

## **APPENDIX TO 4/03378/16/ROC (Item 5b)**

**4/02419/04/FUL - RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN).**

**LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD.**

**APPLICANT: J S BLOOR (SUDBURY) LTD.**

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[Case Officer - Andrew Parrish]

**DCC COMMITTEE - 26th March 2009**

### SUMMARY

#### **Summary of reasons to grant**

The amended Heads of Terms and conditions for this development would still comply with the overall objectives for the development of this site and constitute proportionate requirements, hence the recommendation below.

### BACKGROUND

The Development Control Committee resolved to defer this application at its meeting of the 15<sup>th</sup> January 2009. The application was deferred for the following reasons:

- To enable the Council to engage with Network Rail, Hertfordshire County Council and the applicant regarding the delivery and level of improvements to the Kents Avenue railway bridge to ensure that the bridge is at or near DDA compliance;
- To provide further information regarding the Local Plan Inspector's comments regarding
- To enable further discussions around the works to the Kents Avenue Bridge in the context of the wider Heads of Terms set out within the S106 package.

### POLICIES

#### **National policy guidance**

PPS 1, PPG 2, PPS 3, PPS 9, PPS 11, PPG 12, PPS 12, PPG 13, PPG 15, PPG 16, PPG 17, PPS 22, PPS 23, PPG 24 and PPG 25

Circulars 15/92 (Publicity for Planning Applications), 2/93 (Public Rights of Way), 08/93 (Awards of Costs incurred in Planning and Other Procedures), 11/95 (The Use of Conditions on Planning Permissions), LAQM.G4 (97) (Air Quality and Land Use Planning), 6/98 (Planning and Affordable Housing), 02/99 (Environmental Impact Assessment), 04/01 (Countryside and Rights of Way Act 2000), Planning for Access for Disabled People: A Good Practice Guide, 05/05 (Planning Obligations) and 06/05 (DEFRA Circular to accompany PPS 9)

#### **East of England Plan**

Policies SS1, SS2, SS3, SS8, H1, H2, T2, T3, T14, ENV1, ENV3, ENV7, ENG1, WAT2, WAT4 and LA2.

#### **Dacorum Borough Local Plan 1991 - 2011**

Policies 1, 2, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 49, 50, 51, 54, 55, 58, 61, 62, 63,

64, 67, 69, 70, 72, 73, 76, 79, 80, 96, 98, 99, 100, 101, 102, 103, 107, 111, 113, 115, 116, 118, 122, 123 and 124.

Two Water and Apsley Insert

Appendices 1, 3, 5, 6 and 8

### **Supplementary Planning Documents/Guidance**

Eligibility Criteria for the Occupation of Affordable Housing  
Energy Efficiency and Conservation  
Environmental Guidelines  
Manor Estate Development Brief  
Water Conservation

## CONSIDERATIONS

### **Improving the Kents Avenue Bridge**

The case officers held a meeting with the County Council and representatives of Network Rail on the 12<sup>th</sup> of February 2009 at the Kents Avenue footbridge. At this meeting the technical difficulties in the provision of a step/ramp bridge, issues of ownership, liability and maintenance and the scope for improvements to the bridge were all discussed.

The Kents Avenue footbridge is owned by Network Rail and in its current format conforms to its requirement to support the public footpath over the railway. Network Rail's obligations in respect of this bridge are to maintain the structure so it is fit for purpose, although this only extends to ensuring the structure is structurally sound and ensuring that the bridge meets the primary objective of maintaining the safety of the railway network. The bridge span has recently been replaced and the parapet walls to the bridge raised to address concerns with people throwing items onto the tracks over recent years. Network Rail has little budget to improve the bridge; it is therefore viewed as a burden costing money and resources to maintain.

There is no scope for Network Rail to improve the overall quality of the footbridge. Any improvement to structures owned and maintained by the company which would exceed the obligations to the structure and increase maintenance liabilities are understood to constitute works which Network Rail would not approve without a transfer of the asset. This naturally limits the scope of improvements that can be carried out at the Kents Avenue bridge to those of a minor nature for which limited maintenance work is required.

The maintenance of railway bridges, the potential costs and future liabilities of such structures are so high that the County Council cannot entertain the transfer of this asset to them. The cost is disproportionate to the scale of the development undertaken and there would be no basis to request the costs of maintenance from the developer as a commuted sum.

Any works to the bridge require the approval of Network Rail, but discussions on site have added greater certainty as to the scale of works that would be feasible and acceptable to Network Rail. In principle these would amount to:

- Providing additional/better lighting to the footbridge,
- Providing anti-slip surfacing to the concrete steps,
- Providing reflective nosing to the concrete steps,
- Re-painting the bridge and steel handrail and
- Removing graffiti.

Network Rail have further clarified that altering the bridge deck or the metal steps on either side leading to the concrete steps would constitute significant improvements and would increase liabilities to such an extent that they would look to divest their interests in the structure.

The County Council requested that a contribution be made in preference to a direct provision of bridge improvements. They negotiated that such sum should be £100,000 in discussion with the applicant, that being a sum proportionate to the scale of the development and one which would cover the cost of improvements identified above. They have also subsequently requested that if there are any remaining monies from these works, then this is spent elsewhere in Apsley on Sustainable Transport Measures.

The final position of each of Network Rail and the County Council, as set out above, has been summarised in correspondence and the relevant letters appear at Appendices 1 and 2 respectively.

It would be remiss of officers not to advise both that the County Council's professional opinion as Highway Authority on such matters should be given considerable weight in the determination of this application and that the applicant should not be penalised for the inability to secure additional improvements to such structures as are not within its control.

### **The Inspector's Report**

The Local Plan Inspector's report does not make reference to the Kent's Avenue footbridge, in the sections entitled "Access and Traffic" and "Traffic and Access" for proposals TWA6 (now TWA3) and TWA7 (now TWA4) respectively.

In reaching conclusions to present to the Local Plan Inquiry, the Borough Council produced a range of documents including a Sustainability Assessment (CD53 and CD53A) of all the sites to be considered under the housing site allocations. An extract from CD53A is attached at Appendix 3 to this report for the Committee's consideration. These documents were produced to enable the Council to compare the relative merits of each of the proposed housing sites and form conclusions as to its preferred sites. Appendix 3 shows that the two Manor Estate sites have been appraised with ticks indicating that the sites were considered to have an acceptable impact and relatively high degree of accessibility.

The Council concluded in CD53A that TWA6 had a sustainability score of 16 which was as high or higher than virtually all the greenfield sites in the Plan. Officers would emphasise that the replacement of the vehicular crossing at Featherbed Lane will provide a number of improvements, including a new footway.

The Council concluded in CD53A that TWA7 had a sustainability score of 12 which was below that for West Hemel Hempstead but considerably higher than other alternatives. The Inspector concluded however that the score for West Hemel Hempstead was over estimated and that land at the Manor Estate was likely to be equal or better in sustainability terms. The Inspector's observation that the replacement of the pedestrian bridge to Kents Avenue with a ramped bridge (not DDA compliant but including both steps and ramp) would greatly facilitate access to Sainsburys and the local centre is an isolated comment in a section of the report where he examined the walking distances to a range of services on both a theoretical and practical basis. Understandably, Members may well wish to give the above observation notable weight. The key point is the Inspector's conclusion that the walking distance in each case was not unreasonable. It is apparent from a proper reading of the report that the Kents Avenue footbridge was one, relatively minor, aspect of an overall assessment of the allocation of the site for housing. Moreover, in such a Report, it is extremely rare that one point alone will dictate the Inspector's conclusion; instead, the matter is looked at in the round- a balancing process in which Members themselves are clearly well-versed, given their frequent deliberations on planning applications

In any event it particularly needs to be borne in mind that the Inspector's Report was produced in 2002, which is a long time ago, especially in planning terms. Looking at the matter today, as Members obviously are, the position is that the Highway Authority is not saying that a bridge to DDA standard is required. The third party (Network Rail) has explained why it is not in a position both to permit extensive works and to retain responsibility for the bridge after such works. The County Council for its part has likewise shown that it is not in a position to take on that responsibility.

In addition, it would be an unjustifiable omission if this Committee report did not mention for completeness that the existing outline planning permission has a S.106 Agreement attached to it which does not require replacement of the bridge, as, of course, per Members' previous decision,

### **The Wider Community Benefits**

Given that a DDA compliant bridge cannot be provided, what is critical is the fact that the overall package of S106 contributions represents a significant investment in the infrastructure of Apsley and will deliver substantial benefits to its population. Securing improvements to a single pedestrian route onto the estate falls to be considered a low priority in the context of the considerable contributions towards affordable housing, education, community facilities and medical infrastructure.

The amended Head of Term delivers improvements to the footbridge and there will be other improvements to the accessibility of the Manor Estate which will be significant. The requirements included for these improvements reflect their importance in the scheme when considered in all its detail. Thus the cost of providing an improved bridge at Featherbed Lane, with its new wider, better aligned, carriageway and separate footway, should not be underestimated and the provision of a dedicated half hourly bus service will ensure a high level of accessibility by public transport

The developers have exceeded the expected levels of affordable housing for the site by some 2%, and the majority will be available for rent, thereby addressing housing need.

Additional benefits have also been provided in the form of new parking bays to serve the local shops within Apsley beyond the requirements of the Local Plan and Development Brief.

### **Other Matters Raised**

The requirements of the Regional Plan to provide at least 10% of energy from decentralised and renewable or low carbon sources are not considered to be an unrealistic aspiration for a development of this scale. An element of renewables is desirable if additional credits are to be achieved under the Code for Sustainable Homes (under Ene7 – Low or Zero Carbon technologies).

Achieving Code 3 of the Code for Sustainable Homes is also a realistic target for the proposed scheme. The Housing Corporation Standards already require affordable housing to be constructed to this level and there is no reason why open market units should not meet the same standards. The Code for Sustainable Homes addresses other issues regarding sustainable living not addressed in Policy ENG1 of the Regional Plan.

Both measures are considered necessary to achieve the desired level of sustainable construction. The LPA would have discretion to approve condition 12, if it is satisfied that the methods employed by the developers are satisfactory to address its sustainable construction concerns on an individual plot basis.

### **Circular 05/2005 (Planning Obligations)**

The Secretary of State's policy and guidance on the use of planning obligations is set out in Annex B of Circular 05/2005. This policy clearly comes into play when an application is considered or an appeal is made in terms of the determination by the local planning authority or the Inspector as applicable..

The Secretary of State's policy stipulates, amongst other factors, that planning obligations are only sought where they meet **all** of the following tests. A planning obligation must be:

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

The footbridge improvements proposed in this report are clearly relevant to planning.

The planning and highways advice, from Borough and County officers, is that such works are properly required to make the development acceptable in planning terms.

As the improvements also have a clear geographical link with the development they are deemed to be directly related to the proposals.

It is reasonable for the local planning authority to request that a developer pay for or contribute to the cost of all or part of the additional infrastructure provision that would not have been necessary but for their development. The improvements should not, however, be disproportionate to the development that is to be undertaken and should not be utilised to address existing deficiencies in infrastructure provision.

In carrying out their decision-making function, Members need to be mindful that the Kent's Avenue footbridge is an existing piece of infrastructure which serves as a pedestrian link to the Manor Estate. In its current state it is capable of use by a significant proportion of the population of both the existing and extended Manor Estate.

In terms of the practicalities of improvements that may be undertaken to the bridge and the associated cost of such works, Hertfordshire County Council have used their expertise to assess the highways issues and concluded both that improvements which can reasonably be required are as set out earlier in this report and that the contribution sought would cover the relevant costs. The execution of bridge works to a DDA standard is outside Network Rail's own responsibilities. The cost of transferring the bridge to the County as a result of additional works is disproportionate when compared, in context, to the benefits that would be achieved through an improved design of the existing bridge.

## **Implications of Refusal**

### *Housing Supply*

The Dacorum Borough Local Plan 1991-2011 requires the provision of 7,200 new dwellings for the Borough between the 1<sup>st</sup> April 1991 and 31<sup>st</sup> March 2011 in accordance with Policy 14. The provision of 1,250 affordable housing units will also be sought in the Borough between the 1<sup>st</sup> April 2001 and 31<sup>st</sup> March 2011 in accordance with Policy 20.

The Manor Estate development would provide 325 residential units towards the overall housing land supply and would provide 114 affordable housing units. As such the site represents a significant proportion of the overall supply and is critical to the supply of affordable housing within the Borough. The site is one of the few large sites allocated for housing from which significant S.106 benefits may be accrued.

The Annual Monitoring Report 2007/08 (AMR) indicated that the average annual rate of housing supply was 351 dwellings per year, which was marginally below the Local Plan target of 360 dwellings per year. The securing of a current stock of planning permissions to meet this target is important if such progress is to be maintained and allocated housing sites are fundamental to such supply

The housing trajectory within the AMR further illustrates that the average annual housing completions rate has to increase by more than double to meet the Regional Spatial Strategy housing target of 680 dwellings per annum. The importance of securing permission on allocated sites is exacerbated by this higher requirement for housing delivery.

A failure to secure planning permission for this site would not only have significant adverse implications for the implementation of the Dacorum Borough Local Plan 1991-2011, but would also seriously undermine other strategic housing targets as required by both national and regional planning policy.

In accordance with PPS3, the Council is required to demonstrate that there are specific sites to deliver a five year supply of housing. Using the Strategic Housing Land Availability Assessment (SHLAA) there would be a shortfall against the five year housing supply of approximately 0.6 years (2009/10 to 2013/14). The Council would thus already have difficulties in demonstrating the required availability of housing sites leaving itself vulnerable to speculative developments on less appropriate sites, a planning by appeal process and the release of further Green Belt land.

The SHLAA assumes the delivery of allocated housing sites within its calculations and as such the non delivery of an allocated site will further reduce the overall supply of housing. This would have the knock on effect of requiring additional sites to be identified to fill the gaps in the housing land supply. The logical alternative to a requirement for additional land within the Green Belt to be considered for housing would be greater pressure for provision of sites with higher residential density.

### *Appeal*

If an agreement cannot be reached on the appropriate heads of terms to be applied to this application it is clear that there will be an appeal in relation to this site.

Circular 08/93 (Award of Costs Incurred in Planning and Other (Including Compulsory Purchase Order) Proceedings) makes it clear that local planning authorities are at risk of an award of costs against them, on appeal if, amongst other matters, they:

- Fail to provide evidence, on planning grounds, to substantiate each of their reasons for refusing planning permission, including reasons relying on the advice of statutory consultees, and
- Pursue unreasonable demands or obligations in connection with the grant of planning permission.

Members should note that the footbridge improvements are not required by Hertfordshire Highways. A refusal on access grounds would therefore not be supported by the statutory consultee in this area of expertise.

Demands for additional improvements to the bridge, as a planning obligation, are considered as unreasonable or unduly onerous in view of the positions of Network Rail and Hertfordshire County Council. It is not possible to provide a DDA compliant bridge in this locality

### **Conclusions**

Officers would emphasise that the issue before Members is whether the access arrangements

as now proposed are appropriate for these sites, as the principle of the allocation of the site has been properly established and remains valid and, indeed, essential, to avoid highly problematic alternatives, in planning terms. The critical points in the consideration of this issue are therefore as follows:

- Network Rail, the owners of the Kents Avenue footbridge, will not permit anything more than the works to the structure identified above;

The County Council as Highway Authority could not accept a transfer of the bridge and, significantly, have confirmed the proposed works are those works which are reasonably required and that the contribution to secure them is appropriate;

- It is not possible to provide a DDA compliant bridge in this locality;
- The provision of a DDA compliant bridge was not highlighted as necessary by the Local Plan Inspector, who looked at a range of accessibility points and reached his ultimate conclusion accordingly;

The Inspector's Report dates back to 2002 and matters have in any event moved on as set out in detail above.

The provision of a DDA compliant bridge cannot be justified in terms of Circular 05/05;

- The proposed development will deliver commensurate improvements to the existing footbridge and other improvements to sustainable transport measures
- The overall package of planning obligations will deliver substantial benefits to the local community.

## RECOMMENDATIONS

1. That determination of the application be **DELEGATED** to the Development Control Manager with a view to approval, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

2. That the Heads of Terms for the planning obligation be as set out in the reports to the Development Control Committee of the 29<sup>th</sup> of June 2006 and the 15<sup>th</sup> of January 2009 except for an amendment through the deletion of:

- "improvements to existing pedestrian and cycle links including improvements to the Kents Avenue

and its substitution with:

- "a sum of £100,000 towards the improvement of the Kents Avenue railway bridge or, in the case that such sum is not spent in its entirety on the bridge, that any remaining monies are spent on additional sustainable transport measures within Apsley"

## **Suggested Conditions**

Please note that these conditions may need to be amended or added to subject to the receipt of additional information from the applicant and/or further comments from any Statutory Consultee.

## **DCC COMMITTEE - 15th January 2009**

NA

## **DCC COMMITTEE – 29th June 2006**

**4/02419/04FUL. RESIDENTIAL DEVELOPMENT COMPRISING 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN).**

**LAND ADJACENT TO THE MANOR ESTATE, HEMEL HEMPSTEAD.**

**APPLICANTS: JS BLOOR (SUDBURY) LIMITED.**

[Case Officers: Andrew Parrish and Robert Freeman] [Grid Reference: TL0532 04924]

### SUMMARY

#### **Summary of reasons to grant:**

The site is allocated in the Local Plan as a Housing Proposal Site under TWA3 and TWA4. Residential development of about 300 houses is therefore accepted, together with the provision of open space, landscaping and other community benefits as set out in detail within the adopted Manor Estate Design and Development Brief. The Development Control Committee resolved to delegate the grant of outline permission for residential development on this site (4/02329/04/OUT) on 10 March 2005, subject to a s.106 agreement. The agreement is awaiting completion.

Full planning permission is sought for the erection of 325 dwellings on the site, together with the provision of open space, landscaping, footpath links and associated highway works. An environmental statement was deemed not to be required for this development on 5 October 2004. The Highway Authority has previously concluded that the proposed means of access, and various highway improvements will accommodate up to 340 dwellings without harm to the surrounding highway network.

The density of the proposed scheme equates to approximately 36 dwellings per hectare which is considered to strike a reasonable balance between the current density of the Manor Estate, its urban fringe location and the requirements of central government to make best use of land. This accords both with PPG3 advice and Policies 10 and 21 of the Local Plan.

The proposed layout of the extension to the Manor Estate closely follows the master-plan layout adopted in the Manor Estate Design and Development Brief. The number of dwellings can be satisfactorily accommodated on the site without detriment, and the design and layout would respect the existing Manor Estate. There would be no harm to adjoining residential amenities. The proposal would accord with Policy 11 of the DBLP.

The provision of 35% affordable housing will form a significant proportion of the required annual supply (91%) in the district and is considered to provide a suitable compromise between the desires of local residents and the overall aims and objectives to supply a larger proportion of affordable housing. The distribution of the affordable housing in five areas is considered an acceptable compromise between the interests of social inclusion and the issues of maintenance and management by the RSL.

Subject to a suitable management plan and landscaping proposals, as required by the Development Brief, the provision of open space is considered acceptable. The development would have a satisfactory relationship to existing trees. The major ecological issues emerging from the application can be dealt with by condition.



The provision of a bus gate will act as an effective traffic management tool to limit access from King Edward Street to 84 units. The diversion of public footpath 73 will be secured around the perimeter of the application site. Subject to the comments of the Highways Authority, estate access is considered satisfactory and car parking is in accordance with PPG3 and adopted standards in the Local Plan.

