

ITEM 5.05

4/01088/13/MFA - DEMOLITION OF EXISTING HOTEL PREMISES AND ASSOCIATED BUILDINGS WITHIN THE EXISTING COMPLEX AND CONSTRUCTION OF A NEW 100 BEDROOM HOTEL TOGETHER WITH REVISED ACCESS REQUIREMENTS AND CAR PARKING. RELOCATION OF 2 CARAVANS/MOBILE HOMES.. BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0DS. APPLICANT: MACDONALDS HOTELS.

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The site comprises of the hotel, its grounds and a lowly occupied very poorly maintained mobile home park within the Green Belt.

The proposed redevelopment provides an opportunity to establish a modern replacement hotel at the site and to temporarily rehouse the occupiers of the existing mobile homes.

Following previous unacceptable schemes for new hotel accommodation over many years and extensive pre application and post submission dialogue, the hotel has now closed. This was during the period following the receipt of a modified scheme with ongoing consultation at the end of 2014.

In terms of Green Belt policy the site is regarded as previously developed land providing an opportunity for redevelopment. However, a comparison between the existing form of development and the application scheme confirms that the proposal is inappropriate development in the Green Belt . It is therefore by definition harmful and has to be considered on the basis of the applicant's very special circumstances.

The applicant's pre closure planning supporting statement comprehensively explains the very special circumstances. This should now be considered in the context of the implications of the closure and the opportunity to reinvigorate the site through the proposal. There will be expected resultant economic benefits to the Borough to justify the redevelopment. The development's scale is necessary to satisfy the owner's operational requirements.

The approach to design is fundamentally different to the existing. It makes a 'bold cutting edge design statement' in its rural context as an alternative to the current very tired ad hoc array of uncoordinated range and sprawl of buildings. The proposed design is key to the site's revitalisation, providing a positive alternative to the traditional approach to design with a more compact building footprint.

Subject to the imposition of a wide range of conditions the application is recommended for permission. As a departure to Green Belt policy it is necessary to refer the application to the Secretary of State.

Description

The 46 bedroom Bobsleigh was a long established and expanded Hotel located on the

classified Hempstead Road to the north east of the village of Bovingdon. The site (1.9 h) lies within the Green Belt in the open countryside within a wooded setting. It occupies an elongated (120m) and prominent frontage to Hempstead Road with buildings and car parking aligned along its entire length, separated by a wide grass verge with bus stops on both sides of the highway. There are detached dwellinghouses located opposite also within a wooded setting.

Stable Cottage (used for staff accommodation) and Highcroft Farm (a dwelling and a converted outbuilding for two dwellings) are located to the immediate north east. There are fields to the south west and south east. The south western field was subject to a refusal of planning permission for Travellers.

Highcroft Trailer/ Caravan/ Mobile Home Park is located behind the site frontage buildings. It is now in a semi derelict condition with two of the 11 homes occupied. It adjoins the hotel gardens, preserved trees and an ice house.

There are 3 accesses linked to Hempstead Road. The hotel's main access is located centrally linked to the frontage car park. A secondary access is at the northern end. The mobile home park is served by a separate roadway from the site's northern access onto Hempstead Road.

Proposal

Background

The application in its Original and Revised Forms is supported by a wide range of documents including:

- Planning Statements and the Case for Very Special Circumstances.
- Sequential & Impact Assessment.
- Tree Survey, Landscape & Visual Assessment.
- Caravan Park Condition Survey.
- Flood Risk Assessment/ Foul Drainage Assessment.
- Sustainability & Energy Assessment.
- Ecology Report – Bat Survey – Great Crested Newt Scoping Survey.
- Transport Assessment including Parking/ Travel Plan, with associated updates/ amendments.

General

This involves demolishing and replacing all the existing buildings and the caravan park (other than the ice house) and redeveloping the site with a 100 bedroom hotel served by health, leisure and conference facilities and car parking. This will comprise of:

- Health & leisure facilities including 18m x 8m swimming pool, thermal suite / spa, gymnasium and associated changing areas.
- Beauty / treatment suite.
- Restaurant, lounge and bar areas with associated kitchen and service area.

Business suite comprising meeting / conference rooms

- Function suite.
- External public areas including landscaped garden deck above the proposed basement car park.
- Underground/ basement (70spaces) and frontage surface car parking for a total of 138 vehicles with parking for persons with disabilities and cycle parking. There is an associated Green Travel Plan agreed with HCC Highways.
- The retention of the icehouse.

Important Note: The applicant has accepted that the leisure use facility will be for residents only.

The site will be served by the existing southern access serving the mobile home park with the permanent closure of the other two existing accesses.

Accommodation

This will comprise of:

Basement. Car parking for 70 vehicles with three disabled accessible spaces.

Lower Ground Floor. 24 guest bedrooms, health and leisure facilities comprising male and female changing rooms, swimming pool, thermal suite/spa and associated plant rooms, staff/back of house areas, kitchen facilities, meeting rooms.

First Floor. 24 guest rooms, beauty suite / treatment rooms including relaxation area and coffee shop.

Second Floor. 20 guest rooms.

Design/Layout

The building's design is contemporary with the use of a mix of green roofs, timber, glazing and metal. It will be contained within a smaller footprint than the existing.

The flat 'L' shaped (with a curved 'tail') three storey building (plus basement) will occupy a central position in relation to the site frontage. Its frontage main block building will measure 49 m parallel with but set back from Hempstead Road. The elongated curved component/ 'tail' to the rear will provide bedrooms within the main wooded area behind the existing site frontage. The curved and stepped / terraced design 'pulls away' from the common boundary with Highcroft Farm. The Design Statement confirms:

'To the centre of the site sits a 'clump' of mature trees elevated on a mound creating a strong, natural feature. The plan form of the proposal has evolved to address this feature as an enhancement to the development. The building encompasses the 'green heart' as a central landscape feature. The restaurant at ground floor level and the terraces / balconies relating to the function / meeting areas address this external space in an active manner. The main bedroom wing curves around to embrace the green heart. The curvature of the bedroom wing also pulls the building away from Highcroft Farm in a sensitive and respectful manner'

The inner elevation of 'curved layout' faces south with the retained ice house forming an integral part of the scheme. The material excavated to provide the basement will be used form a planted embankment separating the site from Highcroft Farm. The surface car parking (with disabled parking) will be to each side of the frontage building with associated screen planting.

The land to the south east will be subject to an ecological management plan adjoining an area for two mobile homes. These will replace the two occupied which will be displaced by the redevelopment.

Due to the issues raised locally regarding design and the advice of the Conservation & Design Officer, it is important that the Committee are aware of the Agent's approach to design. In this respect **Annex A** provides details of the design approach. At the DCC meeting the officer's presentation will include reference to the drawings showing how the design/ layout has changed from earlier approaches to enable a holistic

understanding. This will include a comparative overview in terms footprint/ amount of the development etc. with reference to the 'starting point' being existing development at the site.

Revised Scheme

This scheme (July/October 2014) has sought to address the range of issues identified by the LPA in November 2013 as explained below.

In terms of design the Agent has confirmed that in order to further lessen the perceived impact on the front Hempstead Road elevation the following amendments have been made to the scheme proposal:

- Number of guest bedrooms reduced from 103 to 100.
- Ground floor meeting rooms and kitchen areas have been relocated to the lower ground floor level. This has enabled the double height function spaces to be dropped down a level to ground floor, therefore reducing the height of the building when viewed from Hempstead Road.
- The guest bedrooms at 2nd floor level fronting Hempstead Road have been reduced in number and pushed to the rear of this section of the building in order to lessen the perceived scale of the road frontage.
- The overall aesthetics of the frontage has been further 'softened' and has a more traditional treatment.

Applicants/ Agent's Statement: Amount of Development: Comparison between the existing development and the proposal in terms of 'spread of development'

Due to the unsuitability of the existing layout and nature of the buildings, any further capital expenditure in an attempt to improve the existing buildings and facilities would not yield sufficient returns to make the scheme feasible.

The proposed new-build design exercises a much improved ergonomic planning and layout of the site and provides an efficient and therefore more economic use of space. This proposal has addressed this issue by reducing the amount of development footprint whilst successfully upgrading and enhancing the space standards.

The demolition of the existing hotel buildings, the 11 mobile homes and the garage / storage buildings will result in the removal of an overall footprint of 2566 sqm. The replacement development will equate to a footprint of 2501 sqm

The carefully considered space planning and the relationship of the new buildings to the existing natural landscape, has resulted in a building with 'less dimensional special impact on the site'. The effective 'length' of the Hempstead Road frontage is also reduced from 62m to 49m the proposed building is also positioned further back from the highway to lessen the impact on approach.

Applicants/ Planning Consultant's Justification Statement

Until the recent closure the hotel was regarded by the applicant to be substandard and was not achieving its quality goals or economic viability.

Social & Economic Context: Planning Statement

It has been stated and noted on numerous occasions that the hotel in its current form is not a thriving business. Figures provided by the Macdonald Hotels Group indicate clearly that the Bobsleigh hotel is not competing at regional, county or national levels.

The hotel recently continued to show a decrease in trade with operating losses being increased, leaving a very strong possibility that the hotel in its current form is not commercially viable.

Macdonald Hotels are a leading player within the UK regional hotel market with over 45 Hotel properties predominately in the 4 – star category. The Bobsleigh Hotel has not made a positive contribution to the group for some time and the decline in room occupancy is set to continue unless wholesale development as planned, is forthcoming.

The Macdonald Hotels Group are prepared to invest to revitalise and rejuvenate the use. The nature of the current layout of the facilities, the below standard guest room sizes and the ad-hoc way that the premises have been extended historically, negates the possibility of extending the premises to provide facilities to the acceptable standard without adding to the current 'sprawl' of development across the site. The current form and layout precludes an economically viable solution in relation to extending or remodelling the existing buildings to create an acceptable outcome.

Background

The statement considers exceptional circumstances needed to be demonstrated to justify the redevelopment of the Bobsleigh Hotel, despite Macdonald Hotels going to great lengths to reduce the scale of the proposals.

This is despite the fact that Paragraph 89 of the National Planning Policy Framework (NPPF) confirms the 'complete redevelopment of previously developed sites (brownfield sites), whether redundant or in continuing uses' is not inappropriate development in the Green Belt so long as it does not have a greater impact on its openness and the purposes of including land within it.

The applicants maintain that the redevelopment proposals at the Bobsleigh Hotel are not inappropriate as they do not result in any harm to the Green Belt in terms of its openness, when considering the key issues of height, footprint of the buildings and dispersal of the development. As detailed in the letter of 21st July 2014 the proposed development **reduces** the eaves height to the Hempstead Road frontage by 3.1m, **reduces** the overall footprint by 65 sq m, and **reduces** the development block by 34%.

Having demonstrated a clear reduction in these key aspects the applicants conclude that the development will not have a greater impact on the openness of the Green Belt than the existing hotel complex and as such, do not need to demonstrate exceptional circumstances for the development.

Nevertheless, certain exceptional circumstances have been set out in the Planning Statement and these are built on below.

It has been previously highlighted that the current hotel is not profitable due to its lack of services, age and piecemeal make up. Indeed, the hotel has been running at a

serious loss for a prolonged period.

It is with great regret that Macdonald Hotels have now had to formally confirm the closure of the hotel. The hotel will close in November 2014 and will become a redundant, vacant site and result in regrettable job losses. In light of this, Macdonald Hotels are now considering their options for the site but it remains to be the case that the business would still like to implement its plans put forward as part of this application. A swift and positive determination of this application will clearly be a material consideration as to how the business decides what to do with the site in the future.

The requested exceptional circumstances are set out below.

Brownfield Site

The site is brownfield and irrespective of the conclusions reached as to whether exceptional circumstances need to be justified or not for the development, the fact the site is a brownfield site in itself represents an exceptional circumstance given the NPPF's stance in relation to development on previously developed sites in the Green Belt and the supporting emphasis placed at paragraph 111 of the NPPF in relation to decisions encouraging the effective use of land that has been previously developed.

Design, Dimensions and Public Vantage Points

Even if the proposal is considered to have a greater impact on the openness of the Green Belt overall, the fact it does reduce the public visible frontage length and height and does reduce the footprint and development blocks as set out above and in the previous correspondence, is clearly a material consideration and can be regarded as being an exceptional circumstance. Indeed, from public vantage points, the development will not have as harmful impact on the openness of the Green Belt, which must be regarded as an exceptional circumstance.

Policy Support – Existing Businesses / Rural and Leisure Economy

Paragraph 21 of the NPPF confirms that *'investment in business should not be overburdened by the combined requirements of planning policy expectations'*. It goes on to state that local authorities should *'support existing business sectors, taking account of whether they are expanding or contracting'*.

Paragraph 28 of the NPPF places an emphasis on economic growth and support in rural areas. More specifically the NPPF calls on local plans to *'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings'* and *'support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors.'*

The value of tourism and the economic benefits to the Borough are also referenced throughout the Core Strategy. It identifies tourism as an important sector given the rural nature of the area and one in which the Council will support growth. Paragraph 3.7 of the Core Strategy recognises that:

"the rural economy and tourism are relatively small, but locally important sectors".

Paragraph 11.19 of the Core Strategy also confirms that:

“whilst there is a reasonable range of visitor accommodation within the borough, there is scope for this sector to grow. Facilities that support local tourism, the rural economy and those that support existing businesses, through the provision of meeting and conference facilities, will be particularly encouraged”.

This is precisely what the development proposal seeks to achieve.

In summary, national and local policy provides a clear and underlying message to support sustainable economic development and promote the consolidation and expansion of existing businesses, especially rural businesses in the tourism sector.

Existing Macdonald Hotel Site

Whilst it is an obvious point, the fact that Macdonald Hotels are seeking to invest in their existing operational site is a material consideration. Indeed, the proposal does not seek to introduce a new use or scale of development that is entirely at odds with what already exists. This must be regarded as an exceptional circumstance when considering the merits of the proposal against overall Green Belt policy aims, which are clearly more focused on preserving undeveloped land and the openness of the Green Belt. This weight to be given to this is increased when considering the distinct lack of alternatives for the business.

Lack of Alternative Sites

Paragraph 11.4 of the Core Strategy states

‘Around 60% of the estimated employment growth is in non-B class uses, such as hotels and catering, construction, education, healthcare, retailing and leisure. Appropriate allocations for non-B class uses will therefore be included in the Site Allocations and East Hemel Hempstead Area Action Plan Development Plan Documents (DPDs).’

Despite the Council's / Core Strategy's clear aspirations to improve the rural economy by encouraging leisure and tourism development and provide conference facilities, the Core Strategy fails to identify a single site within the southern part of the borough outside of the main town and village boundaries that is not designated as Green Belt for such purposes. In addition, the Proposals Map does not allocate a single site for leisure and tourism development west of the A41 despite the Council's commitment to rural tourism. It therefore follows that growth within the hotel sector is reliant on the development and service industry to bring sites and investment forward.

As part of the application, there has been the provision of a thorough sequential site assessment, which confirms there are no suitable and available town centre and edge of centre sites for the development. It therefore follows that the existing Macdonald Hotels site must be regarded the most suitable development site for the proposal in terms of town centre policy considerations, when considering the overall need and merits of the proposal.

Indeed, the very nature of the borough is such that the rural economy predominantly functions within the Green Belt. It therefore follows that if the rural economy is to survive, grow and develop it will undoubtedly necessitate development within the Green Belt. In this instance, the lack of available sites outside the Green Belt, must be

regarded as an exceptional circumstance.

Operational Need for Redevelopment

With lower than average occupancy rates (around 50%) for a prolonged period, there is a distinct need to improve facilities at the Bobsleigh Hotel. The hotel has slowly expanded over a number of years in the form of additional accommodation, function areas, and the swimming pool building; all of which are now in a state of disrepair and simply uneconomic to maintain. The incremental additions to the hotel mean that the majority of the property, especially parts of the original building, requires substantial investment.

The underlying issue facing Macdonald Hotels is the ability to address these issues through refurbishment. Whilst visual improvements could be made to the hotel this would not address the layout and function of the property, with rooms, facilities, and services spread across the site in a sprawling collection of single and two storey buildings.

