assessed in more detail at reserved matters stage in this regard, if the application is approved.

### ***New Mill Proposals***

9.589 Saved Policy 10 (Optimising the use of urban land) of the DBLP, whilst not strictly applicable to this development as it is not urban land, lays out some important principles to secure the optimum use of land in the long term. This includes: (a) all development must be planned and implemented in a co-ordinated way, taking a comprehensive view of potential opportunities in the immediate area wherever possible. This echoes the co-ordinated approach laid out in the emerging allocations (Tr02 and Tr03).

9.590 A letter dated 1<sup>st</sup> June 2022 was received from Pegasus Group on behalf of L&Q Estates, who have a commercial interest in the aforementioned neighbouring site, New Mill (Tr02). The letter highlights concerns that the illustrative masterplan has not been developed in conjunction with L&Q Estates. Nevertheless, they have requested that the parameters of the outline proposals ensure the emerging policy aspirations for the site primarily in terms of integration, movement, connectivity and phasing.

9.591 Specifically, the letter from the Pegasus Group requests that the LPA ensures that connections can be made between the sites should they both come forward. Questions are raised regarding the locations of certain facilities (e.g. the schools) and whether they could be more suitably located to benefit the wider area (including the New Mill site). Lastly, the letter requests consideration of the proposed phasing plan to ensure that community facilities such as the community/sports hub can be brought forward early in the project timeframe.

### ***Connectivity to and from New Mill***

9.592 A response from the Agent indicated that discussions had taken place between the Applicant and L&Q Estates and connections would be possible between the sites. Whilst these connections are not formally indicated on the Movement and Access Plan (Document 4a, Part 4) despite being requested by the LPA, an email from the Agent dated 06.09.22 confirmed that Harrow Estates are willing to commit to delivering foot and cycle connections to the western site boundary. They highlighted that the following obligation in the S106 Agreement would secure these connections:

*'Future connections to land at New Mills*

*In the event that land at New Mills (draft allocation Tr02) is brought forward for residential development, of a form that is compatible with the development at Marshcroft, provision will be enabled for footpath and cycle connections between the two sites. Such connections to be designed and approved through the process of approval reserved matters for relevant development parcels.'*

9.593 The Agent has clarified that the Draft Phasing Plan (Document 5b) identifies that the majority of the land adjacent to the New Mills site is earmarked for delivery towards the latter stage

of the development (phase 5), by which time it is anticipated that a decision on the New Mill allocation will have been made, thus enabling details of connections to be discussed between the relevant parties and agreed at reserved matters stage.

9.594 The application also confirms that the site is fully accessible and does not require any form of footpath or cycleway to be provided through the New Mill site. Therefore, should Tr02 not come forward or its delivery be substantially delayed, that it would not have an adverse impact on the sustainability of the application site.

9.595 Taking the above into account it appears that a satisfactory mechanism to ensure that connections to the New Mill site are provided can be secured through the proposed legal agreement and reserved matters stages. It is also clear that the proposal can come forward in isolation without any significant impacts on connectivity to the surrounding area.

#### *Building Heights Adjacent to New Mill*

9.596 It is noted that the proposals include “up to 3-storey (11m to building ridge)” development within close proximity to the New Mill site (see images below). There is a small buffer between the sites but of a lesser size when compared to the separation gaps provided for existing housing on the edge of Tring, where allotments have been provide greater separation (see Illustrative Masterplan). The Building Heights Parameter Plan (Document 4a, Part 3, Rev A) also proposes ‘up to 2-storey (9m to building ridge)’ adjacent to these existing sites.

*Figure 6 – New Mill and Proposed Building Heights Juxtaposed*



9.597 Although not raised as an issue in the Pegasus Group letter, the concerns above were raised with the Agent. They responded stating that the final layout (to be agreed through reserved matters) would be able to take account of proposals on the New Mill site. Whilst it is the view of the LPA that either greater separation distances should be provided or the building heights be reduced to a maximum of 2-storeys on the parameter plans, it is acknowledged that the LPA would be able to agree a suitable layout at reserved matters stage, ensuring that no adverse impacts would arise on the New Mill site. To avoid unacceptable impacts on residential amenity (e.g. overlooking or overbearing impacts caused by 3-storey development), mitigation could be sought, for example, by locating gardens/private amenity space toward the New Mill site or by satisfactory orientating the proposed units.

### **Healthy Communities - Open Space, Play Provision, Sports Facilities and Food Growing**

#### ***Planning Policy***



9.598 Paragraph 93 of the Framework requires planning decisions to provide social, recreational and cultural facilities and services the community needs, including the provision and use of shared spaces such as open spaces.

9.599 Paragraph 92 (c) highlights explains that planning decisions should aim to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles for example through the provision of safe and accessible green infrastructure, sports facilities, access to healthier food, allotments and layouts that encourage walking and cycling.

9.600 Paragraph 98 emphasises the importance of providing a network of open spaces and opportunities for sport and physical activity.

9.601 Saved Policy 76 (Leisure Space in New Residential Developments) explains that residential developments of over 25 dwellings will not be granted planning permission unless public leisure space is provided. This open land should be provided at a standard of 1.2 hectares (3 acres) per 1000 population or 5% of the development area whichever is greater and should be useable, well located and purposefully designed. Major Developments will also be required to contribute to other recreational needs of the development such as off-site provision of sports pitches or enhancements to other open spaces.

9.602 Saved Appendix 6 provides further detail on requirements for open space and play provision and requires the consideration of the National Playing Fields Association (NPFA) standards with a total of 2.8 hectares per 1,000 population; including: 1.6ha of adult/youth play (including pitches, 0.6ha for children's play over 5's, 0.2ha for under 5's and 0.4ha for additional leisure space.

9.603 In 2019, DBC commissioned and published several documents including: Open Space Standards Paper (OSSP) (2019); Playing Pitch Strategy and Action Plan (2019); and the Indoor Leisure Facilities Needs Assessment (2019) to provide an evidence base for the emerging Plan and provide direction to inform decisions on future strategic planning. The OSSP uses Fields in Trusts (FIT) standards for assessing current provision and existing deficits in the quality and quantity of play spaces and parks and gardens in the Borough.

## **Assessment**

### **Open Space**

9.604 The application site is approximately 121 hectares. Based on the standard above, an approximate total of six hectares of open land would be required in association with this scale of development, which equates to around 5% of the development area. The Sport and Physical Activity Facility Strategy (Revision A) (Document 21) highlights that the proposals would provide 64.20 hectares of open space, with an overall figure of 22.02 hectares of amenity space, parks and gardens and adult/youth spaces.

9.605 The Strategy explains that the Applicant has had regard to the findings in the OSSP paper, ensuring that the proposed locations of each open space type meet the FIT accessibility guidelines in terms of distance and walking time.

9.606 The Design Code explains that a variety of parks and gardens would be provided across the development, each with their specific context. The Design Code, pages 34-52, discusses the range of spaces provided, including a woodland linear park, heritage garden, community allotments and a range of other spaces. Some parks and gardens would function as destinations whilst others forming part of a larger open space framework. A number of mandatory design principles are captured in the Code, for example, all parks and gardens would include a variety of planting, integrate biodiversity benefits and ensure there is passive natural surveillance (see p.33-34 for full list of principles).

9.607 A new tree-lined street would extend north from Station Road to Bulbourne Road. Criss-crossing this 'green spine' are a number of green open spaces/green wedges that open out towards the canal corridor and wider rural landscape.

9.608 The masterplan appears to provide substantially more open space than required by local policy, which is welcomed. The landscape and open space framework has been purposefully designed to provide green corridors and a range of open spaces in sensible locations.

### ***Play Provision***

9.609 Turning to play provision, saved Policy 76 requires usable, well located and purposefully designed play equipment. The scheme provides three Local Equipped Areas for Play (LEAPs), which provide an unsupervised area equipped for children of early school age and within five minutes from home. One larger Neighbourhood Equipped Area of Play (NEAP) would be provided in a more central location. This would provide a larger range of play equipment, primarily for older children but with play opportunities for younger children as well.

9.610 The 'Play Spaces' map in the Design Code (p.50) illustrates that no proposed property would be more than 400 metres from a play space, with the NEAP being less than circa 800 metres from the majority of the site. As such, the FIT guidelines would be met in terms of buffers from residential development.

9.611 The Code explains that these formal equipped play areas would be complemented by natural and informal play opportunities distributed across the development. The Code provides 17 mandatory design principles regarding the design and specifications of the play areas. Point 17 notes that Local Areas of Plan (LAPs) would also be provided across the development. Overall the principles are considered appropriate, however, further details of the design specifics and play equipment would be required at reserved matters stage or by way of condition.

9.612 The proposed play provision are considered sufficient in providing play areas and play opportunities for the needs of the future residents. As such, no objections are raised to the proposed play strategy.

### ***Sports Provision***

9.613 The Sport and Physical Activity Strategy (SPAS) (Revision B) sets out the FIT requirements based on a modelled population of 3,500 residents. This is based on a multiplier of 2.5 residents per dwelling.

9.614 Sport England have been actively involved in this project during the determination period. An amended SPAS and a further 'Technical Note' (Revision B) (Document 21a) was received in response to dialogue between Sport England and the Applicant.

9.615 The Applicant has used the Sport England 'Sports Facility Calculator' to calculate the expected demand from the development, as they note that the emerging Plan requires an assessment against the 'Playing Pitch Calculator'. It is worth noting that any provision on the primary school site is excluded from the calculations – this is because the pitches most likely would not be available for general community use.

9.616 It is also worth noting that in certain circumstances the Applicant has agreed offsite contributions in liaison with Sport England and other relevant sporting bodies. For example, it was considered preferable to provide an off-site contribution to specific improvements at Tring Rugby Union Football Club rather than provide facilities on-site, which would be divorced from the main rugby facilities in Tring and therefore may not be used to their full potential.

9.617 The following tables summarises the FIT and Sport England playing pitch requirements against the proposed provision.

*Table 5 – Fields in Trust Sports Requirements vs Proposed Provision*

	FIT Requirements for 3,500 Population	Proposed Minimum Provision
Playing Pitches Only	4.2ha	5.2ha
All Outdoor Sports	5.6ha	5.8ha

*Table 6 – Sport England Playing Pitch Calculator Requirements vs Proposed Provision*

Type	Sport England Playing Pitch Calculator		Proposed Minimum Provision	Comment
	Match Equivalent Sessions	Pitches Required		
Adult	0.90	1	3	
Youth	1.61	1	2	
Mini	1.52	1	2	
Rugby	0.36	<1	0	Off-site provision
Cricket	30.86	1	1	
Hockey	0.21	<1	0	Off-site provision
Football Training	8.06 hours per week	1 (if 3G)	5	

*(It is worth noting that the cricket figure above is an anomaly as the cricket demand is reported in the Sport England calculator as 'match demand per season' not per week like football.)*

9.618 The SPAS (para 8.10) highlights that, in summary, that the Applicant commits to the funding and development of the following outdoor sports facilities:

- 1 x floodlit senior 3G pitch;
- 2 x grassed mini-soccer pitches (7 x 7 – under 8s) on the Sports Hub site for community use only;
- 1 x grassed youth pitch on the Sports Hub site for community use only;
- Type 2 open porous macadam, floodlit, multi-use games area for tennis, netball and basketball on the boundary of sports hub site and secondary school site for dual use;
- 1 x grassed senior football pitch on the cricket site on adjacent site to secondary school and main Sports Hub; and
- 1 x grassed cricket oval and cricket pitch on additional site adjacent to secondary school and main Sports Hub.

### **Sports and Community Hub**

9.619 The proposals also include a sports and community hub facility. The proposed facilities comprise:

- A Sports Hub building up to 1,600sq.m;
- Four-court sports hall with equipment store (to be included as part of the Sports Hub building);
- Sports pavilion of 150sq.m integrated into community building;
- Fitness/activity studio;

- 26 station gym facility with space for more stations subject to feasibility/demand study at reserved matters stage;
- Four changing rooms split between indoor/outdoor in the main Sports Hub building;
- Two outdoor changing rooms, clubhouse facilities and space for match officials as part of community building adjacent to cricket facility;
- Café/bar/social space for community and club access provided in the main Sports Hub building and as part of clubhouse/community building; and
- Community sports reception and separate secure access for secondary school.

9.620 The sports hub is provided adjacent to the secondary school and the SPAS (para 8.6) confirms that the design will enable dual access i.e. a separate access for the school. Paragraph 9.6 highlights that the sports hub would be designed and constructed to Sport England Community standards.

9.621 The SPAS explains that for certain sports e.g. bowls and squash, no additional provision or contribution would be provided. This is primarily due to an assessment of existing facilities and requirements/needs. For example, Squash is already well-catered for at Tring Squash Club. Justification is provided in Table 7.3 of the SPAS and this is considered sufficient.

9.622 The following sports contributions have been agreed using the Sport England calculator:

Off-site contribution for rugby (league and union) - £52,089 (pitches) + £134,209 (changing rooms).

Total: £186,298

Off-site contribution for hockey - £50,286 (pitches) + £20,902 (changing rooms).