Sustainable drainage methods would be adopted and the development would make efforts to minimise the use of energy through renewable energy sources and energy conservation measures. An Energy Consumption Statement indicates a 23% reduction in CO2 emissions as against conventional technologies and building methods.

In accordance with the submitted air quality assessment, whilst overall CO2 emissions would rise, the impact on air quality from the houses would be below EU limit values. The likelihood of smell nuisance from the proposed pumping station is considered to be low and any responsibility for offensive smells will fall to the adopting sewerage authority.

The developer has agreed to make financial contributions, inter alia, towards engineering works on the school site, to fund a school bus service, to help subsidise the running of a public bus service, for medical services in Apsley, for community facilities and to help subsidise local shopping in Apsley centre. These benefits would be secured by legal agreement.

## BACKGROUND

This application was reported to the Development Control Committee on 5 June 2006. Members resolved to defer the application for the following reason:

To enable additional information to be provided and the provisional conditions to be finalised.

In addition, during the discussion at Committee various issues were raised which need further clarification:

- Acceptability of number of dwellings proposed. Whether a figure of 300 is a ceiling limit.
- Design, blank gables, height and frontage development.
- Garden sizes.
- Reserve site.
- Featherbed Lane bridge.
- Pumping station.

## REPRESENTATIONS

The following matters include those reported as late items at the last meeting of the Development Control Committee and the latest advice.

### **Additional information submitted on behalf of applicants:**

I refer to your query regarding the number of units to be served by the proposed foul pumping station on the aforementioned site. I can confirm that approximately 25% of the units (i.e the units that lie on the lower reaches of TWA4) will utilise the pumping station.

In addition please note the foul discharge for the remainder of the TWA4 will be distributed between the spine road sewer and existing sewers within the manor estate.

### **Hertfordshire Biological Records Centre:**

Amended plans, ecological surveys and badger report:

Based upon the issues raised in our previous views, we would like to make the following comments;

- This application continues the considerable work undertaken to date, following the guidance as set out within the Development Brief. Whilst the development limits significant wildlife gain, the intention to 'protect and manage the ecological diversity' is still a key feature given the quality of life benefits this can bring. The results of this process as presented within the amended plans and ecological report continue to improve on the approach to biodiversity, although some further detailed work is required.
2. The July 2005 ecological survey by James Blake identified TWA fields 3 and 4 as being the best, consistent with previous surveys including HBRC, and confirms that the quality would now meet Wildlife Site status, probably a reflection on the fact that this area has been reasonably well grazed, and had been left to grow at the time of the latest survey. Indicator plants include Common bent, Oxeye daisy, Sweet vernal grass, Birds-foot-trefoil, Meadow vetchling, Meadow buttercup, Agrimony, Common sorrel and Black knapweed. Although the criteria for WS had not been developed at 1996 when HBRC originally surveyed the site, if large areas of reasonable quality grassland do remain, these should be considered for translocation. Proposals for where and how this should be achieved have been discussed with James Blake and we are awaiting a method statement which outline the extent of material to be translocated, how and to where. It is considered impractical to attempt to secure any conservation in situ. Use of the former school reserve site may also need to be considered.
  3. Extra planting adjacent to the eastern half of Home Wood has been removed. The woodland/grassland boundary is generally ecologically valuable and the encroaching scrub represents a locally valuable feature but will require management in due course. Management Plans for the whole wood (both eastern and western sections) and adjacent scrub still need to be provided which outline specific work proposals and a timescale, and James Blake have been made aware of this.
  4. Details for the species to be used on the wildlife corridor for Home Wood should reflect the best habitats presently found on site, namely the species rich grasslands and hedgerows. We understand this has been recognised and appropriate species/wildflower mixes will be used in these areas.
  5. (i) We acknowledge that the latest development design is a considerable improvement in retaining the integrity of the main hedgerow leading south west from the Manor Estate. Local hedges in places are particularly characteristic in largely consisting of mature hazel with some cherry and ash standards. We have highlighted that compensatory planting for hedgerow sections to be lost elsewhere should reflect this.  
(ii) Appropriate hedgerow management also needs to be outlined to ensure that these features do not become over-mature and degrade over time. The adjacent Featherbed Lane feature also needs to be included as it will require management in due course. We suggest this is provided with a map outlining simple management for hedgerow resources of the whole site.  
(iii) Previous landscape designs for formally spaced standard trees have now been slightly modified where appropriate to create clumped/random character reflecting a more semi-natural formation. This creates more of a rural feel of hedgerow trees and is more consistent with the statement that 'residential streets fronting or adjacent open space areas will be more rural in character' (5.0 Hard Landscape Strategy)  
(iv) Details need to be provided for fruit tree proposals, which we support given the loss of orchards within the county.
  6. Buffer zones and their management/enhancement are a feature of the proposals. However, the opportunities for this need to further researched. For example, the extent of tree canopy

cover will severely inhibit the establishment of an open grassland strip adjacent to Shendish. The Landscape Framework maps need to be modified to reflect this properly. We understand that bulb planting has been removed where inappropriate within wildflower grassland.

iii) Trees proposed for the grassland adjacent to Home Wood have been removed to enable this area to be more easily recognised and managed as an open meadow.

7. The land management statement provides background intentions but needs to be improved to outline specific prescriptions for management, similar to the woodland plan requirements. We would also like to see the production of a clear recreation/land function map to show how the open land within the site is to be used. This could be achieved by showing features where ecology or recreation is the primary use. Simple maps showing grassland, hedgerow and woodland management could be prepared separately for ease of understanding if this is considered appropriate.
8. We would welcome further clarification regards:
  9. Specialist Consultant Reports as detailed within 4.1.1 of the Management Plan. We do not consider it appropriate for an adopting authority to pay for such advice on a regular basis.
  10. Amenity grasslands and meadows should be described separately as their creation, renovation, repair and management will be quite different. Unless there is a serious infestation of docks, thistles or nettles etc. We would expect weed control in the wildflower grasslands. Section 4.2.5.1 outlines cut grass and other vegetation maintenance, but this does not include management for wildflower areas. The management proposed is not appropriate for wildflower grassland and further guidance is required.
11. We note the recent badger survey report and acknowledge its findings and recommendations. The approach proposed appears reasonable in the circumstances although there will be a loss of foraging and a significant increase in adjacent disturbance. The sett location within the grounds of Shendish may limit the overall impact, and there will still be direct access to open countryside as well as Home Wood via the corridor along the boundary of the Manor Estate site.

We would expect that the issue raised above will be addressed with continued liaison with James Blake, and if this is acceptable to the local Authority we raise no objection to the approval of the application.

## **Hertfordshire and Middlesex Wildlife Trust:**

Having looked at the new plans for the development and note that the badger report stated that the badger sett in Cocks Head Wood, the nearest hole to the boundary, was 20 metres away. The sett I know nearest the entrance hole is around 2.5 metres from the boundary. I am willing to show this sett to James Blake Associates if they contact me. Licences will be required to work close to the sett.

Within 30m – heavy plant

Within 20m – light plant

Within 10m – by hand

## **Response from JBA Ecologist**

We conducted a further survey with the Badger group yesterday (13/06/06) and were unable to locate the sett referred to. The nearest sett was indeed the one identified by our previous works 20.5m from the boundary. We checked the outlying sett that we located (approx. 40m from the boundary) and found that this was not recorded on the badger groups mapping records. The badger group has updated the records accordingly and will confirm the above matters.

## **Environmental Health**

We have no objections in principle. However I understand that there has been no mention of noise from the main line train tracks. From the drawings the façade of the nearest properties is some 30m from the tracks. A simple inverse square calculation suggests a level of >60 dB at the façade. Whilst this does not take account of any reflections or absorption of acoustical energy across the intervening land it should be a consideration when the fabric of the building is considered. Accordingly I do not consider it unreasonable to ask the developer to carry out an assessment of noise having regard to PPG 24 and its recommendations.

## **Housing**

After reviewing the revised plans the Housing Department would support the mix and location of affordable housing units. It will be important to phase the delivery of housing in the S.106 so that dwellings are delivered as soon as possible.

## **Local Residents**

The occupant of 4 Kennel Cottages raises the following points:

- i) Asks the tree officer to contact Kennel Cottages residents regards trees/bushes abutting these properties,
  - ii) The badger assessment is incorrect in referring to the nearest sett entrance being 20.5m rather than 2.5m. In consequence a licence will be required,
12. This raises questions regarding the impartiality of other reports.

## CONSIDERATIONS

### **Conditions**

For information, the power to impose conditions on a Planning Permission is conferred by sections 70(1) and 72 of the Town and Country Planning Act 1990. Under s.70(1) the planning authority are empowered to impose "such conditions as they think fit" when granting planning permission, and that power is supplemented by s.72.

Advice on the use of conditions in planning permissions is provided in Circular 11/95. This advises that the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.

The Circular includes an appendix which sets out a list of suggested model conditions.

The imposition of conditions on a planning permission is part of the normal planning process. It is not the case that full information on detailed matters, such as materials, is necessary before planning permission is granted. In some cases, Local Planning Authorities (LPA) can be in a stronger position in terms of enforcement if pre-commencement conditions are imposed, rather than trying to predict all likely outcomes during construction works on a large and/or complex scheme. By requiring details to be submitted, the LPA is ensuring it exercises control over how the development is taken forward.

It is still, therefore, recommended that planning permission is granted subject to a number of conditions requiring the submission of further details. However, the recommended conditions have been revised since the last Committee meeting. Where possible conditions have been amended to refer to specific information submitted. Comments on pre-commencement conditions matters are set out below.

It would be possible for the Members to require details submitted to discharge conditions precedent to be referred to the Development Control Committee for approval.

### Phasing

Given that the development is likely to be built out over a number of years, it is not unreasonable to request details of phasing to enable the implementation of various parts of the development such as the landscaping, roads and parking in relation to the occupation or completion of particular areas (or phases) of the development. As the developers have not prepared their programme for the development of the residential part of the site, it would be unreasonable to request this information at this stage and would also not allow for any flexibility. It is therefore reasonable that this be the subject of a condition.

However, the applicants have stated that it is their intention to commence works at the top of the application site with some initial levelling works to the Lower Field.

## Drainage

The requirement for the pumping station was first mentioned in MJA Consulting's Appraisal of Drainage Issues dated September 2004, submitted with this application in October 2004.

It is not possible to detail all the drainage works at this stage in the absence of a finalised layout as without the grant of planning permission the developers will not wish to commit financially to a detailed scheme of drainage and other infrastructure works. Furthermore, such detailed work would be unreasonable without such permission. The pumping station is to be constructed in accordance with Sewers for Adoption and to be transferred to Thames Water. The majority of the works are below ground, although a kiosk is required, together with a protective compound. In accordance with the wishes of the Development Control Committee, this can be screened by landscaping (see page 35 of the previous agenda). The submission of a detailed landscaping scheme for approval is recommended by condition. Details of drainage are recommended to be approved by condition, including details of measures to control smell and noise nuisance arising out of a pumped system.

## Archaeology

It should be noted that a number of archaeological investigations have already been carried out on the application site. These have resulted in limited findings. A standard monitoring condition is required for the site in accordance with the requests of the County Archaeologist. The condition is necessary to ensure the ongoing implementation of archaeological work on site for the duration of the construction. It should be clear how this monitoring is to occur prior to the commencement of the scheme.

## Landscaping

There are three conditions relating to the provision of landscaping works within the application site. These conditions are not unusual and will need to be applied in order to ensure both tree protection and the implementation of a landscaping scheme.

The application is accompanied by a detailed statement of landscaping works and plans illustrating the works to be carried out within the adoptable areas of public open space. A significant amount of work has already been prepared on a landscaping scheme for the site and there is nothing outstanding that will affect the overall layout of the development. Further negotiation on the precise details is ongoing with the applicants' consultants, James Blake Associates. Although Officers will continue to work to finalise the landscaping for the adoptable areas, it is not considered necessary at this stage to require full details of species, size, density, mulching, fertiliser rates, implementation programme and so on.

## Materials

Whilst a broad list of materials to be used on the development has been submitted, it is not considered unreasonable to request samples of materials to be used prior to the commencement of development. This is common practice upon residential schemes and such conditions are modelled upon those given in Circular 11/95. Materials may have gone out of production when the developers come to build the dwellings and this is a further reason why it would not be reasonable to approve materials at this stage, only for them to need further approval two years down the line. A condition is reasonable and necessary.

Whilst the design of the dwellings shown on the submitted floor and elevation plans is considered acceptable, the appearance of a development can be strongly affected by the design and appearance of the fenestration, colour, materials, set back and fascia/berge boards. As typical details are not shown, it is reasonable to request further information for approval pursuant to a condition. As this detail does not affect the principle of the development, it is not

considered necessary to request this information at this stage.

Elevational details of the footbridge have not been submitted because the details have not been finalised with Network Rail. The design and appearance is unlikely to affect the principle of the bridge and therefore it is reasonable that such details can be reserved for future consideration as a condition.

### Construction works

The developers have not finalised the precise phasing of the development. Given the above, the location and type of wheel washing facilities are as yet unknown and therefore it is reasonable that details be provided pursuant to conditions.

### Levels

Sufficient information has been submitted to enable assessment of the site levels in relation to neighbouring properties and Officers are satisfied that there would be no material harm. This is clearly illustrated by the street scenes and cross-sections submitted with the application and contained within the plans booklet. Further information on site levels is not currently available. It is necessary to gather such information prior to the commencement of development to ensure the precise position of dwellings within the application site in relation to each other, to adjoining land and to trees. It is considered reasonable to supply this information by condition and such conditions are common practice in accordance with Circular 11/95. It would be unreasonable to require the developers to supply such detailed information at this stage. Even if levels were provided at this stage, a condition would still be required to ensure compliance and to allow for variation in accordance with detailed site conditions that may be found after construction begins.

### Sustainability

The design of sustainable units is a complex matter, requiring detailed construction plans. Such detailed matters are considered onerous and unreasonable at this stage of the planning process, where there is no guarantee of planning permission being granted and where the developer may not have finalised construction techniques or service/infrastructure requirements. A condition on this issue is considered to be the most appropriate response, particularly as the implementation of such matters may need to be controlled. This is consistent with the approach adopted on other applications. It is recommended that a detailed property schedule listing methods used per property needs to be applied. Providing this meets the proposed 23% improvement in CO2 emissions as set out within the energy consumption statement and the measures do not adversely affect the street scene, Officers would consider such measures to be acceptable. It should be noted that the provision of renewable energy and sustainable drainage was never a specific requirement of the development brief, albeit it is implicit in Government guidance and now a requirement of the development plan.

The Energy consumption statement submitted with the application does indicate a reasonable level of energy saving technologies to be used in the scheme contrary to the suggestions of the Development Control Committee, and as noted on pages 32 and 33 of the previous agenda. It is, however, difficult to understand (being a technical document prepared for building control requirements) and quite unspecific. It does indicate measures to be used which cannot easily be shown upon plan (for example the use of timber frames, condensing boilers etc), particularly at the level of detail expected from planning applications. Indeed many appropriate methods may fall within the expertise of building control rather than planning, being related to the construction and internal fabric of the building (for example insulation).

Planning applications should be determined in accordance with the Local Plan unless material planning considerations indicate otherwise. It should be noted that Local Plan policy indicates

no clear or measurable requirements. As such a very strict approach to Eco-homes is difficult to apply and is unlikely to be considered favourably should an appeal on the issue arise.

Affordable housing units are required by housing associations to reach a Very Good Eco-homes rating and as such they are reasonably sustainable by definition. There are maintenance issues associated with more radical energy saving and renewable energy techniques and the housing associations may be reluctant to use them upon a significant element of the housing to be provided, particularly the flats where there may be issues of individual occupant control. This also limits the scope for further improvements on the scheme.

### Swan-neck

Although no neighbour objection has been received, the design of the swan-neck and its relationship with 8 Manorville Road is of some concern, hence the requirement for a specific condition upon this issue. It is likely to be affected by a number of other conditions including those of levels and landscaping. There will be a requirement to significantly screen this property and those at the lower end of Manorville Road by landscaping, earth mounding and/or fencing to prevent the overlooking of these dwellings from the highway. It is clear that some form of screening would physically be possible and the applicants have indicated a commitment to address this issue. However, the precise method has not at this stage been submitted. It is likely to be a combination of level changes, landscaping and fencing and the developers have indicated that they may wish to approach the adjoining owner with a view to agreeing the best way forward with them. In the circumstances, it is considered that details can be agreed pursuant to a condition. It should be noted that the principle of the swan-neck has already been accepted in consideration of the outline planning application.

### Refuse and cycle storage, means of enclosure

The layout of the individual flats shows bin and cycle storage areas integral to or within the curtilage of these blocks. These are considered adequate for their purposes and acceptable in design. However, further information should be submitted detailing the means of securing individual cycles and a condition is considered a reasonable vehicle for securing this information. An implementation clause will be required together with a stipulation that the cycle stores be fitted with lockable doors.

Whilst means of enclosure has been shown on the layout plans, and the design code shows typical examples of what designs are envisaged, the provision shown on the layout plans is somewhat inconsistent and/or absent. Full details of design, materials and colour should be submitted for approval. However, the lack of such information on a plot by plot basis at this stage is not considered a justifiable reason for refusal as the information can reasonably be requested as a condition, in common with other applications.

### Ecology

Two conditions are recommended requiring the submission of further details relating to the translocation of grassland and the accommodation of protected species within the development. These conditions are considered necessary and reasonable. It is not necessary to the grant of permission to require these details at this stage.

### Management Plans

Whilst the submitted Management Plans have not been considered acceptable to the Trees and Woodlands Manager or Parks and Open Spaces Manager, the provision of a Management Plan remains a requirement of the s.106 agreement and therefore the Council will still maintain control as it will not adopt the areas unless and until suitable management plans have been prepared for the open spaces. Consideration of the application is not dependant upon full



details at this stage and Trees and Woodlands Manager and Parks and Open Spaces Manager have not indicated that the absence of such information at this stage would be a reason for refusal.

### Other

Conditions are recommended to require a noise protection scheme to protect the dwellings from the railway line as recommended by Environmental Health and a scheme of crime reduction measures as recommended by the Police Architectural Liaison Officer. The remaining 10 conditions are purely instructive.

### **Number of Dwellings**

The number of dwellings proposed falls within the lower limits of the density requirements stemming from PPG 3. This may well be in excess of the number of units referred to within the Local Plan and Development Brief. However, the figure of 300 units is not a ceiling limit. The figure is an estimated net capacity.

It was not possible to refer to a precise figure in these documents, as such matters would be determined by layout and house design. Furthermore, it is clear that 300 units would not meet density specifications and a failure to meet such requirements of PPG 3 would be likely to prove unacceptable to the Department of Communities and Local Government. The site is considered capable of accommodating the 325 dwellings proposed within this application without significant harm to the character and appearance of the scheme or its surroundings.

### **Design and Layout**

The design and layout of the dwellings has been the subject of considerable negotiation between the developers and officers, including statutory and non-statutory consultees, over the last 18 months. Officers are satisfied that the result will be a very high standard of development that will not appear bland, monotonous or cheap. Whilst the development includes a number of Bloor Homes 'standard' house types, all of the flats and a number of the house types are bespoke designs for this specific site and many of the 'standard' house types have been amended to take account of concerns about active frontage and surveillance.

The key concerns of the Committee appear to relate to the number of units reflecting a perceived inadequacy of rear garden depths and open space, blank flank elevations, height and siting of the proposed properties.