Macdonald Hotels wish to continue to invest in this site but the only logical and feasible way to operate successfully is to replace the tired, dated, collection of single and two storey buildings with a single, contemporary, fit-for-purpose hotel of a more manageable and efficient layout.

The proposal has a development value reaching £13m - £15m, a substantial investment by Macdonald Hotels into the local rural economy which could otherwise be lost if the site cannot be redeveloped as proposed. In the context of the NPPF's emphasis on supporting economic growth and the rural economy, this can also be regarded as an exceptional circumstance.

Loss of Jobs and Business

Without the significant investment Macdonald Hotels are proposing, there has always been an inherent risk and danger to the future success of the hotel. Indeed, the unviable and unfeasible refurbishment of the existing Bobsleigh Hotel buildings has always been put forward as an exceptional circumstance in the promotion of this development.

Unfortunately, the lack of any security over the proposition has become untenable and the reality is that the hotel will now close in the immediate future. The associated jobs and tourism investment will also be lost and the site will now become redundant and vacant and with that, other unfavourable impacts will regrettably transpire.

The Creation of Jobs and Social Opportunity

The greatest impact on the local rural economy will be on the increase in on-site jobs generated by the new hotel and the provision of additional services.

The proposed hotel would increase the number of employees from 22 to 70, not accounting for the increase in jobs incurred throughout the supply chain during the construction and operational phases of development.

Macdonald Hotels are committed to the training and development of their staff which, through their thorough corporate training programmes allow local people to improve

transferable skills and knowledge. Some of the development opportunities which will arise as a direct benefit of this proposal will include:

Participation of staff on nationally recognised training courses including NVQ in Customer Service and attendance on the Institute of Leadership and Management (ILM) courses;

Immediate involvement of all staff on the 'Commitment to Excellence' customer service programme, E-learning and Core Skills training, with the NVQ programme introduced and designed to ensure these skills are being implemented in conjunction with a nationally recognised standard;

The nationally recognised NVQ is also delivered in conjunction with 'Evolution Training' across the business to ensure all staff achieve core, transferable skills;

Involvement of all staff on the internal development programme 'Stairway to Success'; and,

The Chef's Apprenticeship Scheme for 16 to 19 year olds.

This additional job creation and social investment can be regarded as an exceptional circumstance.

Positive Impact on Town Centre and Maylands

Given the role, function, and location of the hotel it operates on a different basis to those hotels around Maylands which provide easy, convenient accommodation mainly for business tourism and the town centre which offers budget hotels. Improving the offer for leisure based tourism in this easily accessible semi-rural location will not affect this different hotel market, and instead promote overnight visitors to Hemel Hempstead which will in turn have a direct positive impact on expenditure, jobs, and investment.

The multiplier effect is significant, with local town centre businesses such as bars, restaurants, shops and services all benefitting. This is better illustrated through the total number of people dining at the Bobsleigh Hotel in 2011 which was only 24% of the total number of guests. This represents a significant number of people, mainly on leisure trips staying at the hotel who are choosing to go elsewhere for an evening meal, likely into Hemel Hempstead which in turn benefits from the capital expenditure of tourism.

The operation of the hotel both as existing and as proposed is not aimed at the business led or budget hotel market which makes up the Maylands and town centre hotel market. Over the past nine months, on average, only 2% of paying overnight guests have attended due to a conference.

By improving the quality and offer of accommodation in the leisure market the proposal will compliment the business focused town centre hotel market, in turn helping to attract more inward investment, and have a direct positive impact on Hemel Hempstead by capturing the overnight trade and significant increases in expenditure that go with it.

In this instance, the alternative offer provided by Macdonald Hotels and the positive impact that the new hotel would have on Hemel Hempstead town centre is considered

an exceptional circumstance.

Summary

The proposal represents the redevelopment of a brownfield site within the Green Belt which does not have a greater impact on the openness of the Green Belt. However, this statement provides details of the exceptional circumstances which would allow the site to be developed should the Council be of the opinion that its redevelopment has a greater impact on the openness of the Green Belt overall.

Applicants/ Agent's Justification Statement for the New Mobile Homes

The decision to re-house the occupiers/owners within new, modern, mobile home facilities on an area of the site currently occupied by garages and redundant storage units was agreed with Dacorum Borough Council Planning and Housing Departments and the occupiers/owners themselves as being the most satisfactory option from the point of view of the residents. The residents are the most relevant party in this matter.

It is the Agent's understanding that Macdonald Hotels have indeed accepted an agreement that these two homes cannot be sold-on following the departure of the current residents for whatever reason. The alternative options as discussed and rejected by all parties were to re-house the residents within Stable Lodge, or to re-house the residents off site.

Planning History

There is a substantial planning history relating to the Bobsleigh. Since the 1980's there have been a range of applications, including a dismissed Appeal and permission for various additions. The most recent proposals are:

4/2335/08MFA - Demolition of existing hotel and associated buildings. Construction of hotel with access, car parking and associated development – Withdrawn. 30 April 2009.

4/0474/04FUL - Removal of existing caravans and demolition of garage block and two outbuildings, construction of block to provide 52 additional bedrooms, extension to dining room, provision of health and leisure facility, car parking, new access and associated landscaping – Withdrawn 2004.

4/2270/01OUT - Two storey bedroom blocks, conference and dining room extensions and alterations to entrance, removal of 11 static caravans & new parking area (185 spaces) and leisure facility – Refused 2002.

4/0195/09/MFA – Refusal for the demolition of the existing hotel and associated buildings, and construction of a new access and car parking areas. The application was refused for following reasons :

- 1.The proposed development would constitute inappropriate development in the Green Belt. The applicant failed to demonstrate a case of very special circumstances which would justify inappropriate development in the Green Belt.
- 2.The development will result in the loss of use of land for a residential caravan park on the site; this would be contrary to Local Plan Policies 15 and 26.
- 3.The proposed development was considered to be contrary to Local Plan Policy 11,

by reason of its scale, mass, size, design and use of materials, the development would be out of keeping with this rural area location and surrounding development.

4. The applicant failed to submit a sequential test as required under Policies EC15, EC16 and EC17 of the Local Plan.

4/0180/10FUL - Resiting and replacement of two mobile homes was received on 22 January 2010. Withdrawn.

Other History

Highcroft Farm

In 2000 planning permission 4/0468/00/FUL was granted for the conversion of a freestanding outbuilding into a single holiday unit with disabled facilities. This was not implemented. A further application was then granted in 2006 (4/01404/06/FUL) for the conversion of this building into 2 holiday letting units. This included the recladding in stained feather-edged boarding and brickwork under a plain clay tiles roof with rooflights.

Planning Permission 4/ 03493/14/FUL. Change of use of the outbuildings from holiday lets to two dwellings.

Adjoining Land

Refusal 4/02324/13/FUL – Change of Use to caravan site for 8 Gypsy families.

This was refused for the following reasons:

1. The application site is located in the Metropolitan Green Belt as identified in the Dacorum Core Strategy (September 2013). Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in the NPPF, PPTS and DBCS Policy CS5. The proposal would constitute inappropriate development in a Green Belt area. The very special circumstances which have been advanced to show why planning permission should be granted are not considered to outweigh the harm of the inappropriate development. The proposal is therefore contrary to DBCS Policy CS5 and 22 and national planning policy as set out in the NPPF and the PPTS.

2. The development would have a harmful impact on the character and appearance of the green belt by taking a 0.9 Ha green field which is open and rural in character and introducing forms of development which would be detrimental to the character and appearance of the green belt and reduce the openness of the green belt. The development would not be an unacceptable encroachment and failure to safeguard the countryside, check unrestricted sprawl nor would the development encourage recycling derelict or other urban land. The development does therefore not accord with the purposes of including land in the green belt contrary to the NPPF nor DBCS Policy CS5 due to significant impact on the character and appearance of the countryside.

3. In the absence of a submitted or agreed unilateral undertaking there is no mechanism in place to ensure that the impacts of the proposed development are mitigated. Insufficient information has been submitted to allow a calculation of an appropriate sum. The proposals are therefore contrary to Policy 13 of the Dacorum

Borough Local Plan, as well as Supplementary Planning Document (SPD) 'Planning Obligations' (April 2011) and Policy CS35 of the DB Core Strategy (September 2013).

Note: Previously an appeal was allowed for a building associated with a tree nursery. This was refused by the Committee but allowed on appeal. This is no longer extant.

Pre Application Post Submission Dialogue: Brief Summary

Following the previous refusal and a time lapse LPA was requested to further consider the site's redevelopment for a new hotel. This involved the issues of principle and design. It included reference to the previous reasons for refusal. There was specific reference to the sequential test and the importance of tourism in the Borough. Specialist input was requested from the LPA's Strategic Planning & Regeneration Team (SPAR) and DBC Corporate Planning Group. The application was submitted against this background. The applicants also met with the local community.

Post Submission Dialogue: Summary

There has been extensive and prolonged dialogue, complicated by the Hotel's closure. As well as 'standard' Applicant/ Agent – LPA dialogue this has included the local community and the MP. Officers have met with representatives of Bovingdon Action Group. BAG has also met with the MP and the Applicant.

Original scheme

In November 2013 the Case Officer confirmed the following to the Agent:
'In reviewing the proposal I have summarised the issues which require further consideration:

Scale/Amount of the Development (mass, floorspace/ number of bedrooms, footprint/ /volume/ leisure and health facility, overflow car parking)

There is a fundamental requirement to robustly substantiate/ justify the amount of development in the Green Belt under very special circumstances. This is with due regard to viability.

Leisure and Health Facility

Clarification regarding how the facility will managed for only for hotel guests.

Highway/ Parking/ Transportation Issues (in the context of the advice of HHC Highways and the Council's Environmental Health Unit).

- Travel Plan. The need for more clarity.
- Details of the proposed turning movements for all delivery vehicles into and within the site. This is notwithstanding the submitted details.
- Overflow Parking. Whether this is necessary.
- The need for offsite highway improvements.

Caravans

Whether the applicant will accept a temporary /personal permission given the background circumstances.

Design

Notwithstanding the issues of scale/ massing as referred above there is support for the modern design by planning officers. However it is noted that there is an ongoing review with some design elements through the Conservation & Design Team.

Other matters that needed to be addressed include:

Flood Risk/ Risks to Groundwater

Foul Drainage

Site Apparatus as specified by the Environmental Health Unit

Biodiversity

Lighting

Sustainable Construction.

Whilst, a view could have been taken to refuse the application it was considered that as there had already been extensive dialogue that this should continue in accordance with Article 31 protocol.

After this the Applicant/ MP/ BAG meetings took place. There was no meeting involving the Applicant, MP and BAG together.

Revised Scheme

In the ensuing months the applicants reviewed the project involving further dialogue with the LPA culminating in a revised submission in October 2014, following various submissions from July 2014 onwards.

In November 2014 the Hotel closed.

Bovingdon Parish Council's consideration was in December 2014. Its response represented a fundamental change of view, with however a question regarding the development's scale, the quantum of car parking and access.

Notwithstanding the Conservation & Design Officer's advice the applicant requested the Revised Scheme to be considered by the LPA.

The application's consideration has also been complicated by the response from Hertfordshire County Council's Highways regarding its expectation for off site financial planning contributions. Whilst HCC Highways supports the scheme with a travel plan and on site / nearby highway improvements, the request for financial contributions for off site works cannot be supported by the LPA as these are now not justifiable under the planning obligation legal tests.

With regard to its expectations of the Green Travel Plan this can be addressed through a Unilateral Undertaking.

Decision upon the Application: If the Decision is to Grant Planning Permission

As this development constitutes inappropriate development within the Green Belt over 1000sqm, there is a requirement for the application to be referred to the National Planning Casework Unit for determination as to whether the Secretary of State wishes to call in the application. The Secretary of State has 21 days to make this decision following a resolution to grant planning permission should this Committee support the recommendation

Constraints

Green Belt :Previously Developed Land

Landscape Character Area: Bovingdon and Chipperfield Plateau
Tree Preservation Order
Air Direction Limit
Wind Turbine Area

Policies

National Policy Guidance

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

Dacorum Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 – Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14- Economic Development
CS18 – Mix of Housing
CS17 - New Housing
CS25 - Landscape Character
CS26- Green Infrastructure
CS28- Carbon Emission Reductions
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 12, 13,15,18, 19, 21, 22, 23, 26, 32, 34, ,51, 54 ,55 ,66, 61, 62, ,63, 64, 90, 92, 100, 101, 111 and 113

Appendices 1 (*to be updated through the CPlan sustainability checklist*), 5 and 8

Supplementary Planning Guidance/Documents

Environmental Guidelines
Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Advice Note on Achieving Sustainable Development through Sustainability Statements
Sustainable Development Advice Note
Affordable Housing SPD 2013
Landscape Character Assessment for Dacorum
Advice Note: Sustainable Development Advice Note (March 2011) *Note: This is in the process of being updated to reflect the content of the adopted Core Strategy.*

Representations

See Annex B.

Considerations

Principle: Green Belt: Inappropriate Development /Very Special Circumstances

The proposal needs to be considered against the amalgam of key strategic policies, especially the Green Belt.

National Planning Policy Framework

The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 states that a LPA should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include –

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The proposal represents inappropriate development in the Green Belt. The onus is therefore on the applicant to provide a case for exceptional circumstances for inappropriate development on this previously developed site.

The NPPF supports a strong rural economy through taking a positive approach to sustainable development (para. 28).

The NPPF requires a sequential test to be undertaken for this “main town centre use” (paras. 24 – 27), which the applicant has provided.

Dacorum Core Strategy

Policy CS5 states that the Green Belt will be protected from inappropriate development in accordance with national policy and should remain essentially open in character. There are some suggested circumstances where inappropriate development may be supported (para. 8.30). These exceptions include development that supports the vitality and viability of rural settlements and proportionate investment in homes and existing commercial premises that help maintain a “living” countryside.

Policy CS17 (and CBS 15) seek to safeguard existing land and dwellings.

The Core Strategy is also supportive of the general principle of providing additional visitor accommodation, particularly where it supports local tourism, the local rural economy and in providing additional meeting and conference facilities (para. 11.19).

Dacorum Borough Local Plan: Saved Policies

Policy 15 (Retention of Housing) emphasises that the loss of housing land and dwellings will not be permitted except where overriding planning advantages would result. Policy 26 (Residential Caravans) states that proposals for residential caravans and mobile homes will be treated as though they were for residential buildings and will therefore be subject to the same policies. Therefore, there would be a general presumption in favour of their retention.

Policy 90 of the Local Plan encourages tourism and the provision of leisure facilities.

Policy 91 states that as a general guide, large hotels will be appropriate in, or next to town centres and where acceptable under employment policies, in general employment areas.

Policy 92 (Hotels and Guest Houses in the Green Belt and the Rural Area) is clear **that in the Green Belt, permission will not be given for new buildings to provide hotel and guest house accommodation and the extension of existing facilities (reflecting the fact that this would need to be considered as an exception to normal Green Belt policy).**

Assessment

The site is not a Major Developed Site in the Green Belt (Policy 5 and para. 8.31/Table 2 in the Core Strategy). This provides scope for moderate infilling opportunities.

The proposal involves the complete redevelopment of a previously developed site (brownfield land), which is now by virtue of its recent closure potentially redundant. The development would by reason of its height have a greater impact on the openness of the Green Belt. This is notwithstanding the Applicant's Planning Consultant's view to the contrary, and despite the reduced cumulative floorspace of all the buildings / mobile homes on the site and the reduction of buildings along the frontage.

The proposal also conflicts with saved DBLP Policy 92.

Therefore the onus is on the applicant to provide evidence of exceptional circumstances/ very special circumstances to justify this inappropriate development. These very special circumstances are comprehensively explained at the start of the Report. DCC Members are requested to fully consider these alongside the detailed invaluable 'pre closure' advice of the LPA's Strategic Planning and Regeneration Team (SPAR) in the Representations. This specifically includes the ' Sequential Test implications' for hotel locations and the economic benefits.

SPAR welcomes schemes like this where there is potential to benefit the operation of an existing and established business. For example, where it:

- modernises and improves the competitiveness of businesses;

- allows for additional visitor (tourism and business) accommodation;
- leads to additional jobs; and
- improves local facilities (e.g. conference facilities, gym and swimming pool).