Total: £71,188

Off-site contribution for swimming to improve Tring Sports Centre as no swimming facility is proposed.

Total £744,177

9.623 The overall off-site contributions equate to £1,001,663. These figures are reflected in the proposed legal agreement heads of terms.

9.624 The facilities detailed above appear to meet the requirements for the proposed development and exceed local policy requirements. Further financial contributions would be provided to compensate for any facilities not provided on site.

### ***Dual Use of Sports Facilities***

9.625 As previously alluded to, the proposed Sports Hub and Secondary School would be situated adjacent to each other. This would allow the dual use of the facilities to ensure that they remain financially viable. If this application is approved, the dual use arrangements would be established through a dual use agreement with the relevant parties.

9.626 As summarised in part 9 of the SPAS, dialogue with Hertfordshire County Council has revealed that although a suitable site must be reserved for a secondary school, at this present time it is unclear whether a new school would be built here dependant on future growth and demand in Tring. This means that the sports hub must be freestanding facility that is viable without any school users.

9.627 The proposed artificial pitch and floodlit hard-surfaced courts are located within close proximity to the proposed school boundary and therefore although these pitches/courts would be brought forward with the Sports Hub, they could provide resources for the school through a future dual use agreement.

9.628 Regarding the multi-use games area (MUGA), it is proposed that this would come forward earlier in the phasing with the Sports Hub but would become part of the secondary school site in the future. The dual use agreement could then be used to formalise community access to the MUGA outside of core school hours.

9.629 The SPAS also indicates that the indoor sports hub would be designed to allow full school access during core school hours and with community access outside of school hours. Separate entrances would be provided to ensure that adequate safeguarding can be provided once the school is operational.

9.630 In terms of management of the sports hub, the SPAS explains that the governance arrangements would depend on the timing and delivery of the school, however, there are options for a leisure trust, local authority, or the Academy Trust to take responsibility.

### ***Management of Sports Facilities***

9.631 Part 10 of the SPAS explains that there are three main options for operating the sports hub and associated facilities, including; in-house management by the LPA or county council; outsourced management via a private company or charitable trust; or establishing a new charitable or non-charitable trust.

9.632 Table 10-1 sets out a number of pros and cons associated with each potential management options, it would be down to the relevant parties to agree the preferred option should this application be approved.

### ***Sports Facilities Summary***

9.633 The updated SPAS has demonstrated that the majority of the additional demand for sports facilities generated by the proposed development would be met on site through the facilities proposed in the sports hub and the cricket ground with potential for the secondary school and the community centre to also make additional secondary forms of provision. For the facilities that would not be provided on-site, off-site provision would be made in the form of financial contributions towards the delivery of new/enhanced facilities on existing sports facility sites in the surrounding area. The approach to sports facility provision is therefore supported. This position is strictly subject to provision being made in any planning permission for the facilities to be secured, delivered and managed in practice and for the detailed design to be addressed as part of reserved matters applications. Sport England have requested a number of planning obligations and conditions in this regard (see their final comments). The obligations are included within the proposed HoTs and the relevant conditions would be added if the application is approved.

### ***Food Growing - Allotments and Orchards***

9.634 The 'Landscape and Open Space Framework' (Revision E) Parameter Plan, in conjunction with the Design Code (p.48-49), details the proposed locations and design principles for the proposed allotments. They are situated on the western edge of the site, between the existing settlement edge of Tring and the proposed housing. The Design Code highlights that the allotments would be for use by existing Tring residents, as well as future residents on the site, with an aim to encourage social interaction.

9.635 The proposals also include the opportunity for the creation of a new orchard (see Design Code, p40) and community wildlife garden (p.41) opposite the Bulbourne Road frontage, further details of which would be obtained at reserved matters stage if this application is approved.

9.636 The proposed orchards and allotments would provide an opportunity for food growing and encourage local food production and a healthy living environment. The proposals to provide an orchard would help address the decline of formal orchards, highlighted as a priority habitat in the UK biodiversity action plan requirements. The scheme's inclusion of community allotments, orchards and a wildlife garden are welcomed and would provide ecological and social benefits, in addition to providing food-growing facilities.

9.637 In terms of the on-going maintenance and management of these areas, certain mechanisms would need to be captured in the heads of terms for the S106 Agreement to ensure that this is satisfactorily handled.

### **Provision of Non-Residential Development – Community Facilities**

9.638 The planning application is for a mixed-use development and, as such, proposes a range of other uses on top of the residential provision discussed previously. Policy CS23 encourages the provision of new services and facilities for the community to be located to aid accessibility and allow different activities.

9.639 Aside from the proposed housing, the following community facilities are proposed:

- 2 Form Entry (FE) primary school with room for expansion to 3FE;
- 6FE secondary school with sixth form and room for expansion to 8FE;
- Local centre with community buildings, shops and services and Sports Hub; and
- Health facility.

9.640 The proposed open space and sports facilities have already been discussed – the sections below will discuss the remaining community facilities proposed as part of the East of Tring development.

### ***Planning Policy***

9.641 Paragraphs 92 (a) and 93 (a) of the Framework require planning decisions to promote social interaction – for example, through mixed-used developments and plan positively for the provision and use of community facilities to enhance the sustainability of communities and residential environments. Furthermore, Paragraph 93 (b) and (e) require proposals to support the delivery of local strategies to improve health, social and cultural well-being and provide an integrated approach to the location of community facilities and services.

9.642 Core Strategy Policy CS23 – Social Infrastructure relates to the provision of social infrastructure within the Borough. The explanatory text of the policy outlines that this infrastructure includes education, health, community and leisure facilities. The policy states that new developments will be expected to contribute towards the provision of community infrastructure to support the development. In the case of larger developments, this could be in terms of the provision of land and/or buildings on site to accommodate required facilities or financial contributions towards off-site provision.

9.643 The requirement for new development to provide contributions towards the provision of on-site, local and strategic infrastructure required to support the development is set by Core Strategy Policy CS35 – Infrastructure and Developer Contributions. The policy outlines that contributions will be required unless existing capacity in relevant infrastructure exists and financial contributions will be used in accordance with needs set out in the Infrastructure Delivery Plan. This policy has

some overlap with the Community Infrastructure Levy, which has been adopted by the Council, and will be discussed later.

### **Education**

9.644 The Education Infrastructure Assessment (Document 20, Revision A) sets out the education infrastructure needs that would arise from the development and provide an overview of capacity and forecasted pupils at nearby schools. The document then explains how the proposal would aim to meet the needs of the local area.

9.645 Paragraphs 5.7-5.8 note that primary pupil numbers have peaked nationally and regionally and are forecast to decline over at least the next seven years. ONS reported historic low birth rates in 2018-19 and this trend is predicted to continue. The data forecasts an overall reduction of 944,000 pupils across primary and secondary phases from 2022 to 2032. This may result in lower demand for school places from existing residential areas and may reduce the actual pupil yield from new developments.

9.646 Hertfordshire County Council, as the Education Authority, have been involved in this project and provided commentary and advice during the course of the determination period.

#### **Existing Primary School Facilities**

9.647 Tables 1-3 of the Education Infrastructure Assessment identify the capacity and forecasts for primary schools within a two-mile radius of the proposed development. These include a projected pupil demand based on housing developments expected in the area. Paragraph 6.6 explains that within two-miles, which is the statutory travel distance for primary schools, there is a modest surplus of 51 spaces (3.7%) across all of the schools, however it is noted that three of the schools are less than two forms of entry and it is unclear if they could or want to expand. Demand for reception places is forecast as steady up to 2025-26.

#### **Existing Secondary School Facilities**

9.648 Section 7 highlights that there is one secondary school (8FE) within three miles of the development site, which is the statutory travel distance for secondary schools. Tables 4-5 set out the available surplus, which is -38 places, or -2.5%; and the forecasts until 2031. The forecasts predict that as Tring School appears to be operating at close to capacity, any large and sustained demand for additional secondary school places over the longer term may not be able to be accommodated, even by expanding Tring School, if this is/were possible.

#### **Predicted Pupil Yield**

9.649 Hertfordshire County Council uses the Hertfordshire Demographic Model as a methodology for estimating pupil yield from a development and for informing recommendations to LPAs for developer contributions. The model calculates yield using input data on the dwelling mix, mix of tenure and likely build-out rate.

9.650 Two scenarios have been provided based on different dwelling mixes with scenario 1 detailing a larger proportion of family units (with the potential to include school-aged children); when compared to scenario 2, which includes the elderly person's accommodation, which would not generate any pupil demand. The modelling provided the following long-term average demands:

*Table 7 – Predicted Pupil Yields*

	Scenario 1		Scenario 2	
	Primary	Secondary	Primary	Secondary

Long-term avg. demand (FE)	1.21	1.18	1.10	1.06
Peak demand (FE)	2.44	2.38	2.08	2.03

### **Physical Requirements**

9.651 The Education Infrastructure Assessment has considered both the Department for Education (DfE) and HCC's guidelines for site areas. HCC's guidelines suggest a large difference above the DfE standards. The Assessment also references pre-planning advice from HCC, where requests were made for potential expansions of the schools (up to 3FE primary and 8FE secondary schools).

9.652 The Applicant has confirmed (see para. 11.9) that it is willing to provide sites in accordance with HCC's guidelines, enabling expansion if required. As such, site areas of 2.92ha for the primary school and 10.78ha for the secondary school are available.

### **Timescales and Delivery**

9.653 Based on anticipated pupil yield and existing/future circumstances, the current primary schools would have some surplus capacity to cater for early stages of the development. Regarding secondary schools, forecasting projects that additional secondary school provision would be required during early years of the development.

9.654 The timescales and milestones would be captured in the S106 Agreement. Whilst this is relatively simple for the 2FE primary school, the timing and phasing of a secondary school is more complicated, as it would require a critical mass of new pupils entering year 7 each year to remain viable.

9.655 The Applicant has committed to providing serviced primary school site and a financial contribution towards its construction. A commitment has also been made to reserve a serviced site for the secondary school for a period of ten years following commencement of the development and a financial contribution towards any secondary school places required as a direct consequence of the development. Full details are set out in the proposed HoTs.

### **Response from Education Authority**

9.656 The latest response from HCC as the Education Authority sets out the following:

*'You'll be aware that any previous requirement expressed by HCC for new primary and secondary schools within Tring, was based upon the November 2020 Regulation 18 Draft Dacorum Emerging Strategy for Growth Local Plan (2020-2038). This draft plan contained a delivery strategy for the settlement that aimed to deliver 2,730 dwellings during the plan period. This took the form of three growth areas that would deliver the bulk of these dwellings (East of Tring: 1,400 dwellings, New Mill: 400 dwellings and Dunsley Farm: 400 dwellings). The delivery strategy included the provision of a new secondary school and two new primary schools and was supported by the county council in principle in our response to this consultation in February 2021.*

*Since this consultation took place, Dacorum Borough Council has decided to revise the overall growth strategy for the borough. The borough council has indicated that a revised regulation 18 draft local plan with a new set of individual settlement delivery strategies will be published for consultation in June 2023, meaning that the current delivery strategy for Tring remains unclear. The county council cannot therefore continue to support the level of primary and secondary school provision that was suggested for Tring within the November*



*2020 draft local plan, until a revised development strategy for the settlement is published by the borough council.'*

9.657 The Education Authority have modelled the proposed development against the Hertfordshire Demographic Model, which projects the average number of children likely to emerge from different types, sizes and tenures of housing over time.

9.658 The response further states:

*'At 1,400 dwellings, the modelling suggests that the peak pupil yield arising from this scheme is approximately 2.4fe in 2036 for primary and approximately 2.3fe in 2042 for secondary. This equates to an estimated 497 primary school pupils and 343 secondary school pupils). The modelling is on the assumption that construction commences in 2023 and the first dwellings are occupied in 2025. It also suggests that the pupil yield is sufficient to justify the allocation of land for a new primary school within the application site and this is supported in principle by the county council.*

*However, it is considered that the need for a new secondary school has not been established by either the estimated pupil yield being generated by the development or the appropriate progression of the local plan. This means the county council cannot agree to any timeframe for the opening of a new secondary school due to the uncertainty surrounding the commencement of this development (if approved) and any other sites that may (or may not) come forward within the Tring area.'*

9.659 The Education Authority requested an unconstrained delivery programme to allow them to bring forward the school as and when it is needed at an appropriate scale/form for any growth coming forward in Tring. The Applicant has not agreed to this and their proposed HoTs states that if the secondary school is not constructed on the site within three years of the payment of the final instalment of the secondary school contribution, then the council shall transfer the secondary school site back to the owners.

9.660 It is considered reasonable to set a timeframe for the delivery of the school. However, the proposed development in isolation does not appear to yield sufficient pupils to make a new secondary school deliverable or sustainable.

9.661 The Education Authority note that the expansion of Tring School with a split-site solution might be a more appropriate and deliverable option should growth be more limited in the town. However, a serviced site would still be required and timescales are presently unknown.

9.662 The 'Existing Secondary School Facilities' section above explains the limited availability in local schools in the area. Whilst it appears that a satisfactory outcome may be reached in relation to primary education, there are current uncertainties over the level of growth in Tring and the feasibility of providing a secondary school.