An analysis of these points is sets out below.

### Garden Sizes

An analysis of the rear gardens has been supplied by Richard Boast Associates to address Members' concerns on this matter. This shows that the majority of gardens, which fail to meet the average garden depth are associated with small residential units. Furthermore such units are only marginally below the prescribed threshold (i.e. within 1m - 1.5m) in the majority of instances. Full details of garden depths are attached in a schedule of accommodation in the plans booklet. It should be noted that Appendix 3 of the Local Plan states that such reduced depths are acceptable in a variety of circumstances and may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity to open land, public open space or other amenity land. Such land forms a significant proportion of the application site and all properties are within 120m of public open space. In these circumstances, there would be no grounds for objection to the size of gardens nor would this be indicative of a particularly cramped scheme. Separation distances between properties remain at the accepted standard.

Open space within the site equates to some 10 hectares of land. This actually exceeds the area covered by residential development and as such criticisms regarding the adequacy of open space are unjustified.

### Blank Gables

In total there are 17 blank elevations within the scheme. Only a modest proportion are considered to be in important locations within the public domain (5) and it is questionable whether it would be appropriate to change these elevations. As such, there are no significant blank elevations within the development. This fulfils the requirement of the Development Brief to provide appropriate active frontage and surveillance of public areas in accordance with Secure by Design objectives. The introduction of further fenestration to flank elevations would cause issues of overlooking in some cases.

### Height

Members are referred to the height plan within the plans booklet. This shows that the majority of the site is covered by two storey development (or development of standard two storey height incorporating rooms in the roof) in accordance with the Development Brief. It also shows the higher development to be sited well away from site boundaries where it would not cause harm to surrounding residential properties. Higher development is encouraged along the spine road through the Development Brief to create focal buildings and diverse street scenes and also next to the railway line. Such development is considered to compliment the design and appearance of the scheme.

The general appearance of the properties has been complemented by both the Architects Panel and case officers. This reflects the detailed negotiation that has occurred over the previous 18 months or so and the scheme has been amended to address detailed criticism of the scheme set out in a letter to the applicants dated 9<sup>th</sup> March 2006. It is considered that the substantial amendments have addressed any issues regarding design.

### Frontage development

Some criticism was made at the Committee with regard to the layout of dwellings being close up to the back edge of pavement and having a rather severe appearance. It is true that front gardens are generally modest. However, this closely reflects the desires and aspirations of the development brief to create a series of dynamic and static spaces (see page 12 of the previous agenda) with concentrations of development along the main routes, particularly the avenue/designated bus corridors, and at focal points. The focal squares, in particular, have been purposely designed with development close up to the frontage to create a strong sense of enclosure. With regard to building lines, the development brief states that:

*“building lines must be consistent with a minimum of breaks and setbacks. The building line may be set back from the back edge of the pavement to define a small semi-private space in front of ground floor windows. However, in order to achieve acceptable enclosure ratios, particularly where two storey development is proposed within the inner blocks, some building fronts may be contiguous with the back edge of footways.”*

Continuous frontage development in places (the perimeter block principle) with well defined and robust boundaries is a feature of the layout which again reflects the requirements of the development brief to achieve the higher densities required within the higher density character areas. Other important advantages, as set out within the development brief, are:

- infrastructure efficiencies,
- concealment of garaging and car parking from the general street scene,

- reduction in traffic speed,
- the creation of intimate and attractive residential areas with a sense of place,
- a clear sense of stewardship with no ambiguity over ownership,
- a defensible, secure and 'self policing' environment where 'dead' areas are avoided,
- active frontage to encourage safe walking and/or cycling.

### **Reserved Site**

The reserved site is currently illustrated as an area of public open space upon the application plans. Any application for the use of this site would have to be judged upon its own merits.

The LEA does not want the reserved site for an expansion of the school in view of surplus school capacity within the borough and the impending review of school accommodation. The committee has suggested that this land be transferred to the Borough Council as a head of term to the section 106 agreement.

The landowners are unwilling to transfer this land to the Council. Furthermore, Community and Leisure have advised that their Service does not wish to acquire further land to build community facilities on as its role is generally as enabler rather than provider (Dave Gill – Community and Leisure). Whilst it is understood there is a town-wide need for certain community facilities, nothing specific has been identified for the Manor Estate area. Reference was made at the last Committee meeting to the community room that was provided as part of the Apsley Mills development. Whilst a lease was agreed as part of the s.106 agreement for that development, it was only possible because the unit concerned was identified. In this case there is no specific proposal in mind, and without this it would be difficult to draw up a similar agreement.

Officers have negotiated a substantial package of community benefits as a result of this application and this includes an option to buy back part of the reserved site for the provision of a community facility if necessary. It should be noted that this is only if a specific need is identified such as a Church group or other local community organisation, where the group itself could fund any development. In lieu of this, the developer has offered £150,000 for community uses and a further £300,000 for the funding of a school bus service as required by the LEA (see Heads of Terms). Such benefits could be substantially reduced should Members be minded to request the reserved site with a likely reduction in either affordable housing or monetary sums for community facilities. Members are advised that Officers consider these benefits to outweigh those that may be attributed to the acquisition of the reserved site. This view is based on existing shortfalls in affordable housing supply and knowledge of maintenance requirements or improvements for existing community facilities. It is also considered that requirements for 'Extended Schools' (those being schools open for community use outside of school hours) are likely to influence the function of and requirement for community centres such that the interests of the Council and local community would be better served. A monetary contribution could also be distributed to several community projects thereby benefiting more people.

### **Featherbed Lane Bridge**

The provision of a new bridge is still an important part of the scheme and the developer is still keen to provide this as soon as possible within the implementation of the scheme. Precise timings are however difficult to determine in view of possession requirements with Network Rail which lie outside the applicants' control and this is acknowledged by the Highway Authority such that a degree of flexibility is allowed. As such a number of safeguards are provided in accordance with the Heads of Terms. This requires a sum to be submitted upon the substantial completion of the 50<sup>th</sup> residential unit upon the site which would allow the bridge to be completed by the County Council should the developer have insufficient funds to complete the scheme or otherwise goes into liquidation. As currently drafted within the section 106 agreement attached to the outline application this would also prevent the developer building additional units without the bridge being in place at this point. Nevertheless, it should be

remembered that the Highway Authority have advised that the interim traffic light solution would provide sufficient highway capacity for up to 340 units.

## RECOMMENDATIONS

- (1) That the application be **REFERRED** to the Department for Communities and Local Government in accordance with the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000.
- That, in the event that the Department for Communities and Local Government does not intend to determine the application, determination of the application be **DELEGATED** to the Development Control Manager with a view to approval, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
- That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:
  - The provision of 35% (114 units) of affordable housing comprising a mix of 72 rented and 42 shared ownership units;
  - (2) A phased scheme of implementation for the affordable housing units;
  - (3) A financial contribution of not less than £150,000 towards the provision of a GP surgery at London Road, Apsley, Hemel Hempstead;
  - A financial contribution of £50,000 for the provision of facilities associated with the development of Two Waters School;
  - A financial contribution of not less than £300,000 for the funding of a school mini-bus service to bus children to and from other schools off the existing and extended Manor Estate;
  - A financial contribution of not less than £50,000 per annum for the first five years for the provision of a public bus service to serve the new estate;
  - A financial contribution of not less than £150,000 for community facilities, with the option of paying back £75,000 in exchange for land on part of the reserve school site for the provision of a community facility;
  - The provision of a local shop, if required, and payment of £25,000 in equal sums over five years to underwrite the economic viability of a local shop with the balance of any monies unspent to be spent on community facilities, otherwise a single sum of £25,000 to be spent upon community facilities;
  - The provision of surface improvements to the 'snickets' on the existing Manor Estate subject to the agreement of residents and landowner(s);
  - The temporary relocation of the existing LAP during the period of relevant construction;
  - The provision and transfer to DBC of properly landscaped and equipped public open spaces including a neighbourhood open space, LAPS, LEAPS and NEAPS together with the Green Corridor;
  - A financial contribution towards the ongoing maintenance of the public open spaces, landscaped areas, equipment etc;
  - The preparation and transfer to DBC of land at Home Wood (both sides of Featherbed Lane) as public open space;
  - A financial contribution towards the ongoing management, planting and maintenance of Home Wood;
  - The production of a properly costed and detailed Management Plan for landscape design, ecological improvement and future management of all the public open spaces, landscaped areas and equipment that will be adopted by DBC including access and management arrangements for Home Wood;
  - A financial contribution of £3000 for community planting projects on the Manor

Estate extension and/or Home Wood and/or other sites to be determined.

- The provision of off-site tree planting adjacent to Two Waters Way;
- A financial contribution of £7,500 for the provision of public art within the development area;
- A financial contribution for library facilities;
- The provision of fire hydrants;
- The provision of a footpath Diversion Order to divert public footpath 73 including the creation of a definitive Right of Way along the Green Corridor on TWA 4 (including a link at the end of Manorville Road) and into Home Wood from TWA 3;

The provision of Highway Works to include, but not be limited to:

- Modifications to the existing junctions of Featherbed Lane/London Road and London Road/Orchard Street;
- The construction of a new railway crossing at Featherbed Lane, including pedestrian footway and the realignment and widening of Featherbed Lane;
- The relocation of the junction of Featherbed Lane and King Edward Street;
- The construction of a roundabout in close proximity to the A41 overbridge;
- The construction of a controlled bus link through the site;
- Improvements to the existing pedestrian and cycle links including improvements to the Kents Avenue railway bridge;
- The provision of an interim solution of a traffic light control at the junction of King Edward Street and Featherbed Lane pending the completion of the new road bridge;
- The lodging of a 'bond' with the Highway Authority, if required, pending the completion of all relevant highways works and access improvements, to apply at the substantial completion of the 50<sup>th</sup> dwelling should the road bridge not have been completed at this stage;
- Regulation of construction traffic along King Edward Street during the period of construction with Featherbed Lane (near the A41 overbridge) the key point of access to the site;
- The provision of appropriate maintenance payments for traffic signals, signs, supervision fees and other requirements as may be determined including new signage to Durrants Hill Road car park (TWA 11) and new parking bays to London Road where possible.

## Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of the development hereby permitted a plan showing how the development will be phased and implemented shall be submitted to and approved in writing by the local planning authority. The phasing plan shall show each separate phase of development and provide details of start and completion dates. The development shall then be carried out in accordance with the approved phasing details, unless the local planning authority gives its written consent to any variation.
3. Prior to the commencement of the development hereby permitted samples of the materials (including sample panels showing brickbond, mortar colour and pointing) to be used in the construction of the external surfaces of the development hereby permitted (including boundary walls) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

4. Unless otherwise approved in writing by the local planning authority, all window frames shall be finished white and recessed 90 mm from the face of the elevation in which they are set, all doors shall be painted/stained timber, all fascias, bargeboards, and other joinery shall be white painted/stained timber, and all juliet balconies shall be finished black and, notwithstanding any details submitted, no development shall take place until details of each type/style of window, for each different house/flat type, at a scale of 1:20 (including materials and vertical cross sections through the openings) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
5. Prior to the commencement of the development hereby permitted details of the proposed finished levels or contours of the site and proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land, (noting positions of trees), shall have be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels, unless otherwise agreed in writing by the local planning authority.
6. Prior to the commencement of the development hereby permitted details of the design, appearance and materials to be used in the construction of the footbridge hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. Prior to the commencement of the development hereby permitted a plan showing all trees to be retained and measures for their protection during construction works and details of a timetable for the erection and removal of such protection measures shall be submitted to and approved in writing by the local planning authority. Construction works include any ground clearance, demolition or excavation. No materials, plant or equipment shall be stored or deposited and no mixing of materials shall take place within the area(s) so protected.
8. Prior to the commencement of the development hereby permitted full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include details of all new hard surfacing materials (including car parking areas and street furniture). Soft landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants and trees (noting species, plant sizes and proposed numbers/densities where appropriate) and a maintenance programme for any areas that are not to be publicly maintained.
9. The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any parts of the landscaping scheme which die or are destroyed during this

period shall be replaced during the next planting season and maintained until satisfactorily established. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.

10. Prior to the commencement of the development hereby permitted a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges shall be submitted to and approved in writing by the local planning authority. These details shall include a programme for the construction, erection or planting of the approved means of enclosure. The development shall be carried out in accordance with the approved details.
11. Prior to the commencement of the development hereby permitted, further details of the specific measures to protect the privacy of Nos. 8 to 22 Manorville Road inclusive from the "Swan-Neck" running between Featherbed Lane and King Edward Street shown on Drawing P005 Rev H shall be submitted to and approved in writing by the local planning authority. These details shall include a programme for the implementation of the approved measures. The development shall be carried out in accordance with the approved details.
12. Prior to the commencement of the development hereby permitted, details of the means of securing individual cycles within the cycle stores shown on the approved plans shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and notwithstanding any details submitted, the cycle stores shall be fitted with lockable doors.
13. Notwithstanding any details submitted, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and energy efficiency/conservation measures to meet the proposed 23% improvement in CO<sub>2</sub> emissions, as set out within the Energy Consumption Statement, shall be submitted to and approved in writing by the local planning authority. These details shall include a schedule of renewable energy and conservation measures by Plot Number. The approved measures shall be incorporated into each individual house or flat before it is first occupied.
14. Prior to the commencement of the development hereby permitted a scheme for foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water run-off so that it does not discharge into the highway or foul water sewerage system. Before any house or flat is first occupied within any separate phase of the development, the approved drainage measures within that phase area shall be provided. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.
15. Prior to the commencement of the development hereby permitted the following shall be submitted to and approved in writing by the local planning authority:
  - (a) the results of a survey carried out to identify which of the proposed dwellings is likely to be affected by noise and vibration from the railway in accordance with national guidance in PPG24; and
  - (b) a scheme for protecting the affected dwellings from noise and vibration from the railway.

No affected dwelling shall be occupied until the works which form part of the approved scheme referred to in (b) above which relate to that specific dwelling shall have been completed.

16. Notwithstanding any details submitted, prior to the commencement of the development hereby permitted, details of proposals to control smell and noise nuisance arising from the foul sewage pumping system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
17. Prior to the commencement of the development hereby permitted details of measures to reduce the possibility of crime in accordance with ODPM "Safer Places - The Planning System and Crime Prevention" shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
18. Prior to the commencement of the development hereby permitted details of a method statement (including timetable) for the translocation of areas of important grassland shall be submitted to and approved in writing by the local planning authority. The grassland shall then be translocated in accordance with the approved details.
19. Prior to the commencement of the development hereby permitted a scheme showing how protected species of animals (badgers, bats and lizards) present on the site will be accommodated within the design/layout shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
20. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the local planning authority. This condition will only be discharged when the local planning authority has received a fully detailed report of all of the archaeological investigations.
21. Prior to commencement of the development hereby permitted details of facilities for washing the wheels of construction vehicles leaving the site and of the operation and maintenance of such facilities shall be submitted to and approved in writing by the local planning authority. Such details shall include measures for the regular removal and disposal of any mud brought onto the highway. Wheel washing facilities shall then be provided in accordance with the approved details prior to the commencement of construction works and they shall thereafter be operated and maintained, along with measures for the disposal and removal of mud, in accordance with the approved details for the duration of construction works.
22. All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.



23. No house or flat shall be occupied until the facilities for vehicle parking and access (including cycle storage) for that house and/or flat shall have been provided in accordance with the details shown on the approved plans, and such facilities shall not be used thereafter otherwise than for the purposes approved.
24. The refuse storage facilities for the blocks of flats shown on the approved plans shall be provided before any flat in any block to which they relate is first occupied.
25. Before any house or flat is first occupied within any separate phase of the development, the approved roadway, access, turning and circulation areas within that phase area shall have been laid out and constructed to base course level. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.
26. Development shall be undertaken in accordance with the mitigation measures as set out in the Air Quality Assessment Report.
27. Except in relation to the bridge works, or as may otherwise be agreed in writing by the local planning authority, no construction works relating to this permission shall be carried out outside the following hours:

Monday to Friday	07.30 hours to 18.00 hours
Saturday	08.00 hours to 13.00 hours

There shall be no construction work on Sundays or Bank Holidays.
28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority:

Schedule 2 Part 1 Classes A, B, C, D, E, F, G and H
Part 2 Classes A, B and C.
29. The windows at first floor level marked in blue on the approved plans shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.
31. The development shall be constructed fully in accordance with the approved plans and particulars and there shall be no variation, unless otherwise agreed in writing by the local planning authority.

## INFORMATIVES

### Badgers

The applicant is advised that an English Nature licence will be required for any construction work within the following distances of a badger sett:

30 metres for Heavy Plant  
20 metres for Light Plant  
10 metres by Hand

#### Fire and Rescue

- The applicant is advised that vehicle access for fire service vehicles should be constructed in accordance with Section 17 of Approved document B of the Building Regulations 2000 where applicable.

Particular attention should be paid to table 21 and diagram 50 of above document.

- The applicant is advised that water supplies for fire fighting purposes should be provided and sited in accordance with BS5588: Part 5: 2004.

#### Public Sewers Crossing the Site

- The applicant is advised that there are public sewers crossing this site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work please contact Thames Water on 0845 850 2777.

#### Disabled Access

All units should have level access and accessible thresholds in order to comply with the current Building Regulations.

## **DCC COMMITTEE - 5th June 2006**

**4/2419/04/FUL. RESIDENTIAL DEVELOPMENT COMPRISING 325 DWELLINGS, PROVISION OF PUBLIC OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN).**

**LAND ADJACENT TO THE MANOR ESTATE, HEMEL HEMPSTEAD.**

**APPLICANTS: JS BLOOR (SUDBURY) LIMITED.**

[Case Officers: Andrew Parrish and Robert Freeman] [Grid Reference: TL0532 04924]

### **SUMMARY**

#### **Summary of reasons to grant**

The site is allocated in the Local Plan as a Housing Proposal Site under TWA3 and TWA4. Residential development of about 300 houses is therefore accepted, together with the provision of open space, landscaping and other community benefits as set out in detail within the adopted Manor Estate Design and Development Brief. The Development Control Committee resolved to delegate the grant of outline permission for residential development on this site (4/02329/04/OUT) on 10 March 2005, subject to a s.106 agreement. The agreement is awaiting completion.

Full planning permission is sought for the erection of 325 dwellings on the site, together with the provision of open space, landscaping, footpath links and associated highway works. An environmental statement was deemed not to be required for this development on 5 October 2004. The Highway Authority has previously concluded that the proposed means of access, and various highway improvements will accommodate up to 340 dwellings without harm to the surrounding highway network.

The density of the proposed scheme equates to approximately 36 dwellings per hectare which is considered to strike a reasonable balance between the current density of the Manor Estate, its urban fringe location and the requirements of central government to make best use of land. This accords both with PPG3 advice and Policies 10 and 21 of the Local Plan.

The proposed layout of the extension to the Manor Estate closely follows the master-plan layout adopted in the Manor Estate Design and Development Brief. The number of dwellings can be satisfactorily accommodated on the site without detriment, and the design and layout would respect the existing Manor Estate. There would be no harm to adjoining residential amenities. The proposal would accord with Policy 11 of the DBLP.

The provision of 35% affordable housing will form a significant proportion of the required annual supply (91%) in the district and is considered to provide a suitable compromise between the desires of local residents and the overall aims and objectives to supply a larger proportion of affordable housing. The distribution of the affordable housing in five areas is considered an acceptable compromise between the interests of social inclusion and the issues of maintenance and management by the RSL.