SPAR consider that a hotel development of this scale and size **would have a positive impact on local tourism in the area and is likely to lead to a range of economic and operational benefits**. SPAR's assessment includes reference to the following positives, notwithstanding the submission of a viability assessment:

- A pragmatic view should be given to the proposal and recognise a number of positives. This is an existing hotel site in the Green Belt and it makes sound planning sense to redevelop within the site where impacts are known and established. Obviously the opportunities outside of this arrangement are very limited in a rural location. While the volume will increase significantly (albeit some of this is tied to the underground car park), SPAR consider that the Applicant has made considerable effort to minimise the impact of buildings on the Green Belt in terms of concentrating the overall footprint of the development within the site, staggering heights and reducing its frontage to the Hempstead Road. This is all welcomed and supported as a coherent approach to the planning of this sensitive site.
- The SPAR team as a whole would support the principles of the modernisation and environmental improvements around the hotel in terms of its economic and tourism benefits. SPAR 'have not caught site of any recent financial appraisals' with this application detailing the economic benefits of redeveloping the hotel. However, SPAR would want to support a scheme which creates new jobs for local people, and the upgrading of a local hotel is also a boost for our Dacorum tourism focus.
- The agents have confirmed that the proposal will create in the order of around 70 full and part-time positions and that the project represents a significant local investment for the hotel chain. It is good to see a scheme that seeks to improve an hotel at the higher rather than the budget/business end of the range in contrast to more recent hotel developments in the borough. This would not be so easy to achieve in more urban locations.
- Given the above, SPAR would consider that a case for very special circumstances can be made to support the proposal and subject to the outcome of other normal development management considerations).

In the absence of the requested viability assessment including a quantitative justification for the size of the redevelopment, SPAR's overview qualitative more than quantitative. Nevertheless there are evident benefits. Due weight should be given to SPAR's specialist overview in considering the very special circumstances in outweighing the harm by reason of the proposal's inappropriateness.

Loss of the Mobile Home Park

In refusing the previous application it was noted:

'DBLP Policy 15 is another key policy in consideration of the application. Policy 15 seeks to retain existing housing within the Borough and states that the loss of housing land and dwellings will not be permitted except in certain circumstances. The proposal will result in the loss of the caravan park present on the site. The site was originally for 15 residential caravans. 11 units remain on the site but only two are in separate

residential use. A Caravan Condition Survey has been submitted with the application. It states that the area known as the "Highcroft Trailer Gardens" has been designated as a registered touring and static caravan park since the early 1980s. The site has been run-down and the state of the units is such that significant investment is required to bring them up to a habitable condition. It is claimed that since 1998 only 2 of the units have been occupied and a planning application has been submitted to replace these two units (4/0180/10FUL). Whilst the site may currently be in a poor state and only 2 units have been in residential use for a number of years the use of the site for at least 11 residential units remains and until such time that abandonment of the use is proven and/or planning permission granted for replacement of any of the units, the current proposal for redevelopment of the Bobsleigh Inn would result in the loss of residential use of the land contrary to Policy 15 of the Local Plan'.

As residential development is an inappropriate form of development the onus is again with the applicant to justify very special circumstances.

As confirmed there are 11 static caravans on site with only two currently occupied (a position that has not changed since 1998). The redevelopment of the hotel will result in the removal of all 11 caravans and the relocation of 2 of the caravans i.e. a net loss of 9 caravans.

The applicant's caravan condition survey demonstrates that many of the caravans on the site are in poor condition and consequently unoccupied. Also the land is derelict, in such a stark contrast to previous years when it was recalled to be in very good condition.

Based upon the Housing Department's latest advice a refusal on this basis could now **not** be justified based upon the retention of the mobile park. Therefore the resulting question is whether there are very special circumstances to justify planning permission for the two proposed mobile homes. The two mobile homes will provide the necessary displacement accommodation, providing accommodation for the existing residents which are subject to the recommended planning obligation to address the personal/temporary situation given the very special circumstances for this inappropriate development in the green belt.

Visual Implications/ Design

The LPA's consideration of the previous refused scheme noted:

'In attempting to reconcile the critical mass of a viable building, with this rural setting and limit the visual impact of open parking areas (with the night time column based lighting) have always been difficult parameters to satisfy. This also with due regard to ensure a compatible relationship with Highcroft Farm.

There has been longstanding expert design input from the Architects Advisory Panel who has grappled with these difficult criteria. Similarly the current Principal Conservation & Design Officer recognises these design challenges. For this reason it has been critical to ensure continuity of the Panel's design involvement.

The replacement of the somewhat tired and incrementally extended/ enlarged building should be welcomed. Moreover there is an excellent opportunity to support a modern individual design which makes a bold statement along Hempstead Road, representing a vibrant alternative to the somewhat staid Hempstead Lane. However this bold statement has to be appropriately tempered by the rural setting. Therefore it cannot be so far reaching that it is wholly out of context. In this respect this is where the fundamentally important design acumen, skills and knowledge of both the Panel and the Principal Design and Conservation Officer are critical. In this context and given their knowledge of Hertfordshire architecture, the proposal is not regarded as sufficiently compatible with its existing rural setting and surroundings featuring

predominantly ribbon type residential development. In this respect the presubmission expert design advice of the Principal Design and Conservation Officer of July 2009 remains very valid. The overview at that stage was a need to fundamentally reconsider the massing and the brutality of the design but without diluting its contemporary form.

Notwithstanding this there must be full recognition as to how the building's footprint and the building's curved alignment of the building has been used to maximise the retention of the existing inner green area featuring the preserved trees and that the development has a limited effect upon other trees at the site.

The DCC's attention is again drawn to Annex A. This comprehensively explains the agent's approach to the design. Due weight should be given to the concept and opportunity to establish a contemporary and radical design in a rural environment whereby the role of timber in the design has a 'diluting effect' in recognising the wooded setting for this modern building. It is however acknowledged that the Conservation & Design Officer raises design objections.

As an overview the design is a radical and different but represents an invigorating departure from a traditional staid and 'safe' design approach, being assertive but positive in its presence. For this very reason it can reinvogue the current 'very tired' role of the site featuring an Edwardian building with ad hoc additions dominating such an elongated frontage. With the Revised Scheme's lower height and the greater set back, the reduction of the agglomeration of buildings along the site frontage, the role of structural soft landscaping and anti light pollution glazing, there is the opportunity for the LPA to consider a modern design in the countryside. Its implications are similar to the principle regarding the effects 1920's/ 1930's Art Deco style designs in the rural landscape. They are different but because of this they have made a very positive contribution to the architectural heritage. It is in this context that there is a case to recognise the architectural value of the proposal and an opportunity for some design experimentation/ innovation which respects the site's topography and history.

Effect upon Residential Amenity

The LPA's assessment of the previously refused scheme noted:

'The starting point is that there is a longstanding hotel at this site, which has incrementally expanded over the years. Any people moving into the area will have been aware of the very longstanding coexistence between the existing hotel/ mobile home park and nearby houses. The Case Officer is aware of an enforcement investigation relating to the expansion of the hotel curtilage predating the current applicant's site purchase. This caused major concerns for the owners of Highcroft Farm. It is also necessary to recognise that Stable Cottage was formerly a private dwelling which was purchased by the current operator for staff accommodation, for which planning permission was neither sought or granted. In the Case Officer's opinion n p/p was not necessary. There was also a complaint regarding the effect of stray floodlight at the site frontage causing light pollution to housing opposite.

The proposal will undoubtedly intensify the use of the site. This is due to the resultant increase in floorspace, the wider range of functions and the additional parking provision / and associated capacity for increased vehicular movements. It would be difficult to substantiate that this in itself would warrant a reason for refusal relating to consequent noise and disturbance.

The nearest most directly affected dwelling will be Highcroft Farm. This will be the closest to the curved accommodation block and associated access to the underground car park. The submitted drawings show how the curve will 'pull away' from the rear of

Highcroft Farm. The drawings show 25m separation at the nearest point. Taking into account the curve's effect this will reduce the physical impact in terms of its massing/elongation/height. The question is at this distance whether there would be harm in terms of the physical impact/ visual intrusion/ perceived/ real overlooking/loss of privacy, with due regard to the role of curved alignment and that 'Pilkington type' low light emission glass can be installed to reduce the night time effects of the concentration of internal light through the bedroom glazing. This is in the context of what evidence there would be to substantiate a refusal with due regard to the application/translation of the LPA's Environmental Guidelines relating to the spacing of dwellings, albeit that is not a 'house to house' situation. On balance, despite inevitable the reservations it is not considered that a refusal for these reasons could be robustly substantiated. This takes into account the effect of the curve and the role / opportunity for new complementary structural planting, with due regard to full acknowledgement that soft landscaping cannot be 'used' to screen a development which is otherwise visually unacceptable. It will however be necessary to ensure that full acoustic fencing is installed in association with other acoustic measures to reduce the effects of noise and disturbance associated with the access to the underground car park'.

This is the context for considering the current proposal. Since the receipt of the current application Highcroft Farm has been subject to permission for two additional units. Based upon the level of separation, the proposal's window design (with angled windows/ anti light pollution), the role of soft landscaping (trees and the embankment), the underground car park and recommended conditions, there would not be case to recommend refusal based upon the harm to Highcroft Farm and the new units.

With regard to the impact upon the dwellings opposite and the role of conditions it is not considered that a refusal could be substantiated with due regard to the expectations of Dacorum Policy CS12.

Traffic Generation/Highway Safety/Access Parking/ Sustainable Location Implications *General*

The most recent submissions confirm HCC Highways support for the access arrangements. This includes the closure of the existing accesses, the use of a single access, sight lines, traffic generation, access for larger vehicles, the level of parking and the role of a green transport plan.

Inclusive Access/ Access for Persons with Disabilities

The approach is acceptable with regard to the number of spaces, their location and access to the building.

Large Vehicle (Coach, Refuse, Fire/ Emergency) Access.

The layout has been designed to take into account the need to accommodate large vehicles, as reflected by the advice of HCC Highways. The DCC will be updated upon any views from Building Control in liaison with Hertfordshire Fire and Rescue Service.

Sustainability/ Green Travel Plan

HCC's agreement to a Green Travel Plan has been essential in developing a sustainable approach relating to access to the site. This is clearly in the knowledge that

despite being on a bus route and relatively near to Hemel and Bovingdon (including a bus route linked to the railway station), due to the site's relatively isolated location, there will be an inevitable users preference for access by car and a reluctance for people to walk or cycle to the site from either Hemel or Bovingdon by day or night. Hempstead Road is not 'user friendly for pedestrians or cyclists. The provision of 36 cycle spaces is important.

Parking/ The Need for an Overflow Car Park/ The Implications of the Separate Use of the Leisure Facilities

HCC Highways supports the proposed level of parking in the knowledge of an agreed Green Transport Plan and some of BAG's representations. Significantly the previously proposed overflow car park has been deleted which has addressed the LPA's concerns regarding its environmental and green belt impact...

Also it will be essential that the recommended Unilateral Undertaking specifically and robustly limits the use of the leisure facility at all times to ensure that parking remains adequate. This Planning Obligation should also control the provision of any overflow car parking at the site.

Ecological Implications / Biodiversity Benefit

There are no objections based upon Hertfordshire Ecology's and Hertfordshire and Middlesex Wildlife Trusts advice. This takes into account the effect upon protected bats and great crested newts, the opportunities for new planting and the benefits for ecological management of the whole site. There were no newts identified in the site's pond.

Crime Prevention/ Security

There are no overall objections in terms of layout taking into account the level of natural surveillance. The hotel's approach to management including the use of CCTV in the underground car park will be essential.

Contamination/Drainage/ Flooding/ Water Supply/ Ground Conditions

Following the receipt of additional information submitted through the Revised Scheme the development can be supported subject to conditions recommended by the Environment Agency and Thames Water. These are fundamental to any grant of planning permission.

Contamination conditions are also necessary. An informative addresses land stability.

Noise/Air Quality

Conditions and informatives are recommended. The submitted report acknowledges the absence of a noise boundary report which will be necessary.

Exterior Lighting/Light Pollution

An integral part of the design process is the consideration of the external lighting. The starting point is that this is a previously developed site. Therefore more flexibility is justified in supporting lighting at the site in this E2 Lighting Zone.

There are difficulties in reconciling the provision of the surface car parking with the need for external lighting. The scheme is aimed to be anti light pollution and its modern day time form echoes the building's design. The elimination of the overflow car park reduces the need for exterior lighting. It will have more impact than the existing along a road absent of street lighting.

In terms of reducing the effects of a the creation of an internal 'box of light' given the site location and the level of glazing a condition is recommended to ensure the scheme will feature glass which restricts light emission, in addition to the advantages of its angled window design.

Environmental Impact Assessment

This is not necessary.

Sustainable Construction

A key design objective is to establish a building with 'green credentials' in a countryside location. Progress has been achieved since earlier schemes. Overall the approach is acceptable. Given that here are some unknown elements at this stage e.g. wind turbine etc. a condition is recommended to consolidate the overall acceptable approach.

Planning Obligation: Unilateral Undertaking

As confirmed HCC Highways support the application a fundamental conundrum has been HCC Highways expectation of a very significant financial contribution for off site works. HCC Highways only supports the application with this contribution. LPA officers have questioned this approach and are unprepared to agree this element.

However, the following detailed issues would be most appropriately addressed by planning obligation through a unilateral undertaking and not through conditions:

- Restricting the leisure facilities to hotel guests only through a comprehensive management plan. This will ensure the operator is unequivocally committed to using the hotel as confirmed to the LPA. This should include a commitment to preventing the provision of any overflow car park.
- The approach to providing the mobile homes on a temporary and personal basis in addressing the displacement of the two remaining occupied mobile homes.
- Green Transport Plan.

Article 31 Dialogue/ Third Party Representations: Local Residents and BAG

The dialogue has been extensive.

In acknowledging the long established role of a hotel at the site and the local business benefits the officers have been prepared to positively consider proposals at the site in terms of the principle and its design. This is set against the very high level of opposition, with a level of representation (with significant involvement of BAG) which has been so much higher than in response to previous schemes at the site.

The applicants are unable to further change the scheme in light of the Parish Council's latest response.

The process has been exhausted and there is a need for the DCC to consider the proposal.

Outstanding Issues

The LPA is seeking advice from technical consultees regarding the implications of the air safeguarding and wind turbine consultation zones. Unfortunately these were not carried out by the LPA at and following registration. The latter is a more recent requirement.

Conclusion

Since the applicant's purchase of the site in 1998 there have been extensive discussions relating to the redevelopment of the Bobsleigh. The previous schemes have been unacceptable.

Until the end of last year the applicants were able to continue operating at the site. The latest application has been set against ongoing difficult operating requirements and the applicant's desire to establish a high quality hotel at the site to mirror its other establishments. The closure is a significant change in material circumstances.

Most of the applicant's main submissions pre date the closure. In this respect the application has sought to address the previous reasons for refusal and detailed material considerations set against such a high volume local community objections. It is extremely disappointing that the applicant has closed the hotel for viability reasons. This also provides the LPA and the local community to very carefully reflect upon the circumstances. What happens next?

There is a need to reinvigorate this long established previously brownfield site. The proposal provides an opportunity to redevelop the site by re establishing a hotel at the site with a design which may be very different and larger but which should refreshingly and positively assert its presence with an invigorating modern architectural response to its 'green setting', replacing the existing hotel's very tired ad hoc appearance of the existing hotel.

Officers have considered the very special circumstances and given the business opportunity to the Borough to establish a hotel at the site consider that these outweigh the harm of this inappropriate development in the Green Belt.

As clarified the Secretary of State will need to consider whether to 'call in' this application for determination under the departure procedures. If granted a wide range of conditions and a planning obligation regarding the leisure facility will be prerequisite.

RECOMMENDATION

That in accordance with paragraph 5. (1) of the Town and Country Planning (Consultation) (England) Direction 2009 the application be **REFERRED** to the Secretary of State (DCLG).