9.663 Paragraph 95 of the Framework identifies that it is important that a sufficient choice of school places is available to meet the needs to existing and new communities. LPAs are required to take a proactive, positive and collaborative approach to meeting this requirement. Thus, great weight should be given to the need to create, expand or alter schools.

9.664 The LPA has been proactive in arranging meetings between the Applicant and Education Authority through the course of this application. Due to the reasons above, an agreement relating to secondary education has not yet been reached between the parties. However, as indicated in the proposed HoTs, the Applicant is willing to transfer freehold estate of the secondary school site to the county council. The land would then only be handed back to the developer if HCC do not construct the secondary school within three years of the final education contribution instalment,

which is scheduled for on or before the occupation of the 1200<sup>th</sup> dwelling. The indicative phasing highlights that this would likely be at some point between 2028 and 2033 and therefore it is likely that HCC would have until 2031-2035 to construct the school. This timescale appears reasonable as it would provide a sufficient amount of time for the Education Authority (up to 13 years) to obtain the money and construct a new school or provide a split-site arrangement with existing school if needed, based on the levels of growth in Tring. As secondary school places are already limited, it is likely that LA5 and other development proposals would contribute to pupil yield for either of the options above.

9.665 It is also worth noting that the latest response from the Education Authority highlighted the requirement for larger contributions in relation of primary and secondary education, which appears to have been justified within their response. An agreement was made on the initial figure suggested by HCC but the Applicant has not yet agreed to these increased figures. It is noted, however, that the precise figure would be calculated at reserved matters stage, should this application be approved.

### ***Health Facility***

9.666 The proposed development falls within the existing practice boundaries of two GP surgeries in Tring, namely Rothschild House Surgery and The New Surgery, and another in Pitstone, Pitstone Surgery. All of these surgeries are within the same surgery group, the Rothschild House Group (RHG).

9.667 Paragraph 6.9 of the Socio-Economic Impact Statement (SEIS) (Document 15) states that engagement with the Rothschild House Group has indicated that there is limited capacity in the existing Tring surgeries. For example, demand (measured by usage of consulting rooms) at existing GP surgeries in Tring currently exceeds ideal levels (80% of total consulting room capacity).

9.668 The new resident population will generate additional demand for health services within the locality. The SEIS explains that the modelled population profile of the development, a demand equivalent of circa 1.8 full-time equivalent general practitioners.

9.669 The application proposes either a new Health Facility on-site, up to 1000sq.m, or the provision of a contribution towards the improvement of other off-site facilities. The Illustrative Masterplan includes space to include a surgery with up to 20 consulting rooms.

9.670 The Herts Valley Clinical Commissioning Group (HVCCG) have requested a financial contribution of £1,808,671.20 towards primary care. The Applicant has agreed to either provide the serviced site and the financial contribution; or, if the HVCCG decide another site is preferable, then just the financial contribution.

9.671 It is worth noting that during the course of this application further comments were received from the HVCCG and RHG. The comments highlighted that there are currently strategic discussions regarding a two-site option or a single site option for a new health facility in the area. The comments revealed that whilst the consultees are grateful that the provision of health has been considered, the size of the site might not specifically align with their strategic vision. A comment from the RHG suggested that if the site was marginally larger it may also be able to accommodate for the larger single site option, should it come forward. This was discussed with the Agent but no adjustments were made to the scheme in this regard.

9.672 Paragraph 93 of the Framework requires planning decisions to take into account and support the delivery of local strategies to improve health for all sections of the community through the provision of appropriate facilities.

9.673 At this stage the local strategy has not been fully established with regards to healthcare. However, the proposed development offers either a substantial contribution towards the provision of healthcare in the area, or this contribution combined with up to 0.6ha of serviced land. Whilst the land may not cater for the larger single site option as discussed above, it would likely contribute towards a two-site option.

9.674 Overall it is concluded that the proposed Health Facility and financial contribution would meet the healthcare demands generated by the proposal.

### ***Community Building(s), Shops and Services***

9.675 The proposals include the provision of a community building(s) up to 405sq.m. Through the course of this application this was increased by a further 150sq.m for a sports pavilion/clubhouse, which would include additional facilities (changing rooms, bar/social space, kitchen and space for match officials).

9.676 There is also provision for a number of shops/services including retail shops, restaurants, financial and professional services and a day nursery (built floorspace up to 1000sq.m) in addition to a wine bar, pub and takeaway (up to 250sq.m). The Planning Statement explains that the proposed facilities are appropriate for the scale of the development. These are likely to come forward towards the latter stages of development based on the population growth of the development.

### ***Summary***

9.677 The proposed development makes provision for a wide range of uses and facilities. As such, it is considered to represent a policy compliant scheme in terms of the mix of built development. The proposals are therefore felt to comply with Policy CS23 and the relevant sections of the Framework in this regard.

### **Socio-Economic Impacts**

9.678 The socio-economic impacts of the scheme are described in the SEIS (Document 15) and Environmental Statement (Document 6). These are summarised in the following paragraphs.

9.679 The submitted information identifies a number of moderate beneficial socio-economic benefits associated with the development proposals. These include:

- The provision of new homes to support population growth and help to address housing supply and demand.
- Provide a variety of housing options to meet a variety of needs, including affordable housing, older persons accommodation and self-build/custom build.
- Support the growth of the economy in the area through the provision of housing for workers.
- Provide social infrastructure for new residents through on-site facilities e.g. new schools and various off-site contributions.
- Enhance the quantum and quality of open space and sporting facilities available to new and existing residents.

9.680 It is considered that the new housing and associated increase in population would be adequately supported by the provision of social and community infrastructure. The proposed mixed-use development would also support the creation of new local jobs, which represents an economic benefit to the town and wider Borough.

## **Climate Change and Sustainability**

9.681 The energy and carbon performance expectations for new developments are rapidly evolving as the UK moves towards a legislated net zero commitment by 2050. Section 14 of the Framework explains that the planning system should support the transition to a low carbon future in a changing climate.

9.682 DBC was one of the first local authorities to declare a climate and ecological emergency and has made a pledge to become net zero by 2030, and with its housing stock to become net zero by 2050 in line with UK targets.

9.683 The EIA Regulations 2017 require an assessment of a development proposal in terms of the effects it would have on climate change. The Environmental Statement includes sections on how the proposal responds to national and local policy relating to sustainability objectives and the response/adaptation to climate change. Impacts of climate change in relation to the development and its vulnerability are also considered.

9.684 The Building Regulations drive minimum energy efficiency and carbon reduction improvements in new buildings.

9.685 In June 2022 the new interim update to Building Regulations: Part L (2021) came into force, requiring higher performance targets – CO2 emissions are reduced by 31% for dwellings and 27% for other buildings – and a new emphasis on low carbon heating systems.

9.686 These are an interim step towards the Future Homes Standard (FHS) and Future Buildings Standard (FBS) that will arrive in 2025. The FHS has been confirmed as requiring around 75% carbon reduction for new homes from Part L to demonstrate compliance.

9.687 The planning system also has an important role in the delivery of sustainable development.

## ***Planning Policy***

9.688 The Framework identifies that the purpose of the planning system is to contribute to the achievement of sustainable development. This encompasses economic, social and environmental factors.

9.689 Proposals should be designed in accordance with DBC's 'Be Lean (use less energy), Clean (supply energy efficiently) and Green (use renewable energy)' principles (see Figure 16 (p.121) of the Core Strategy). Policy CS28 requires new developments to minimise carbon emissions and CS29 requires new development to comply with the highest standards of sustainable design and construction, laying out a number of principles to be satisfied.

## ***Assessment***

9.690 The approach to sustainability is detailed in the Energy and Sustainability Strategy (Document 17) (ESS). This explains the Applicant's intention to achieve a level of carbon reduction and renewable energy generation beyond the targets of the emerging Plan to align the FHS from the initial stage of the development.

9.691 The ESS confirms that a number of design measures will be implemented to achieve this, including:

- Passive design measures including the orientation of buildings to optimise photovoltaic (PV) solar panels, solar gains through dual-aspect and larger windows and low g-value glazing.

- Ensuring that the fabric of buildings aligns with the FHS. A Fabric Energy Efficiency Standard will also be utilised to ensure a minimum level of building fabric performance across new homes.
- Active design measures that will deliver efficiency benefits through building services specifications, for example, all lighting to be high efficiency LED types, mechanical ventilation with heat recovery (MVHR) systems, heat pump systems and the use of solar panels.

9.692 In terms of site specifics, paragraph 11.4.3 highlights a combination of 'on-plot' Air Source Heat Pumps (ASHP) for each dwelling and PV panels, with an average of 4 to 5 panels per dwelling across the site (see Paragraphs 12.4.2-12.4.3).

9.693 Section 13 of the ESS sets out that the measures set out above demonstrate and achieve reduced regulated carbon emissions of 90% against Part L 2021 compliance.

9.694 There is no inclusion of a neighbourhood energy approach such as district heating networks, site-wide heating networks or energy centres, which could store renewable energy generated on the site. DBC's Strategic Design Code SPD highlights the following in relation to energy generation on large developments: *'8.7.2 For large developments, incorporation of sustainable district heating and power networks (CHP) where this is an appropriate solution, and community energy schemes.'*

9.695 Section 11 of the ESS explains that whilst a high level investigation has been undertaken in this regard, various constraints pose phasing and build out challenges, for example the main road and primary street bus route that would likely be the route of buried infrastructure. Further, *'whilst a heat network solution may offer modest improvements in carbon reductions, this must be balanced against a substantial increase in costs to deliver low temperature heat network infrastructure which would be influenced further by site phasing and heating (and cooling) demand profiles within each phase.'*

9.696 Limited details have been provided to the LPA in terms of the high level assessment into a neighbourhood energy approach. Considering that the proposals represent one of the largest housing sites in the Borough, it is felt that the lack of further investigation is a missed opportunity in the design to tackle the climate crisis and appears to be ruled out in the EES without detailed investigation provided.

9.697 The DAS, paragraph 4.5, also explains how the proposed development would respond to climate change. A number of principles are noted, including the commitment to provide carbon off-setting through the planting of two trees per dwelling. To secure this the Agent has confirmed that a tree planting strategy condition, securing the planting of 2,800 trees over the lifetime of the development, could be added, if approved.

9.698 Based on the above and subject to conditions requiring the above to be adhered to, the proposal would broadly meet and exceed current and emerging Policy requirements in terms of sustainability and carbon emissions. However, there is a lack of detailed design work to underpin the statement that neighbourhood energy solutions would not be feasible on the site. Therefore, whilst the proposals are considered to comply with Policies CS28 and CS29, as well as the Framework, the scheme is not considered 'exemplar scheme' in this respect as described in the ESS.

### **Heritage, Archaeology and Conservation**

9.699 Information relating to archaeology and built heritage are contained within the submission i.e. Environmental Statement (Chapter 7) and appendices C.1-C.2, Archaeological Statement

(Document 18), Archaeological Desk Based Assessment (Document 18i) and Built Heritage Statement (Document 19).

9.700 The documents above provide a historical context and detail the designated and undesignated heritage assets within proximity to the site, in addition to archaeological features.

### ***Planning Policy***

9.701 The Planning (Listed Building and Conservation Areas Act 1990, Sections 16 and 66 require LPAs to have special regard to the desirability of preserving historic buildings and their settings. Special regard must be given by the decision maker, in the exercise of planning functions, to the desirability of preserving (i.e. keeping from harm) listed buildings and their setting.

9.702 The specific historic environment policies within the Framework are contained within paragraphs 189-208. Paragraph 197 states that in determining planning applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 199 outlines that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation, including buried archaeology. Paragraph 200 provides that any harm to or loss of significance of a designated heritage asset should require clear and convincing justification. Paragraph 201 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, LPAs should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 202 states that this should be weighed against the public benefits of the proposal. The Framework therefore does allow for a degree of harm to a heritage asset in particular circumstances but there is a strong presumption in favour of the preservation of designated heritage assets.

9.703 Saved Policy 118 Planning permission will not be granted for development which would adversely affect scheduled ancient monuments or other nationally important sites and monuments, or their settings. Consideration is also given to the Ancient Monuments and Archaeological Areas Act 1979.

9.704 Saved Policy 119 of the Dacorum Local Plan (2004) states that every effort will be made to ensure that any new development liable to affect the character of an adjacent listed building will be of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

9.705 Policy CS27 of the Dacorum Core Strategy seeks to ensure that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced, with development positively conserving and enhancing the appearance and character of the Conservation Areas.

9.706 Other useful documents include Historic England's 'Good Practice Advice' note, which provides assistance concerning the assessment of the setting of heritage assets.

### ***Historic Context***

9.707 Tring has evolved from a primarily agricultural settlement, with farming at the core of its economy, to a thriving market town following the construction of the Grand Union Canal in 1799. In 1823 a substantial Silk Mill was constructed followed closely by the London and Birmingham Railway in 1835.

9.708 The Canal opened in 1805, forming the eastern boundary of the application site. By the early 1830's an avenue of trees had been planted in the south, which are potentially associated with the Pendley Hall estate.