Subject to a suitable management plan and landscaping proposals, as required by the Development Brief, the provision of open space is considered acceptable. The development would have a satisfactory relationship to existing trees. The major ecological issues emerging from the application can be dealt with by condition.

The provision of a bus gate will act as an effective traffic management tool to limit access from King Edward Street to 84 units. The diversion of public footpath 73 will be secured around the perimeter of the application site. Subject to the comments of the Highways Authority, estate access is considered satisfactory and car parking is in accordance with PPG3 and adopted

standards in the Local Plan.

Sustainable drainage methods would be adopted and the development would make efforts to minimise the use of energy through renewable energy sources and energy conservation measures. An Energy Consumption Statement indicates a 23% reduction in CO2 emissions as against conventional technologies and building methods.

In accordance with the submitted air quality assessment, whilst overall CO2 emissions would rise, the impact on air quality from the houses would be below EU limit values. The likelihood of smell nuisance from the proposed pumping station is considered to be low and any responsibility for offensive smells will fall to the adopting sewerage authority.

The developer has agreed to make financial contributions, inter alia, towards engineering works on the school site, to fund a school bus service, to help subsidise the running of a public bus service, for medical services in Apsley, for community facilities and to help subsidise local shopping in Apsley centre. These benefits would be secured by legal agreement.

## **BACKGROUND**

This special meeting of the Development Control Committee has been convened to consider the full planning application for the development of an extension to the Manor Estate, Hemel Hempstead. It has been arranged in view of the complexity and scale of the development being proposed and the likely requirements for public participation.

The application site comprises housing proposal sites TWA3 and TWA4 in the Dacorum Borough Local Plan 1991-2011 which was adopted in April 2004. These sites have an estimated net dwelling capacity of 300 units. Its adoption followed the publication of the Apsley and Two Waters Study in 1996 which estimated site capacity at around 260 dwellings and the subsequent recommendations of the Local Plan Inspector in 2002 to increase the capacity of, and adopt the site within, the Dacorum Borough Local Plan 1991-2011.

Although the site was not formally adopted as a Housing Proposal site until April 2004, a series of meetings started in late 2003 to determine the overall development strategy for the site. On 8 November 2003 initial consultation was held with local residents to determine the content of the Manor Estate Development and Design Brief. Focus groups were set up to discuss key issues resulting from this initial exhibition and consultation work, involving local people, key stakeholders and planning officers. Focus group meetings were held on 27 November 2003 and 12 February 2004 at the Two Waters and Apsley School with wider public consultation in the interim period.

The Manor Estate Development and Design Brief was finally adopted on 21 April 2004 and a presentation was held to Focus group members and Councillors on 20 August 2004 at the Civic Centre. An exhibition of the contents of the planning application proposals was held on 16 October 2004 to gain initial feedback upon proposals. Representatives of both the developer and the Planning Service were present to answer questions and note comments made by local residents.

On 18 February 2005, Councillors Mills, Ayling, Bannister, Clark, Craufurd, Fisher, Gibbs, Gomez, Harden, Holmes, Sutton, Townsend and Mrs Wyatt-Lowe attended a formal site visit accompanied by the case officers. No views were expressed and members retained the right to speak and vote at the subsequent committee meetings to determine the outline planning application for this site.

## **Description**

The site covered by this application extends to 19.52 hectares and is located to the south and

west of the existing built-up area of Apsley between the West Coast Main Line railway and A41. It comprises four areas referred to in the Local Plan and adopted Manor Estate Development and Design Brief as TWA3, TWA4, TWA21 and TWA22.

The largest site (TWA4), which is contained within a well defined landscape cell, comprises a number of fields cut off from the main farming land by the A41, wrapping around the southern and eastern fringes of the existing Manor Estate. The site is bounded by the A41 to the west, Featherbed Lane to the north and the mainline railway to the east. Two Waters Infant and Junior School is located adjacent to the existing urban area and indents into the site. To the south the Shendish Manor Estate and Golf Course and a number of residential properties bound the site.

The two eastern parcels of land (Maxted Fields) slope down broadly from west to east. The boundary immediately abuts the railway line and rear gardens of properties fronting on to High Ridge Road. A playground is located within the site at the end of King Edward Street. The two south-western fields (A41 fields) level out on higher ground. These fields wrap around the existing residential development of High Ridge Road, West Valley Road and Chipperfield Road. They include the open land proposals set out under TWA21 of the Local Plan.

To the north of these fields and wrapping around the northern fringes of The Manor Estate is an area of open land and woodland (Home Wood East) backing on to the rear gardens of dwellings in Manorville Road. This land is to be retained as Green Belt land. Further north again is a second small development site (TWA3) forming part of the overall application site. Featherbed Lane and the rear gardens of properties in Manorville Road border this land, which is steeply sloping. Its northern extent fronts onto King Edward Street near its junction with Featherbed Lane.

To the north-west of Featherbed Lane and bounded by Two Waters Way, the old Featherbed Lane and the A41 bypass is an area of woodland (Home Wood West) (TWA 22) This part of the application site is also to be retained as part of the Green Belt. This site will be managed in accordance with the requirements of TWA 22.

Vehicular access to the site is currently gained from King Edward Street via Featherbed Lane. Featherbed Lane can be approached either from the north, via London Road, Apsley, or from Felden, Chipperfield and Bovingdon to the west, via the bridge over the A41. Exclusive pedestrian access to the site is from Kents Avenue to the north of the railway line via an existing footbridge. This provides access to Footpath No. 73, which crosses diagonally the Lower Maxted Field to the Shendish boundary, and to open countryside beyond. Bridleway 139 briefly straddles the site where it crosses from Featherbed Lane via an unmade track to Chipperfield Road and Manorville Road. There are a number of informal footpaths through the fields that comprise the application site.

The majority of the site (the subject of this application) is excluded from the Green Belt by virtue of proposals TWA3 and TWA4 of the Local Plan which allocate these areas for residential development. The remainder of the site is either within the Green Belt (viz: Home Wood (east and west) and land forming part of the embankment to the A41) or allocated as open land (viz: the TWA21 area). Additional to the above, the A41 fields are within an Area of Archaeological Significance 52 known as Apsley Manor, A41.

## **Proposal**

Permission is sought, in full, for the erection of 325 dwellings on the site, together with the provision of open space, landscaping, footpath links and associated highway works. In detail, the residential proposals comprise the following:

- 30 dwellings on TWA3 and 295 dwellings on TWA4
- 114 affordable units, of which 71 would be for rent and 43 shared ownership

- 64 flats and 261 houses (all the flats would be affordable units)
- 33 one-bed, 69 two-bed, 98 three-bed, 35 four-bed, 79 five-bed and 11 six-bed properties
- 672 car parking spaces overall, equivalent to 2.06 spaces per dwelling
- 181 car parking spaces for the affordable units, equivalent to 1.4 spaces per dwelling
- 28 different house types and flats
- Density of 35.95 dwellings per hectare
- Affordable housing split into 6 separate areas

The dwellings would be arranged around a series of “home zones”, private drives and focal squares, all served by a central spine road of 6 metres width. This would be traffic calmed by a combination of speed cushions, tables and bends. A bus gate and school drop-off zone would be incorporated within the application site.

In addition to street planting and general landscaping, the proposals would provide two children’s play areas and a village green, sufficient in size to accommodate a junior football pitch. Informal open space would also be provided, including a green corridor to the railway line, the A41 and Shendish Manor boundaries, and dedication of Home Wood both sides of Featherbed Lane as public open space. The existing footpath 73 which crosses the site would be diverted around the green corridor to link up with the Shendish boundary and also further extended to link up with Featherbed Lane near junction with the A41 overbridge. Existing significant tree belts on the site would be retained within the overall layout. An area of land adjacent to Two Waters Primary School is shown as a “reserve site”.

The proposal involves the construction of vehicular access to the site from the top of Featherbed Lane near its bridge over the A41, and from King Edward Street. Capacity improvements to the highway network that serves these two points are included in the application and, in detail, these comprise the following:

- Improvement works to the junction of Featherbed Lane with London Road, Apsley; to provide a left turn only facility for traffic entering London Road and a new protected right turn lane for traffic entering Featherbed Lane from the Hemel Hempstead direction.
- Changes to the priorities at the junction of Orchard Street with London Road to provide a right turn only facility for traffic entering London Road.
- A new combined vehicle/footway bridge over the railway at Featherbed Lane to provide improved traffic flow with a divided two-way carriageway.
- A new junction arrangement (“Swan Neck”) between King Edward Street and Featherbed Lane to provide improved visibility and safety.
- Widening works to the bottom “unimproved” part of Featherbed Lane to provide improved visibility and traffic flow.
- A new roundabout junction at the top of Featherbed Lane to facilitate site access.
- Improvements to the existing pedestrian footbridge over the railway at Kents Avenue to provide ambulant access.

To enable consideration of the means of access, detailed plans of the entire “off-site” highway works have been submitted with the application, together with a Traffic Impact Assessment (Appraisal of Highway and Traffic Issues by MJA Consulting, and Road Safety Audit Stage 1 by TMS Consulting). In addition, there is an overall location plan with the site outlined in red.

With regard to the rest of the development, detailed site layout plans have been submitted, together with elevations and floorplans of all the dwelling types. Axonometric drawings and street scenes of the principal frontages have also been submitted. Documentation in support of the application comprises the following:

- Statement to Accompany Planning Applications by Boyer Planning
- Phasing Programme by Bloor Homes

- Design Statement by RBA dated Nov 2005
- Sustainability Statement by RBA dated Nov 2006
- Energy Efficiency and Water Conservation Statement by RBA dated Nov 2005
- Appraisal of Drainage Issues by MJA Consulting dated Sept 2004
- Landscape Appraisal Report by Cooper Partnership
- Landscape and Ecology Strategies and Management Plans by David Fountain Designs
- An Archaeological Evaluation by Archaeological Solutions
- Tree Survey by JBA dated 25 April 2006
- Tree Schedule by JBA dated 26 April 2006
- Tree Survey Drg. No. JBA05/41-TS01 rev. B by JBA
- Arboricultural Impact Assessment and Method Statement by JBA dated April 2006
- Arboricultural Implications Assessment Drg. No. JBA05/41-TS01 rev. B by JBA
- Ecological Appraisal by Green Environmental Consultants
- Ecological Survey by JBA dated 8 July 2005
- Management Statement. General Landscape Management Operations for the Open Spaces by JBA dated 20 June 2005
- Woodland Management Strategy by JBA dated April 2006
- Detailed Open Space Proposals Drg. Nos. JBA05/41-05 to 11 by JBA
- Location Plan Drg. No. JBA05/41-12
- Landscape Design Code by JBA received 15 Dec 2005

On 5 October 2004, the local planning authority adopted a screening opinion to the effect that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Accordingly, an environmental statement was not required for this development.

This document was later superseded to take account of the removal of dwelling numbers in the outline application in accordance with legal advice from Cunningham John Solicitors. A similar conclusion was reached; that the application need not be accompanied by an Environmental Impact Assessment.

It is considered that in view of the above information it is not considered necessary to review the screening opinion accompanying the full application to take account of a minor shift from 335 to 325 dwellings.

### **Relevant Planning History**

The Development Control Committee resolved to refer the outline application for residential development on this site (4/02329/04/OUT) to the Office of the Deputy Prime Minister on 10 March 2005 in accordance with the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000.

On 6 May 2005, the Government Office for the East of England confirmed that the intervention of the First Secretary of State would not be justified. In accordance with the resolution of the Development Control Committee the application is now currently delegated to the Development Control Manager with a view to approval subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990. This agreement is currently awaiting completion.

The outline application dealt with issues relating to the means of access to the site and the principle of residential development on the site. All other matters were reserved.

The following other applications are considered to be of relevance to this application:

4/01126/05/FUL – Planning permission has been granted for the development of seven flats at

235-237 London Road, Apsley. This incorporates the demolition of the property and improvements to the junction of London Road and Featherbed Lane.

4/02920/04/FUL – This application involved the construction of a retail unit and managers flat on land adjacent to Featherbed Lane and to the rear of 8-16 Manorville Road, Hemel Hempstead (also known as the swan neck). This application was withdrawn following objections from local residents, Hertfordshire Highways and the Architect's Panel.

4/02405/04/OUT – Proposed mixed-use development comprising residential development, retail units, a GP surgery and highways works (Blocking up Storey Street and providing a link between Weymouth Street and London Road) at 177-191 London Road, Apsley and land comprising public car parking (Local Plan Proposal Site TWA 8). This application has been delegated with a view to approval subject to the completion of a S.106 agreement.

4/01895/04/FUL – Proposed development of eight flats at 235-237 London Road, Apsley. This application was withdrawn following discussions with the case officer.

4/01851/01/OUT – Permission was granted for the development of a two storey office building at 235-237 London Road, Apsley. This included the demolition of 235-237 London Road, Apsley and improvements to the London Road and Featherbed Lane junction. This permission has not been implemented.

## POLICIES

### **National policy guidance**

PPS 1, PPG 2, PPG 3, PPS 9, PPS 11, PPG 12, PPS 12, PPG 13, PPG 15, PPG 16, PPG 17, PPS 22, PPS 23, PPG 24 and PPG 25

Environmental Impact Assessment Regulations 1999

Circulars 15/92 (Publicity for Planning Applications), 2/93 (Public Right of Way), 11/95 (The Use of Conditions on Planning Permissions), LAQM.G4 (97) (Air quality and Land Use planning), 6/98 (Planning and Affordable Housing), 02/99 (Environmental Impact Assessment), 08/00 (Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000), 04/01 (Countryside and Rights of Way Act 2000), Planning for Access for Disabled People: A Good Practice Guide, 01/05 (The Town and Country Planning (Residential Density) Direction 2005), 05/05 (Planning Obligations) and 06/05 (DEFRA Circular to accompany PPS 9).

### **Draft Regional Spatial Strategy for the East of England (RSS 14)**

Policies SS1, SS2, SS3, SS7, SS8, SS12, SS13, SS14, SS16, E1, H1, H2, H3, T1, T11, T12, T13, T16, ENV1, ENV2, ENV3, ENV4, ENV5, ENV7, ENV8, ENV9, C3, C4 and C5.

### **Hertfordshire Structure Plan Review 1991 - 2011**

Policies 1, 2, 5, 6, 8, 9, 10, 11, 22, 23, 25, 26, 27, 28, 29, 39, 40, 41, 46, 47, 48, 49 and 57

### **Dacorum Borough Local Plan 1991 - 2011**

Policies 1, 2, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 49, 50, 51, 54, 55, 58, 61, 62, 63, 64, 67, 69, 70, 72, 73, 76, 79, 80, 96, 98, 99, 100, 101, 102, 103, 107, 111, 113, 115, 116, 118, 122, 123 and 124

Two Waters and Apsley Insert



Appendices 1, 3, 5, 6 and 8

### **Supplementary Planning Guidance**

Environmental Guidelines Sections 1, 2, 3, 4, 9 and 12  
Manor Estate Development and Design Brief

### **Supplementary Planning Documents**

Eligibility Criteria for the Occupation of Affordable Housing  
Energy Efficiency and Conservation  
Water Conservation

#### **Bibliography:**

Affordable Housing Strategy 2005-2007  
Dacorum Borough Local Plan 1991-2011 Annual Monitoring Report 2003/04  
Dacorum Borough Local Plan 1991-2011, Public Local Inquiry, Inspectors Report Volume 2  
Indoor Facilities Assessment Report (March 2006)  
Indoor Facilities Strategy and Action Plan (March 2006)  
Social and Community Facilities Background Study (January 2006)  
Urban Design Assessment – Hemel Hempstead (January 2006)

### REPRESENTATIONS

Please see annex.

### CONSIDERATIONS

#### **Policy and Principle**

The Structure Plan requires the provision of 65,000 dwellings in the County over the period 1991 to 2011. The provision for Dacorum Borough is 7,200 dwellings, including 1000 dwellings on the edge of Hemel Hempstead. The Structure Plan EIP Panel in March 1997 concluded that the Manor Estate would be appropriate as a housing allocation to contribute towards meeting the Structure Plan requirements for Hemel Hempstead.

The site was incorporated in the Local Plan housing site allocations following the recommendations of the Local Plan Inspector who justified the particular boundaries of the site on the grounds that they would secure a defensible long-term green belt boundary. Policy 16 of the Local Plan encourages the development of housing to meet the district housing allocation described above and identifies a number of sites for such development over the period 1991 to 2011 through an attached housing site schedule. The site is identified in the Two Waters and Apsley Insert and housing schedule as TWA3 and TWA4. These indicate a net capacity, respectively, of about 30 and 270 units of which 33% should be for affordable housing. The site additionally includes land covered by Proposal sites TWA21 (open space, leisure and woodland retention at Home Wood East) and TWA22 (Home Wood West).

The development of the Manor Estate is one of a number of connecting developments within the Apsley area. These works go hand-in-hand with infrastructure improvements, including the demolition of 235-237 London Road and a new railway bridge. The Local Plan includes these proposals under TWA14 and TWA15.

Proposals TWA3 and TWA4 state that comprehensive planning is to be provided by a development brief. General principles set out under TWA3 and TWA4 indicate that the area is to be planned comprehensively to include, inter alia:

- Housing generally of two-storey height, with a significant proportion of 1 and 2 bedroom properties.
- “Off-site” highway improvements.
- Improved railway crossings.
- New bus route.
- Access from Featherbed Lane and King Edward Street.
- Contribution towards education facilities.
- Affordable housing.
- Provision of public open space.
- Retention of Home Wood including access and management arrangements.
- An archaeological evaluation and mitigation measures.
- Comprehensive landscape design to establish a new Green Belt boundary and create a buffer with Shendish.
- Retention of existing hedgerows and rights of way.
- Better access and parking for Two Waters JMI school.
- Housing designed to take account of noise from the A41 and railway, and
- Other environmental and ecological enhancements.

The principle of residential development on this site has therefore been established in the Local Plan.

The Manor Estate Development and Design Brief was adopted in April 2004 to guide the detailed planning of the site. The Development Brief provides detailed guidance for the provision of approximately 300 dwellings on two sites; 270 on land covered by TWA4 and 30 on land covered by TWA3. The key objectives of the brief are to:

- Provide supplementary planning guidance to all parties;
- Respond to the land form, visibility and features of the site and identify key areas where particular attention needs to be paid to the scale, massing and orientation of development;
- Establish the infrastructure requirements of the development and its phasing including safe and attractive cycle and pedestrian routes;
- Identify measures intended to integrate the new and existing development in the locality;
- Provide a mix of dwelling types and sizes and allow for integration of affordable housing within the community;
- Provide the context for a comprehensive development;
- Create a landscape setting that provides amenity for residents, protects and encourages ecological diversity and meets engineering needs for sustainable drainage systems;
- Meet the needs of the residents in safe and accessible places;
- Ensure that the development conforms with Local Plan policies.

The Development Brief first identifies the existing site constraints and opportunities. It then provides a concept masterplan that demonstrates how the extension to the urban area is expected to be designed and form part of the local community, including key structural land uses like open space, housing blocks, access and transport corridor. The masterplan provides the broad framework for more detailed guidance on the different aspects of urban design, including access and movement, density and landscape strategies. The range of community benefits to be provided by the developer is set out within the brief.