1. In the event that the Secretary of State does not call in the application hat the application is **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

That the following Heads of Terms for the planning obligation be agreed:

- Restricting the leisure facilities to hotel guests only through a comprehensive management plan. This will ensure the operator is unequivocally committed to using the hotel as confirmed to the LPA. This should include a commitment to preventing the provision of any overflow car park.

- The approach to providing the mobile homes on a temporary and personal basis in addressing the displacement of the two remaining occupied mobile homes.
- Green Transport Plan.

Suggested conditions

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until samples of the materials proposed to be used on the external surfaces (including anti light pollution glass) of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development and the approved anti light pollution glass shall be retained at all times.**

Reason: To safeguard the character and appearance of the Green Belt countryside to accord with the requirements of Policies CS7, CS12, CS25 and CS32 of the Dacorum Core Strategy.

- 3 **The mobile homes hereby permitted shall be provided in accordance with the approved details before the commencement of any demolition at the site unless alternative accommodation is provided for the existing residents in accordance with a scheme submitted to and approved in writing by the local planning authority.**

Reason: The mobile homes subject to a planning obligation are on a temporary/ personal basis and granted under very special circumstances and require the provision of services . Following the cessation of their occupation it is expected that the land is subject to a reinstalment scheme in the interests of safeguarding the openness of the Green Belt to accord with Policy CS5 of Dacorum Core Strategy

- 4 **Before the provision of the mobile homes hereby permitted subject to Condition 3 a plan for its utilities/ services and exterior lighting shall be submitted to the local planning authority. These shall be retained and maintained at all times fully in accordance with the approved details for the whole duration of their occupation. Within 3 months of following the cessation of each of the mobile homes a scheme (including times) for the reinstatement of the land associated with the mobile homes shall be submitted to the local planning authority. The reinstatement scheme shall be carried out fully in accordance with the approved details.**

Reason: The mobile homes subject to a planning obligation are on a temporary/ personal basis and granted under very special circumstances and require the provision of services . Following the cessation of their occupation it is expected that the land is subject to a renitent schemes in the interests of

safeguarding the openness of the Green Belt to accord with Policy CS5 of Dacorum Core Strategy.

- 5 **Stable House shall be retained at all times for staff accommodation.**

Reason: To accord with the sustainable approach to development.

- 6 **The existing ice house shall be permanently retained and before the commencement of the development a scheme for its protection during the construction works and its repair shall be submitted to the local planning authority. The scheme shall be carried out fully in accordance wither approved details.**

Reason: To safeguard the character and appearance of the Green Belt countryside to accord with the requirements of Policies CS7, CS12 and CS25 of the Dacorum Core Strategy

- 7 **Before the first use of any part of the hotel hereby permitted is first brought into use the modified access to the site shall be provided fully in accordance with Drawing No. PS-05 and the two existing accesses shall be permanently stopped up and closed by removing their respective vehicle crossovers and raising their respective kerbs.**

Reason: In the interests of highway safety in accordance with Policy CS9 of the Dacorum Core Strategy and saved Policy 54 of the Decorum Borough Local Plan 1991-2011

- 8 **Before the first use of any part of the hotel hereby permitted the adjoining bus stops shall be modified fully in accordance with a scheme which shall be submitted to the local planning authority within 3 months of the date of the commencement of the construction of the development hereby permitted.**

Reason: To accord with the principles of sustainable transportation in accordance with Policy CS8 of the Dacorum Core Strategy

- 9 **Before the first use of any part of the hotel hereby permitted all of the access road, and all the parking areas shall be provided fully in accordance with the details shown by the approved drawings. The access road and car parking shall be designed with a capacity/ loading and design to accommodate use by a fire tender in accordance with details submitted to and approved in writing by the local planning authority. Thereafter all the approved access road and parking areas shall be retained at all times and only used for the approved purposes.**

Reason:To ensure that at all times there is an acceptable access including for fire/emergency access and inclusive and safe parking and adequate parking to serve the development in accordance with Policies CS 8 and CS12 of the Dacorum Core Strategy and Policy 63 of the Dacorum Borough Local Plan 1991-2011.

- 10 **Notwithstanding the submitted details prior to the commencement of the development hereby permitted a scheme for noise attenuation and noise boundary limits, ventilation, extraction and filtration shall be submitted to the local planning authority. No part of the hotel hereby permitted shall be brought into use until all of the approved details have been installed and thereafter these shall all be retained at all times.**

Reason: In the interests of residential amenity and the local environment to accord with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 11 **Before the commencement of the development hereby permitted the trees shown for retention on the approved drawings shall be protected during the whole period of site excavation and construction fully in accordance with an approved detailed /updated arboricultural method statement. This statement shall show precisely how the development shall be constructed in relation to the adjoining preserved/ retained trees including reference to the tree roots, ground conditions, foundations, method of construction (hand and or machine excavation), any changes to levels and details of all new utility services such as drainage, gas , electricity and telecommunications. The development shall be carried out fully in accordance with the approved details.**

Reason: To ensure that there is a long term compatible relationship between the development and the adjoining tree in terms of maintaining their health and safety to accord with to accord with the requirements of Policies CS7, CS10, CS24, CS25 and CS27 of the Dacorum Core Strategy

- 12 **Within the first planting season following the first use of any part of the hotel hereby permitted all the approved planting scheme (including the earth bank adjoining Highcroft Farm) shall be carried out fully in accordance with a scheme submitted to the local planning authority. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: To safeguard the character and appearance of the Green Belt's countryside and biodiversity to accord with the requirements of Policies CS5, CS12, CS25 and CS29 of the Decorum Core Strategy .

- 13 **If within a period of 10 years from the date of the planting of any tree, shrub or section of hedge, that tree, shrub or section of hedge or any section of hedge planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To safeguard the character and appearance of the Green Belt's

countryside and biodiversity to accord with the requirements of Policies CS5, CS12, CS25 and CS29 of the Decorum Core Strategy..

- 14 **The application site shall be subject to an initial 10 year biodiversity/wildlife habitat management plan (including a programme/ times for commencement and ongoing maintenance) based upon the principles of the submitted ecological documentation. The management plan shall be submitted to the local planning authority within 1 year of the date of this decision or before the commencement of any demolition at the site, whichever is the sooner. Thereafter the approved management plan shall be continuously carried out fully in accordance with the approved scheme. After the completion of this 10 year period a scheme shall be submitted to the local planning authority to address the long term future management of the site and shall be carried out fully in accordance with the approved details.**

Reason: To safeguard the character and appearance of the Green Belt countryside to accord with the requirements of Policies CS7, CS12 and CS25 of the Decorum Core Strategy.

- 15 **Prior to the commencement of the development hereby permitted a scheme for the noise attenuation shall be submitted to the local planning authority. The approved scheme shall be installed and thereafter retained and maintained fully in accordance with the approved details at all times. The submitted scheme shall include full details of all the ventilation, filtration and extraction systems and all plant and machinery.**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS5, CS12, CS25 and CS32 of the Dacorum Core Strategy.

- 16 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.**

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policies CS31 and CS 32 of the Dacorum Core Strategy

- 17 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- **a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
 - (i) human health,**
 - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - **adjoining land,**
 - **groundwaters and surface waters,**
 - **ecological systems,**
 - **archeological sites and ancient monuments;**
- **an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS 32 of the Dacorum Core Strategy .

- 18 **The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage details shall include the management of all the surface water run-off from the new building for the 100 year climate change critical rainfall event. The scheme shall be carried out fully in accordance with the approved details before the development is completed and any part is first brought into use.**

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity to accord with Policy CS31 of the Decorum Core Strategy.

- 19 **The development hereby permitted shall not until a drainage strategy detailing any on and/or off site drainage works have been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. There shall be no discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been carried out fully in accordance with the approved strategy.**

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community to accord with Policy CS 29 of Dacorum Core Strategy..

- 20 **Prior to the commencement of the hotel hereby permitted a scheme for refuse disposal shall be submitted to the local planning authority. The approved scheme shall be maintained fully in accordance with the approved details at all times..**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS8 and CS12 of the Dacorum Core Strategy.

- 21 **The car park exterior lighting scheme shall be installed and thereafter retained and maintained at all times fully in accordance with the approved car park lighting scheme and before the first occupation of any part of the hotel hereby permitted a scheme for exterior lighting of the building shall be submitted to and approved in writing by the local planning authority. The building lighting shall be installed, retained and maintained fully in accordance with the approved details at all times.**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS5, CS12, CS25 and CS32 of the Dacorum Core Strategy and the saved Policy 113 and Appendix 8 of the saved Decorum Borough Local Plan.

- 22 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

Please Note : To be confirmed by the Addendum Report

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 31 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

INFORMATIVE:

Bats : Works to the Roof and Demolition of Outbuildings

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;
Recklessly disturb bats;
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

(iii)Contacts:

English Nature	01206 796666
UK Bat Help line	0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group	01992 581442

Fire Access : Liaison with Hertfordshire Fire & Service

Before the commencement of development it is recommended that the developer contacts Hertfordshire Fire & Rescue Service to ensure accessibility to fire tenders and the availability of fire hydrants. The contact address is Fire Protection Dept., Postal Point: Mundells - MU103, Hertfordshire County Council, Welwyn Garden City, AL7 1FT Telephone : 01707 292310.

Land Stability

Notwithstanding the submitted details it is recommended that the application carry out further ground investigations before the commencement of the

development to ensure that the ground stability is fully addressed.

Sustainable Drainage

The Environment Agency encourage sustainable drainage systems (SuDS) using infiltration provided it can be shown that the infiltration will be clean surface water into uncontaminated ground. The design of SuDS should include appropriate pollution prevention measures. If contamination is present in areas proposed for infiltration, it will be necessary to remove all contaminated material and provision of satisfactory evidence of its removal, the point of discharge should be kept as shallow as possible.

In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the 'Planning Practice Guidance: Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Removal of Asbestos from the Existing Buildings

Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

Air Safeguarding Limit

The site is within an Air Safeguarding Area. Prior to the commencement of any development it is recommended that the developer liaises with the respective authorities.

Crime Prevention/ Security

It is recommended that the applicant liaises with Herfordshire Crime Prevention Team to consider the previously provided advice.

ANNEX A: THE AGENT'S APPROACH TO DESIGN

Design Comparison with the Previous Refusal

Reason

...' By reason of its scale, mass, size design and use of materials the proposed development would be out of keeping with its rural location and surrounding development. The local planning authority is not satisfied that there will be a compatible relationship with the existing surrounding residential'.

Review

The design retains its contemporary aesthetic and language but has been reduced in scale and visual appearance. The swimming pool element has been relocated at basement level which has reduced the scale and massing of the elevation fronting onto Hempstead Road.

The overall appearance has been softened with a careful choice of materials which are compatible with the surroundings. The addition of curvature to the roof-scape and more organically profiled elements all reduce the overall impact.

The footprint of the building has been repositioned further away from the boundary with Highcroft Farm to lessen the perceived impact. The area between the new structure and the existing dwelling is to be heavily landscaped. The large expanse of glazing to the external curve of the bedroom wing has been removed and replaced with directional windows affording views over the surrounding countryside and not the farm buildings.

Context

A significant factor which has influenced the positioning, design and the layout of the proposal, is the location, number and nature of the existing trees and landscape. The structure of the existing trees forms an important factor for the setting and plan form of the proposed development and justification and mitigation for any tree removal has been addressed within the supporting landscape assessment and impact report.

Evaluation: Pre application Advice

Following the site assessments and in-depth pre-application consultations, a clear understanding of the site and what would be considered acceptable as a design approach for the proposed development was established.

From this, a comprehensive and well considered scheme has been developed of high quality design and detail which we consider responds directly to the rural location, the neighbouring buildings and the immediate and surrounding landscape and environment.

Layout

The key issues influencing the layout of the proposal are:

- The relationship and impact of the Hempstead Road frontage.
- The relationship and impact on the existing 'Highcroft Farm' dwelling.
- The relationship and impact of the built form on the existing landscape of the site.
- The consideration of the effect on the surrounding open landscape.
- The overall internal space planning and relationship of the individual hotel functions to form a coherent and manageable whole.

The main built form of the development has been split into two blocks connected with a link section at first and second floors. These two blocks comprise of public/semi-public functions to the front of the site and private, guest bedroom accommodation to the rear.

The main block fronting onto Hempstead Road comprises the primary hotel entrance leading to the double height reception foyer and the operational 'hub' of the hotel. This hub affords direct circulation to the key functional areas of the premises both horizontally and vertically. The frontage block screens the busy main road from the quieter areas to the rear of the site which include the restaurant facilities and bedroom accommodation. The separation between the public and private elements allow for the more vibrant uses ie. function rooms and health & leisure, to be located to attain a non-intrusive relationship with the adjacent Highcroft Farm buildings.

The natural topography of the site allows for the local excavation of the ground below to create semi-basement car parking which will lessen the impact of surface car parking and hard standing areas on the site at ground level.

The swimming pool hall, thermal suite/spa area and changing room facility are also located below ground in order to reduce the scale and massing and overall impact of the building frontage.

The primary design concept behind the shaping of the plan form of the development is the creation of a natural 'green heart' for the building and the relationship of the differing functions to this natural amenity. To the centre of the site sits a 'clump' of mature trees elevated on a mound creating a strong, natural feature. The plan form of the proposal has evolved to address this feature as an enhancement to the development. The building encompasses the 'green heart' as a central landscape feature. The restaurant at ground floor level and the terraces / balconies relating to the function / meeting areas address this external space in an active manner. The main bedroom wing curves around to embrace the green heart. The curvature of the bedroom wing also pulls the building away from Highcroft Farm in a sensitive and respectful manner.

The area of ground above the underground car parking facility is to be soft landscaped as an extension to the green heart, visually connecting the site to the open countryside beyond and enhancing the natural amenity for the hotel guests. The excess earth that is excavated for the basement level is to be retained on site to form a landscaped mound between the bedroom wing and Highcroft Farm as a tree / soft landscaped screen. The remainder of the earth will be utilised to landscape the south corner of the site.

The relationship and integration of the proposed development into the open countryside is further heightened by stepping back the bedroom wing as it rises at differing floor levels to create a terracing effect, utilising green-roof technology to soften the physical and visual impact on the landscape.

To the rear of the site, the area of land is to be landscaped and managed as a biodiversity Area

Scale, Massing and Appearance

The requirement to address the scale of the proposal, in terms of its height, bulk and massing, was a key element to achieving a successful design solution.

Three main parameters were identified in respect of the consideration of scale:

- The need to respect the neighbouring residential properties.
- The effect of the site topography on the perceived height of the development.

□□ The scale of the new elements in relation to the surrounding open landscape.

The scale and massing of the separate elements has been carefully considered not only to take into account the above parameters, but also to form a coherent integration of the various functions of the building type.

The main block fronting onto Hempstead Road is predominately 3 storey. Significant care has been taken to articulate the forms of the separate elements of the building to ensure that the overall mass is broken down and softened in its appearance using differing planes, heights and materials. These elements offer a varying build-line and softened roof-line, to create a vibrant, interesting but not over-bearing frontage.. The rear of the main block is articulated to respond to its relationship with the 'green heart' courtyard that it overlooks with a sensitive but active approach. The differing heights and depths relating to the open and closed terracing and the curve of the restaurant aid the visual and physical link between the building and the natural landscape.

The bedroom wing relates to the natural topography of the site. The internal face of the wing is primarily fully glazed with external balconies to enhance its relationship with the courtyard, whilst the external face of the curve is more solid with windows articulated to allow views across to the surrounding countryside but away from the neighbouring Highcroft Farm premises in order to negate any potential overlooking. The stepped approach of the roof-line on this elevation will further lessen the impact of the scale of the building along this side, which will give the perception of a 2 storey building when viewed from ground level.

As the bedroom wing curves around to the rear of the site the roof steps down as previously mentioned to form a terracing effect as the building tumbles down to effectively meet the ground. Although set in a prominent position, the scale and orientation of the proposal has gently placed the building within its landscaped setting, thus reducing its overall visual impact on the its immediate and surrounding environment.

With the support of the LPA , the design has adopted a contemporary approach to the style and overall language of the building. This has been integrated into the building's surroundings by carefully softening the aesthetics by means of material choice and building element form and detailing to successfully achieve a balanced and well-mannered solution.