9.709 The historic village of Pendley is recorded from the 4<sup>th</sup> century AD. By the 15<sup>th</sup> century, Pendley was a small town. In the 15<sup>th</sup> century, Sir Robert Whytingham enclosed 200 acres after receiving a free warren from King Henry VI. The buildings were torn down and the land returned to pasture. Pendley Manor survived, however, the medieval manor building burnt down around 1835. In 1872 the local and mill owner commissioned architect Walter F K Ryan to build a new Tudor style manor, the present building.

9.710 The application site forms part of the agricultural land that surrounds Tring. The 1884 OS map shows the site in rural use, with Grove Cottages at the south-west, with a cluster of other farm buildings.

9.711 By 1899 a terrace of properties had been built at the north-west of the site associated with New Mill. The rest of the area primarily remained agricultural. The site and its surrounding remained relatively consistent until the 1980 OS, which shows the large-scale growth to the south-west of Grove Road, demonstrating the growth of Tring in the late twentieth century. The garden centre to the north of the site was constructed in the late 1990s.

### **Listed Buildings**

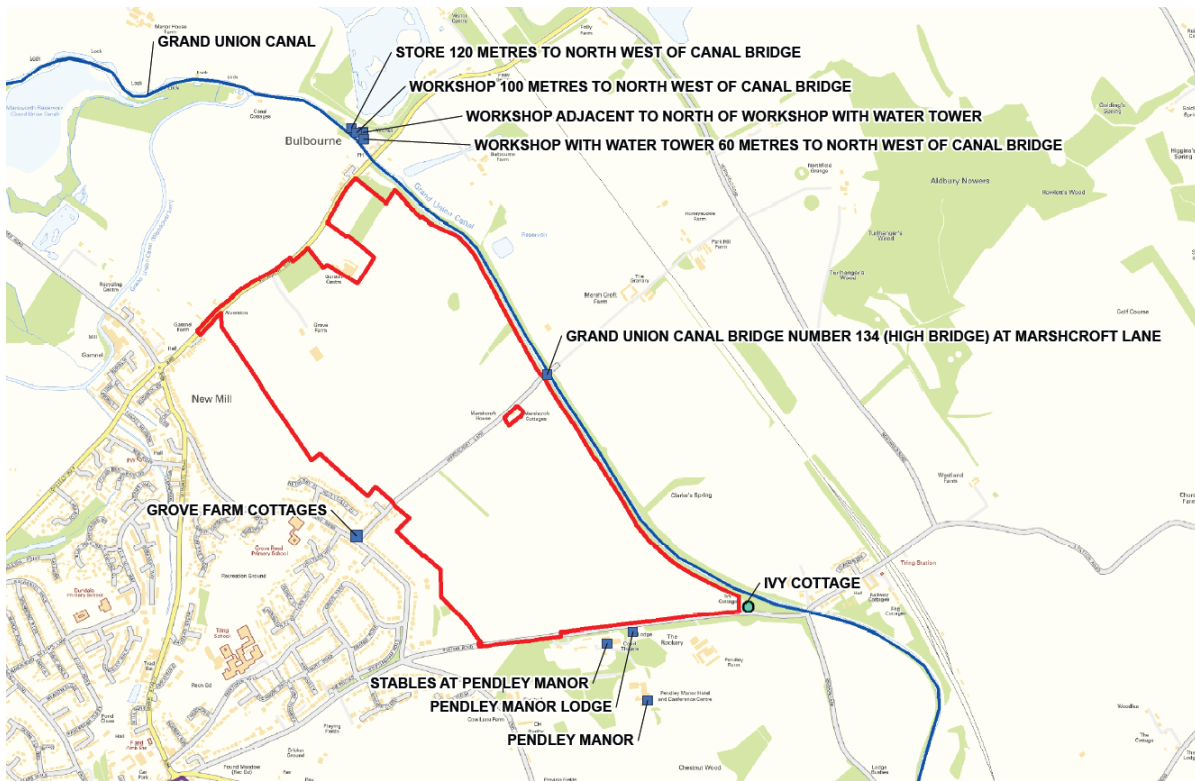
9.712 Although the site does not contain any nationally designated buildings or conservation areas, 29 listed buildings are located within one kilometre of the site. The closest of which include 134 (High Bridge) at Marshcroft Lane (Grade II), Pendley Manor and its associated buildings (Stable and Lodge) (Grade II) and Grove Farm Cottages (Grade II). North of the site and outside of Dacorum's boundary there are other heritage assets for example the British Waterways Repair Yard that is currently being redeveloped (see Aylesbury Vale District Council, application 16/01079/APP).

9.713 Ivy Cottage, located adjacent to the site, has also been identified as being an important non-designated heritage asset that could be impacted by the proposals. Other buildings of interest can be found on Marshcroft Lane that appear to have some Rothschild influenced design.

9.714 The Built Heritage Statement concludes that the proposed development of the Site would have no direct, physical impact on the fabric of any listed buildings or non-designated built heritage assets. Further, the only designated built heritage assets facing any impact, with a section of the Site forming a part of these assets' setting, are the Grade II listed Pendley Manor Lodge and the former Pendley Manor Stables. The only non-designated built heritage assets facing any impact (with a part of the site similarly forming a section of these assets' setting) are the Grand Union Canal and Ivy Cottage.

9.715 The Statement identifies the levels of harm to the significance of the two identified designated built heritage assets within the spectrum of 'less than substantial harm' (at a minor level of harm within that spectrum).

*Figure 7 – Heritage Assets*



### **Other Heritage Assets**

9.716 In addition to the listed buildings above, the Built Heritage Statement identifies that the significance of certain more distant heritage assets as being potentially legible, including: Bridgewater Monument (Grade II\*), Tring Park (Grade II Registered Park and Garden), Tring Park Mansion (Grade II\*), the Clown Tower (Grade II\*) and the Obelisk (Grade II). Assets at Aldbury Nowers including Grimm's Ditch and two prehistoric burial grounds (Scheduled Monuments) were also identified.

9.717 The Statement discounts these 'other heritage assets' due to distance, lack of inter-visibility and lack of legibility.

### **Assessment**

9.718 The Built Heritage Statement and Environmental Statement explain that there would be no direct physical impacts on designated or non-designated heritage assets. The only designated built heritage receptors facing any effect, with a section of the site forming part of these assets' setting, are Pendley Manor Lodge and the former Pendley Manor Stables. The only non-designated receptor facing any effect are the Grand Union Canal and Ivy Cottage.

9.719 The greatest significance of effect to the identified receptors occurs during the operational phase of the development, with 'minor significance' and 'negligible significance' identified for the built heritage and non-built heritage receptors, respectively.

9.720 The reports indicate that as the detailed design would be agreed at reserved matters stage, the detail of buildings, layout and appearance would be determined at a later date. This would allow for heritage considerations to inform the future design stages, thereby allowing mitigation to commence following outline consent.

9.721 Aside from the embedded mitigation that could be sought through design, it is noted that some heritage gain would be achieved through other elements of the scheme. For example, the



proposed upgrades to the canal tow path and other public footpaths would make these routes more accessible and attractive, therefore allowing residents to appreciate certain elements of Tring's historic environment.

9.722 The Environmental Statement (paragraphs 7.7.7 and 7.8.6) also explain that heritage interpretation through design i.e. use of street furniture, street art, street names and other means such as interpretation boards, could be used to enhance public understanding and appreciation. Whilst this is discussed in the archaeology section, this could extend to other elements of heritage associated with Tring. These would be captured at the later reserved matters stage of the planning application.

9.723 DBC's Conservation and Design Team has reviewed the information submitted (their full comments can be found in Appendix A). Regarding the above-mentioned heritage assets, they have stated that "in all of these cases, the scheme should be assessed as causing less than substantial harm."

9.724 Paragraph 196 of the Framework states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

9.725 In this instance it is considered that, when weighing up the public benefits that would accrue from the proposed development, primarily the 630 affordable homes and the provision of an extra care facility, the public benefits would outweigh the identified less than substantial harm/low level harm to the setting of the heritage assets giving that harm the considerable importance and weight required by section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

9.726 The proposals are considered to be in accordance with Framework paragraphs 189-208 as well as Core Strategy Policy CS27 and saved Policies 119 and 120.

### **Archaeology**

9.727 There are no designated heritage assets on the site and therefore none would be directly physically impacted by the proposals. Aerial photographs recorded a possible Iron Age or Roman double-ditch enclosure in the south-western part of the site. This lies within the defined Area of Archaeological Significance. An initial assessment of the cropmark evidence suggested that the feature is of less than national importance and can be considered of more local to regional interest.

9.728 The Archaeological Assessment states that based on the current evidence, a low to moderate archaeological potential has been identified for late prehistoric/Roman roadside activity in the north of the site associated with Icknield Way and a moderate potential for remains associated with the above-mentioned double-ditch enclosure.

9.729 Across the rest of the site, the Assessment states that low archaeological potential is identified for all other past periods of human activity, although evidence of medieval and later agricultural/horticultural activity is anticipated.

9.730 The Assessment concludes that the proposal has the potential to impact archaeological remains of a local to at most regional importance.

9.731 The Historic Environment Team at HCC have responded to this application, highlighting that the Applicant's archaeological advisors have consulted extensively with them. In-line with HCC's advice, a geophysical survey was carried out followed by some trial trenching. This provided a

preliminary assessment of archaeology on the site, which has a primary objective of establishing the likelihood of finding remains of national significance.

9.732 HCC have reviewed the Archaeological Assessments submitted and confirm that the information provided is sufficient to allow for the application to be determined, subject to a further phase of trial trenching evaluation in order to determine the extent of archaeological remains, followed by any relevant mitigation. The Historic Environment Team therefore recommended a number of conditions relating to further evaluation, mitigation measures and analysis of results and further protection measures. These would be added if the application is successful.

9.733 It is worth noting the mitigation measures listed regarding impacts on archaeology, as set out in section 7.6.2 of the Environmental Statement. These include such things as removing areas from cultivation and to preserve it as areas of open space and providing heritage interpretations, which may have some long term beneficial effects.

9.734 In summary, the work done to-date and ability for further work through later stages of the planning application process has satisfied the Historic Environment Team. On balance, the scheme is considered policy-compliant in terms of archaeology and therefore archaeology does not pose a constraint to these proposals.

### **Connectivity, Highway Implications and Parking Provision**

9.735 The proposals involve two new primary access points, detailed in Document 4b 'Access Details for Approval'. The Movement and Access plan (Document 4a, Part 4, Revision A), Transport Assessment (Document 11), Framework Travel Plan (Document 12) and subsequent Transport Assessment Addendum (Revision AA) cover other matters associated with connectivity, highways matters and parking provision.

### ***Planning Policy***

9.736 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Paragraph 111 of the Framework states, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

9.737 Paragraphs 110 and 112 require development, amongst other things, to promote opportunities to, and prioritise, sustainable travel modes, as well as providing safe, secure and attractive plans to minimise scope for conflicts between pedestrians, cycles and vehicles.

9.738 Policy CS12 seeks to ensure developments have sufficient parking provision. The Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles.

9.739 DBC's Parking Standards (2020) SPD provides policy guidance for the amount of parking provision required for new developments.

### ***Existing Conditions***

9.740 The application site is located on the edge of an established urban area. As such, the neighbouring settlement has been developed to provide good transport links for existing residents. There are local shops and public transportation linkages (buses and the main line railway). The existing conditions are detailed in Section 3 of the Framework Travel Plan (FTP). The images below (taken from the FTP) illustrate existing walking/cycling routes and bus services in the area.

Figure 8 – Existing Local Pedestrian and Cycle Infrastructure



Figure 9 – Existing Bus Infrastructure



### Highway and Connectivity Proposals

9.741 The application proposes two points of vehicular access – the northern vehicular access would be from Bulbourne Road and the southern from Station Road. These access points would be connected through an internal spine road, described as the ‘Main Street’.

9.742 On Station Road it is proposed to provide a new signalised T-junction. It has been designed to accommodate larger vehicles such as rigid HGV, buses and refuse vehicles. The application proposed a reduction in the speed limit from 60mph to 40mph at the Station Road frontage. The Highway Authority have reviewed the proposed speed limit reduction in consultation with HCC’s Speed Management Group and highlighted that the speed limit should not be reduced below 50mph. As such, the Highway Authority noted that some adjustments would be required to the

submitted design if the application is approved and confirmed that this could be secured by planning condition.

9.743 The existing shared pedestrian and cycleway along the northern side of Station Road would be retained and a new segregated cycleway/footway would be provided within the site, north of the existing treeline. Links to Station Road from the new foot/cycleway would be provided in western and eastern corners of the site.

9.744 Within the site, the new pedestrian and cycle facilities would be provided. The primary route would consist of a two-way segregated cycle lane with a small verge separating the footway.

9.745 The northern access at Bulbourne Road would include a ghost island and right turn priority controlled T-junction. Both accesses have been designed in accordance with the Design Manual for Roads and Bridges (DRMB).