### **Density and Land Optimisation**

PPG3 (Housing) requires land to be used more efficiently and promotes higher quality development. It advocates densities of between 30 and 50 dph with a greater intensity of development at places with good public transport accessibility. Anything below 30 dph would be classed as an inefficient use of land.

Policy 10 of the Local Plan seeks to secure the optimum use of land in the long-term by requiring all development to meet a number of criteria. Inter alia, general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan and, in particular, building development should make optimum use of the land available, whether in terms of site coverage or height.

Policy 21 of the Local Plan states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare.

The Development Brief does not set out any overall density to be achieved. It does state that in order to deliver approximately 300 units the form of development will have to be relatively urban in nature. The Brief envisages densities being higher (30-35 dph) along the public transport corridors but within more sensitive areas, such as around the proposed village green, lower densities will exist.

The density of the development should be calculated in accordance with the advice contained in the annexes to Circulars 08/2000 and 1/2005. This would exclude such areas covered by distributor roads, primary schools, open spaces serving a wider area and significant landscape buffers from the area capable of accommodating development. In total, the area of the site capable of accommodating development (developable area) in accordance with this advice is 9.04 hectares. The actual density of the proposed scheme equates to approximately 36 dwellings per hectare based on this figure. This accords both with PPG3 advice and Policy 21 of the Local Plan. This means that the application need not be referred to the ODPM in accordance with the Town and Country Planning (Residential Density) Direction 2005 as the proposed density is greater than 30 dwellings per hectare.

It should be acknowledged that an increase in density does not, per se, lead to a more urban form of development. For example, a single large detached house could have the same building bulk and form as a block of 4 flats, the choice of which is dependant on market conditions at the time and the developer's preference for house types.

In the context of this planning application the proposed density, at the lower end of the scale, is considered to be reasonable, striking a balance between the current density of the Manor Estate, its urban fringe location and requirements of central government guidance to make best use of land. It accords with Policies 10 and 21 of the Local Plan.

### **Design, Layout and Visual Amenity**

The proposed layout of the extension to the Manor Estate closely follows the master-plan layout adopted in the Manor Estate Design and Development Brief. This layout is loosely based around the concept of a tree lined spine road, a surrounding perimeter open space corridor and perimeter blocks of residential development. This reflects current good practice set out in documents like "By Design" to provide a layout with good connections and small block size to encourage walking and cycling, and a perimeter block layout whereby buildings front the streets in the interests of safety and security, reduced traffic speeds and a more vibrant public realm.

### *Character*

The existing Manor Estate comprises approximately 330 dwellings. There are a number of different styles of residential unit amongst the existing housing stock. King Edward Street and central Apsley have a strong Edwardian influence and these properties probably form the most attractive elements of the current estate. A more modern form of development is located at Edward Court immediately adjacent the site entrance off King Edward Street. A number of bungalows dominate the upper sections of High Ridge Road. Many of these properties have

been developed on an ad-hoc basis with significant roof extensions diminishing their architectural integrity. This has produced a fairly poor quality of architecture in places. High Ridge Road features properties from the pre-war period. It is important to note that the character of the existing Manor Estate does not stem simply from its architectural styles and height, but is a combination of this and of landscape and topographical features, perimeter block layout, enclosure, roof articulation, materials and grid form.

The Manor Estate extension takes on board many of these characteristics, adapting them to suit the constraints of the site, and planning requirements (e.g. density). These include a grid form of streets, perimeter block layout, continuity of street frontage, predominance of two-storey development, use of brick and tile, appropriate articulation of roofs. It is acknowledged that there are flats and 3-storey development. However, it is not considered that these would be harmful in any way to the existing Manor Estate. It must be recognised that the construction of new bungalows is unusual, principally as this is an inefficient building form in terms of the maximisation of the use of land.

During the course of the application, a number of concerns were raised by officers to the quality of the urban design and of the detailed design and appearance of the dwelling types. Revised plans address these issues.

A traditional style of dwelling has been used through the development of the extension to the Manor Estate. The design of these new properties will provide some continuity with the existing estate through the use of materials and traditional details. However it is considered of greater significance that a consistent style is used throughout the proposed scheme and that the design of these units is attractive in their own right. The affordable housing is designed using the same architectural details and palette of materials to ensure that it is indistinguishable from open market units, and officers are satisfied the proposals will not lower the quality of the development.

### *Focal Squares*

The development comprises a network of 'dynamic spaces' (streets and paths) and static spaces (squares and greens). A series of "home zones" spring from the main spine route. Such "home zones" are designed with shared surfaces. The ambiguity and lack of clarity in road priorities, which is enshrined within the "home zone" concept, work to both reduce speed and increase awareness of other road users to the overall benefit of safety. They also produce tight intimate and attractive residential areas and the sense of enclosure required by the Brief.

In contrast, the spine road is wider, but taller buildings along its route do provide an appropriate sense of enclosure. This main street, with its grass verges and tree planting, opens up to form three focal squares adding interest to the street scene and providing a sense of place in accordance with the Manor Estate Design and Development Brief. Such details as surface treatment, enclosure and landscaping are explained in the Landscape Design Code. The spatial hierarchy is reinforced with concentrations of development along the main routes.

### *Landmarks and Height*

The proposed development will provide an appropriate mix of two and three storey properties through the estate. This accords with the Manor Estate Development and Design Brief. In particular, attention has been paid to the diagrams and photographs on pages 31 and 36-38 of the Brief, which gives clear guidance as to locations where height may be increased to offer urban design benefits.

Three storey buildings have been used along the spine road and at key strategic locations to act as visual stops, add interest to the street scene and provide a denser mix of accommodation to assist a sustainable bus service. Higher buildings have also been provided where topography

can be utilised at the eastern end of the TWA4 site. The additional height of such buildings would not be harmful to the character and appearance of the area.

There has been a sensitive treatment of building height adjacent to existing properties within the Manor Estate with the use of two-storey properties or significant space between properties.

Residents of the Manor Estate have expressed concerns regarding height and consider a greater use of bungalows would be more appropriate both in terms of the impact upon amenities and character of the estate. It is considered that bungalows would not provide an effective use of land in accordance with PPG 3 as they often require a greater footprint to provide satisfactory accommodation. In your officers' experience and as demonstrated by properties at the end of High Ridge Road, they often result in pressure for extensions within the roof space with considerable harm to their appearance and that of the street scene. This would conflict with the aesthetic requirements of the Brief.

### *Amenity*

Generally the provision of outdoor amenity space reflects the size and type of residential unit provided with a minimum garden depth of 6.5m (Plot 83) and a maximum garden depth of 18.5m (Plot 99). Larger dwellings have gardens of typically 13m -16m in depth. Gardens of smaller depth meanwhile are often compensated for by increased width to provide a functional amenity space. Generally amenity space is considered to be adequate in size to meet the needs arising from the particular dwelling. In addition, it should be noted that all residents have access to the green corridor around the perimeter of the site. This conforms to the requirements in Appendix 3 of the Local Plan for a range of garden sizes to cater for different family compositions, ages and interests.

A significant proportion of dwellings would not meet a minimum garden depth of 11.5m. This reflects the number of small residential units on the application site and is affected by the elongated nature of the application site. However, amended plans address the worst cases. In any individual circumstance, a marginal shortfall from the standard has not been considered materially harmful, provided minimum overlooking distances are maintained or loss of privacy is mitigated by design. It should be noted that on appeal Inspectors have not been found amenity space to be instrumental in the success or otherwise of an appeal. Conditions are recommended with regard to obscure glazing as necessary and removal of permitted development rights.

### *Flatted Development*

There are nine flat blocks on the application site, which have specifically been designed to meet affordable housing requirements. The majority of flats are located near the railway lines and have been designed to reflect the changes in gradient across this part of the application site. Other pockets of flats exist to the rear of properties on Manorville Road (TWA3) and between the school and High Ridge Road. These flats are considered to be satisfactory in terms of the design, layout and amenity space reflecting the advice contained in Appendix 3 of the Local Plan

The design of flats on TWA3 (Plots 6-11 and 12-17) had been criticised by officers. These have been redesigned and have been enhanced through a simple brick treatment to elevations and improved fenestration details. These blocks range between two and half and three storeys in height reflecting changes in topography across the site. A reasonable amenity area is provided to the side and rear of each block. Bin and bike storage facilities are also provided.

### *Boundaries and Surveillance*

The design and siting of boundary fences, walls, hedges etc is an important component of the

design of this new urban extension. A key concept of the Development Brief is to make a clear distinction between public and private space to give a clear sense of ownership and stewardship. Front boundary walls, railings and hedges are a defining feature of the existing Manor Estate and are carried through to the new estate. A good overall level of enclosure is shown on the plans. However, full details will be required by condition. In particular, robust walls will be required where gardens back onto public or semi-public areas, and an appropriate condition restricting permitted development for fences etc so that natural surveillance of public areas is not compromised. Amended plans satisfactorily address issues of 'dead' space by appropriate introduction of ground floor windows to overlook car parks and other public spaces and the general provision of active frontage wherever possible in the interests of security.

### *Details of Design*

A number of more detailed design issues with each of the residential units are addressed through the provision of the latest amended plans as a response to detailed comments of the 9<sup>th</sup> March 2006. These relate, inter alia, to porch details, balance and proportion of fenestration, roof articulation, materials etc. Some of the concerns raised in relation to individual properties remain outstanding. However, officers are now generally satisfied with the design of each of the 28 dwelling types and do not consider the outstanding issues, which are perhaps more subjective matters, sufficient to withhold the grant of planning permission. Details of fenestration, rainwater goods, fascias etc will need to be approved by condition. A condition requiring compliance with the approved plans is also recommended to ensure that there is no progressive dilution of the approved building forms.

### **Affordable Housing**

The Dacorum Borough Local Plan 1991-2011 seeks to secure an annual rate of 125 affordable housing units. Since the beginning of the plan period and up to April 2004 only 1,079 units of affordable housing have been provided. This represents an annual delivery rate of only 83 units over the thirteen years period 1991-2004.

Over the last three years monitored (2001-2004), the rate of provision has significantly dropped to an annual rate of 55 dwellings. In other words, the actual rate of provision is only half of that sought in policy terms. This has produced a significant shortfall in the delivery of affordable housing.

The shortfall in affordable housing can be put down, to some degree, to the slow delivery of key housing proposal sites. The development of the Manor Estate is important strategically to the affordable housing supply representing a major housing site for Dacorum. As such it is considered vital that a large proportion of affordable housing is provided through this development.

The Manor Estate Development and Design Brief and the targets set out in the Schedule of Housing Proposal Sites within the Local Plan dictate the level of affordable housing sought in the development of this site. Both documents would seek the provision of 33% affordable housing on this site. However this does not prevent the developer providing additional affordable housing as part of a comprehensive scheme of planning benefits.

The most recent Housing Needs Survey carried out on behalf of the Council by David Couttie Associates (2004) developed actions to be carried forward in the Affordable Housing Strategy 2005-2007 (approved by Cabinet in December 2004). One key recommendation was to negotiate higher rates of affordable housing on all sites. This recommended that an average of 40% should be provided in line with planning policies of other local authorities. A policy of this nature would help address the current affordable housing shortfall.

Discussions with the Developer, the Head of Housing and case officers have agreed the

provision of 35% affordable housing with a broad tenure split of 60:40 between rent and shared ownership units. This should secure the provision of 114 affordable housing units on the site. As such it forms a significant proportion of the required annual supply (91%).

There are clear concerns regarding this level of provision from the local community, however the negotiated position is considered to provide a suitable compromise between the desires of local residents and the overall aims and objectives to supply a larger proportion of affordable housing.

Residents and the Head of Housing have raised concerns about the mix of tenure and the lack of “pepper potting”. Amended plans locate the affordable housing in five pockets (previously 4) within the application site and split between the TWA3 and TWA4 sites. It is important to distribute the affordable housing throughout the site in the interest of social inclusion and to avoid the creation of ghettos or areas of deprivation. However, this ‘pepper potting’ of affordable housing needs to be carefully balanced against issues of management and maintenance for the Registered Social Landlord (RSL). In this case, the RSL has expressed concerns regarding a greater division of affordable housing blocks. Acknowledging this concern it is considered that affordable housing units are now reasonably distributed throughout the site, albeit some areas are larger than initially envisaged. The tenure split would be a matter for the Housing Services Manager.

The comments of the Head of Housing on the latest revised plans will be reported orally at the meeting.

Concerns are raised that the affordable housing has been located in the least desirable areas, i.e. at the bottom of the hill. It is a matter of debate as to whether this is the least desirable, as it also has distinct advantages in terms of accessibility. It is acknowledged that the location of the flatted development and taller buildings has responded to the constraints of the site and requirements of the Development Brief to locate such housing sensitively with regard to landform, edge of site characteristics and green belt views. However, it is only considered to be coincidence that a proportion of the affordable housing is also accommodated within the taller blocks.

### **Open space and leisure**

Policy 76 of the Local Plan requires developments of over 25 dwellings or 1 ha in area to provide public open space in accordance with National Playing Fields Association (NPFA) standards which should be well located and purposefully designed incorporating landscaping, play equipment and other features as necessary. Such open space should be offered for adoption by the local authority with an appropriate commuted sum to cover maintenance.

There are two principal areas of open space to be secured as part of the extension of the Manor Estate. TWA21 seeks the provision of informal leisure space, retention and provision of pedestrian routes, retention of woodland and environmental improvements on land adjacent to Featherbed Lane and the A41 (including Home Wood East). TWA 22 is closely linked to this and relates to the retention of ancient woodland and environmental improvements at Home Wood West. In addition to these specific areas, TWA4 requires a comprehensive landscape design to establish, inter alia, a new Green Belt boundary and create a buffer with Shendish. An overall Management Plan for landscape design, ecological enhancement and future management of the areas is required.

The Development Brief sets out the specific requirements for play provision and useable open space within the development in accordance with the NPFA standards. As well as an area of informal open space to be created adjoining Home Wood, a number of formal equipped/unequipped play spaces must be provided, including a “village green” that should incorporate a junior-sized football pitch. A 20 metre buffer corridor adjacent to the southern

wooded margins of the site with Shendish is a requirement which should reflect the community's desire for a "sledging slope", as well as access around the estate, informal access and footpath links to the wider countryside.

In considering the outline application, concerns were raised about the adequacy of open space provision shown on the illustrative layout. In particular, concerns were raised by the Parks and Open Spaces Manager about the adequacy of the neighbourhood open space to accommodate:

- a junior-sized football pitch,
- a neighbourhood equipped play area (NEAP),
- adequate boundary planting to create the necessary wildlife corridor, and
- grassland of sufficient area to be maintained to a level of local nature conservation value.

Concerns were also raised regarding the width of the green corridor to accommodate the requirements set out within the various submitted documents, viz:

- long grass habitat creation varying in width between 3 and 6 metres,
- footpath/cycleway links,
- additional tree planting to create an avenue effect,
- maintenance of recommended buffer widths, and
- 1 metre cut margins as required adjacent to footpaths.

The narrow width and overhanging trees were also considered to compromise space for the provision of a "sledging slope". These and other concerns were echoed by Trees and Woodlands, and by Hertfordshire Biological Records Centre (HBRC) in their capacity as ecological advisor. It was also noted that Sport England raised objections to the amount of open space as assessed against NPFA standards. The overall recommendation from these consultees was that the width of the green corridor should be increased and that additional margins should be provided around the "village green", together with space for the provision of a NEAP.

In response to these concerns, amended plans have been submitted. A 20 metre width of green corridor is now shown to the Shendish boundary and the neighbourhood open space (village green) has been increased in size sufficient to accommodate a junior-sized football pitch. A NEAP is also accommodated adjacent to the village green, split into two separate areas with the nearest one located 16 metres from the nearest property Plot 247. The issue of the proximity of the replacement play area (LEAP) to residential properties at the end of King Edward Street has been resolved through its relocation adjacent to the railway line. The present play area adjacent to the end of King Edward Street will, however, need to be purchased from the Council and the restrictive covenant released before any development commences. Temporary relocation of the play area is required for the duration of the construction works, and this will need to be secured by a s.106 agreement. Provision for a "sledging slope" is shown near the 'village green'.

The boundary between public, semi-public and private areas in the green corridor has been clarified by the use of knee rail fences, footpaths and hedges. However, officers have concerns about the urbanising effect of these on the green corridor and consider that further amendments will be necessary. The potential for vehicles parking on the open spaces is recognised, but it is considered that a high or double kerb design could be used to deter such behaviour. Footpaths in the green corridor have been rationalised, although now perhaps excessively so. Given that the Council will adopt these areas, the layout of these facilities will be important from a management point of view. As submitted, the Parks and Open Spaces Manager has raised a number of concerns about details of species, fencing and street furniture etc. These reflect many of the case officers' concerns but do not affect the overall layout or extent of open spaces



proposed. Further meetings are scheduled with the applicants to iron out the finer details. In the absence of satisfactory amended plans, it is recommended that the open space plans not be approved and that further details be required as a condition.

Contributions (£3000) for a community-planting event are to be the subject of a s.106 agreement. However, at the time of writing, no specific area appears to have been designated as requested by the Parks and Open Spaces Manager. Unless satisfactorily resolved, details will need to be submitted as a condition.

The transfer to DBC of the proposed public open space areas, including Home Wood, LAPS, LEAPS and NEAPS will need to be secured by way of a s.106 agreement. The areas will need to be properly landscaped and equipped before transfer with a properly costed and detailed Management Plan for their landscape design, ecological enhancement and future maintenance (see below). Financial contributions for their continued management after transfer is a requirement of transfer and will also need to be secured as part of the s.106 agreement.

### **Management Plans**

The Parks and Open Spaces Manager raised concerns at the outline stage about the adequacy of the submitted Management Plan received at the outset of the full application in December 2004. The Plan was considered to be very generalised in approach, poorly laid out and did not provide costings or any programme of works. It was not considered to be a suitably professional document that could be followed. As the cost of works need to be known to enable financial contributions for ongoing maintenance purposes to be calculated, the preparation of a satisfactory Management Plan will be an essential pre-requisite to the grant of planning permission and will need to be secured as part of a s.106 agreement.

In response to these concerns, which were also picked up by the Trees and Woodlands Manager and HBRC, an amended Management Statement by James Blake Associates was received in December 2005 providing general landscape management operations for the open spaces. This document provides a schedule of all required maintenance regimes, operations and works necessary for the satisfactory management of existing and new landscape elements and habitat areas to be adopted. It is also said to double as a tender document for the Authority in seeking subsequent maintenance contracts.

In addition, in response to concerns by the Trees and Woodlands Manager, and the ecological advisor at HBRC a Woodland Management Strategy by James Blake Associates has recently been submitted. The Strategy provides guidance for the future management of Home Wood (south of Featherbed Lane) and its cost-effective sustainability in the long-term. The integrity of the existing woodland has been assessed and the long-term management strategy recommends potential improvements including planting and wildlife enhancement measures, including bio-diversity. This is stated to enable the woodland to become a significant amenity resource for the development and the wider community.

The Parks and Open Spaces Manager, Trees and Woodlands Manager, and HBRC have been consulted about these documents. Concerns are raised that these documents still do not provide satisfactory guidance for the day-to-day maintenance and long-term management of the open spaces and woodland. In particular, neither document provides detailed costings or details of what works are required when and where. The Woodland Management Strategy, in particular, only includes part of Home Wood. In the circumstances, it is recommended that these documents not be approved and that further details be required as a condition or preferably sought prior to the grant of permission.