Modern detailing solutions and sustainable construction techniques will be incorporated into the building elements to give the building a contemporary edge, whilst the material palette has been carefully selected to soften the appearance and create a more tactile approach, to form a material link with the immediate and surrounding landscape setting and existing neighbouring residential buildings.

The scale and mass of the building is further reduced by the use of low pitched metal clad roofing with differing directions of fall and planes to break up the roof-line. The main roofs are to be finished in a 'verdigris' copper type skin to integrate the visual effect of the development into the surrounding rural aspect. Whilst the use of 'green' roofs at the rear of the development soften the structure as it hits the ground.

The considered choice of aesthetic for the proposed building successfully achieves the

solution as intended with a positive forward looking approach that has evolved in a fully satisfactory manner through the design process.

Design Evolution

The Agent has been involved with projects relating to this site since 2002.

Various sketch schemes and feasibility proposals have been produced since this time. The following descriptions indicate a brief evolution of design up to and including this current application proposal. Amendments and revisions have been highlighted where appropriate, some of which were in direct response to Dacorum Borough Council's comments as noted.

Refurbishment and Extension Schemes.

The application is accompanied by detailed illustrations showing the the original concept to retain the existing hotel buildings with the intension of remodelling the internal spaces and extending the premises to provide the necessary guest amenity enhancements. These schemes culminated in an application for full planning dated 2nd March 2004. Each scheme consists of the provision of additional guest bedrooms, function suite and health & leisure facilities all with additional car parking.

ANNEX B: REPRESENTATIONS **Bovingdon Parish Council**

Original Scheme: Initial Response

Object

Agree that the Bobsleigh Hotel is no longer fit for purpose and it needs to be replaced. It supports the size and design of the proposed new development, but is e disappointed that the proposed location will result in serious blight to the two adjacent

properties, namely Silver Birches and High Croft Farm. BPC believe it will be possible for the building to be relocated on the existing site so as to alleviate this problem. BPC therefore object to the proposal in its existing form.

Further Response (Planning Consultant on behalf of the Parish Council)

The Planning Consultant has been instructed by Bovingdon Parish Council to act on their behalf in lodging representations to the application submitted for the demolition of existing hotel premises and associated buildings within the existing complex and construction of a new 100 bedroom hotel, together with revised access requirements and car parking and relocation of 2 caravans / mobile homes.

The site has been visited, the Planning Consultant has reviewed the planning application documents, assessed relevant Planning Policy and Guidance at the National and Local level and taken instructions from BPC.

On the basis of this work BPC registers **objections** to this planning application. This is on the basis that BPC must have regard to the significant planning history associated with this site and be consistent in decision taking; the planning application as submitted omits vital information necessary for the Council to fully assess proposals; and the proposals fail a raft of planning policy and guidance.

Planning History

There is a long history of applications, both withdrawn and refused, for works associated with the hotel use on the site.

Application reference 4/00474/04/FUL sought significant extensions to the hotel to provide, amongst other facilities, 52 additional bedrooms. The application was withdrawn prior to determination albeit the application was to be recommended for refusal.

A new hotel and associated buildings was proposed in 2008 under application reference 4/02335/08/MFA. This application was again withdrawn. This was followed by an application the following year, reference 4/01915/09/MFA for the construction of a hotel and associated works. This application was refused on four grounds; impact on the Green Belt, loss of land for a residential caravan park, impact upon the surrounding residential environment, and the lack of any sequential assessment.

In 2010 under application reference 4/00180/10/FUL an application was withdrawn for the replacement of two mobile homes.

Finally, the currently application was submitted in August 2013 and it is this application that awaits determination.

It is evident that there have been repeated and persistent applications lodged for hotel and associated development on the site, none of which have been approved and a number of which have been withdrawn presumably prior to refusal.

The Parish Council has maintained a consistent position of objecting to each of these applications and continue to adopt this position in respect of this application.

Planning history is a material consideration which the Council must have regard to in determining the current planning application. It is open to the Council to approve a scheme contrary to a previous decision where there has been a significant material change in circumstances, for example the nature of impacts arising from a scheme or a change in planning policy. Neither of these applies in this instance, given that the scheme continues to propose a substantial hotel and associated development in a Green Belt location outside a defined settlement boundary and outside a defined town or other retail centre.

The planning history associated with this site would clearly point to a refusal of this planning application.

Assessment of the Proposals

The proposals should be assessed having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004.

The starting point for an assessment of the proposals is the Green Belt designation. Paragraph 79 to the National Planning Policy Framework makes clear:

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics are their openness and their permanence”

This statement is clear as to the importance of Green Belts; the position taken by the Coalition Government reinforces the provisions of the now withdrawn Planning Policy Guidance Note 2, and continues to support with vigour the retention of Green Belts as a longstanding policy objective of the UK planning system.

Development in the Green Belt associated with a hotel use and the siting of caravans, is inappropriate where this occurs on greenfield land, and also inappropriate where this occurs on brownfield land and the proposals have a materially greater impact upon the Green Belt than the existing buildings / use.

Paragraph 88 to the National Planning Policy Framework states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, very special circumstances must be advanced to outweigh the harm to Green Belt by reason of inappropriateness and any other harm.

It is recognised that a distinction is made within the NPPF regarding development on brownfield land and development on greenfield land within the Green Belt. The applicants, however, have made no attempt to assess this distinction and have not for example undertaken a volumetric, footprint or landscape and visual assessment as to whether development on the previously developed part of the Green Belt would be no greater than the existing, such that for this aspect of the proposals the development can be regarded as appropriate.

In the absence of any detailed and volumetric or footprint information it is difficult to make a clear assessment between existing and proposed, however, it is evident that the height of the proposed buildings will be significantly greater than the existing

buildings, whilst the footprint will have a greater impact since the proposals seek a much greater mass of built form when compared with the discreet individual buildings set with landscaped gaps between them.

In respect of the previously developed area of the Green Belt therefore, the conclusion that is reached is that there would a greater impact arising from the proposals such that inappropriate development is being advanced.

Turning to the greenfield area of the Green Belt, there can no doubt whatsoever that inappropriate development is being advanced.

Thus, these proposals are harmful to the Green Belt simply by being inappropriate. In addition the proposals conflict with the five purposes of designating Green Belt as set out Paragraph 80 the National Planning Policy Framework:

- The proposals would result in the unrestricted sprawl of the built-up area;
- The proposals would lead to neighbouring settlements (Bovingdon and Hemel Hempstead) merging into one another;
- The proposals would lead to substantial encroachment into the countryside, noting for example that the curved rear leg of the proposed hotel building is of a substantial scale (in height, scale and footprint) and projects well into the undeveloped open area of the Green Belt;
- The proposal would not preserve the setting and special character of Bovingdon as an historic village; and
- The proposals would run counter to the aims of urban regeneration, by encouraging the development of unsustainably located part brownfield but principally greenfield land.

Substantial weight should be afforded to the combined level of harm having regard to the inappropriate nature of the development and the conflict with all of the five purposes for designating Green Belt. It is against this assessment that the proposals should be considered, the application can only be approved if there are very special circumstances advanced to outweigh this combined substantial harm.

The applicants have put no case forward to demonstrate very special circumstances. This is a significant failing of the application, and indeed it is noted that a previous refusal of planning permission for hotel use on the site included reference to no very special circumstances being advanced to outweigh the harm to the Green Belt.

In the absence of any such case there is a clear and demonstrable policy framework relating to Green Belts which would indicate that the application should fail, not on the basis that the principle of redevelopment is unacceptable but that the scale of the redevelopment is too great.

It is also considered that five further grounds for refusal exist in this instance as set out below:

The proposal will have a significant adverse impact upon biodiversity. The site comprises a part-greenfield parcel of land outside the built up area forming part of the wider open countryside.

As set out above no assessment has been undertaken by the applicants to establish the extent of the harm to biodiversity and no mitigation measure have been put forward.

Significant weight should be attributed to this aspect given that matters of biodiversity are controlled not only through planning policy, but also European legislation.

Secondly, the applicants are seeking to advance a substantial scale of development in an unsustainable, out-of-centre location. A hotel use is regarded as a town centre use for the purposes of planning policy. Town centre uses must be located within defined centres in order to underpin their vitality and viability. Only where no suitable sites are available in defined centres should edge-of-centre sites be identified, and only when these have been exhausted can out-of-centre sites be regarded as being policy compliant.

Not only is the application site regarded as being out-of-centre, it is also outside the urban area. The applicants have not submitted a Sequential Assessment to demonstrate there are no alternative sites available within or on the edge of defined centres in order to meet the requirements for a new hotel.

It is recognised that the existing use is as a hotel; however, given that the application proposes a significant intensification of the use, it is appropriate to require a Sequential Assessment to be undertaken.

A previous planning application on the site was refused in part as a result of the lack of a Sequential Assessment and this remains a reasonable and defensible reason for refusal in respect of this application.

Thirdly, notwithstanding the significant objections lodged in respect of the Green Belt impact, the design and overall treatment of the proposed building is regarded as poor. The building pays no regard to local context or character, the absence of a Design and Access Statement makes it difficult to understand how the applicants have designed the building in response to local constraints and opportunities, the scale, mass and bulk of the proposed building is substantial and the elevational treatment does little to break up the elevations and set the building within its rural setting.

The applicants appear to seek to justify a poorly designed building with substantial screening. This however is not an appropriate approach to design; a building should be of high quality in and of itself and should not rely upon screening to make it acceptable.

Fourthly, significant concern is raised in respect of the siting of two mobile caravans. These are to be located further outside the application site than the existing mobile caravans and have not been justified in respect of Green Belt, biodiversity, design or landscape and visual grounds. It is considered that the siting of two mobile homes as part of this application raises similar issues to the principal hotel building and are therefore wholly unacceptable.

Finally, there is a clear impact upon adjoining residential amenity. The proposed hotel will have significantly greater intensity of use and will have a considerable adverse impact upon residential amenity by reason of noise and disturbance. This relates to, amongst other matters, the general comings and goings of hotel patrons, vehicular manoeuvring and the opening and closing of car doors, the associated entertainment facilities within the hotel and use of external spaces.

It is to be recognised that hotel patrons are by their very nature transient and inevitably likely to have less sensitive regard to their surroundings than residential occupiers. There is therefore a clear incompatibility of land use terms between the hotel and residential uses.

In addition, there is a clear issue in relation to overbearing and potentially overlooking given the scale and nature of the proposed hotel building which would be substantial compared to the existing building.

Previous reasons for refusal for a hotel redevelopment of the site have related to impacts upon the residential environment and these allegations remain in respect of this application.

Review of Planning Application

The application raises a number of important planning considerations and yet the submitted documents are of poor quality and limited in their nature. As a consequence, it is not possible to fully assess the impact of the proposals upon material planning matters.

Whilst the overall presentation of the drawing package is considered to be good, there are basic drawings omitted from the application submission. For example there is no contextual plan demonstrating the relationship of the site to adjoining residential properties, nor an identification of the site relative to Bovingdon Village centre.

Cross sections and clarification has been provided in relation to separation distances, however, this information has only recently been submitted and did not form part of the original application documentation. In addition it appears that there are significant and important documents omitted from the application submission. There is for example no Design and Access Statement which is considered to be a critical document required by legislation in order to test in an analytical manner the application proposals.

No information has been submitted to demonstrate how the access is proposed to operate, given the important inter-relationship with the adjacent traveller site itself the subject of a current planning application for development. As a minimum it is suggested that an access strategy should be provided, and preferably a Transport Statement should be submitted setting out not only the trip rates and impact arising from this application, but also a cumulative Impact Assessment to include the adjacent traveller site proposals.

There is no information submitted in respect of biodiversity matters. Mindful that the site comprises part brownfield and part greenfield land, outside the defined built up area to Bovingdon, and containing a number of landscape features (some of which are proposed to be lost as part of the proposals), a detailed assessment of flora and fauna should have been undertaken by the applicants in the correct survey season in order to

establish whether there would be any harm to biodiversity and in particular European Protected Species governed not only by planning policy, but also European legislation. It is also unusual not to see any information on landscape impact given that these proposals seek to substantially extend both the footprint and height of buildings into undeveloped parts of the site.

Finally, it is noted that the proposals seek a substantial intensification of a town centre use in an out-of-town location. There is a policy presumption against this proposal on these grounds; it is incumbent upon the applicants to undertake a sequential assessment to demonstrate that there are no alternative sites either within or on the edge of a defined retail centre, since these are sequentially preferable locations to the application site.

These matters, both individually and cumulatively, lead to the conclusion that the Council cannot properly assess the application and, with respect, are not in a position to support the proposals as submitted.

Overall, therefore, there are robust and defensible reasons for refusal in respect of this application and the Council are respectfully invited to reject the proposals for the reasons set out above.

The Planning Consultant would be pleased to expand these grounds of objection should it be necessary, and hope that Dacorum Borough Council support the Parish and community of Bovingdon in rejecting this application.

Revised Scheme.

The minority of the Committee object on grounds of scale, size and bulk given the limited size of this plot of land, but would accept an 80-bedded hotel.

However, the Parish Council remains extremely concerned about the parking facilities and would ask that the Borough Council Planning Department confirm that the number of car parking spaces proposed are in accordance with guidelines and especially recognise the needs of staff parking.

It is noted that the proposed hotel will build on the land currently occupied by two mobile caravans and the Parish Council wishes to have it confirmed that it is appropriate that the applicant has advanced very special circumstances to build on it. The Parish Council also wishes to be reassured that delivery vehicles will be able to access the site without having to park on the Hempstead Road to make deliveries etc.

Councillor Jack Organ

As one of the Borough Councillors for Bovingdon, Flaunden and Chipperfield I am writing to object to the redevelopment of the Bobsleigh Inn (4/01088/13/MFA).

Apologies for sending from my personal account but I am at work and keen to register my views as early as possible.

I share the same view as that expressed by many residents and the parish council in that the Hotel is in need of refurbishment and redevelopment.

However, I believe the plans in the current form are not acceptable and should be recommended for refusal.

The plans seek to double the size of the existing hotel from 43 rooms to 100 plus. In order to facilitate this big increase in the number of rooms, the proposals that have been drawn up represent "disproportionate additions over and above the original building" on Green Belt land as set out in the NPPF. The design of the proposals are out of keeping with the local area. Furthermore, I have visited the immediate site neighbour and believe that from both their house and garden the plans represent a serious and unacceptable imposition on their current standard of living. For these reasons I believe there is more than enough of a case to refuse the application for being unacceptable in planning terms as over-development of the Green Belt. One of the key arguments used by the applicant to justify the size of the development is that 100 rooms is the minimum requirement needed to make the hotel financially viable. However, a needs case report appears to be missing from the planning application. At the very least this should be provided before any consideration is given to approving the redevelopment as it is required to demonstrate the "special circumstances" the applicant is arguing should be allowed to build on the Green Belt. I am also extremely concerned with the way the developers have conducted themselves in planning terms. In Dacorum's Statement of Community Involvement we state that applicants are encouraged to engage with local people at a pre-submission stage. I believe the applicants only paid lip service to consultation by displaying unmanned materials in the hotel with no facility to leave feedback or ask questions of the developers in person. For me this goes contrary to localism as local people had no input or say in the proposals.

Even more worryingly, the lack of a Flood Risk Assessment (as noted by the Environment Agency) and the applicants use of out of date and incomplete information in their Transport Assessment shows their disregard for making sure the proposals are workable and acceptable for the local area. I believe the only recourse is to recommend the refusal of the application and request the developers return with a more workable scheme that has been drawn up in consultation with local people and presented considering full and up-to-date data. To propose a scheme with no data on flood risks and out of date transport data is dangerous. These are two critical elements of any development and need to be thoroughly considered and not rushed or omitted as they seemingly have been.

Another serious concern, as highlighted also by the Environment Agency, is the affect the development, especially the underground car park, will have on the water table. A development of this size and scale could impact detrimentally on the water table, which is yet another reason the application should be recommended for refusal.

I hope my views will be taken into consideration when the report for the planning application is drawn up. I believe that myself, local people and the Environment Agency have provided compelling reasons why the application should be recommended for refusal.

I would also be grateful if you could acknowledge receipt of this email and any response to the points raised is always welcome.