9.746 Marshcroft Lane, which runs through the centre of the site, would be bisected by the Main Road. At this point, it is proposed to re-designate the western part for pedestrian and cycle use only. This would be controlled with the use of bollards at either end of the affected part of the lane. There are a number of existing dwellings being retained on Marshcroft Lane. These properties would retain access through the Main Road. The eastern section would remain accessible for non-motorised users, as is currently the case. The image below shows the approximate locations for the proposed bollards and alternative route for existing residents.

*Figure 10 – Marshcroft Lane Proposals*



#### *Off-Site Highways Improvements*

9.747 As part of the evidence base for the emerging Local Plan DBC commissioned AECOM to undertake the Tring and Berkhamsted Sustainable Transport Study (STS) to identify improvements to the local transport network to facility growth in these areas. The Transport Assessment (TA) explains that as part of the proposals, the Applicant is proposing a number of financial contributions towards partial or full delivery of the suggested schemes in the area. These include:

- Toucan Crossing – London Road (Ti26)
- New Cycle Route along A4251 (Ti35)

- Minor Junction Improvements to Station Road / Bridge Way (Ti36)
- New Speed Table Station Road and Crossing (Ti56)
- Informal Crossing at junction of Grove Road / Marshcroft Lane (Ti31)
- New Uncontrolled crossing and footway widening of Grove Road (Ti68)

**Highway Impacts and Proposed Mitigation**

9.748 The Transport Assessment (TA) establishes baseline traffic flows on the local highway network. A number of traffic surveys were undertaken and as agreed with HCC, Covid-19 uplift factors were applied to the surveyed traffic flows. Personal injury accident data was also obtained from HCC for a five-year period. No significant trends or patterns of accidents were found that would be exacerbated by the proposals.

9.749 The proposed site access junctions were subject to a Stage 1 Road Safety Audit and a designer’s response prepared for each comment. Designs were then updated to reflect the auditors comments, where considered appropriate.

9.750 The TA highlights that a ‘servicing strategy’ would be put in place in future reserved matters applications to aid the assessments above. This would ensure that delivery vehicles for the non-residential uses would arrive/depart at preferable times in the day and use specific routes to protect residential amenity.

9.751 An extensive trip generation exercise was undertaken. Regarding multimodal trips, the TA demonstrates that the residential element of the proposal would generate significant demand across the travel modes during peak hours (see Table 8). However, considering the proximity to the railway station and improvements to pedestrian and cycle routes, it is suggested that a sizable number of trips would be made by rail.

*Table 8 – Multimodal Trip Generation*

Travel Mode	Travel Plan Mode Share Target	AM Peak Hour Trip Generation	PM Peak Hour Trip Generation
Train, Underground	18%	180	189
Bus, Minibus or Coach	3%	30	32
Taxi	0%	0	0
Motorcycle, Scooter or Moped	1%	10	11
Car or Van (Driving)	61%	611	644
Car or Van (Passenger)	4%	40	42
Bicycle	3%	30	32
On Foot	10%	100	105
<b>Total</b>		<b>1,001</b>	<b>1,054</b>

9.752 Regarding vehicular trip generation using the parameters for the land uses proposed, the TA sets out the total external vehicular trip generation as per below.

*Table 9 – Total External Development Vehicle Trip Generation*

Time Period	AM Peak Hour (0800-0900)			PM Peak Hour (1700-1800)		
	Arrive	Depart	Two Way	Arrive	Depart	Two Way
Residential	175	504	679	501	214	715
Primary School	35	21	55	3	4	7
Secondary School	181	135	316	25	26	51
Local Centre	13	12	25	13	13	27
Health Centre	26	12	38	13	15	29
<b>Total</b>	<b>429</b>	<b>684</b>	<b>1,113</b>	<b>555</b>	<b>273</b>	<b>828</b>

9.753 The TA explains that Census data reveals that the highest proportions of external trips are expected to be heading to Aylesbury (18.6%) and Hemel Hempstead (14.8%), likely as a result of the wide range of employment opportunities at these locations. A further 11.2% are expected to travel to Berkhamsted with 7.6% staying within Tring itself.

9.754 The TA then breaks down likely traffic distribution, explaining that the majority heading onto Station Road (West) followed by Cow Lane and the A41 (East). The full traffic distribution data is found in Table 8.11 of the TA.

9.755 Following the above assessment, a number of junctions have been assessed in terms of capacity and traffic generation from the development proposals. The junction assessment explains that whilst a number of junctions would still be able to operate within capacity, three would be likely to experience issues in terms of queuing and delays and therefore mitigation packages are proposed. These are listed below.

- A4251 / Cow Lane

*The mitigation scheme would upgrade the junction to a signalised junction. The results of the modelling for this mitigation scheme illustrate the junction is forecast to operate within capacity for both of the scenarios tested, providing an improvement on the existing junction arrangement.*

- Station Road / Cow Lane / Grove Road

*The mitigation scheme is to upgrade the junction to a mini roundabout to ease traffic flow which is currently operating as a staggered crossroads. The results demonstrate that, with the mitigation scheme, the junction is forecast to operate within capacity with limited queuing and delay.*

- High Street / Brook Street / London Road.

*The proposed mitigation scheme is to upgrade the junction a double mini roundabout. This mitigation package creates a degree of additional queuing and delay on London Road, but is forecast to have a material benefit in other locations. In particular, Station Road is forecast to have material reductions in queuing and delay in the AM Peak Hour, as is Brook Street.*

9.756 HCC Highways were consulted on the TA. They requested that Stantec's (the Applicant's highway consultant) TRICS and Census based methodology be run against HCC's COMET Strategic model. Information relating to this was provided within the supplementary Transport Assessment Addendum (Revision AA, June 2022). The Addendum explains that a review of both

methods/models provides a robust analysis of the forecast development impact on the highway network.

9.757 HCC Officers explained that *'with respect to the localised junction modelling on the wider highway network, supported also by the COMET model run, the Highway Authority is content with the analysis presented.'* The TA Addendum explained that Stantec were content that the proposed junction enhancements represent the best option in terms of mitigation.

9.758 A few further points were raised by HCC and two technical notes were submitted, TN14 (dated 14<sup>th</sup> August 2022) followed by TN15 (dated 16<sup>th</sup> September 2022). Upon review of this information, HCC noted that the technical assessment methodology and proposed access strategy is acceptable. However, detailed design and road safety audit conditions would be required to ensure that the junctions can be satisfactorily implemented.

9.759 It should be noted that a New Mill 'Sensitivity Test' was undertaken as part of the highways assessments, which demonstrates that the proposed development would not prejudice the development coming forward on this neighbouring site and that the proposed access junctions could accommodate additional development traffic from New Mill. This indicates that the proposals would not hinder the neighbouring site in terms of highway impacts should it come forward in the future.

### ***Pedestrian and Cycle Access***

9.760 As indicated on the Movement and Access Parameter Plan (Document 4a, Part 4, Revision A), the proposals include a number of routes for cyclists and pedestrians. A segregated foot/cycleway is proposed adjacent to the Main Street. Secondary routes from this into different areas of the development. These connections would connect to the footway/cycleway that runs adjacent to Station Road, providing a link to the train station and Tring High Street. Pedestrian and cycle access would also be provided to Grove Road via Marshcroft Lane.

9.761 Pedestrian facilities would also be delivered to the north of the site through a footway along the southern side of Bulbourne Road, which would tie in with the existing pavement in front of the properties.

9.762 The proposed SANG would benefit from a number of walking and cycling routes to be used for connectivity but also leisure purposes.

9.763 Paragraph 5.6.3 of the FTP explains that the Design Code has been created with consideration to HCC's emerging design standards and guidance, the Government's Local Transport Note LTN 1/20 and the latest revisions to the Highway Code, which afford more priority to non-motorised users.

### ***Off-Site Pedestrian and Cycle Improvements***

9.764 The proposals also offer the following pedestrian and cycle improvements:

- Town Centre Cycle Parking
- Improved Signage for Grand Union Canal and Tring Reservoirs Cycle Paths
- Cycle Parking at Startup's End Car Park

9.765 In addition to the improvements above, a range of financial contributions have been offered in relation to cycle/footway improvements. These are discussed in more detail later.

### ***Bus and Rail Infrastructure***

9.766 The application proposes a new bus service that would provide direct connections between Tring town centre, the application site and the train station. It would have a 20-minute frequency and run between 05:00-22:00. A subsidy would be provided for the service in addition to bus vouchers for new residents.

9.767 The proposals also include financial contributions towards improving Tring Railway Station, including station forecourt improvements, toilet pod, retail pod and seating area, additional CCTV, additional lighting, ticket vending machine, rail point help point and the relocation of the taxi rank, taxi office, staff spaces and cycle store.

9.768 A new crossing and footway is proposed to access the station building along with a new bus and taxi shelter area. A reconfiguration of the forecourt area would enable buses to enter the forecourt. Additional cycle parking would also be provided.

### **Contributions**

9.769 The application proposes the following contributions in relation to highways, public transport, sustainable travel and connectivity:

- Junction Improvements £985,000

Covers the aforementioned junction improvements and speed limit reduction.

- Public Transport Improvements £714,000

Includes a subsidy for the new bus service and train station improvements.

- Pedestrian and Cycle Improvements £461,073

Provides cycle parking in the town, improved signage off-site, new cycle routes and footway/cycle improvements, junction enhancements and new crossings.

- Travel Plan Measures £671,300

Money to fund a travel plan coordinator, bus vouchers for future residents, TRICS compliant surveys, travel plans and evaluation fees and travel information welcome packs.

9.770 In addition to the above, further financial contributions have been agreed following discussions with consultees, including:

9.771 Following comments from the Canals and Rivers Trust, the Applicant agreed to fund improvement of 1258 metres of canal towpath between Bulbourne Road and Station Road.

9.772 In response to the Rights of Way Officer at DBC, the Applicant agreed to fund improvements to the footpath link between Marshcroft Lane and Northfield Road (TT62).

9.773 The total cost of the above improvements is estimated at circa £475,000, which would be captured through the S106 Agreement if the application is approved.

Total £3,306,373.

### **Assessment**



9.774 The existing and proposed highway conditions have been thoroughly modelled and assessed both by the Applicant's transport consultants and the Highway Authority. A range of mitigation measures are proposed, including enhancements to three junctions that are forecast to exceed capacity flows. The mitigation schemes highlight that the development traffic could be accommodated without severe impacts on those junctions or delays on the highway.

9.775 Two new vehicular accesses would be provided – a new signalised junction on Station Road and a priority-controlled ghost island junction on Bubourne Road. These junctions would be connected via a 20mph spine road with a number of points of access for pedestrians and cyclists, including at Marshcroft Lane to provide an attractive route from the site to the town centre.

9.776 Overall the assessments have demonstrated that the proposed transport strategy would not have a severe impact on the local highway network. As such, no unacceptable impacts are identified in-line with Paragraph 111 of the Framework.

9.777 New pedestrian and cycle facilities across the site, together with a range of proposed improvements to existing facilities, would provide a framework of safe and convenient routes across the development and into the wider area. The proposals would satisfactorily link to key destinations and would not appear to impact New Mill proposals in the future, should they come forward. A mechanism has been added to the proposed legal agreement to ensure that cycle/foot connections could be made to the New Mill site at the Applicant's expense should the development come forward.

9.778 The introduction of a new cycleway/footway along the southern boundary of the site would provide a safe, lit route that is considered as a significant beneficial connection between the existing town centre and the railway station. Furthermore, the proposed bus service would provide genuine opportunities for existing and future residents to travel sustainably to the station. The proposed improvements/contributions towards the enhancement of the station would also provide a betterment for all users.

9.779 The proposed pedestrian and cycle infrastructure together with the Travel Plan and other proposed enhancements would encourage sustainable travel behaviours and provide genuine opportunities to shift from private car to sustainable modes of travel.

9.780 Taking all of the above into account, it is considered that the connectivity and highways elements of the proposals are in compliance with the aforementioned policies.

### ***Parking Provision***

9.781 Policy CS12 seeks to ensure developments have sufficient parking provision. The Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles.

9.782 DBC's Parking Standards (2020) SPD provides policy guidance for the amount of parking provision required for new developments. The site is situated within Accessibility Zone 3. For Use Class C3 (residential), it highlights the following requirements:

*If 50% or more of the spaces are allocated:*

*1-bedroom units = 1.25 spaces*

*2-bedroom units = 1.5 spaces*

*3-bedroom units = 2.25 spaces*

*4-bedroom units = 3 spaces*

*5+ bedroom units = assessed on an individual case basis*

*If 50% or more are unallocated:*

*1-bedroom units = 1 spaces*

*2-bedroom units = 1.2 spaces*

*3-bedroom units = 1.8 spaces*

*4-bedroom units = 2.4*

*5+ bedroom units = assessed on an individual case basis*

*Disabled parking: 5% of spaces. Disabled persons parking bays must be for residents' use only and not be allocated to specific dwellings, unless provided within the curtilage of the dwelling.*

*Electric vehicle charging: 50% of all spaces to be active provision, another remaining 50% to be passive provision; if electric spaces allocated, the Council will require a higher proportion of provision agreed on a case by case basis.*

*Cycle parking standards: 1 per 20 units for >50 units plus 1 long term space per unit if no garage or shed is provided.*

*Visitor parking (schemes of 10 units or more):*

*50-100% of spaces allocated = car parking standard plus 20%*

*All unallocated = no visitor parking required*

*Less than 50% of spaces allocated = subject to Council decision*

9.783 Aside from residential the development would provide a number of other uses (e.g. education, retail, etc.). The breakdown of parking requirements for the individual uses is highlighted in the SPD.