### **Trees and Landscaping**

Based on the scheme submitted in December 2004, a number of in-principle objections were

raised by the Trees and Woodlands Manager to the submitted proposals. The principal issues related to the adequacy of the buffer zones to accommodate the proposed planting regimes. These reflected closely the concerns raised by the Parks and Open Spaces Manager and HBRC. They were reported to the Committee in March 2005 in relation to the outline application.

Amended layout plans and landscaping proposals were submitted in December 2005. Following a further period of formal consultation and neighbour notification, additional amended plans and documents were received in April/May 2006 to address a number of discrepancies, urban design issues and objections received from neighbours and consultees.

In response to these concerns, the following additional and revised plans have been received from the consultants James Blake Associates:

- Tree Survey and Schedules
- Arboricultural Impact Assessment and Method Statement
- Tree Survey drawing No. JBA05/41-TS01 rev. B
- Woodland Management Strategy
- Detailed Open Space Proposals drawing Nos. JBA05/41-05 to 11

In addition, there is an A3 Landscape Design Code brochure.

In accordance with the strategic aspirations of the Development Brief, the landscape proposals provide, inter alia:

- A continuous woodland and wildlife corridor between Home Wood and the boundary with Shendish Manor. This is shown to be provided by a mixture of tree planting in groups with an under-storey of native whip and shrub planting, together with long grass and short grass wildflower areas.
- Green corridor adjacent to the Shendish boundary an average of 20 metres wide. This provides for the retention of the existing hedge and tree belt on the boundary, together with the provision of short grass seeded areas with bulb planting groups and trees.
- New planting designed to extend Home Wood and the visual buffer provided by Home Wood to views into the site from the A414 spur road. This off-site proposal is a requirement of the Development Brief which will need to be secured by way of a s.106 agreement.
- Protection of important ecological and hedgerow features with buffer zones. These relate principally to the "preserved tree belts" that currently divide the site into three distinct fields. These are shown to be protected both by their exclusion from development and, during the course of construction works, by appropriate fencing. These areas will be transferred to the Council as part of a s.106 agreement and therefore subject to an element of control.
- A strong internal landscape framework including avenue planting along the principal street corridors. This is shown on the principle layout plans, but officers are concerned that this concept has not been successfully carried over to the detailed landscape drawings. As a result it is considered that the intended avenue planting is now substantially watered down and loses any strong sense of visual separation of the green corridor and its associated linear walk from the roadway. The visual enclosure of this area and the open space overlooked by Plots 201 to 204 is compromised.

Within this basic framework, more informal planting is proposed within the residential streets, 'home zones' and focal squares providing for both traffic calming and relief from on-street parking. This is in accordance with the desires of the Development Brief to create quiet pedestrian friendly residential areas. Hard and soft landscaping proposals are shown on the revised plans for the adoptable areas only.

In accordance with the requirements of the Parks and Open Spaces Manager, the diverted footpath 73 is to be surfaced as a 2 metre wide footpath and sited away from adjoining

residential areas with as few links as possible to ensure that the green corridor retains a semi-rural character. The remaining extended section of footpath would be a 1.5 metre wide rolled hoggin gravel footpath with timber edges. The Development Brief seeks a high quality of hard landscaping throughout and the submitted Landscape Design Code responds to this positively. The Trees and Woodlands Manager has requested that the status of the footpath leading to Home Wood on TWA3 be clarified as a Definitive Right of Way otherwise it could become blocked up. Similarly, clarification is requested with regard to the section in front of Plots 85 to 87 on TWA4 to ensure this does not result in a gap on the Definitive Map. These will need to be included under the recommended s.106 Heads of Terms.

Some residents have expressed concerns that a dense belt of vegetation 15 metres wide with no footpaths should be created along the Shendish Boundary in order to ensure a strong and defensible green belt boundary. However, this would be contrary to the aspirations of the Development and Design Brief 'Masterplan' of providing a greenway link for pedestrians and cycles within a linear open space. Whilst some re-enforcement of the existing tree belt will be appropriate, the provision of a dense planting belt will compromise this aim. Furthermore, the only requirement of defensibility in green belt terms is that the boundary should be clearly defined on the ground. This is achieved in this case.

A number of trees and vegetation are earmarked for removal, primarily to allow for the proposed Highway works and the principle of this at Featherbed Lane and other areas has already been accepted. The Trees and Woodlands Manager is satisfied that there would be no adverse impact from the development on any other existing trees or hedges shown for retention. The concerns of No. 85 West Valley Road are noted with regard to the loss of two trees. However, given their small size they would not be suitable for a TPO. Replacement planting around the proposed new public open space here will provide suitable compensation.

The submitted Arboricultural Impact Assessment and Method Statement recommends methods of construction and tree protection to keep the impact of the development to a minimum and states that all tree surgery and authorised felling will be carried out before any other site works. The Tree Survey shows, inter alia, a Root Protection Area (RPA) on the accompanying tree survey drawing where special construction techniques will be required and where service runs should not encroach without the consent of the LPA. Whilst tree protection is shown on the submitted plans, it is recommended that further details of siting be required by condition. Details of levels in relation to trees and adjoining property is absent from the submissions and the Trees and Woodlands Manager advises the submission of a levels plan prior to the grant of any permission. Details of all existing and proposed service runs are recommended as a condition.

On the latest landscape plans, officers are concerned that no details of landscaping are shown for the redundant area of King Edward Street that will no longer be required after the 'swan neck' is built. As a very minimum, officers would expect the tarmac to be removed and the area grassed over and shown on plans to this effect. However, officers believe that the proposals should go further and allow for hedges and tree planting (should services allow) together with footpath/cycle lane on this area. Furthermore, the road works here will result in the wholesale removal of mature trees from this corner to the detriment of the area, yet the proposed replacement tree planting is shown to be limited to a small group in the middle of the swan neck surrounded by extensive grass. This, in your officers' view, is unsatisfactory compensation and officers recommend that the proposals should be amended to re-establish the appearance of a wooded margin and the continuity of the hedgerow to Featherbed Lane rather than opening up the area with the appearance of a large "roundabout". The proposals would not be in-keeping and would result in the new houses at TWA3 being visually very exposed and prominent from a wide area.

Officers have a number of other concerns, inter alia;

- Footpath leading to Home Wood on TWA3 and in front of Plots 85 to 87 on TWA4 need to

be clarified as definitive rights of way and included within the 'footpath order'.

- Inadequate screen planting to Manorville Road properties.
- Absence of hardsurfacing details shown for the adoptable 'home zones' and residential streets.
- Absence of seating to the focal squares
- extent of knee rail fencing, which officers consider would give an unduly urban appearance to the green corridors. It would also make maintenance of the grassed areas more difficult for the contractors.
- Estate signage monuments at the entrance to the estate from Featherbed Lane are considered an inappropriate feature to this edge of urban site.
- Dominance of the proposed bus stop, which would both be emphasised by the additional hard surfacing and formal planting around it, and restrict the width and continuity of the green corridor.

Furthermore, both the Trees and Woodlands Manager and Parks and Open Spaces Manager have highlighted a number of concerns relating to the planting regimes, species, fencing, play equipment, street furniture, management operations etc. In the circumstances, officers do not feel that it would be appropriate to recommend the grant of permission without the satisfactory receipt of amended plans to address these issues. A landscaping condition is recommended with regard to the remainder of the development.

### **Ecological considerations**

The site contains some important ecological features including Home Wood and substantial hedgerows within and on the edge of the site, meeting the requirements of the Hedgerow Regulations 1997. These features are to be retained and a Management Plan to be prepared for their maintenance and enhancement in accordance with the requirements of the Development Brief.

The applicants have submitted further Ecological Surveys and Appraisals, Tree Survey details, a Woodland Management Strategy and Landscape Management information over recent months to address issues raised in initial consultation exercises including the detailed objections raised at the outline application stage.

#### *Grasslands*

Grassland is typical lowland grassland of limited interest, or tall and weedy with evidence of sowing with non-native commercial grasses. A habitat survey of the grassland has however revealed that the presence of some rare grassland and it is considered that the translocation of suitable species into areas within the landscaping scheme may be appropriate. Where possible the applicants propose that these important grassland areas be allowed to remain in-situ. However, this is unlikely to be successful given the likely levels of construction activity.

The majority of the grassland community on lower Maxted Fields is suitable for translocation into landscape schemes and this is preferable in terms of wildlife value, to the creation of new amenity grassland. The translocation of large deep turfs, centred on key species and diverse assemblages is considered an effective method of moving plant communities and is suitable to safeguard uncommon species or augment existing grassland communities with species which are missing or found at low frequencies. The advice of Hertfordshire Biological Records Centre is that this method is likely to prove impractical. They consider that translocation should involve the collection of seed to be spread upon the prepared receptor site. A suitable methodology for the translocation of grasses will need to be discussed further and a methodology statement should be provided and implemented prior to the commencement of development upon site. This should be required by condition.

A survey and method statement is also required to establish any opportunities for translocation

of any quality grassland to other areas within the site. Further planting is required at the Featherbed Lane access point to mitigate against the break in hedgerow continuity in order to maintain a continuous wildlife corridor. Account of other wildlife such as bats must also be taken into consideration. Crucially, the Development Brief requires, inter alia, the creation of a continuous woodland and wildlife corridor between Home Wood and the open and wooded margins of Shendish, retention and reinforcement of existing important hedges within the site, and protection of important existing ecological features with appropriate buffer zones.

### *Protected Species*

Initial species surveys were undertaken during February, which is not an appropriate time to survey for breeding birds, insects and plants. Hertfordshire and Middlesex Wildlife Trust recommend that further surveys be undertaken as a condition of any permission to determine whether reptile species and bats are present. Further survey works have been undertaken to identify whether protected species exist within the site.

Species surveys have identified the following:

*Lizards* - Common lizards have been found on the rough grass field margins of TWA 4. The majority of grassland is sub-optimal for reptile species and their occupation of the site is therefore likely to be tightly confined. These will need to be relocated and the site secured prior to the commencement of development. It is recommended that this be required by condition.

*Bats* – The site boundary provides important foraging habitat for bats. Potential bat roost habitats are present in mature and dead trees in Home Wood and to a lesser extent to site hedgerows. These areas are to be protected and effectively managed as a result of the application. In particular the south east boundary remains largely untouched by the development proposals and to some extent will be supplemented with works to the green corridor.

*Badgers* - A number of residents have also alleged that badgers are present on the site. These are protected species and as such detailed survey work has been undertaken. The latest Ecological reports indicate that although no badger setts were located within the site, badger activity was identified within the hedgerow subdividing TWA 4. It is clear that badgers are using fields and hedgerows within the site for foraging. The identified foraging areas are to remain undeveloped and badgers will naturally forage elsewhere as a result of development. HBRC do not consider that the impact of development upon foraging areas will be substantial nor cause justification for further amendment to the layout plan.

Hertfordshire and Middlesex Wildlife Trust have identified active setts in Cocks Head Wood approximately 10-15m from the site boundary. This will restrict construction activity adjacent to this area. The precise requirements are to be confirmed and will need to be suitably controlled in accordance with any advice received.

### *Home Wood*

Home Wood is an identified wildlife site, an area of semi-natural ancient woodland. This woodland is to be transferred to DBC and the opportunity exists to improve both the management of this wood, create public access and improve its ecology.

Home Wood and adjoining grasslands will be enhanced through the management proposals to include a natural extension to the woodland, translocation of species-rich grassland from TWA4 and by creating links with new wildlife habitats within landscape schemes. The Hertfordshire and Middlesex Wildlife Trust endorses the proposals to protect Home Wood with a buffer zone and to extend the existing woodland area. Policies ENV3 and ENV4 would also encourage effective management of the woodland and the enhancement of woodland areas, as would Policies 99, 100 and 101 of the DBLP.

A detailed management strategy for the woodland has been supplied. However, officers are not satisfied with the approach used. Details, which remain unresolved at the time of writing, will be reported orally at the Committee Meeting. These will be effectively negotiated to the satisfaction of the Landscape Section of the Council as a requirement of the s.106 agreement or provided in accordance with conditions. Such details will not affect the general layout of this application.

Amendments to the plans have improved the relationship between the dwellings upon TWA3 and Home Wood to address the concerns raised by HBRC with regard to the proximity of built development. This appears to meet the required distances for tree protection although there is a need for this to be confirmed by the Trees and Woodlands Manager.

### *Green Corridor*

The green corridor has been increased in size from its initial size to provide a relatively consistent depth of 20m in accordance with the wishes of HBRC. This is considered to meet the requirements of the Brief in relation to the width and requirement to have a green corridor around the perimeter of the site.

### *Conclusion*

It is considered that the major ecological issues emerging from this application can be dealt with by condition. A s.106 legal agreement would be sufficient to secure the preparation of a fully detailed and costed Management Plan that both informs the required amounts for commuted payments and provides an ongoing maintenance plan. Some of the management plan requirements have already been prepared as part of the processing of this application and should be append to the S.106. Home Wood will be transferred to DBC and managed in accordance with the recommendations of the Management Plan.

Any further comments upon the implications of development upon the ecology will be reported at the meeting to reflect the advice of HBRC and Hertfordshire and Middlesex Wildlife Trust.

### **Community Facilities**

The Manor Estate Design and Development Brief seeks the provision of land/financial provision of community facilities and a possible local shop. Excluding the normal requirement for educational provision, the developers have offered a sum of £300,000 for the provision of community facilities. The following areas have been addressed:

#### *Education*

There has been significant pressure for educational places at Two Waters Primary School and those schools within adjacent neighbourhoods as a result of residential developments within the Apsley area. This is likely to be exacerbated by the residential development of the area surrounding the existing Manor Estate.

Two Waters Primary School is a popular school within Hemel Hempstead which, as of January 2005, was at approximately 97% of its capacity in terms of pupil numbers (Study of Social and Community Facilities – January 2006). The existing Two Waters School is one-form entry, and at an early stage it was recognised that it may need to be expanded to a two-form entry school with the extension of the Manor Estate. Accordingly, it is a requirement of the Local Plan and Development Brief that an area of land by Two Waters School is safeguarded as a reserve site for possible school expansion, together with a financial contribution for education.

Since this application was submitted there have been significant declines in pupil numbers. Although studies show that Two Waters School remains at or close to capacity, there is significant spare capacity in other wards within Hemel Hempstead (Study of Social and

Community Facilities – January 2006). The background study of Social and Community facilities carried out in preparation of the Local Development Framework indicates that such capacity exists on a settlement basis to accommodate such growth. Furthermore, supply would appear sufficient to accommodate a growth in dwelling numbers associated with the draft Regional Spatial Strategy for the East of England (RSS 14) The key issue would appear to be how pupils are distributed on a ward basis to address local imbalances between supply and demand.

As a result of formal consultations with the LEA it is now clear that the expected increase in pupil numbers will not justify an extension to the school site, or the addition of further classrooms. It is understood that, whilst in the short-term, there will be an increase in pupil numbers, in the long-term there will continue to be a decline in numbers. The school governors have therefore indicated that they do not wish to expand unless this could be by a full form entry. Accordingly, the LEA has no reason to request that the additional land continue to be reserved for an expansion to the school.

The County Council has however stated that they would welcome funding to reconfigure the existing car park and create pedestrian access from the new estate. It has also indicated a desire for funding to pay for a coach/mini bus for a period of 5 to 7 years following the occupation of the first houses on the estate. The reason for this is that there will be an increase in children unable to secure places at Two Waters School with a resultant increase in car journeys to schools off the estate. It is understood that the over-capacity problem would initially rise to about 70 pupils in the first year, diminishing year on year to about 10 in the 5<sup>th</sup> year. Such provision would certainly be justifiable on sustainability grounds to help alleviate the creation of unnecessary additional traffic movements and encourage alternative less damaging means of transport. Policies 1, 49, 51 and 64 of the Local Plan give support to such forms of transport on the basis of applicants entering into planning obligations to cover the costs of any measures necessary.

The developer has agreed to make financial contributions of £50,000 towards engineering works on the school site together with £300,000 to fund a school bus service. This would be additional to the £250,000 already agreed by the developer as a subsidy towards the running of a public bus service. These benefits would need to be secured by a s.106 legal agreement.

### *Medical Facilities*

It has been recognised that there is a requirement within the area for improved medical facilities to serve the needs of the expanding population of Apsley, Corner Hall and Nash Mills wards. Land has been allocated at TWA8 for Local Centre Development. Such a use would be appropriate within this area.

An application for a mixed-use development comprising such a medical facility has been approved in outline form subject to the completion of a s.106 agreement (4/02405/04/OUT). This facility would comprise of some 836sq.m on the TWA8 site.

Lincoln House Surgery is due to move to this location from 2007. However in order for this move to occur it is vital that appropriate sources of funding are in place for the scheme. A negotiated sum of £150,000 has been agreed for the development of this facility as a result of this residential development. This is considered reasonable in these circumstances. This would accord with Policy SS12 of RSS 14 and Policies 13, 67 and 70 of the DBLP.

### *Community Centre*

An area is designated within the DBLP for the construction of a Community Centre (TWA20) off Featherbed Lane. This site was allocated for a small-scale community building should the need arise from the enlargement of the Manor Estate.

TWA20 is located between Featherbed Lane and the A41 to the north west of the existing Manor Estate. This is a fairly isolated location, well away from the majority of the new development in TWA4. As such it would be questioned whether this is the most appropriate site for the development of a new community centre.

A total financial contribution of £150,000 has been negotiated for the provision of community facilities within the Apsley area. It is considered that this could be more effectively allocated for the enhancement of community facilities rather than for the development of TWA20. Such options could include improvements to facilitate the 'Extended Schools' programme at Two Waters School, extensions/works to the existing Apsley Community Centre or contributions to facilitate development by any existing community groups (e.g. Scouts Hall).

Officers have negotiated a further option to develop on the "reserved site" for community purposes, however this would reduce the contribution to community facilities by £75,000. It should be noted that the site is not wanted by the LEA. As such it could reasonably be developed for other purposes, including residential, should an appropriate scheme be forthcoming. The negotiated option is considered to be reasonable given uncertainty regarding the need for additional facilities for community purposes and a perceived lack of confidence in the recommendation of the LEA. This would meet the requirements of Policies 13, 67 and 70 of the DBLP.

### *Local Shop*

The Manor Estate Design and Development Brief discussed the provision of a shop on the application site as a possible benefit to local residents. This would provide a readily accessible facility such as a grocers/newsagent without the need to travel by car to larger facilities within Apsley. During the course of the application the concept of the local shop has been questioned on grounds of financial viability. The only viable site, on the "swan-neck", is unacceptable on highways and visual amenity grounds. Furthermore, the concept of a local shop is extremely unpopular with local residents. For these reasons a shop has not been pursued.

A contribution towards the subsidy of a local shop has been secured as a head of term on the outline application. This should be directed towards the subsidy of retail units upon the extension of the local centre, being developed in accordance with TWA 8 in the absence of a local shop upon the Manor Estate. This site is within walking distance of the Manor Estate and is considered a sustainable alternative to Sainsbury's.

### *Sports Facilities*

The development of the site is considered to result in demand for sports facilities in accordance with the requirements of PPG17 and advice of Sport England. The requirement for such has been assessed in accordance with the Dacorum Sport and Recreation Study (from which the Indoor Facilities Assessment was published in March 2006). Outdoor recreational space in terms of parks and neighbourhood play sites is dealt with elsewhere in this report.