Strategic Planning and Regeneration

Original Scheme

Site context

The site is located on the edge of Bovington village (approximately 500 metres outside of the village) on the Hempstead Road. The site is set within a rural context adjacent to the Little Hay golf course. The site is bounded to the north and east by large detached

dwellings on the opposite side of the road screened by mature trees, with the staff accommodation block, former Highfield Farm and the former caravan park either side of the hotel with open fields at the rear.

The applicant states that the existing Bobsleigh Hotel is still trading from the original 3 – storey property which has been extended over the years at ground level which provided additional bedrooms as well as a swimming pool which is no longer in use. Highcroft Trailer Gardens is located to the rear of the site; most of the static caravans are in poor repair with only two remaining caravans in use.

The caravan area of the site is heavily screened from view from the main road by tall mature trees. To the rear of the caravan area, there is an area that contains vacant garages and lock up sheds which are to be removed as part of the current development.

The existing hotel comprises of 43 bedrooms with ancillary leisure and business facilities. The hotel has been extended over a number of years to cope with increased demand, as a result of this; the hotel has extended in a piecemeal way. The applicant has indicated that it is difficult for the hotel operate with this piecemeal layout.

The proposal

The proposed development seeks to redevelop the existing hotel on a similar footprint (although marginally reduced from 2,566 sqm to 2,467 sqm) which will allow for a more functional building on site, incorporating leisure and space facilities and basement car parking.

The details submitted by the applicant state the following:

Existing floor area – 2,670sq metres

Proposed floor area – 8,995sq metres

Additional floor area – 6,225sq metres

From the above figures the proposed development represents a significant increase in floor area, bearing in mind its Green Belt context and semi-rural setting of the hotel.

The proposed new hotel will be split over 3-storeys fronting on the Hempstead Road. The new building will accommodate 103 bedrooms and will provide car parking for 133 vehicles.

Planning History

4/0195/09/MFA – permission was refused for the demolition of the existing hotel and associated buildings, and construction of a new access and car parking areas. The application was refused for four reasons based on the following issues –

1. The proposed development would constitute inappropriate development in the Green Belt. The applicant failed to demonstrate a case of very special circumstances which would justify inappropriate development in the Green Belt.
2. The development will result in the loss of use of land for a residential caravan park on the site; this would be contrary to Local Plan Policies 15 and 26.

3. The proposed development was considered to be contrary to Local Plan Policy 11, by reason of its scale, mass, size, design and use of materials, the development would be out of keeping with this rural area location and surrounding development.

4. The applicant failed to submit a sequential test as required under Policies EC15, EC16 and EC17 of the Local Plan.

Following a refusal of planning permission, the applicant is required to overcome the reasons for refusal within the new planning application submitted.

Policy Context

(a) NPPF

The National Planning Policy Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In the case of the proposed development, paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include –

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In order to comply with the requirements of the NPPF, the onus is therefore on the applicant to provide a case for exceptional circumstances.

The NPPF is also keen to support a strong rural economy through taking a positive approach to sustainable development (para. 28).

The NPPF will require a sequential test to be undertaken for this “main town centre use” (paras. 24 – 27), which the applicant has provided.

(b) Core Strategy

Given that the Core Strategy has recently been found sound (July 2013) and will shortly be adopted (end of September), its policies should be accorded significant weight in determining this application.

Policy CS5 states that the Green Belt will be protected from inappropriate development in accordance with national policy and should remain essentially open in character. There are some suggested circumstances where inappropriate development may be supported (para. 8.30). These exceptions include development that supports the vitality

and viability of rural settlements and proportionate investment in homes and existing commercial premises that help maintain a “living” countryside.

Policy CS17 (as does Policy 15) seeks to safeguard existing land and dwellings.

The Core Strategy is also supportive of the general principle of providing additional visitor accommodation, particularly where it supports local tourism, the local rural economy and in providing additional meeting and conference facilities (para. 11.19).

(c) Dacorum Borough Local Plan

Policy 4 sets out the Green Belt consideration which, while not reflecting recent changes in the NPPF, still maintains the same approach to inappropriate development and protecting the openness of the Green Belt.

Policy 15 (Retention of Housing) emphasises that the loss of housing land and dwellings will not be permitted except where overriding planning advantages would result. Policy 26 (Residential Caravans) states that proposals for residential caravans and mobile homes will be treated as though they were for residential buildings and will therefore be subject to the same policies. Therefore, there would be a general presumption in favour of their retention.

Policy 90 of the Local Plan encourages tourism and the provision of leisure facilities.

Policy 91 states that as a general guide, large hotels will be appropriate in, or next to town centres and where acceptable under employment policies, in general employment areas.

Policy 92 (Hotels and Guest Houses in the Green Belt and the Rural Area) is clear that in the Green Belt, permission will not be given for new buildings to provide hotel and guest house accommodation and the extension of existing facilities (reflecting the fact that this would need to be considered as an exception to normal Green Belt policy).

Assessment

The site is located within the Green Belt, but it is not identified as a Major Developed Site in the Green Belt (Policy 5 and para. 8.31/Table 2 in the Core Strategy) which would have allowed scope for moderate infilling opportunities.

The LPA needs to be satisfied that from the documents submitted, the applicant has made a case for exceptional circumstances which is required for any new development that is inappropriate within a Green Belt location. In addition to this, the proposal represents a building with an additional floor area of 6,225 sqm. In the case of a development of this level, the onus is on the applicant to provide evidence of exceptional circumstances such as its positive effect on the openness of the Green Belt, benefits to the local economy, the creation of additional jobs, and operational requirement/viability issue, etc. The key factor is that they need to demonstrate that the proposed development would not have a negative impact on the openness of the Green Belt.

As a starting point, the SPAR team would generally be seeking to welcome schemes like this where there is potential to benefit the operation of an existing and established

business. For example, where it:

- modernises and improves the competitiveness of businesses;
- allows for additional visitor (tourism and business) accommodation;
- leads to additional jobs; and
- improves local facilities (e.g. conference facilities, gym and swimming pool).

SPAR consider that a hotel development of this scale and size would have a positive impact on local tourism in the area and is likely to lead to a range of economic and operational benefits. The proposal stems from the need to address a decrease in trade and increasing operating losses, and to improve overall standards. SPAR appreciates the applicant's argument that to ensure the continued success of the hotel, improvements are required to increase room numbers and associated facilities. SPAR accept that refurbishment would only likely result in a piecemeal solution.

The applicant states within paragraph 5.25 of the Planning Statement that the proposal will deliver significant benefits to the sustainable growth of the economy both directly, and indirectly, but also improve social mobility through improved opportunities. It refers to the subsequent benefits to the area including the provision of jobs during the construction phase of the development, jobs within the hotel and indirect employment opportunities.

However, the applicant has provided little details in terms of the predicted number of jobs that would be created. It would be helpful to see what this might be as part of making a case of exceptional circumstance for a development of this size within a Green Belt location.

Case for Exceptional Circumstances

It is considered that Paragraph 89 of the NPPF relating to redevelopment of previously developed land is applicable in this instance, as the site would be considered a brownfield site. However, the primary issue is whether or not the proposed new and enlarged building would have a greater impact on the openness of the Green Belt than the existing buildings on site. This would need to be carefully considered in its own right and, if appropriate, whether other factors (mentioned above) outweigh any harm (para. 88). SPAR also acknowledge the on-going earlier discussions with the applicant that have led to the submission of the current scheme (although we are unclear as to how much has been informally agreed at that stage).

The applicant argues that the proposed development is not considered to be inappropriate development in the Green Belt (given it is redevelopment of PDL) and therefore not harmful to openness of the Green Belt. However, the existing buildings on site are to be demolished and replaced with a much larger scale of building than that which exists on site at present. While the footprint will not have changed significantly the bulk/height/mass will have to in order to accommodate the increased floorspace. This has implications to the openness of the Green Belt that has to be assessed along with the overall quality of design. It would be helpful to also assess the proposal in terms of height and volume change as these are two key aspects of the scheme that will have a bearing on the openness of the Green Belt.

SPAR acknowledge the benefits stemming from the removal of the caravans to the

rear of the site (and their part retention) and opportunities for improvement. We welcome the contemporary design and the approach to consolidating the current spread of buildings across the site into one footprint (with a consequent marginal reduction of 99 sqm). SPAR also support the decrease of the length of buildings on to the Hempstead Road frontage. The new building and topography of the site will also allow opportunities for under croft parking which is supported in terms of its positive benefits to the openness of the Green Belt, design and landscaping.

Whilst the economic benefits of the redevelopment and expansion of the hotel are acknowledged and are an important driver to the type, form and amount of development proposed, further detail would be required with regards to the potential number of jobs created within the hotel, in order for this to be considered as part of the overall case for exceptional circumstances. The applicant has provided no details of employment opportunities.

Residential Caravans

Under the previous planning application, the scheme was refused based on the fact that development will result in the loss of use of land for a residential caravan park on the site contrary to Local Plan Policies 15 and 26. As such, the onus is on the applicant to overcome this previous reason for refusal. At present there are 11 static caravans on site with only two currently occupied (a position that has not changed since 1998). The redevelopment of the hotel will result in the removal of all 11 caravans and the relocation of 2 of the caravans i.e. a net loss of 9 caravans. The applicant states within the Design and Access Statement that only two of the caravans on site are currently occupied.

The applicant has submitted a caravan condition survey that demonstrates that many of the caravans on the site are in poor condition and consequently unoccupied. Furthermore, the land is also considered to be derelict in nature. Both factors would suggest a declining residential role for the site, and that there may well be benefits in ensuring its positive reuse that enhances the site as a whole (rather than continuing with the under-occupation). These are factors that can be taken into account in terms of considering the loss of the caravans (albeit 2 being retained) along with the potential benefits of the scheme as a whole. The latter is allowed for under Policy 15 (Policy CS17).

SPAR would advise you that the Housing team provides advice to establish whether or not all of the caravans on site would currently be considered as housing units, taking into account their condition and the fact that only two of the caravans are in use by permanent residents.

Sequential Test

Under the previous application, the applicant failed to submit a sequential test for site selection, which resulted in the application being refused on this point as this failed to comply with PPS4 which requires such a test to be submitted for out of centre developments.

The NPPF reintroduces policy EC17 from PPS4, stating that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact it should be refused.

The NPPF (Para 24) states that local planning authorities should apply a “sequential test” to planning applications for main town centres uses that are not located within an existing centre and not in accordance with an up to date Local Plan. As the proposed development is in excess of 2,500sqm the sequential test should include an assessment of the impact on existing, committed and planned investments in a centre and the impact on town centre viability and vitality (which has been provided).

The sequential test submitted by the applicant provides a list of sites that have been evaluated on the ability for the applicant to relocate to the specified location to deliver the facilities they will require on a single site. We welcome this in terms of addressing previous deficiencies in the earlier application. The applicant has assessed 15 sites within the Hemel Hempstead and Bovingdon area. The sequential test concludes that there are no sequentially preferable in-centre locations that are available or suitable for the applicant to relocate to.

Whilst SPAR has not read the statement in detail it appears to be a pretty thorough and reasonable study in terms of choice of sites and level of assessment. However, SPAR would agree with the applicant that it is not easy to replicate the existing type of operation given its rural setting (and the benefits this provides to them) in a more central location.

Design

Issues relating to design have been negotiated in depth with the Planning Officer and the Design Team. SPAR do not wish to comment on this as a consequence apart from where it has implications on the openness of the Green Belt.

Conclusions

It is acknowledged that there is an extensive planning history on the site. In addition to this, there have been recent pre planning discussion with Planning Officers and Design Officers with regards to the redevelopment of the site.

The proposal would be considered to be generally in accordance with Local Plan and Core Strategy policies that support economic growth, tourism and leisure. On this basis the development is welcomed.

The principle of the redevelopment of the site is considered to be acceptable provided that the new building would have no greater impact on the openness of the Green Belt than the existing buildings already have. SPAR’s main concern remains that the overall size and scale of the building will be materially larger than the existing building. This will need to be considered in conjunction with other factors to determine whether they have made a satisfactory case for an exception.

Revised Scheme: Response to Planning Agent’s Supporting Statement

SPAR would refer you to its previous email in response to the earlier discussion on these same points. SPAR would stress again that given the different layout and size of building that it is not straightforward to conclude that it will not have a greater impact on the openness of the Green Belt. However, the planning and economic benefits set out in their letter are all welcomed and are supported in terms of making a case for

exceptional circumstances.

The agent's letter appears to give the impression that SPAR have not recognised the benefits of the proposal. In essence, SPAR believe that the LPA and Applicant actually share many of the aims set out in their comments and are ultimately keen to see positive use of the land.

(Note: The Previous Advice

Strategic Planning has already provided earlier policy advice which remains relevant and sets out the SPAR overview of the proposal.

SPAR recognise that the impact of the redevelopment on the openness of the Green Belt is a critical factor in determining this application. Normally, new buildings and extension to hotels in this location would need to be justified under very special circumstances

SPAR believe the proposal is difficult to assess in terms of its impact on the Green Belt under para. 89 of the NPPF given the different configuration, height and volume of buildings and extent of car parking. Generally, the assessment would be a lot more straightforward and easier to support in policy terms if they were simply looking for a like-for-like replacement (bearing in mind (and SPAR would acknowledge) that this would not achieve the level of benefits sought through the redevelopment).

SPAR consider that a pragmatic view should be given to the proposal and recognise a number of positives. This is an existing hotel site in the Green Belt and it makes sound planning sense to redevelop within the site where impacts are known and established. Obviously the opportunities outside of this arrangement are very limited in a rural location. While the volume will increase significantly (albeit some of this is tied to the underground car park), SPAR consider that the Applicant has made considerable effort to minimise the impact of buildings on the Green Belt in terms of concentrating the overall footprint of the development within the site, staggering heights and reducing its frontage to the Hempstead Road. This is all welcomed and supported as a coherent approach to the planning of this sensitive site.

The SPAR team as a whole would support the principles of the modernisation of and environmental improvements around the hotel in terms of its economic and tourism benefits. SPAR 'have not caught site of any recent financial appraisals' with this application detailing the economic benefits of redeveloping the hotel. However, SPAR would want to support a scheme which creates new jobs for local people, and the upgrading of a local hotel is also a boost for our Dacorum tourism focus.

The agents have pointed out that the proposal will create in the order of around 70 full and part-time positions and that the project represents a significant local investment for the hotel chain. It is good to see a scheme that seeks to improve an hotel at the higher rather than the budget/business end of the range in contrast to more recent hotel developments in the borough. This would not be so easy to achieve in more urban locations.

Given the above, SPAR would consider that a case for VSC can be made to support the proposal and subject to the outcome of other normal development management considerations).

Conservation & Design

Original Scheme

CD have no objection in principle to this redevelopment proposal. The design does however appear fragmented and lacking in architectural quality and may appear out of context in this rural setting.

The design lacks coherence across the various elements of the building with a myriad of different materials and roof forms. CD is concerned that the metal sheet profiling will be unduly harsh and urban and will not relate to the local context. Perhaps glazing with expressed internal timber framing and weatherboarding may be a better design option? (i.e. more barn-like).

CD is concerned that services have not properly been addressed since there is a lift shown on the floor layout plan and no box housing is shown externally for this, in addition no kitchen extracts are shown and there are no details for air conditioning etc. CD is also concerned that the main hotel rooms are facing south and will overheat due to the amount of curtain wall glazing.

CD is pleased to see the retention of the grotto building within the grounds and will be seeking the repair of this structure as part of any scheme.

CD understands that overflow parking is proposed at the rear. Could I suggest that this is kept to a linear row of parking broken down by tree planting and contained by trees and hedgerows.

Lighting will need very sensitive handling on this site given the green belt.

If there is a local design review panel I consider this would be a good candidate for their consideration. This would comply with Para 62 of the NPPF.

Revised Scheme

There is no objection in principle to this redevelopment proposal. The design does however appear somewhat fragmented and lacking in architectural quality and may appear out of context in this rural setting.

The design lacks coherence across the various elements of the building with a myriad of different materials and roof forms. CD is concerned that the metal sheet profiling will be unduly harsh and industrial and will not relate to the local context. CD had previously suggested glazing with expressed internal timber framing and weatherboarding may be a better design option to appear more barn-like?