9.784 Paragraph 5.7.3 of the FTP explains that full details of car and cycle parking would be provided as part of the reserved matters applications, however, for the purposes of the masterplan concept layout, the SPD standards have been utilised.

9.785 Paragraph 5.7.6 states that every residential parking space would be provided with electric charging infrastructure. This would be further secured through the reserved matters applications and subsequent conditions, if this application is approved. This would also capture electric charging points for the other uses on the site and public parking areas.

9.786 The outline proposals provide sufficient space to meet DBC's parking standards and provision has been made for electric vehicle infrastructure. Therefore, no objection is raised to the proposed parking provision.

## **Other Material Planning Considerations**

### ***Utilities***

9.787 The application is supported by a Utilities Statement (Document 9ii, Appendix 2). This explains that the proposals have been informed by a consideration of on-site utilities infrastructure. Evidence of discussions with various utility providers is found within the Statement, revealing the Applicant has discussed the scheme with to establish infrastructure connections and capacity requirements with the providers. No concerns are raised in relation to utility infrastructure at this outline stage.

## **Oil Pipeline**

9.788 As previously mentioned in the drainage and flood risk section, BPA have responded to the application and have not suggested that the existing oil pipeline would present a constraint to development. However, as suggested, further correspondence would be required between parties if the application is approved to establish a detailed design for any proposed infrastructure that crosses or is located near to the pipeline easement.

## **Article 4 Direction**

9.789 An Article 4 Direction referred to 'Land at Marshcroft Farm, Bulbourne Road, Tring' was placed on the northern parcel in 1990. This prohibited development within Class A, Part 6, Schedule 2 of the General Permitted Development Order, which relates to works for the erection, extension or alteration of an agricultural or forestry building, or any excavation or excavation or engineering operations that are reasonably necessary for the purposes of agriculture within that unit.

9.790 The proposed uses do not include agricultural or forestry. Therefore, it is not felt that this Article 4 Direction would prohibit the proposals in any way.

## **Land Stability**

9.791 Land stability is a material planning consideration and referred to in paragraphs 174, 183 and 184 of the Framework.

9.792 It is important that the proposed development does not adversely affect the stability of the cutting slope to the Grand Union canal, as this could increase the risk of damage to the adjacent canal.

9.793 The CRT have discussed this with the Applicant's engineers and they have confirmed that the infiltration basins in the SANG are sufficiently far away from the cutting to avoid impacts. Whilst further evidence was not provided on this matter, it is noted that a suitable condition could be imposed, requiring a slope stability assessment of the Grand Union canal and any necessary mitigation measures.

## **Waste Management**

9.794 The Minerals and Waste Planning Authority at HCC has commented on the proposals. They welcomed the inclusion of a Site Waste Management Plan (SWMP) as part of the submission and noted that *'the pre-construction SWMP submitted is considered adequate and sets out sufficient details the Waste Planning Authority would expect to see.'*

9.795 DBC's Waste and Refuse Team have also commented and provided waste requirements for residential and commercial buildings. These details should be followed at reserved matters stage.

## **East of England Ambulance Service**

9.796 During the course of this application a consultation response was received from the East of England Ambulance Service (EEAST) requesting a contribution of circa £340,200 towards health services, particularly towards additional ambulance services and/or new medical equipment (both within and external to the ambulance).

9.797 To establish whether the contribution request would meet the relevant tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010, an email was sent to EEAST requesting further information in relation to the necessity of the requested contribution.

9.798 No response was received from EEAST and without further justification, it is not felt necessary to request the contribution.

### ***Public Consultation Responses***

9.799 The public consultation exercises have resulted in circa 320 comments, the majority of which are objecting to the proposed development. It is also noted that a comment has been received from Grove Fields Residents Association (GFRA), which represents 572 residents from the local area. There are key themes arising from the comments, many of which have been discussed in detail throughout this report. The main themes are as follows:

- Loss of/damage to Green Belt land
- Impact on landscape and Chilterns AONB
- Damage to the historic market town character of Tring
- Inappropriate scale of development for Tring / overdevelopment
- Impacts on Chilterns Beechwoods SAC
- Concerns over local infrastructure capacity including roads and public services
- Loss of agricultural land and impacts on food production
- Lack of/insufficient very special circumstances provided
- Environmental and ecological impacts and climate change

9.800 Aside from the themes above, the following comments are noted and responded to below.

- Degradation of canal-side environment

9.801 Saved Policy 106 of the DBLP states that development adjoining the Grand Union Canal will be expected to make a positive contribution to the canal-side environment. The neighbour comments in relation to the canal highlight that the proposed development would impact the quiet, secluded nature of the canal. Whilst the proposals would certainly increase users of the canal, the proposed contributions towards upgrading the towpath, connecting rights of way and provision of signage are considered to outweigh this harm.

- Impacts of lengthy construction process on residential amenity

9.802 It is accepted that if approved, the proposals would impact residential amenity, particularly for residents within close proximity to the site. There are no specific local or national policies that would restrict development proposals due to impacts caused by the construction process. However, there are policies and guidance that relate to construction standards that would be relevant to the application.

- Plans for an apprenticeship scheme within the proposals

9.803 The Health Impact Assessment explains that the construction of the development would directly support a variety of roles, including apprentices. It is noted that this would be temporary employment (for the construction phases).

- Lack of commitments from public bodies e.g. NHS and HCC to ensure the provision of the proposed facilities

9.804 This will be discussed in more detail in the planning balance / very special circumstances section below.

### ***Human Rights and Equality***

9.805 In line with Public Sector Equality Duty, the LPA has regard to the need to eliminate discrimination and advance equality of opportunity, as per section 149 of the Equality Act 2010. In determining this application, regard has been given to this Duty and the relevant protected characteristics.

9.806 Considering the type of development proposed and assessment above, it is not considered that discrimination or inequity would arise from the proposal.

**S106 and Planning Obligations**

9.807 The requirement for new development to provide contributions towards the provision of on-site, local and strategic infrastructure required to support the development is set by Core Strategy Policy CS35 – Infrastructure and Developer Contributions. The policy confirms that contributions will be required to support development unless existing capacity in relevant infrastructure exists and financial contributions will be used in accordance with needs set out in the Council’s Infrastructure Delivery Plan.

9.808 A summary of contributions for the S106 Agreement is set out below. These have all been agreed by the Applicant. Relevant clauses and triggers would be subject to further negotiations to refine and agree them if the application is approved.

*Table 10 – Summary of Contributions*

<b>Matter</b>	<b>Contribution</b>	<b>Comments and Triggers</b>
<b>Affordable housing</b>	45% - including First Homes, affordable rent and intermediate tenures.	Financial contribution cost represents total additional cost to Developer of providing this level of affordable housing over and above the 35% policy requirement.  Trigger set at percentage of occupied residential units (% to be determined).
<b>Social housing</b>	10% (part of Affordable Housing)	Financial contribution cost represents total additional cost to Developer or providing this level of social housing over and above policy requirement.  Trigger as above.
<b>Primary school</b>	Early delivery of 2FE school delivered on site, with extra capacity for further growth of the town including space for expansion to 3FE.  £10,800,000 2.9 Ha of land	HCC are unable to commit to delivery to set timescale.  Developer to construct on or before first occupation of 465 <sup>th</sup> residential unit.
<b>Secondary school</b>	Serviced site for 6 FE school at no cost to Local Education	Land to be reserved for up to 10 years. Level of financial contribution

	<p>Authority, with room for expansion to 8 FE; with sports facilities for shared community use; and early contribution proportionate to 1,400 units</p> <p>£10,300,000 9.56 Ha of land</p>	<p>and payment triggers set by HCC.</p> <p>Percentage payments would be paid at occupation i.e. 1<sup>st</sup> dwelling – 5%, 450<sup>th</sup> dwelling – 30%, 750<sup>th</sup> dwelling – 35% and final instalment at 1,200<sup>th</sup> dwelling. If the school is not constructed within three years of the final instalment the land is returned to the Owners.</p>
<b>MUGA &amp; 3G sports pitch and associated facilities</b>	<p>Land for and full delivery of MUGA and 3G Sport pitch at early phasing so that available for wider community use.</p> <p>Note – land is included in part of secondary school land.</p> <p>Floodlit MUGA £300,000 Floodlit 3G Pitch £1,500,000 Total £1,800,000 (estimate)</p>	<p>See Document 21a 'Technical Note to Sport and Physical Facility Strategy.</p> <p>To include a Sports Hub building Minimum footprint of 1,600sq.m gross internal floor area and parking.</p> <p>Options for operation and long term management of MUGA and sports facilities subject to further discussion.</p> <p>Trigger set at percentage of occupied residential units (% to be determined).</p>
<b>Grass pitches and cricket ground</b>	<p>Land for and full delivery of grass sports pitches for community use – pitch provision in excess of requirement to meet the needs of 1400 new dwellings.</p> <p>4.52 Ha of land Community Building £1,600,000 Grass pitches £1,200,000 Total £2,800,000 (estimate)</p>	<p>With associated community building / cricket pavilion with a minimum footprint of 553sq.m gross internal floor area.</p> <p>Trigger set at percentage of occupied residential units (% to be determined).</p>
<b>Sports facilities off-site</b>	<p>Contributions to:</p> <p>Rugby (league &amp; union) (Tring Rugby Football Club) = £52,089 (pitches) + £134,209 (changing rooms) = £186,298</p> <p>Hockey (Tring Sports Centre) = £50,286 (Pitches) + £20,902 (changing rooms) = £71,188</p> <p>Swimming (improvements at Tring Sports Centre) = £744,117</p> <p>Total £1,001,603</p>	<p>Agreed contribution levels set by Sport England calculator.</p> <p>Trigger set at percentage of occupied residential units (% to be determined).</p>

<b>Health facilities</b>	<p>Serviced land for new branch surgery, plus full S106 contribution.</p> <p>0.29 Ha of land £1,800,000 direct contribution</p>	<p>Herts Valley CCG calculator used to identify direct £1.8m contribution.</p> <p>Trigger set at percentage of occupied residential units (% to be determined).</p>
<b>Community hall</b>	<p>Delivery of a community hall</p> <p>Land and cost of construction</p>	<p>A building of up to 533sq.m.</p> <p>Trigger not yet determined.</p>
<b>Pre-school nursery building</b>	<p>Early delivery of a pre-school nursery building within the local centre</p> <p>Land and cost of construction</p>	<p>A building to be constructed as part of the village centre and made available for use by a preschool nursery operator.</p> <p>Trigger not yet determined.</p>
<b>Open space and play areas</b>	<p>Provision of land and maintenance contributions</p> <p>Land, cost of laying out play areas and maintenance.</p>	<p>Management Company to be established and retained in perpetuity unless otherwise agreed by the council.</p> <p>Trigger not yet determined.</p>
<b>Access to countryside</b>	<p>Improvements to Canal towpath and PRoW</p> <p>£476,270</p>	<p>Works to be carried out by CRT in accordance with their specification at £315/m for 1258m length and £80,000 for improvement to PRoW by Developer.</p> <p>Triggers not yet determined.</p>
<b>SANG provision</b>	<p>27ha laid out within the first phase being made available for wider community use</p> <p>£1,270,000 cost of implementing management plan.</p> <p>Additional area of 10.4ha made available for other housing developments</p>	<p>Management Company to be established.</p> <p>Specification and implementation details agreed pre-commencement. 27ha delivered in first phase prior to occupation of any residential units.</p> <p>Trigger for further 10.4ha not set and dependant on other housing schemes.</p>
<b>SAMM package</b>	<p>Provision of Strategic Access Management and Monitoring (SAMM) for the Beechwoods SAC.</p> <p>£ figure not yet established – waiting for DBC's mitigation</p>	<p>It is confirmed that the Owner will make a financial contribution to the SAMM when there is a mechanism to allow payments to be made.</p>

	strategy	
<b>Orchards and allotments</b>	<p>Land and laying out of orchards and allotments</p> <p>1.22ha of land</p> <p>Cost of laying orchards and allotments; and cost of implementing management plan</p>	Triggers not yet determined.
<b>Bus service improvements</b>	<p>Provision of high frequency bus Service</p> <p>£464,000</p>	<p>See Transport Assessment Document 11 Part 5 Appendix N Bus Strategy Technical note.</p> <p>Subject to discussion with bus operators. Based on a 10-year service provision.</p> <p>Trigger set at percentage of occupied residential units (% to be determined).</p>
<b>Off-site footpaths and cycle improvements</b>	<p>Various improvements via s.278 and contribution. Includes town centre cycle parking, new cycle routes, signage and crossing improvements including puffin crossing of Station Road at Tring Station.</p> <p>Overall package cost £462,100</p>	<p>Subject to detailed costing as part of s.278 agreement and Road Safety Audits.</p> <p>Triggers set at percentage of occupied residential units (% to be determined).</p>
<b>Off-site highway improvements</b>	<p>Capacity Improvements to three junctions and speed limit reduction on Station Road</p> <p>£985,000</p>	<p>See Transport Assessment Document 11 Part 5 Appendix M and Technical Note 15.</p> <p>Triggers set at percentage of occupied residential units (% to be determined).</p>
<b>Station improvements</b>	<p>Enhanced facilities and improved sustainable connection to town centre with early phasing so that available for wider community use</p> <p>£606,400</p>	<p>Agreement not currently reached regarding costings, design fees, etc. – Developer continues discussion.</p> <p>Anticipated to be delivered after delivery of first residential phase (155 units). Precise trigger not yet determined.</p>
<b>Travel Plan</b>	Including funding of travel plan coordinator for 13 years	See Transport Assessment Document 11 Part 5 Appendix M and Technical



	£671,300	Note 15.  Triggers set at percentage of occupied residential units (% to be determined).
<b>Renewable energy</b>	'Fabric first', local air source heat pumps and on-site renewable energy production, to deliver a 90% carbon reduction and carbon zero ready by 2030.  Additional cost per unit	Trigger based on completions – possibly conditioned to require a compliance report to be submitted to the LPA.
<b>CIL</b>	£14,500,000	Developer highlights CIL relief of £14.500,000, leaving a remaining £14,500,000 (discussed below).