The proposed development does not specifically make any provision for additional indoor sporting facilities on the application site or through the provision of monies for the development of facilities elsewhere. However a contribution has been secured towards the development of a community facility. Such a facility is included within the Sport and Recreation study and could be effectively designed to accommodate such facilities as Basketball or Badminton Courts as well as meeting space for general community activities. This may address some demand issues arising from the development of the Manor Estate sites. Whilst the Indoor Facilities Study does identify latent demand for several indoor sports (basketball, badminton, martial arts etc), it was considered that this was insufficient to justify new buildings and could be accommodated by improving programming and management of existing facilities.



Although Sport England have objected to the lack of such provision it should be noted that the site is within reasonable proximity to the existing main Hemel Hempstead Sports Centre. Furthermore there is no specific requirement for sporting facilities (other than a junior football pitch) expressed through either the Manor Estate Development and Design Brief or site allocation policies (TWA3 or TWA4).

In view of the above factors and acknowledging the substantial contributions in terms of infrastructure improvements and the overall S.106 package, further sums for indoor sports facilities are considered to be unreasonable.

The proposed development has accommodated space for the provision of a junior football pitch (including safety margins) towards the southern corner of the application site responding to the needs arising out of the Council Playing Pitch Strategy 1998 and taking account of the recent assessment of outdoor facilities. The Outdoor Facilities Assessment follows the methodology contained in Sport England's "Towards A Level Playing Field" (2003) and uses the electronic toolkit. Although this study has yet to be published, the information for Hemel Hempstead is robust, identifying a surplus of adult pitches at peak times, even after latent demand and poor quality pitches are taken into account. The study reaffirms the need for junior pitches. This site chosen is considered most appropriate in view of its topography.

The proposal is therefore considered to meet the requirements stemming from PPG 17, Policy C4 of RSS 14 and Policies 72 and 73 of the DBLP.

### **Access, Parking and Highway Issues**

Access works to the Manor Estate have been approved in principle under the outline application for the development of this site. Key off-site highway matters will need to be secured via legal agreements under section 106 of the Town and Country Planning Act and associated highways legislation and works agreements (S.278). The remaining key issues are the capacity of these measures to accommodate the number of units now proposed, the internal site layout, including highway features such as the bus gate and level of on site parking.

The proposed development was accompanied by a Traffic Impact Assessment (TIA) demonstrating that the site could accommodate the traffic generated by 340 dwellings with the improvements to the existing railway bridge and junctions to London Road. As such the traffic measures should be sufficient to accommodate the lower volume of traffic associated with the development as now proposed.

A number of representations have been received from shop owners in London Road objecting to the removal of public parking bays from London Road and the erection of guard rails. This is unfortunate given that outline approval has already been given in principle to the road works. In the circumstances, a refusal would be difficult to justify. As the detailed design of the road works will be a matter for Hertfordshire Highways under a s.278 agreement with the applicants, the objectors have been asked to contact that authority.

#### *Bus gate*

One of the major benefits to result from the development of the Manor Estate would be the provision of a dedicated bus route through the new estate and funding for the subsidy of the bus service. This would be secured through the S.106 agreement. The bus route would run along the spine road through the estate with a designated bus stop located opposite Plot 186 close to the school drop off area. This is reasonably accessible for the majority of existing and new residents, particularly given improvements to the linkage through to the school and High Ridge

## Road.

In accordance with the wishes of local residents and in view of significant level changes across the site, the bus route is controlled through the provision of a bus gate to the south of Plot 203. This sub divides the site into two parcels on TWA4 and acts as an effective traffic management tool. Given the provision of the bus gate only 84 residential units are accessible from King Edward Street. This should limit the impact of traffic generation upon existing residents.

Funding has also been secured for the provision of a school bus service for a period of 5-7 years in order that initial demand for school places can be met (see above).

Such provisions are considered beneficial and necessary in meeting the requirements of Policies T1 and T13 of RSS 14, Policy 22 of the HSPR and Policies 51 and 64 of the DBLP.

## *Footpaths and Bridleways*

The proposed development will require the diversion of public footpath 73 around the perimeter of the application site. However its diversion is considered to result in improvements both in terms of its linkage with other Rights of Way and through its extension around the whole of the new estate. A series of footpath links have been created through the estate and connect with the public open space formed by the green corridor. In accordance with the Manor Estate Development and Design Brief and the wishes of local residents there have been no vehicular connections with the existing estate. However footpaths have been created where possible thereby improving access to the open space. In addition the footpath across the railway line is to be improved providing better access to London Road and Sainsbury's.

The diverted footpath will need to be the subject of a diversion order and the extended route dedicated as a definitive right of way. The link from the top of Manorville Road will also need to be part of the formal dedication process. A 2 metre width will be required for dedication as a public footpath. However, to maintain the informal appearance of the green corridor, officers have requested that surfacing be limited to 1.5 metres along the extended section with 2 metres along the likely more heavily trafficked diverted section that will also serve the play area. Details of surfacing will need to be in accordance with HCC 'best practice' and secured as part of a s.106 agreement before the commencement of development.

## *Estate Access*

Key urban design principles relating to access are expressed within the Development Brief as follows:

- It will have ready access by foot, cycle and passenger transport. There should be a safe integration of pedestrians, cyclists and traffic, providing vibrancy to the public realm and increasing movement options for people.
- A well-connected street network based on a 'grid' form.
- Treatment of streets less as roads simply for moving traffic and more as 'places', with houses fronting them rather than turning away.
- Increased opportunities for non-car modes.
- A well connected street pattern which incorporates formal spaces, overlooked by adjoining development, creating a place that is easy for people to make their way around.

The above principles have dictated a layout based upon a loose grid of streets with few cul-de-sacs, ensuring a wide choice of potential movement options so that walking and cycling are a viable alternatives to the car.

In accordance with the expressed desires of existing residents at the focus groups, there will be no vehicular integration with the existing Manor Estate roads, apart from King Edward Street.

However, there is an implicit requirement of the Development Brief to reflect good practice by facilitating good pedestrian and visual integration with the surrounding area via the existing cul-de-sacs. In these terms, it is considered that the proposal successfully achieves this at the top of West Valley Road and High Ridge Road and as an extension of the pedestrian footpath serving Two Waters Primary School. At the top of West Valley Road, two parallel cycle routes either side of the focal open space will link with the top of this cul-de-sac. The safety concerns of No. 85 West Valley Road have been addressed on the amended layout plans with the provision of cycle barriers.

Internally, the proposed layout will achieve good overall permeability through a comprehensive network of pedestrian and cycle routes and an absence of cul-de-sacs and dead-end streets. The proposals will assist in providing a 'legible' environment and linking residential areas with the open spaces.

Access within the proposed estate is assisted by the provision of the 'spine road' which is in accordance with the requirements of the Development Brief to provide a good public transport link. Local access roads feed off of this distributor road in quiet residential streets and 'home zones'. The layout and design of these roads has been prepared in close consultation with Hertfordshire Highways to ensure that it is in accordance with 'Roads in Hertfordshire a Guide for New Developments'. The introduction of the focal squares and 'home zones' will result in open public areas where pedestrians and cyclists can integrate safely with vehicles because of the very low speeds.

Concerns have been expressed by some residents that the location of the spine road does not assist the creation of a defensible green belt boundary because it would allow a developer easy access to develop land at Shendish Manor. It is suggested that it should be located such that houses front both sides of it with the green corridor to the rear of houses. However, this arrangement would be contrary to the Development Brief. Furthermore, it is likely to lead to a less secure environment for residences that back onto the open space and a less desirable area for members of the public to walk. Both of these would be contrary to "Secured by Design" objectives. Even if this were acceptable, it would be unlikely to dissuade a developer from demolishing houses in order to gain access to Shendish.

During the course of negotiations, amendments were sought by Hertfordshire Highways to the alignment of the spine road through the focal squares in order to ensure adequate forward visibility and visibility splays and to demarcate the actual road margins with raised kerbs. This has slightly watered down the original concept of the focal squares as distinctly enclosed and separate areas from the main spine road. However, with the further amendments to the layout of the buildings and roads, officers are satisfied that the proposals will still maintain the appearance of a series of 'static' and 'dynamic' spaces.

Entrance to the focal squares will be clearly defined by a change in surface treatment, vertical and horizontal alignment, thereby helping to reduce traffic speeds. Additional traffic calming measures are proposed on the remainder of the spine road in the form of 'speed tables' and 'cushions'.

Formal comments from Hertfordshire Highways are still awaited at the time of writing and any comments, including any conditions, received will be reported at the Committee.

### *Car Parking*

The maximum standard set out in Appendix 5 of the DBLP ranges from 1 to 3 spaces depending on dwelling size. The Development Brief states that the Council will expect sufficient car parking to avoid overspill onto existing residential areas. Overall, the proposals would provide a car parking ratio of just over 2 spaces per dwelling. PPG3 requires an average of 1.5 spaces per dwelling in new development. Therefore the development is potentially

overprovided with car parking. However, given that there is a high proportion (nearly 70%) of large single family style dwellings of 3, 4, 5 and 6 bedrooms, this provision is not considered unreasonable. Furthermore, many of the dwellings have double garages and the creation of 2 additional spaces in front is unavoidable in many instances.

Provision of parking at 1.4 spaces per dwelling for the affordable component of the development is considered reasonable given potentially lower car ownership levels and the higher proportion of smaller units (87% of the affordable housing units being one and two-bed).

An important requirement of the Development Brief is to ensure parking does not visually dominate the development. In accordance with the Development Brief, a range of methods of provision has been adopted ranging from on-street parking in 'home zones', (mews court style) to traditional on-plot parking to 'parking court' provision.

In combination with the achievement of a high degree of enclosure, curtilage parking is mostly achieved behind or between buildings so that the street scene is not dominated by cars. Courtyard provision and garage courts are mostly provided to the rear of building lines or main frontages, or in some cases inconspicuously under carriage arches. Whilst large parking courts are necessary in some instances to achieve the densities sought by the Development Brief, these have been kept to a minimum and broken up by a combination of landscaping and pergolas as suggested by the Development Brief. On-street parking in 'home zone', 'shared surface' or mews court style is well suited to catering for visitor parking requirements as well as providing a more informal appearance that can have a traffic calming benefit. High quality hard surfacing will be essential as proposed by the Landscape Design Code and details will be required as part of landscaping and materials conditions.

Good natural surveillance is provided in accordance with "Secured by Design" principles by ensuring that habitable rooms overlook parking areas wherever possible. Integral parking has been incorporated into some of the three-storey units thereby allowing a more efficient use of land. A restriction on permitted development for conversion of garages to habitable accommodation is recommended. Overall, the amount and quality of parking is considered satisfactory and in accordance with the Development Brief and standards as set down in the DBLP.

Hertfordshire County Highways does not raise any issues with regard to parking provision or access. However, the formal comments of the Highway Authority are still awaited and any comments will be reported at the Committee.

### **Household Waste**

The concerns of the Waste Services Manager are noted. It is acknowledged that there will be only one access from London Road. However, the bridge works and swan-neck will allow two-way traffic to access the site and is acceptable to the Highway Authority. With regard to the detailed layout of the estate roads and access points to individual plots, officers are not aware of any specific issues. Whilst it is acknowledged that some of the private driveways and courtyard accesses are very long and potentially would not afford easy access by a 6-wheeled freighter, being private, residents in these cases would normally be required to wheel their bins to the highway. Nevertheless, the formal comments of the Highway Authority will be reported at the meeting.

With regard to obstruction through on-street parking, comparison is made with the Apsley Lock development. However, that development had a much lower parking ratio on the basis of being a more accessible location. It has also suffered from a large number of garage courts, the enforced use of which has subsequently proved difficult to control, and to sub-letting of the apartments into multiple lets, all of which has led to on street parking pressure. The current development, on the other hand, has a lower proportion of flats, fewer garage courts and a

greater ratio of parking provision applied. Officers do not therefore believe there will be serious problems of obstruction to refuse vehicles or, indeed, emergency vehicles. Any obstruction would be a matter for the police and/or warden service.

The layout of the individual flat types shows space for bin storage integral to or within the curtilage of these blocks. Individual dwellings will have on-plot provision for bin storage. A condition is recommended requiring details.

The provision of public recycling points is guided through Policy 129 of the DBLP. New provision is limited to larger developments and in recent history this has led to a distinct lack of additional collection points. No public collection point is shown within the new development. However, there has been a significant growth in the home recycling service, the aim being to provide the majority of residents with a kerbside collection service for recyclables, including glass in early 2006. This may affect the use of existing sites particularly those not associated with supermarkets. It is expected that this will result in a reduction in demand for public recycling areas. Furthermore, given the improved walking links to the nearest recycling point at Sainsbury's in London Road, Apsley, officers do not consider that a public recycling point on the development site would receive much demand.

### **Archaeology**

A programme of archaeological investigations has already been started in relation to the application site with a number of trial trenches having been examined. These have generally resulted in limited finds of historic interest and as such there are no archaeological features that would require preservation in-situ. Continued monitoring of the site should be carried out during the construction of the dwellings to ensure that any future finds go recorded. It is recommended that this matter be dealt with by condition in accordance with the wishes of the County Archaeologist.

### **Impact on air quality environment**

PPG23 states that developments will require an air quality assessment where a significant change in air quality is expected or anticipated such as the building of residential properties in an area of already poor air quality. Typically, proposals that include new car parking in excess of 300 spaces, or developments located in areas of poor air quality should be considered for an air quality assessment.

The site does not fall within an Air Quality Management Area (AQMA). However, monitoring undertaken by Environmental Health on London Road, Apsley, indicates high concentrations of Nitrogen Dioxide. Furthermore, the development would involve in excess of 300 car parking spaces and therefore has the potential to trigger the declaration of an AQMA on surrounding roads. In the circumstances, it was considered that an air quality assessment should be undertaken to demonstrate the likely changes in air quality as a result of the proposed development.

The applicants submitted an air quality assessment in conjunction with the outline application. The study compares the base year (2004) with a do-nothing scenario and a do-something (i.e. the development) scenario at 2009 (the assumed completion year for the development). The findings from the generalised assessment indicate that there is an overall deterioration in air quality as a result of the development. This is primarily due to increases in traffic and is affected by the introduction of a large number of properties (i.e. there are more properties affected rather than that the level of pollutants is increasing). However, the predicted air quality concentrations for all pollutants under both scenarios are below the Air Quality Strategy objectives and EU Limit Values. Generally the level of pollutants decreases over time in both the do-something and do-nothing scenarios. The exception is CO<sub>2</sub> emissions.

The impact of construction traffic and works is potentially major with the scheme. However, a number of mitigation measures are set out in the report. It is considered that if planning permission is granted these measures should be required by condition.

It was noted that the study assumed a development at the Manor Estate of only 305 dwellings, rather than 340. Further information was requested as to whether the additional 35 dwellings was likely to prove significant. The air quality consultant stated that the only aspect that relied upon the number of dwellings was the regional assessment. The additional 35 properties means that there will be an increase in CO<sub>2</sub> emissions which results in a percentage change from the do-minimum to the do-something scenario for CO<sub>2</sub> of +8.59%. The previous increase was +7.52%. This figure has not been updated to take into account the latest reduction in the number of dwellings to 325. Advice of the EHO has been based on the higher provision of 340 residential units and the assessment provided for 305 units.

Environmental Health commented at the time that the report demonstrates the opinion that with current trends in cleaner fuels, vehicle emissions, energy conservation etc that air pollution levels will effectively decrease by 2009. The data is modelled information. However, the actual housing development would be unlikely to impact on air quality. Due to increases in traffic, it is likely that local pollution levels will rise in congested areas. However, due to averaging times used in calculating air pollution, these rises will be small and within the limits set by Government. It is therefore logical to conclude that the reduced development would also fall within these limits.

### **Sustainability Issues**

PPS 1 requires future development needs to be met in a way that is consistent with the principles of sustainable development. This has been translated at both the Regional and Local levels through a general sustainability policy and a plethora of planning policies relating to specific issues including such matters as energy conservation, renewable energy use, water conservation and sustainable drainage.

In order to enable an assessment of these issues the applicants have submitted a Sustainability Checklist in accordance with the framework of Policy 1 and Appendix 1 of the DBLP. An Energy Consumption Statement has also been requested in accordance with Policy ENV 8 of RSS 14 and our SPD on Energy Efficiency and Conservation. This is intended to provide an assessment of predicted or likely carbon energy emissions reductions that can be achieved from the use of renewable energy technologies and other measures on the site as compared with a baseline scenario using conventional technologies and building methods. This ought to show that the development of the site would move substantially towards meeting the Government's target of 60% CO<sub>2</sub> reductions by 2050.

The Sustainability Checklist makes comments on land use, minerals and soils, waste, energy, air/water/noise and light, nature, community needs, employment needs, health, access, safety and aesthetics, reflecting the diverse use of the term 'sustainable'.

This document makes reference to the use of renewable energy sources, double glazing, appropriate insulation and condensing boilers, as efforts to minimise the use of energy and maximise energy conservation. Principal elevations are located between South West, South and South East in order to maximise solar gain. However, it is disappointing that no proposals have been put forward in detail for renewable energy and conservation measures.

Sustainable drainage methods such as a full use of permeable pavements, soakaways and provision of water butts to flatted schemes are suggested. As a minimum, these methods should be extended to all properties.

Such matters could be more robustly enforced through a requirement to provide a schedule of energy efficiency measures and water conservation measures per property and such a requirement can be achieved through appropriate conditions.

All properties will of course be required to meet Parts F (Ventilation) and L (Conservation of Fuel and Power) of the Building Regulations which has substantially improved the requirements for sustainable house building.

The Energy Consumption Statement submitted in relation to this application shows a total reduction in Carbon Dioxide emissions to 6882.53kg/c from the 8958.13kg/c baseline figure. This equates to a total reduction of 23.17% and may be further reduced through the use of solar water heating on a proportion of dwellings. The location of any solar heating panels will need careful consideration so as to maintain the aesthetics of the scheme. This document is considered to fulfil requirements of Part L of the building regulations. However at best the building techniques described have adequate 'green characteristics' and sustainable techniques could be better.

### **Impact on neighbours**

Policy 11 requires that development should, inter alia, avoid harm to the surrounding neighbourhood and adjoining properties through, for example, visual intrusion, loss of privacy, general noise and disturbance.

Leaving aside the "in principle" objections of residents to the development per se, at the detailed level, it is considered that the overall layout of the development comprising 325 dwellings would preserve the amenities of the adjoining residential areas.

There have been ongoing negotiations with the applicants with regard to the detailed design and layout of the development, and officers are now satisfied that the proposals will not have an unacceptable relationship to any adjoining occupier. The impact of the proposals is considered in detail below.

Details of highway works have been considered before on the outline application. In these respects, it is considered that the road widening, bridge works and various junction improvements would not have any direct impact on neighbouring occupiers.

The provision of the "swan neck" configuration at the junction of King Edward Street and Featherbed Lane raises some concerns about loss of amenity for properties in Manorville Road that back onto this road. The proposed "swan neck" would swing round the back of No. 8, in close proximity to its rear fence. No objections have been received. Nevertheless, due to level differences, clear views into the rear garden of that property would be afforded for both motorists and pedestrians, resulting in a loss of privacy. It is also anticipated that there would be increased noise and visual intrusion to these properties, in particular No. 8. All existing trees would be removed from the corner and limited scope would be available for screen planting between the new road and the rear gardens of these properties near its pinch point with the rear fence of No. 8 Manorville Road. The matter was raised with the architects at

outline stage and cross sections were submitted to show the relationship between the dwellings and the carriageway, and screen planting proposals. Officers were assured that screen planting and high-density fencing could be provided at an appropriate height and position, so that these impacts could be mitigated. However, officers have only recently seen revised landscape drawings. The proposals show the planting of a screen buffer comprising a mix of, inter alia, Hazel, Holly, Yew and Elder. In addition, feathered species of Hawthorn and a Field maple are proposed, together with a standard Hornbeam on the corner. However, no details of fencing or levels are shown and therefore it remains unclear if the proposals will satisfactorily resolve concerns.