CD has also previously advised that the main hotel rooms are facing south and could overheat due to the amount of curtain wall glazing. What measures have been put in place to ensure that this does not occur?

CD is pleased to see the retention of the grotto building within the grounds and will be seeking the repair of this structure as part of any scheme.

Lighting will need very sensitive handling on this site given the green belt.

Again CD also suggests that this is considered by an external Design Review Panel. This would comply with Para 62 of the NPPF

Building Control

No fundamental problems/ issues have been expressed.

Trees & Woodlands

Based upon discussions it is understood there are no fundamental objections.

Housing

The Housing Team do not have an up to date evidence base regarding demand for static caravans, or any housing policies which require the re-development/retention of static caravans on sites that are being developed.

Therefore it is minded to accept the applicants case for the removal of the static caravans as part of the wider development of this site.

Environmental Health: Noise & Pollution

No environmental (acoustic/odour/dust) report has been submitted for the proposed redevelopment of the hotel. This would be expected for a development of this size and nature. We note that local residents have raised concern over noise levels in their response to the application. In any environmental noise report provided we would expect consideration to be had to typical noise sources associated with the hotel and details provided on how the applicant intends to mitigate sound levels or limit when noise occurs. Without an acoustic report, it is not possible for Environmental Health to fully comment upon how the suggested development would cause noise and the extent and impact upon local residents. Any such report should consider BS8233 for sound insulation and noise reduction, together with BS4142 for mechanical plant / extraction systems.

1) Noise Insulation - Non-Residential: Before construction works commence a scheme providing for the insulation of the building against the transmission of noise and vibration from the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be carried out before the use commences.

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance and loss of amenity.

Justification: The plans and proposed development is likely to have a number of mechanical extraction plant/ventilation systems that would have the potential to cause noise nuisance.

2) BS4142 assessment – Plant and Machinery: Before the use commences a noise assessment should be carried out in accordance with BS4142 to establish whether the plant and machinery that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise does not, at any time, increase the ambient equivalent continuous noise level.

Reason: To protect the amenities of neighbouring development.

Justification: Required where plant or machinery is located externally near to properties that may be detrimentally affected. Such equipment is likely to include ventilation/extraction equipment, air conditioning/refrigeration units etc.

3) Site preparation and construction works shall be limited to the following hours: Monday – Saturday 0730 – 1830 hours. Sunday's and Bank Holidays no noisy works are permitted at any time.

Reason: To protect the local amenity.

Justification: Dacorum BC has adopted criteria which states that no noisy activities as a result of construction shall occur outside of Monday – Saturday, hours 0730 – 1830

hours. On Sunday's and Bank Holidays no noisy works to occur. Therefore, the condition is made to ensure that the activity complies with this adopted criteria.

4) Air Extraction and Filtration - Prior to the commencement of the catering kitchen use a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.

Reason: To safeguard the amenities of those premises nearby the application site and the appearance of the building as a whole.

Justification: No specific detail is shown on mechanical extraction/ventilation plant is to be installed. No details on whether the system vents externally and is located near to properties that may be detrimentally affected is provided.

5) Dust - Dust from operations on the site demolishing the existing building and constructing the new development should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, Produced in partnership by the Greater London Authority and London Councils.

6) Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

7) Bonfires: Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Environmental Health: Food

The application does not provide detailed information on the arrangement of facilities within the kitchen area. Until I have these details EH cannot comment with regard to food safety related matters.

No information has been provided on the extraction / ventilation systems to be used at the premises. EH need to see details of the extraction / filtration and odour control system that will be used for the kitchen and other facilities, as well as the position and height of the discharge points.

Workplace Transport: An assessment should be made with regard to proposed movement of vehicles (such as delivery, waste removal etc.) and the protection of pedestrians and customer traffic. (please note, reversing large vehicles back onto the highway would be an unsafe operation).

Car Parking: The application states that 133 car parking spaces are to be provided.

EHD is concerned that this number of parking spaces will be insufficient for premises of the proposed size (100 bedrooms, health spa, several meeting rooms, restaurant and associated staff).

Environmental Health : Mobile Homes

are dealing with the Mobile home site at Highcroft. While improvements are now under way in regards to the security of the site, this and the implementation of site rules as required under the Mobile Home Act 2013, has taken some time to achieve.

Scientific Officer

Initial Advice

Information provided in relation to the previous application (4/01915/09/MFA) indicates that the site has a workshop and garage area and also that parts of the site have been subject to fly-tipping. Consequently there may be land contamination issues associated with this site. Therefore I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Response to Phase I Detailed Desk Top Study; Report Reference: EB1173/KR/3126; Issue: 01; Curtins Consulting: August 2013

The report provides a thorough desk-based assessment of the site. The qualitative risk assessment has determined an overall Low to Moderate level of risk from potential contaminants. The risk to the end user from ground gases is determined to be high, and the risk to end users and construction workers from UXO is High/Moderate.

An intrusive investigation has been recommended, to incorporate sampling of the shallow soils and ground water and ground gas monitoring. It has been recommended that an UXO report be obtained prior to the commencement of any intrusive works.

The intrusive investigation and associated sampling strategy must be designed to target all potential significant pollutant linkages identified by the preliminary conceptual site model in addition to providing adequate general site coverage. The ground gas monitoring programme must be undertaken in accordance with relevant published standards and guidance (BS 8485 and CIRIA C665). Comments will be required from the Environment Agency in respect of controlled waters.

Furthermore; information provided within the planning application documentation has indicated that a number of outbuildings are present on the site, formerly used as garages, workshops and storage, as well as areas which have been subjected to fly-tipping. These represent potential sources of on-site contamination, which will need to be targeted / assessed as part of the intrusive investigation.

In summary, as the Phase I desk top study report has recommended that an intrusive investigation be undertaken, it is recommended that the standard contamination condition be applied to this development should permission be granted to ensure the recommended works are undertaken. For advice on how to comply with this condition,

the applicant should be directed to the Council's website

Refuse Controller

No response.

Hertfordshire County Council: Highways

Initial Advice

Amendment

The applicants have agreed a time extension to enable the further consideration of a modified scheme. Before the agent provides a comprehensive formal and final resubmission under the current application please can you provide your advice upon the attached documentation consisting of: a Parking Provision Assessment, a Swept Path Analysis and an updated Interim Travel Plan. It is expected that the final scheme will be considered in September.

Decision

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Comments :

- A technical note dealing with the additional swept path analysis • In my response sent on 9/9/14 I recommended that this was not required unless and until permission is granted and the developer wishes to start work on site. Having said that I would be happy to recommend that the information supplied in Paul Mew Associates technical note dated 1/7/14 is sufficient for me to recommend that this condition be dropped.
- An update of the Travel Plan • In my response sent on 9/9/14 I wrote: 'An Interim Travel Plan has been provided with the application. It is dated September 2012 but is still deemed to be accurate. It has been drawn up in line with current national and local guidance. Data from a similar hotel in the client's chain have been used to build a robust and sustainable set of objectives and targets.'. I am glad that the Plan has been updated but am not clear what has been changed. Its status is slightly unclear. It calls itself the Travel Plan on the front cover but the Interim Travel Plan in paragraph 1.2. This should be clarified.
- A technical note setting out the process used to determine parking demand. This is essentially an update of the parking chapter from the Transport Assessment, which gives a clear justification of the proposal. • This appears to be an adequate description and justification of the levels of parking chosen

Revised Scheme

Decision

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1 Prior to the commencement of demolition works details of all proposed methods of dust control, construction vehicle movements, construction access arrangements and construction wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan. Reason:- To minimise danger, obstruction and

inconvenience to users of the highway and the access.

2 Two months prior to the occupation of the development, details of the proposed Travel Plan for the hotel shall be submitted to and approved in writing by the Local Planning Authority. Reason:- To promote a sustainable development in accordance with Local Plan policies.

3 Prior to the commencement of the development, details of the proposed turning movements for all delivery vehicles into and within the site shall be submitted to and approved in writing by the Local Planning Authority. There are concerns regarding the reversing of vehicles within the car parking area and the applicant is asked to provide additional details to demonstrate that these manoeuvres can be carried out without any detriment to the safe movement of members of the public. Reason:- To minimise danger, obstruction and inconvenience to users of the development and the adjacent access to the highway.

Informatives:

1) Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the new hotel; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

2) Works to be undertaken on the adjoining Highway will require a legal agreement with the highway authority. Before commencing the development the applicant shall contact the Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway is constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

The application is for permission to demolish the existing 47-bed hotel and associated buildings and to replace it with a new 103-bedroom hotel with revised access arrangements and car parking. Permission is also sought for the relocation of 2 caravans/ mobile homes. This application is linked to the application with DBC ref 4/01343/13/FUL for the change of use of land to use as a residential caravan site for 8 gypsy families in that the hotel could not be redeveloped without the relocation of the caravans to their new site.

The site is accessed from the B4505 Hempstead Road. This is secondary distributor in the HCC hierarchy and has 40mph speed limit past the site. The proposal is to close up the two vehicular access points to the existing car park and to use an improved version of the private drive to the south of the site which currently serves the caravan park behind it to serve the redeveloped hotel as well. This access crosses the wide unobstructed grass verge on the south side of the B4505 and affords good intervisibility in both directions. The access is wide enough to allow 2 cars to pass unobstructed. The removal of multiple access points is welcomed. If successful the applicant should be required to make good the grass verge and kerb at each redundant access.

Accessibility There is a footway into Bovington along the northern side of the B4505. The nearest bus stops are in a pair either side of the road outside the site. There are two main bus services – the 352 and 353. Both are of limited frequency but call at Hemel Hempstead rail station, and provide access to surrounding towns – Watford, Hemel Hempstead, Chesham, and Amersham. Neither stop has easy access kerbing or shelter. The bus stop immediately outside the hotel has no area of hardstanding and there is no footway here. There is a footway on the opposite (northern) side of the road. Hemel Hempstead station is approx 1.9 miles away. Trains are run by London

Midland and Southern and journey time into London Euston is between 30 and 33 minutes.

A Transport Assessment (TA) has been provided with the application. It is dated September 2012 but is still deemed to be accurate. The TA predicts that the proposed scheme is likely to generate an additional 40 trips in and out during the morning and afternoon peak hours. The additional daily total two-way trips could be 250. These levels of additional traffic would mean increases of up to 2.5% of existing flows and are therefore unlikely to have a severe detrimental impact on the local road network. An Interim Travel Plan has been provided with the application. It is dated September 2012 but is still deemed to be accurate. It has been drawn up in line with current national and local guidance. Data from a similar hotel in the client's chain have been used to build a robust and sustainable set of objectives and targets.

Offsite highway improvements and planning obligations it is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. This can be read and downloaded from <http://www.hertsdirect.org/your-council/hcc/resandperf/hertsprop/planningobs/>.

Planning obligations so derived would be used on schemes and measures identified in the Hemel Hempstead Urban Transport Plan which can be read/ downloaded at <http://www.hertsdirect.org/services/transtreets/tranpan/tcatp/17645276/>. In accordance with paragraph 11.7 of the Toolkit I recommended that a 'first strand' contribution of £23,000 toward provision of easy access kerbing at the 2 nearest bus stops and an area of hardstanding/ footway for waiting/ alighting at the stop outside the hotel. I require a pooled 'second strand' contribution based on the charges set out in paragraph 11.14 of the Toolkit applied to the information provided in support of this application. In this instance it is predicted in the TA that the proposal could generate an additional 40 peak hour trips. Using the rate of £1,000 per trip (at June 2006) this gives a pooled contribution £40,000. This should be index-linked to SPONS from July 2006 to the date of its payment. This and other contributions collected in Bovington will be used to improve conditions for pedestrians, cyclists and bus users in the village.

**Hertfordshire County Council : Sustainable Transport and Development Officer:
Forward Planning and Rail Liaison Team | Hertfordshire**

Revised Scheme

The Officer has liaised with the consultant working on the Travel Plan for the Bobsleigh Hotel. Amendments have been made as recommended in my previous assessment.

It is now feasible to recommend approval of the Travel Plan dated November 2014 (version 7), file name 'P974 Bobsleigh Hotel Travel Plan v7 111114' (attached). The Travel Plan should be secured through an appropriately worded S106 agreement.

The following points must be ensured:

From commencement of the development, the applicant must comply with the terms of the approved Travel Plan (or subsequent versions approved in writing by the County Council), including but not limited to implementing the measures and actions within the agreed timescales. This includes:

- .
- .
- Prior to occupation, a Travel Plan Co-ordinator must be appointed and their

contact details provided to the travel plan officers at Hertfordshire County Council.

. Within 3 months of occupancy of the development, baseline surveys of staff, guests and servicing must be undertaken by the applicant and within 2 months of completion of the surveys, a revised Travel Plan incorporating the results of the baseline surveys, updated targets, measures and action plan, shall be submitted to Hertfordshire County Council for approval in writing.

. Annual monitoring surveys must be undertaken for a period of at least five years post final occupation, and within 2 months of completion of the surveys a monitoring report and updated Travel Plan must be submitted to the local transport authority for approval .

. Prior to commencement, the applicant shall pay to Hertfordshire County Council the sum of £6,000 towards the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review

Housing

The Housing Team do not have an up to date evidence base regarding demand for static caravans, or any housing policies which require the re-development/retention of static caravans on sites that are being developed.

Therefore it is minded to accept the applicants case for the removal of the static caravans as part of the wider development of this site.

Environment Agency

Initial Advice

Thank you for consulting us on this application. In the absence of an acceptable Flood Risk Assessment (FRA) and a preliminary risk assessment (PRA) we **object** to the grant of planning permission and recommend refusal on this basis.

Objection one

The submitted FRA is not acceptable because:

- The applicant has not demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.
- The applicant has not demonstrated that sustainable drainage systems (SuDS) will be used on site to provide storage for surface water generated on site, in line with the National Planning Policy Framework (NPPF) paragraph 103 that requires development to give priority to the use of SuDS.
- The applicant has not demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change, will not exceed greenfield rates.

The submitted FRA also appears to be out of date and designed for a different scheme than the one currently proposed. The drawings for the proposed hotel show a green roof, yet the FRA makes no reference to this valuable SuDS feature.

This is in line with your Local Plan policy 124, policy CS31 of your draft Core Strategy and the Hertfordshire County Council Interim SuDS Policy Statement Requirement 15.

Resolution

The applicant must submit an FRA which adequately addresses the points highlighted above.

Surface water for up to the 1 in 100 chance in any year storm event, including an allowance for climate change, must be safely contained on site. It is acceptable to partially flood the site during this event, ensuring that buildings are not affected by flooding and the site can be safely navigated by users. Where this flooding will be within roads or pathways, the applicants must ensure that safe access and egress is still available. The FRA must show how SuDS will be used on site to prevent the risk of flooding being increased. I have attached a copy of our SuDS guidance, which contains the SuDS hierarchy on page four, for the applicant to use. This hierarchy must be used in descending order, with any obstacles to the use of the most sustainable techniques fully justified. Tanks should only be used as a last resort. It is promising that a green roof, one of the most sustainable SuDS techniques, is shown on the drawings. The FRA should take account of this.

Objection two

We object to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are two strands to this objection. These are that:

- We consider the level of risk posed by this proposal to be unacceptable
- The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

The site is located in Source Protection Zone 3, meaning that the groundwater beneath the site forms part of the public drinking water supply. The site may be contaminated as a result of previous uses.

This objection is in line with policies CS31 and CS32 of your draft Core Strategy. NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution.

Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). **Resolution** The applicant should provide information to satisfactorily demonstrate to you that the risk to groundwater has been fully understood and can be addressed through appropriate measures. This information should be in the form of a PRA. I have attached our GPLC3 reporting checklists, which include our PRA checklist on page three, to help the applicant. Please feel free to contact me if you have any questions.

Further Advice: Response to Additional Information

Thank you for confirming that you are accepting the Preliminary Risk Assessment and revised Flood Risk Assessment (FRA) as part of this planning application. While we

are now satisfied that risks to groundwater can be addressed through conditions we are still not satisfied with the FRA. We therefore maintain objection one.