### ***Community Infrastructure Levy***

9.809 The proposed development would be subject to Community Infrastructure Levy (CIL) charges in accordance with Policy CS33 of the Core Strategy and the 'Charging Schedule'. The current CIL requirements, as set out in the Annual CIL Rate Summary 2022, for residential within Zone 2 is £196.06 per sq.m. This rate is live as of January 2022. A small area of the site in the south-east is situated within Zone 1. However, considering that none of the housing is proposed here, it would be unreasonable to apply these rates.

9.810 CIL charge calculations are not usually determined until reserved matters stages. However, discussions with the CIL Team during the course of the application revealed some indicative figures based on the figures stated on CIL Form 1 submitted by the Applicant and the indexation for 2022. These are as follows:

Existing in-use floorspace (subject to evidence and floor plans) – 4,120sq.m  
Proposed residential floorspace – 148,122sq.m  
Proposed retirement housing – 16,870sq.m – liable but not chargeable

Liable floorspace – 164.580sq.m

Total CIL liability - £29,041,242

9.811 The CIL form indicates 75,915sq.m of social housing that could benefit from relief, subject to criteria and the submission of appropriate CIL Forms. The relief would be approximately £14,520,621 (half), leaving £14,520,621.

### **Any Other Harm**

9.812 As discussed in the Green Belt Harm section, case law has recognised that, following confirmation that the proposed development is 'inappropriate development', then whether there is 'any other harm' to Green Belt must be established.

9.813 Reference to 'any other harm' should also be taken to mean non Green Belt harm (e.g. highways, biodiversity, etc.). The 'other harm' associated with the proposals has been assessed in the relevant sections of this report. However, to summarise, the following has been identified:

- Landscape and Visual Impacts

9.814 A number of significant landscape and visual effects have been identified. The LVIA identifies significant adverse impacts during construction phase with effects reducing overtime, following years of operation. HDA concluded that *'fundamentally the proposals would adversely affect the experiential qualities and visual experience of the Chilterns AONB.'* No noteworthy changes were made to the application following the concerns raised by HDA in relation to reducing these impacts.

9.815 Whilst it is noted that the residual effects would generally reduce once mitigation planting has established, nonetheless adverse visual effects would remain for users of public footpaths including important routes such as the Ridgeway National Trail and views from Aldbury Nowers and the Chilterns escarpment, in addition to properties on the existing settlement edge. This results in further harm which is afforded substantial negative weight.

- Chilterns Beechwoods SAC

9.816 A number of potential effects on the Chilterns Beechwoods SAC have been acknowledged. Although mitigation measures are proposed, the details of the draft mitigation strategy have not been agreed and therefore an agreement cannot be made regarding SAMM. Furthermore, concerns have been raised by Natural England and HCC Ecology regarding the lack of suitable management arrangements in perpetuity, which are considered to be required at this stage. Substantial negative weight is therefore attributed to the harm on the CBSAC.

- Ecology

9.817 It has been demonstrated the proposal would have an acceptable impact on protected species and the outcomes of the BNG report have been broadly established. Whilst there would be some initial loss of habitat across the site, the proposal would provide further habitat creation and an overall uplift in biodiversity. The ecological harm is therefore considered neutral in the planning balance.

- Heritage

9.818 The harm arising from the impact on the setting of heritage assets is considered as 'less than substantial harm'. As there would be some public benefit arising from the development, this would outweigh the less than substantial harm identified. The heritage issue is therefore considered to be neutral in the planning balance.

- Air Quality

9.819 It has not been demonstrated that the proposed development would not have an unacceptable impact on air quality. Whilst basic air pollution mitigation is offered, DBC's ECP Team considered that the development would have a detrimental impact on local air quality. Therefore, damage costs via the DAQDCA was requested. This has not been agreed to and therefore further harm is identified, resulting in limited negative weight.

- Agricultural Land

9.820 It is considered that the development would result in the loss of BMV agricultural land that would be afforded negative weight as the permanent loss of agricultural land cannot be mitigated. This results in further harm which would be afforded limited negative weight.

- Highways

9.821 The proposed bus service infrastructure comprises a key element of the sustainable transport strategy. No formal agreement has been reached regarding the improvements to the station, which include the forecourt to facilitate the bus stop. Whilst other non-car modes of travel are available, when considering the scale of the development, it is felt that the proposed bus infrastructure is considered necessary to provide a sustainable vehicular connection to the station. The lack of this connection results in further harm which would be afforded moderate negative weight.

- Archaeology

9.822 An assessment of the archaeology on site concluded that the proposal has the potential to impact archaeological remains of a local to at most regional importance. The proposed mitigation as agreed with the county archaeologist therefore mitigates the harm. Therefore, this is considered neutral in the planning balance.

- Residential Amenity

9.823 Potential harm was identified in relation to the impact of three-storey development adjacent to the New Mill site. However, it was considered that this could be mitigated through the design and layout at reserved matters stage, thus the harm is considered to be neutral.

- Noise and Vibration

9.824 Some harm was identified regarding noise and vibration. This harm was not considered significant and not of a level that could not be sufficiently alleviated through condition/further work. As such, the harm is considered neutral in the planning balance.

### **Very Special Circumstances (VSCs)**

9.825 As established above, the proposed development constitutes inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances.

9.826 Paragraph 148 of the Framework states that: *'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

9.827 Case law has clarified that it is not necessary for each individual circumstance to be sufficient to justify the development in its entirety; rather, in many cases a combination of circumstances will comprise the very special circumstances required to justify the development.

9.828 The S106 Heads of Terms and Very Special Circumstances Statement (Document 8, Revision A) outlines the positive benefits arising from the proposed development, each of which shall be considered in turn.

### ***Housing***

9.829 Paragraph 60 of the Framework discusses the Government's objective of significantly boosting the supply of homes.

9.830 The provision of housing, given the need, is a benefit where the council cannot demonstrate a five year supply. It is accepted that there is a lack of a five year supply in Dacorum. The Applicant's Housing Needs Statement asserts that DBC's housing land supply is 2.17 years. This conflicts with the recent assessment carried out by DBC's Strategic Planning Team, which has revealed a current supply of 2.5 years.

9.831 DBC's HDT Action Plan (2021) explains that Dacorum has seen a marked increase of delivery in the last five years (2016-21). Further, the 2022 HDT measurement shows that the borough has delivered in excess of the target set by Government for 2020/21, with a record year for delivery despite the impacts of the global pandemic.

9.832 The Applicant's Housing Needs Statement fails to mention the council's housing delivery programme or garage disposal programme, which, in tandem with the HDT Action Plan are contributing to improving housing delivery.

9.833 DBC's supply figure recognises that the largest schemes in the Borough, such as West of Hemel (LA3) and Spencer's Park, will deliver more in the longer term (i.e. not contributing in full in the first five years). The Strategic Planning Team note that the only comparable scheme to the application, namely LA3, is not expected to commence delivery of housing until 2025/26 where only 25 dwellings are predicted to be completed. LA3 is not expected to reach annual completion rates comparable to that proposed for this site until 2032/33. The Strategic Planning team therefore have significant doubts that the proposed delivery rates of 155 dwellings per annum from 2025 is realistic, and that its contribution towards the overall five year supply position will be negligible.

9.834 As above, the indicative phasing for delivery of the proposals suggests that 155 units would be occupied by 2025 and a further 310 units between 2025 and 2027. Timescales are not currently clear and there is potential for delay, for example, noting the lack of agreement with Thames Water regarding timescales for foul water drainage capacity. Therefore, there is uncertainty regarding the level of contribution this scheme would provide towards the five year supply. However, as there would likely be some housing benefits that could accrue as a result of the proposals and considering DBC's supply position, it is considered that very substantial weight should be attributed to this factor.

### ***Affordable Housing***

9.835 Paragraphs 62 and 63 of the Framework discusses the requirement for affordable housing within the context of delivering a sufficient supply of homes.

9.836 The provision of affordable housing is a benefit of the scheme. The proposals suggest the provision of 45% affordable homes, which is 5% greater than the usual expectation for Greenfield sites in the Borough, therefore exceeding policy requirements. The proposed mix of home ownership including first homes and affordable rent is considered acceptable.

9.837 Very substantial weight can be attributed to the delivery of affordable housing as a benefit of the scheme.

### ***Self-Build & Custom Housing***

9.838 Self-Build and Custom Housing (SBHC) is a requirement of the Framework (paragraph 62) and would be expected of large-scale strategic schemes.

9.839 It is acknowledged that there has been a limited number of schemes that include SBHC coming forward and therefore the provision for 70 self-build/custom build homes is considered as a benefit of the scheme. DBC currently has circa 205 applicants on the self-build register and there are few schemes of this scale that would provide this number of available plots. Therefore, substantial weight is attributed to the delivery of SBHC.

### ***Housing for Older People***

9.840 Paragraph 62 of the Framework identifies the need for housing for older people.

9.841 The Older Persons Need Assessment (Document 14iii) clearly identifies a need for housing for older people, which is recognised to grow over coming years. The proposals offer the potential for older persons' housing. Whilst the proposals explain the need for this type of housing, there does not appear to be specific mechanism or detail regarding delivery.

9.842 The proposed HoTs notes that *'no more than 140 units of extra care (class C2) housing may be provided on the Site.'* The Health Impact Assessment, paragraph 5.7, states that there is *'the potential for older persons housing.'* Therefore, whilst it is acknowledged that older persons housing would be a benefit of the scheme, the lack of security adds uncertainty.

9.843 Whilst not fully secured within the Applicant's written proposals, it is considered possible to add certainty to this element of the scheme via planning condition. For example, a condition for the provision of and adherence to an 'older persons housing delivery strategy'. Bearing this in mind, it is considered that the delivery of older persons housing should be attributed substantial weight.

### **Education Facilities**

9.844 Paragraph 95 of the Framework identifies that it is important that a sufficient choice of school places is available to meet the needs to existing and new communities.

9.845 The Education Infrastructure Assessment (Document 20, Revision A) explains the limited capacity of schools within proximity to the site, with particular shortfalls in secondary education.

9.846 The VSCs Statement (Document 8a) states that the phasing of delivery (at an earlier stage) would help to meet existing and predicted future needs of Tring.

9.847 Based on the response from the Education Authority, it appears that the provision of a primary school would be feasible on the site and therefore some benefits are identified in relation to catering for the growth of Tring in terms of primary education infrastructure. However, concerns have been raised regarding the feasibility of the secondary school based on predicted pupil yields from the proposed development and uncertainty over the levels of growth in Tring.

9.848 Taking the above into account, little weight is attributed to the early provision of the primary school as it is delivering something that would be expected of this site, primarily to mitigate its own education requirements. At this stage no weight can be attributed to the provision of the secondary school, as it is unclear whether this would come forward.

### **Sports Facilities**

9.849 Paragraph 92 of the Framework highlights that planning decisions should aim to enable and support healthy lifestyles, especially where this would address local health and well-being needs – e.g. through sports facilities.

9.850 The proposed provision of sports facilities generally meets and exceeds existing policy requirements.

9.851 The Sports and Physical Activity Strategy (Document 21) lays out an assessment of indoor and outdoor leisure facilities, including pitch provision. Table 7.3 sets out the requirements and committed provision, explaining that in several areas the proposals exceed the demand of the development, primarily in relation to the provision of football and cricket facilities based on local need. It appears that this aligns with Paragraph 92 of the Framework, which requires proposals to address local needs.

9.852 The VSCs Statement notes that the provision of sports facilities would be at an early stages of the development to cater for the wider community.

9.853 The application highlights that the provision of the sports hub relates to the emerging draft allocation for this site. Whilst the requirements of a 'sports hub' is not defined within the emerging site allocation, it is considered that a sports hub facility serving a development of this scale would be expected to provide additional facilities, rather than the basic minimum requirements. However, as the proposals are based on emerging policies and would provide a comprehensive sports hub facility, its provision at an early date is welcomed and afforded moderate weight.

### ***Health Facilities***

9.854 The Framework, Paragraph 93, requires the provision of facilities and services the community needs and take into account and support the delivery of local strategies to improve health.

9.855 The proposals would provide circa £1,800,000 towards meeting the health needs generated by the development. In addition, the proposals offer a site of up to 0.6ha of serviced land to be reserved for providing a health care facility on the site.

9.856 The suggested contribution is directly related and necessary to the development and therefore not attributed any weight in the planning balance. However, the safeguarding of land that would potentially contribute towards the local health strategy is considered beneficial. At this stage is it unclear whether this land would align with the conclusions of the health providers, as they may prefer the single-site option, which was considered more effective and would require larger site. However, as the health strategy for the area has not been fully established, it is considered that the serviced land, which could potentially help to unlock a two-site option, is considered a benefit of the scheme, afforded limited weight.

### ***Biodiversity Net Gain***

9.857 Paragraph 174 of the Framework identifies that planning decisions should contribute to and enhance the natural and local environment by providing net gains for biodiversity.

9.858 The VSC Statement highlights that the proposals are capable of resulting in up to circa 35% BNG, which could potentially increase to 39% if the enlarged SANG is brought forward. The proposed HoTs highlight the Landscape and Biodiversity Management plans shall include details of how that phase contributes towards the '*overall (minimum) target of 30% BNG.*' If secured, the uplift in BNG would be above national targets of 10%.

9.859 The Applicant notes the Rainham decision, whereby >20% was considered to attribute substantial weight. In this instance, it is considered reasonable to also attribute substantial weight to this benefit.

### ***Suitable Alternative Natural Greenspace***

9.860 Paragraph 180 of the Framework ensures that, when determining planning applications, local planning authorities have regard to protected sites.

9.861 The VSC Statement explains that the early provision of c.27ha of SANG is a significant benefit – available for new residents as well as existing residents in Tring. The further 10.4ha that could be used for other developments is also noted. This would help to offset the recognised pressures and harm currently being experienced on the CBSAC.

9.862 The delivery of SANG alongside other mitigation is mainly a product of the legal processes underpinning the Habitat Regulations. The mitigation relating to the direct impacts of the proposed development is not therefore considered to form part of the planning balance. The proposed c.27ha of SANG is therefore not attributed any weight.

9.863 A further 10.4ha has been proposed to potentially come forward to support other developments in Tring. Whilst mentioned in the proposals, no mechanism or details are provided in the proposed HoTs regarding this additional area of SANG and how it would work in practice. However, the over-provision of SANG land would serve a wider benefit, providing mitigation for other housing schemes that may currently be subject to the moratorium on progressing, or those that may come forward in the future.

9.864 At this stage it is unclear whether the proposed additional SANG would provide accelerated mitigation when compared to wider strategic mitigation proposals. This is primarily due to uncertainty over timescales. Furthermore, it is also unclear what terms would make it available to other developments, as this has not been set out in any detail within the application.

9.865 Taking all of the above into account, it is considered that the overprovision of SANG is provided limited weight.

### ***Landscape and Biodiversity Management***

9.866 Section 15 of the Framework discusses conserving and enhancing the natural environment.

9.867 Whilst the proposed BNG was afforded weight above, the management of landscape and biodiversity is not considered as an additional benefit beyond this and is therefore not attributed any material weight.

### ***Orchards and Allotments***

9.868 Paragraph 92 of the Framework encourages healthy lifestyles and the provision of allotments. Paragraph 131 promotes opportunities to provide community orchards.

9.869 The proposals indicate that allotments and community orchards would be available to existing residents in Tring, serving some wider benefit to the area. This is attributed moderate weight in the planning balance.

### ***Energy and Sustainability***

9.870 The Framework identifies that the purpose of the planning system is to contribute to the achievement of sustainable development.

9.871 The proposals indicate a fabric first approach with local air source heat pumps and on-site renewable energy production through solar panels. The proposals state that the development would deliver a 90% carbon reduction (regulated emissions) and be carbon zero ready by 2030. Whilst this is an improvement on current standards, by the time the vast proportion of housing comes forward, it is likely that the Future Homes Standard will be in effect, which requires c. 75-80% less carbon emissions. It may also be that towards the latter stages of construction, national requirements improved further through building regulations and other measures.

9.872 The commitment to providing a substantial number of homes at a higher energy efficient standard is welcomed. However, the lack of detailed investigation into a neighbourhood energy approach is questioned, as the large-scale nature of this scheme offers such opportunities. Taking this into account and that the national requirements may be at a comparable level at time of construction, only moderate weight is attributed to this benefit of the scheme.

### ***Railway Station Improvements***

9.873 Section 9 of the Framework promotes sustainable transport, highlighting that opportunities to promote public transport should be identified and pursued.

9.874 The proposals, if approved, would result in a significant increase in the population of Tring and would therefore put pressures on public transport, unless specifically mitigated. Whilst the proposed contributions towards station improvements would have wider benefits, it is considered a necessary element of the proposal to accommodate for the increased population growth. Specifically, the arrangements to the forecourt appear necessary to provide the bus service improvements.

9.875 The VSC Statement notes that the proposed station improvements would be brought forward in the development programme to ensure benefits to Tring residents, however, there does not appear to be a specific reference to the delivery and timescales in the HoTs. Furthermore, at present there is no confirmed agreement between the Applicant and West Midlands Trains regarding the financial contribution.

9.876 TN015 explains that there is no guarantee regarding the delivery of improvements on land outside the Applicant's control. The imposition of a negatively worded condition may be appropriate in this case, as it would deliver sufficient certainty for all parties. This would encourage the parties to finalise the agreement in a timely manner and would maintain transparency.

9.877 It is suggested that with the inclusion of a negatively worded condition the proposed railway station improvements would be secured. Therefore, moderate weight is attributed to this particular element of the VSC package.

### ***Bus Service Improvements***

9.878 Section 9 of the Framework promotes sustainable transport, highlighting that opportunities to promote public transport should be identified and pursued.

9.879 As identified in the Highways section, it is apparent that whilst the turning area for a small bus may be feasible within the existing station forecourt, the bus would miss the Station Road bus stop and therefore a re-design would be required.

9.880 It is acknowledged that some benefits would arise from the proposed bus service improvements if delivered. Although at this stage there is no guarantee that an agreement would be reached between the Applicant and Train Operator to facilitate the required works, the imposition of a negatively worded condition for the station improvements would add certainty. Therefore, moderate weight is attributed to this element.

### ***Off-Site Highway, Footpath and Cycle Improvements***

9.881 The Framework requires development proposals to promote walking and cycling (paragraph 104), protect and enhance public rights of way and access (para. 100) and provide attractive and well-designed walking and cycling networks (para. 106 (d)). Paragraph 110 indicates that any significant impacts from the development on the transport network should be cost effectively mitigated to an acceptable degree and paragraph 120 highlights that planning decisions should improve public access to the countryside.



9.882 Saved Policy 109 explains that development adjoining the Grand Union Canal is expected to make a positive contribution to the canal-side environment, including encouragement to improvements to pedestrian access and small-scale facilities appropriate to the canal.

9.883 The majority of works proposed are considered to mitigate the impacts of the development and provide a well-connected development. However, the VSC Statement indicates that the agreed improvements relating to the canal towpath and footpath link between Marshcroft Lane and Northfield Road provide VSC benefits.

9.884 Considering the scale of the proposals it is considered that the tow path improvements and footpath connection to the wider countryside are considered necessary to mitigate impacts that would likely accrue from the development e.g. footpath degradation. Nevertheless, these improvements would result in wider benefits and therefore moderate weight is attributed.

### ***Public Open Space, Recreation Space and Children's Play Spaces***

9.885 The Applicant has considered the findings of the Open Spaces Standards Paper (OSSP). They explain that the OSSP identifies minor gaps in play provision for children and young people and that this may be served by improvements to existing provision in the north-west of Tring. The proposed play spaces and gardens that meet the needs of the new residential development may therefore also contribute to identified gaps in provision across Tring.

9.886 Considering the location of proposals in relation to the existing settlement, it is considered that only a small number of properties would directly benefit from the proposed open, recreation and play spaces. There would be some overall wider benefit arising from the additional spaces and therefore limited weight is attributed to this benefit.

## **10. CONCLUSION**

9.887 Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications are determined in accordance with the development plan unless other material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

9.888 The council is currently unable to demonstrate the required five year supply of deliverable housing sites. As set out in this report, DBC can demonstrate 2.5 years supply. In the absence of an up-to-date five year supply and in accordance with paragraph 11 of the Framework, there is a presumption in favour of sustainable development.

9.889 As the site lies within the Green Belt, the Framework, paragraph 11(d) applies. This requires planning permission to be granted unless the application of policies in the Framework provides a clear reason for refusing the development proposed. It is necessary to apply the development control tests relating to the Green Belt in particular to ascertain whether these provide a clear reason for refusal.

9.890 There are relevant development plan policies that apply to this application, the following of which are considered most important in this determination: Policies CS5, CS10, CS11, CS12, CS13, CS24, CS25, CS26, CS27 and CS29 of the Dacorum Borough Core Strategy (2013) and saved Policies 97, 102, 103 and 108 of the Dacorum Borough Local Plan (2004).

9.891 The overall suite of development plan policies are considered up-to-date and therefore the tilted balance, as set out in paragraph 11(d) of the Framework, is not engaged and the S38(6) balance is followed.

9.892 The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.893 The proposals do not fall within the exceptions specified in paragraph 149 (a-g) of the Framework and therefore considered inappropriate development.

9.894 The Applicant has based their application proposals on the draft site allocation in the draft emerging Plan that has currently been deferred until further evidence has been gathered. It is likely that further emphasis will be put in brownfield sites within existing settlements to reduce pressure on the Green Belt, which is key to Government policy. As such, at this stage very limited weight can be given to the draft allocation.

9.895 The balancing exercise above has set out all of the harms associated with the proposal, all of the benefits and all of the other material planning considerations. The VSC case above provides a number of additional benefits on top of the draft emerging policy requirements in an attempt to overcome the very substantial level of harm to the Green Belt. Other harm has also been identified – particularly in relation to landscape and visual impacts, the Chilterns Beechwoods SAC, ecology, heritage, air quality, agricultural land, highways, archaeology, residential amenity, noise and vibration – some of which has been mitigated through design and other measures.

9.896 Considering the assessment above, it is concluded that Green Belt harm and other harms are not clearly outweighed by all of the benefits and therefore very special circumstances do not exist in this case. It is also noted that if the Applicant's assessment regarding DBC's land supply of 2.17 years was accepted, the identified harm is not clearly outweighed.

9.897 The application of policies in the Framework provide a clear reason for refusing the development proposal under paragraph 11(d)(i). It is concluded that the proposals are in conflict with the development plan policies in so far as they relate to the Green Belt, Chilterns Beechwoods SAC, landscape and visual impacts, ecology, heritage, air quality, agricultural land, highways and archaeology.

9.898 Taking all of the above into account, it is recommended that permission be refused for the reasons set out below.

## **11. RECOMMENDATION**

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

### **Reason(s) for Refusal:**

- 1. The proposed development would constitute inappropriate development and would result in spatial and visual harm to the openness of the Green Belt. In addition, the proposals would lead to a conflict with one of the five purposes of including land in the Green Belt i.e to assist in safeguarding the countryside from encroachment. The benefits of the scheme taken together do not clearly outweigh the harm and other harm identified. Very special circumstances have not been demonstrated to justify the proposed inappropriate development in the Green Belt. The proposals are therefore**

contrary to the Policy CS5 of the Dacorum Borough Core Strategy (2013) and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework (2021).

2. The application does not provide suitable management arrangements for the proposed Suitable Alternative Natural Greenspace (SANG). Details relating to the procurement of a suitable management company are lacking and the proposals do not deal with the possibility that the procured company becomes insolvent or fails to discharge its obligations. Consequently, there is a lack of certainty that the proposed mitigation would be secured in perpetuity to mitigate the recreational impacts on the Chilterns Beechwoods Special Area of Conservation and the council cannot rule out that the proposal alone or in combination with other plan and projects would not result in likely significant effects to the Chilterns Beechwoods SAC that would adversely affect its integrity. The proposal therefore fails to comply with saved Policies 102 and 103 of the Dacorum Borough Local Plan (2004), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and paragraphs 174, 176 and 180 of the National Planning Policy Framework (2021).
3. A suitable financial sum has not been agreed in relation to Strategic Access Management and Monitoring (SAMM) to mitigate recreational pressure on the Chilterns Beechwoods Special Area of Conservation (CBSAC). It cannot therefore be concluded that the proposals would not result in an unacceptable impact on the CBSAC due to increased recreational pressure, contrary to the requirements of saved Policies 102 and 103 of the Dacorum Borough Local Plan (2004), Policies CS26 and CS29 of the Dacorum Borough Core Strategy (2013) and paragraphs 174, 176 and 180 of the National Planning Policy Framework (2021).

**Informatives:**

1. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.