Reason

The applicant has not demonstrated that infiltration will be feasible on site or that sustainable drainage systems (SuDS) will be used to provide storage and water quality treatment. This is required in line with your policies CS29, CS31 and CS32, the National Planning Policy Framework, draft Planning Practice Guidance and the Thames River Basin Management Plan.

The Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. The River Gade is currently at moderate ecological status. As one of these reasons for failure is diffuse pollution it is essential that all opportunities to address this are taken.

Resolution

The applicant must show that infiltration is possible on site through the submission of soakage tests. If this cannot be shown then an alternative approach should be outlined. This should demonstrate that there is sufficient space available on the site (within the context of the proposed site layout) to attenuate runoff on the site up to the 100 year storm event, including an allowance for climate change.

I have again attached a copy of our SuDS guidance, which contains the SuDS hierarchy on page 4. This hierarchy should be used in descending order, with any obstacles to the use of the most sustainable techniques fully justified.

Please contact me if you have any queries.

Final Advice

Thank you for consulting us on the Soakaway Test Report and the drawing indicating the current use of soakaways for the existing development. The Soils Report indicates soil infiltration rates are fairly poor, however we feel it will be possible for soakaways to be designed to achieve an appropriate surface water drainage system on the site. Therefore we remove our objection providing the following condition is imposed on any planning permission granted.

Condition The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage details shall include the management of all the surface water run-off from the new building for the 100 year climate change critical rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. **Reason** To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. This condition is in line with your Local Plan policy CS31: Water Management.

Advice for Applicant

We encourage sustainable drainage systems (SuDS) using infiltration provided it can be shown that the infiltration will be clean surface water into uncontaminated ground. The design of SuDS should include appropriate pollution prevention measures. If contamination is present in areas proposed for infiltration, we will require the removal of all contaminated material and provision of satisfactory evidence of its removal, the point of discharge should be kept as shallow as possible.

Advice on surface water condition In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy: a)

A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

b) Confirmation of the critical storm duration.

c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.

e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the 'Planning Practice Guidance: Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Thames Water

Initial Advice

Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

Water Comments

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

Revised Scheme

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Supplementary Comments

The receiving network is known to be at, or approaching capacity. Thames Water request that an impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades. Please liaises with Thames Water Development Control Department (telephone 01923 898072) with regard to arranging an impact study.

Hertfordshire Fire & Rescue Service

Advice awaited.

Hertfordshire Constabulary: Crime Prevention Advisor

Original Scheme : Initial Advice

- The main doors and any fire doors should be tested to LPS1175 SR2 and if these doors have access control doors tested to STS202 BR2 will be acceptable.
- There is a lot of glazing in the proposed hotel and I would be looking for all glazing whether in public places or windows to bedroom to be both toughened and laminated, one to protect the public in the event of an accident and the other for crime prevention reasons.
- I note the roof has “verdigo” copper within its make-up and I would just urge caution if copper is being used as this metal is sought after by various professional thieves and is worth a lot of money on the open market so security when delivered to and stored on site will be important.
- I am pleased to see a security gate on the basement car park, but would ask who will have access and if a code, how frequently will it be changed.
- Hotels with sporting and leisure facilities as part of their facilities have suffered criminality in the past so locker room and personal security will be important.
- I know in other hotels safes, including laptop safes, have been provided either in the resident’s bedroom or in a safe block in the reception area so they are on constant view both by reception staff and CCTV.
- There is no indication of lighting or CCTV around the hotel or in the car parking areas, perhaps this can be clarified.
- I would like to see CCTV in the basement car park and also the walls of the car park painted say a light blue so as to both reflect light and perhaps reduce the level of lighting.
- In the basement the disabled spaces appear to be too far away from the lifts.
- There is no mention of hotel security within any of the documentation which I do find a little concerning and if Macdonald Hotels Security would like to contact me to discuss further my contact details are at the top of this letter.

Original Scheme : Further Advice

- The main doors and any fire doors should be tested to LPS1175 SR2 and if these doors have access control doors tested to STS202 BR2 will be acceptable.
- There is a lot of glazing in the proposed hotel and I would be looking for all

glazing whether in public places or windows to bedroom to be both toughened and laminated, one to protect the public in the event of an accident and the other for crime prevention reasons.

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- There is no mention of hotel security within any of the documentation which I do find a little concerning and if Macdonald Hotels Security would like to contact me to discuss further my contact details are at the top of this letter.

Revised Scheme

On the basis of further information supplied I am content with the application.

Pleased that previous consultations with the previous advisor has confirmed that the:

- The main doors and any fire doors within the development will be specified to be as tested to LPS1175 SR2 and STS202 BR2 where applicable.

2 All windows to both public areas and guest bedroom areas are to be specified as both toughened and laminated as requested.

3 The development will be controlled with security lighting and CCTV system throughout with the additional comment from Mr Swann “we would be grateful if this could be subject to a condition of any planning approval”.

It is hoped the above will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- 17 – re high quality design
 - 2. 58 – re function for the lifetime of the development as well as designing against crime and fear of crime.
 - . 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- & Dacorum Core Strategy policies:
- . CS12 – re safe access, layout and security

Hertfordshire Ecology

Initial Advice

1. We have no ecological information on the application site, for which a number of surveys have been undertaken and submitted with this application.
2. The great crested newt survey found no evidence of GCN and considered their presence to be very unlikely. There are no records of the species in the area and the pond is very small and isolated. Consequently it is considered as having low potential for supporting GCN and that further surveys were not considered necessary. Whilst this report is now significantly out of date (2008), in the circumstances I have no reason to believe that the situation has changed in respect of GCN given the nature of the pond when surveyed and further weed infestation that is likely to have occurred since. On this basis I do not consider Great crested newts to be an issue that need to be considered further in determining the planning application.
3. However they remain fully protected under the Habitats Directive and as such any works should be undertaken with due care.
4. Bat surveys have been undertaken in 2008 and 2012. In both cases no bat roosts were identified in any of the buildings or trees. The 2012 activity survey recorded one pipistrelle bat so the grounds in places are suitable for bats but such limited activity and evidence indicates that it is highly unlikely that any bats would be affected by the proposals. The potential for winter hibernation in the ice house has, however, been identified although this feature is not affected by the proposals.
5. On this basis the LPA can proceed with determination of the application as it is reasonable to consider that bats will not be affected.
6. Recommendations are provided regarding tile removal by hand and checking for evidence and timing of works to trees with ivy that could provide potential roosting opportunities. Given the roof areas involved in the demolition and the potential for bats, this approach would not seem unreasonable although given the lack of any evidence it should not delay works unduly.
7. Consistent with the Consultants recommendations I advice that the following Informative is attached to any permission:
 - . *If bats or any evidence for them are found, all works must stop immediately and*

advice sought as to how to proceed from one of the following:

A bat consultant;

The UK Bat Helpline: 0845 1300 228;

Natural England: 0845 6014523 or

Herts & Middlesex Bat Group: www.hmbg.org.uk ‘

8. This survey is now also getting old but I see no reason to undertake any further surveys given the demonstrable lack of previous evidence. However if the proposals have not begun within two years of any permission, I would advise another activity survey to identify any bat presence that may need further investigation given that bats do move their roost sites.

9. The recommendations regarding avoidance of light pollution and habitat enhancement should also be considered where possible.

10. I note in the D&A Statement (p24) there is an intention to manage an area of land to the rear of the site for biodiversity. I was also going to suggest this approach, presumably for the area in the southern corner of the site. This approach is to be welcomed, but no details are given. I consider it would add character to the hotel's grounds and potentially provide some benefit to the kitchens if an **orchard was to be planted**, along with **wildflower grassland**, to enhance the grounds ecologically and provide a usable food resource. Proposals for this should be presented as part of the **landscaping proposals which should be a Condition of Approval** if the application is approved. I also welcome the proposals for a green roof on some areas of the development - at least as shown in some of the models.

11. Other than the above considerations, **I do not consider that there are any ecological constraints associated with the proposals.**

Original Scheme

None of the ecological surveys were positive in recording presence of, of significant potential for, bats and great crested newts and that would be affected by the proposals. On this basis it is reasonable to conclude that these species are highly unlikely to be impacted by the proposals which can therefore be determined accordingly. The recommendation is a sound precautionary approach but I do not consider there is sufficient justification for the LPA to require this if permission is granted, given the lack of emergence evidence.

2. However I do advise that the following informative is attached to any permission:

. If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

3. The potential for Great crested newts is very low and no mitigation or compensation is considered necessary and I have no reason to dispute this conclusion.

4. I do not see the need for any further surveys.

5. I note in a previous e-mail there are proposals for biodiversity enhancement and I

support these in principle although there are no further details of the proposals in the information provided. Whilst the scattered trees and shrubs do provide habitat connectivity, the planting in Area 1 could equally and perhaps more usefully be in the form of an orchard which would also contribute to the local ecological resource as well.

Final Advice

In respect of the above consultation which is an amended scheme, unless you are aware of the contrary, I have no reason to believe that the ecological issues or my advice would be any different to that expressed in December 2103. I acknowledge that the ecological interest could change over time, but given that it was so negligible when assessed previously, I consider the risk of this happening in any event to be very low. Should, however, another year or so pass before this is determined, it may be prudent to update the bat assessment although their legal protection does of course apply at all times.

A minor comment - the new tree planting map has no details so there is no way of telling what these will be; native spp or orchard it doesn't *really* matter, but we have lost more orchards than scattered trees and scrub and an orchard creates potential community involvement associated with the development.

Herts & Middx Wildlife Trust

Initial Advice

The planning application has been identified by Herts & Middlesex Wildlife Trust as having potential implications for wildlife. For instance, it may involve demolition of a building or changes to a roof which may impact upon roosting bats; or removal of habitat which may support reptiles, great crested newts, or nesting birds. However, the application does not meet the Trust's priority criteria for submitting a detailed, case-specific consultation response. The Council nevertheless has a statutory duty to consider the impacts of development applications on biodiversity, and on protected and priority habitats and species in particular

Revised Advice

Bats

The updated bat surveys from August 2012 suggest that there are no roosts in buildings or trees within the site, therefore no need to obtain an EPS licence.

Agree with the ecologist that a precautionary approach should be taken to demolition or modification of any buildings and tree works. The recommendations of the ecologist in section 8 should be observed and implemented fully. If any bats are discovered during the course of works, work should cease immediately and advice sought from a qualified ecologist. Any new lighting installed should be designed to avoid adverse impacts on bat activity.

It should be borne in mind that if works on site are delayed, then site conditions can change and bats roosts may be established. Surveys are typically considered valid for

only up to 2 years.

Note that the site includes an icehouse, which will be unaffected by the development. Ice houses provide ideal conditions for hibernation roosts. Any future development involving the ice house would need a hibernation survey.

Great crested newts

The great crested newt survey found the pond to be suboptimal for newts. Due to its size and isolation, the ecologist considers it unlikely that GCN are present. No further surveys were considered necessary. The conclusion is accepted. If the conditions of the pond and surrounding habitat have changed however since 2008, an update habitat suitability assessment would be recommended. Site workers should as a precaution be made aware of the potential for great crested newts, which are protected under British and European law. If any newts are found during the course of work, works should stop immediately and advice be sought from a suitably qualified ecologist.

Biodiversity enhancement

HMWT encourages biodiversity gain in new development. This could be achieved through incorporating bird and bat boxes in new buildings or on mature trees around the site; creating a wildlife pond, or enhancing an existing pond to make it attractive to wildlife (including amphibians); planting new native shrubs, trees and hedgerows and strengthening habitat connectivity through the site.

National Grid

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus.

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Affinity Water

No responses.

EDF Energy

No responses.

National Air Safeguarding Services

Comments awaited.

Wid Turbine Consultee

Comments awaited.

Response to Neighbour Notification/ Publicity

100 responses with most from Bovingdon : 94 Objections, 6 Support.

Objections for the following reasons:.

. Green Belt. Issues :Effect on Openness. Inappropriate. Excessive Size. Scale too much on Plot. Insufficient Justification. Precedent.

- Design.
- Parking Problems / Insufficient Parking. Traffic.
- Environmental Impact.
- Harm to residential amenity. Noise, disturbance, privacy.
- Parking Problems / Insufficient Parking. Traffic.
- Light Pollution,
- Water Table, Supply and Flooding

BAG

Survey of dwellings in the immediate vicinity.

29 Opposed.

1 In favour

3 Could not be contacted.

The majority support the principle but not the size and scale. VSC do not outweigh the damage to the openness. All are opposed to an overflow car park.

(Note: Questions regarding Parking

The statement regarding the intended overflow Green Belt parking can be found in the September 2014 'Travel Plan': "Section 3.29 It should be noted that there is an opportunity to provide a number of overspill car parking spaces to the rear of the site on a controlled / managed basis for larger functions at the hotel."

This contradicts the planning application submitted by Street Design Partnership which clearly designates the Green Belt land to the rear of the hotel as a wildlife / biodiversity area, labelled 'Area 1' (see attached Street Design document/map): "This area of the site is to be retained as a biodiversity area to include extensive landscaping of the native shrubs and hedgerows to strengthen habitat connectivity."

It is apparent that despite their best efforts MacDonald's agents have not been able to plan sufficient parking for such a large hotel with a full array of services on this limited Green Belt plot.

Local residents agree and are supportive of Bobsleigh redevelopment and are appreciative of the changes made to the proposed front of the hotel. However after reading this amended application, we remain very concerned that the overall size and scale of the proposal is still too large and the steps required to provide the necessary parking will damage the Green Belt further:

- *Unlike all their other Leisure & Spa Hotels, MacDonald will be unable to provide leisure, health and spa services on a local membership / daily rate basis due to the lack of parking facilities and in order not to exceed their proposed parking*

capabilities of 133 spaces. If the application is approved there will no doubt be constant pressure to open the hotel's leisure facilities in line with operations at their other hotels, despite insufficient parking. This risk should be clearly discussed and resolved as part of the planning approval process. The term "hotel guest" will need clear definition to ensure that these facilities and services are not made available to 'day' and 'casual' guests, or on a membership basis.

- With its impressive new health, leisure and function facilities the new Bobsleigh will aggressively promote its wedding, business and special event capability, extremely important elements in ensuring the ongoing viability of the hotel. However the associated additional parking requirements can and will exceed the hotel's parking capabilities. There is no mention or modelling of the parking requirements that the planned special events and weddings will generate or the number of such events anticipated annually. Such events and functions will also require more staffing which will exacerbate the parking situation even further.

- Contrary to the 'Need & Viability Statement' the Bobsleigh, in its semi-rural location, is most certainly **not** well serviced by public transportation. Local Bus Services only run for 12 hours a day Monday to Friday; 11 hours a day on Saturdays and only 6 hours a day on Sunday and, as the Council have recently announced, faced with financial restraints they are looking to cut back/reduce the public transport servicing the Bobsleigh even further.

- The limited parking facilities must be addressed in the approval stage, but despite this, the September 2014 'Need & Viability Statement' (Section 6.0 & 7.0) indicates that MacDonald will not submit a travel plan to help reduce parking requirements until after the hotel has been in operation for 3 months.

- In Section 3.11 of the Transport Report that around 20 of the Bobsleigh's 100 staff will live on-site which will reduce both travel and parking requirements. Where at the Bobsleigh will these staff live? Clearly the MacDonald owned Stable Lodge is far too small to accommodate 20 staff and in this current application it is reported that this building will be reduced in size. As a result staff parking projections are understated. Clearly there is insufficient parking capability to meet the peak needs of a hotel this large with the services it will provide. This situation needs to be properly resolved as part of the planning process. One option MacDonald should consider is (1) reducing the size of the hotel to 84 bedrooms by eliminating or relocating up to 16 rooms* from the front curve and pushing the hotel back to provide more above ground parking and (2) expanding its current underground parking capability (please see attachment).

If implemented such a plan would better protect the Green Belt, could be used to provide 50 to 60 additional parking spaces, MacDonald could consider immediately opening their health and leisure facilities to the public, the hotel entrance and parking would be far less cramped and more in keeping with a 4 Star Hotel and by moving the hotel back there would much less risk of noise nuisance to the neighbouring homes on the Hempstead Road).