Further details have been requested and these will be reported at the Committee.

A number of residents have raised concerns about the impact of two and a half and three storey dwellings on the privacy and visual outlook of existing bungalows at the top of High Ridge Road. It is acknowledged that, due to the slope of the land, Plots 108 to 119 would be sited at a higher level than properties in High Ridge Road, and would be seen against the skyline. However, given the back-to-back facing distance of between 40 and 59 metres, the siting of these dwellings would exceed the minimum back-to-back facing distance of 23 metres as set down within Appendix 3 of the DBLP by a considerable margin. In the circumstances, it is not considered that a refusal could be justified on grounds of overlooking or overbearing impact.

The occupier at No. 85 West Valley Road raised objections on grounds of loss of light, privacy and overbearing impact from the adjoining plot (now Plot 100) due to its height and proximity to the side boundary. Amended plans address these concerns by re-siting the dwelling a distance of some 11.5 metres to the nearest flank wall. Officers are satisfied that there would be no harm to the amenities of that property, particularly given the intervening screen hedge.

With regard to No. 18 King Edward Street, amended plans re-orientate the adjoining house on Plot 84 to front the street, thereby avoiding any issue of direct overlooking here.

The concerns of the neighbour at No. 49 High Ridge Road are noted with regard to loss of views and privacy and the potential for noise nuisance from the proposed affordable flats at Plots 154 to 173. However, given the drop in land levels and the distance of some 40 metres to the boundary, officers do not consider there would be any significant loss of privacy or noise nuisance experienced. A landscaped buffer of some 5 metres would be provided between the proposed car parking area and the rear boundary of the objector's property, and there would be no overlooking windows in the flank wall of the block of flats (Plots 154 to 157).

Objections have been received from No. 24 Manorville Road on grounds of loss of privacy, loss of outlook, loss of sunlight and lack of consideration to any screen planting. However, given the significant difference in ground levels, and the distance of some 30 metres, officers are satisfied that there would not be any serious harm to the amenities of any Manorville Road properties from the development of the adjoining units on TWA3. The need for a sunlight/daylight report as mentioned by one of the residents is not considered necessary. With regard to screen planting, detailed proposals would be the subject of a landscaping condition. A combination of screen planting and fencing would provide appropriate privacy to the gardens.

Levels have not been submitted on any plans and will require approval as a condition to ensure a satisfactory relationship between the various parts of the development.

Issues relating to loss of view and loss of value are noted, but are not material planning considerations. General matters of increased noise, nuisance and vandalism are acknowledged and come hand-in-hand with any development. However, it is not considered that there are any areas where this would present such significant problems that permission should be withheld. The proposals have been carefully designed with the assistance of the Hertfordshire Police Crime Liaison Officer to ensure as secure and safe an environment as reasonably practicable



and to ensure the development achieves the nationally recognised “Secured by Design” award status.

## **Utilities**

### *Foul Sewerage*

The site is considered to have sufficient capacity in terms of foul sewerage infrastructure to accommodate the development of 325 dwellings on the site as confirmed by Thames Water Utilities. The development of the site does however require the provision of a pumping station adjacent the railway at the lower end of the site. This is a requirement of Thames Water. This facility needs to be located at the lowest part of the application site, needs to be at least 15m from residential units and needs to be accessible from the adopted highway and as such the location chosen is considered to be the optimal position. The pumping station will be developed in accordance with industry good practice. Landscaping around the pumping station should be robust and screen the unfortunate visual impact of this area within the green space. The occasional access will need to be appropriately surfaced (e.g. ‘grasscrete’ or similar) as part of the landscaping of the open space. The James Blake Associates landscaping plan will need to be amended from the indicated gravel.

Neither Thames Water nor Veolia Water have raised objections to the further extension of the water infrastructure to serve the application site. The concerns of residents to the potential for noise and odour nuisance are noted. However, the proposal will be some 90 metres from the nearest residential property and over 20 metres from the nearest new property. Environmental Health has advised that the pumping of sewage can cause very offensive odours not only at the retention site but also at the watershed area where the rising pump main discharges - in this case at King Edward Street. They have advised that in the event of a smell nuisance caused by the proposed pumping system, the Water Authority will not adopt nor will they adopt if the ‘wet well’ has to be dosed with a sewage conditioner. Control will therefore fall to Environmental Health. At the request of Environmental Health, further information has been received from the applicants on the design and specifications of the system. This indicates that the pumping station will be designed in accordance with “Sewers for Adoption”, a nationally agreed document published by Water UK and WRC plc. The design of the station will be undertaken by a specialist contractor and during construction will be inspected by Thames Water Utilities inspectors. Responsibility for maintenance will fall to the contractor during the period before adoption.

Given that the pumping station will be adopted by the sewerage authority under a s.104 agreement and therefore needs to be built in accordance with industry standards, the likelihood of smell nuisance is considered to be low and any responsibility for offensive smells will fall to it. In the circumstances, officers do not consider that a refusal could be justified on grounds of smell nuisance. Environmental Health has stated that the additional information is all we could ask for.

### *Surface Water Drainage*

The Development Brief states that the development must incorporate measures to reduce surface water runoff. Thames Water have stated that surface water run-off can discharge to the existing surface water sewers but will require attenuation for the 1 in 30 year storm event. However, site investigations have indicated that the ground is suitable for soakaways. The Environment Agency has stated that soakaways are acceptable but due to being within a groundwater protection Zone 2 area, all car parking areas and highways must have deep trap gullies and discharge to an interceptor prior to outfall to the soakaway. The applicants have stated that the development will be split into private house soakaways, car park soakaways (including petrol/oil interceptor) and adopted highway soakaways (including petrol/oil interceptor and deep trap gullies).

These proposals would appear to constitute a sustainable form of drainage in accordance Policies 1 and 124 of the DBLP. Further details of sustainable drainage are recommended as a condition.

### **Public Art**

The provision of public art is encouraged under Policy 115 of the Local Plan and can make significant contributions towards the appearance of an area. A small sum of money will be secured by a s.106 agreement and a proposed site has been secured at the top of West Valley Road. Additional scope exists within the site for innovative planting and additional works within the focal squares and possibly at entrance features (including that shown either side of the spine road opposite Plot 87). This could extend to the design of street furniture, surface areas and design of play equipment. It is suggested that a design for the public art could be run as a competition.

### **Village Green**

The County Council has determined that an application to have land at Maxted Fields registered as a Village Green under the Commons Registration Act 1965 has failed. This means that the site would not be protected as open land under PPG 17, thereby preventing development.

### **Conclusions**

Means of access to the site via Featherbed Lane and King Edward Street, together with the associated highway improvements has already been accepted in the resolution on the outline application and the full application carries forward these same proposals. The plans have been amended to address issues previously raised in respect of open space provision and detailed highway and design matters and, subject to no objection from Hertfordshire Highways, the overall layout and dwelling types are considered acceptable. However, there are still one or two issues still to be resolved on the layout plan, including the status of the footpath on TWA3 leading to Home Wood and the status of the link in front of Plots 85 to 87. Amendments stemming from other potential changes to the landscape proposals will also need to be incorporated. Numerous issues have been raised by the Trees and Woodlands Manager and the Parks and Open Spaces Manager to the details shown on the submitted landscaping plans for the adoptable open spaces. In particular, how the closed portion of King Edward Street is to be treated. These will need to be amended prior to the grant of permission. Whilst there is now an acceptable relationship between trees and buildings, concerns are raised with regard to the absence of any levels. It is considered that a detailed levels plan will be required before the grant of permission to ensure a satisfactory relationship between trees and buildings. Discrepancies between the layout plan and the Arboricultural Impact Assessment are also noted such that the Report will need amending; again, prior to the grant of permission. Both the Parks and Open Spaces Manager and the Trees and Woodlands Manager have identified glaring omissions from both the overall Management Plan and the Woodland Management Plan. Neither of these are acceptable despite amendments because neither provides detailed costings nor details of what works are required when and where. The Woodland Management Strategy in particular only includes part of Home Wood. In the circumstances, officers recommend that delegated authority be given to grant permission only these issues have been satisfactorily resolved and a legal agreement has been signed.

### **RECOMMENDATIONS**

- (1) That determination of the application be **DELEGATED** to the Development Control Manager with a view to approval subject to the expiry of the neighbour notification period, the receipt of satisfactory amended plans to address outstanding issues of relating to landscaping, and the management plans and completion of a planning

obligation under section 106 of the Town and Country Planning Act 1990.

(2) That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

- The provision of 35% (114 units) affordable housing comprising an appropriate mix of rented and shared ownership units;
- A financial contribution of not less than £150,000 towards the provision of a GP surgery at London Road, Apsley, Hemel Hempstead;
- A financial contribution of £50,000 for the provision of facilities associated with the development of Two Waters School;
- A financial contribution of not less than £300,000 for the funding of a school mini-bus service to bus school children to and from other schools off the existing and extended Manor Estate;
- A financial contribution of not less than £50,000 per annum for the first five years for the provision of a public bus service to serve the new estate;
- A financial contribution of not less than £150,000 for community facilities, of which £75,000 would be repayable subject to the purchase of land for the provision of a community facility;
- The provision of a local shop, if required, together with a financial contribution of not less than £5,000 per annum for the first five years as a subsidy to underwrite its economic viability should the need arise otherwise to be spent upon community facilities
- The provision of a local shop, together with a financial contribution of £5,000 per annum for the first five years as a subsidy to underwrite its economic viability should the need arise.
- The provision of surface improvements to the 'snickets' on the existing Manor Estate, subject to the agreement of residents and landowner(s)
- The temporary relocation of the existing LAP during the period of relevant construction phase.
- The provision and transfer to DBC of properly landscaped and equipped public open space areas including a neighbourhood open space, LAPS, LEAPS and NEAPS, together with the Green Corridor.
- A financial contribution towards the ongoing maintenance of the public open spaces, landscaped areas, equipment etc.
- The preparation and transfer to DBC of land at Home Wood (both sides of Featherbed Lane) as public open space.
- A financial contribution towards the ongoing management, planting and maintenance of Home Wood.
- The production of a properly costed and detailed Management Plan for landscape design, ecological enhancement and future management of all the public open spaces, landscaped areas and equipment that will be adopted by DBC, including access and management arrangements for Home Wood.
- A financial contribution of £3,000 for community planting projects on the Manor estate extension and/or at Home Wood or other sites to be determined.
- The provision of off-site tree planting adjacent to Two Waters Way.
- Compliance with relevant codes of practice for the construction industry.
- A financial contribution of £7,500 for the provision of public art within the new development.
- A financial contribution for the provision of Library facilities
- The provision of fire hydrants.
- A footpath Diversion Order to divert public footpath 73 including the creation of a definitive Right of Way along the green corridor and into Home Wood from TWA3.

The provision of Highway Works to include, but not be limited to:

- Modifications to existing junctions of Featherbed Lane/London Road and London Road/Orchard Street
  - The construction of a new railway crossing at Featherbed Lane, including pedestrian footway and the realignment and widening of Featherbed Lane
  - Relocation of the Featherbed Lane and King Edward Street junction
  - The construction of a roundabout in close proximity to the A41 over bridge
  - The construction of a controlled bus link through the site
  - Improvements to the existing pedestrian and cycle links including improvements to the Kents Avenue railway bridge
  - The provision of an interim solution of traffic light control at the junction of King Edward Street and Featherbed Lane pending the completion of the new road bridge
  - The lodging of a 'bond' with the Highway Authority, if required, pending the completion of all relevant highway works and access improvements, to apply at the substantial completion of the 50<sup>th</sup> dwelling should the road bridge not have been completed at that stage
  - Regulation of construction traffic along King Edward Street during the period of construction with Featherbed Lane (near the A41 over bridge) as the key point of access
  - The provision of appropriate maintenance payments for traffic signals, signs, supervision fees and other requirements as may be determined including new signage to Durrants Hill Road car park (TWA 11) and new parking bays to London Road, where possible.
- (3) That any variation to the agreed heads of terms is also applied to application 4/02329/04/OUT.

### **Provisional Conditions**

Please note that these conditions are in draft form. They will need to be amended or added to subject to further review by Planning and Legal Officers, the receipt of additional information from the applicant and/or further comments from any Statutory Consultee.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of any part of the development hereby permitted a plan showing how the development will be phased and implemented shall be submitted to and approved in writing by the local planning authority. The phasing plan shall show each separate phase of development and provide details of start and completion dates. Phase area boundaries shall be contiguous with each other. The development shall then be carried out in accordance with the approved phasing details, unless the local planning authority gives its written consent to any variation.
3. Prior to the commencement of the development hereby permitted details a scheme for foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway. The approved drainage measures shall then be provided before any part of the development is first occupied.
4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This condition will only be discharged when the local planning authority has received a report of all of the

archaeological investigations.

5. Prior to the commencement of any part of the development hereby permitted a plan showing all trees to be retained within the area of construction works and measures for their protection during construction works shall be submitted to and approved in writing by the local planning authority. Before any development begins within any separate phase of development, the approved measures for tree protection within that phase area shall be put in place. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above. Construction works include any ground clearance, demolition or excavation. No materials, plant or equipment shall be stored or deposited and no mixing of materials shall take place within the area(s) so protected.
6. Prior to the commencement of any part of the development hereby permitted full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include details of all new hard surfacing materials (including car parking areas). Soft landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment, schedules of plants and trees (noting species, plant sizes and proposed numbers/densities where appropriate) and maintenance programme.
7. Prior to the commencement of any part of the development hereby permitted a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved by the local planning authority. The land shall then be managed in accordance with the approved plan for a period of ten years following the commencement of development.
8. The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any parts of the landscaping scheme which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.
9. Prior to the commencement of any part of the development hereby permitted details of facilities for the storage of refuse for the flat blocks shall be submitted to and approved in writing by the local planning authority. The approved facilities for refuse storage shall then be provided before the flat block that they relate is first occupied.
10. No construction works relating to this permission shall be carried out on outside the following hours:

Monday to Friday	07.30 hours to 18.00 hours
Saturday	08.00 hours to 13.00 hours

There shall be no construction work on Sundays or Bank Holidays.
11. Prior to commencement of the development hereby permitted details of facilities for washing the wheels of construction vehicles leaving the site shall be submitted to and approved in writing by the local planning authority. Wheel washing facilities shall then be provided in accordance with the approved details prior to the commencement of constructions works and shall thereafter be maintained and operated for the duration of

construction works.

12. Prior to the commencement of the development hereby permitted details of facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site shall be submitted to and approved in writing by the local planning authority. The approved parking facilities shall then be provided prior to the commencement of construction works and they shall thereafter be retained for the duration of construction works unless otherwise agreed in writing by the local planning authority.
13. Prior to the commencement of the development hereby permitted details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
14. No development shall take place until details of fenestration, rainwater goods and fascia boards of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
15. Prior to the commencement of the development hereby permitted details of the materials proposed to be used on the surfaces of the proposed extended and diverted definitive rights of ways and details of their width, 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.
16. The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on the approved plans shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.
17. Prior to the commencement of the development hereby permitted a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges. The approved means of enclosure round the external boundaries of the site shall be constructed, erected or planted prior to the commencement of other construction work on site and the approved means of enclosure within the site shall be constructed, erected or planted at the same time as the buildings to which it relates are constructed.
18. The development hereby permitted shall not be occupied until the roadway, access, turning and circulation areas shall have been laid out and substantially constructed.
19. Condition requiring the removal of permitted development rights for new windows, extensions, outbuildings and fencing to certain plots/areas of the development.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garage hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and it shall not be converted or adapted to form living accommodation.
21. Prior to the commencement of the development hereby permitted further details of the open spaces shall be submitted to and approved in writing by the local planning authority. These details shall include [to be advised] . The development shall then be carried out in accordance with the approved details.
22. Prior to the commencement of the development hereby permitted further details of the

area for community planting shall be submitted to and approved in writing by the local planning authority. These details shall include [to be advised] . The development shall then be carried out in accordance with the approved details.

23. Prior to the commencement of the development hereby permitted details of a method statement for the translocation of areas of important grassland shall be submitted to and approved in writing by the local planning authority. These details shall include [to be advised] . The development shall then be carried out in accordance with the approved details.
24. Prior to the commencement of the development hereby permitted a scheme showing how protected species of animals present on the site will be accommodated within the design/layout shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
25. Such conditions as may be recommended by the Highways Authority.
26. No development shall take place until details of the proposed finished levels or contours of the site and proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed with the approved levels.
27. Prior to the commencement of the development a detailed air quality survey shall be carried out to establish the existing air quality in the vicinity of the building and the results of the survey shall have been provided to the local planning authority, together with a scheme which shall specify appropriate design and other mitigation measures in order to minimise any adverse impacts on the occupiers of the buildings. The development shall be constructed fully in accordance with the scheme as approved before any residential property is occupied.
28. Notwithstanding any details submitted, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide measures for water/energy efficiency and water/energy conservation shall be submitted to and approved in writing by the local planning authority. The approved efficiency and conservation measures shall be incorporated into the development.
29. The development shall be constructed fully in accordance with the approved plans and particulars, unless otherwise agreed in writing by the local planning authority.
30. Further details of pumping station.
31. Prior to the commencement of the development hereby permitted further details of the swan-neck shall be submitted to and approved in writing by the local planning authority. These details shall include [to be advised] . The development shall then be carried out in accordance with the approved details.

#### INFORMATIVES:

- The applicant is advised that vehicle access for fire service vehicles should be constructed in accordance with Section 17 of Approved document B of the Building Regulations 2000 where applicable.

Particular attention should be paid to table 21 and diagram 50 of above document.

- The applicant is advised that water supplies for fire fighting purpose should be provided and sited in accordance with BS5588: Part 5: 2004.
- The applicant is advised that there are public sewers crossing this site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work please contact Thames Water on 0845 850 2777.
- All units should have level access and accessible thresholds in order to comply with the current Building Regulations.

## **ANNEX A**

### **SUMMARY OF REPRESENTATIONS RECEIVED IN RESPECT OF APPLICATION**

#### **Apsley Community Centre**

No comments received

#### **Access Officer:**

##### Original Plans

*Units should have level access and accessible thresholds. Unit G1 toilet door to open outwards. WC layout needs to be amended on ground floor units G, T, U, P and type C1 and D1.*

Amended Plans

No comment

#### **Building Control:**

##### Original Plans

*Accessibility to dwellings and around parking areas will require careful consideration given the sloping nature of the site. Fire brigade access may also be contentious.*

Amended Plans

Care should be taken to ensure that fire brigade access is not obstructed by planting schemes or traffic calming pinch points.

#### **Environmental Health:**

##### Original Plans

*Obviously a development of this scale will inevitably have an effect on the on the existing environment. The increased traffic resulting from the new homes will increase noise levels in the area and will reduce the quality of the air.*

*In addition, the construction process will cause disruption and disturbance to the surrounding area from traffic movements, construction noise and dust etc. As such the developer should be required to have regard to the BRE Pollution Control Guides 'Controlling particles, vapour and noise pollution from construction sites'. A restriction on hours of working should also be imposed.*



*The windows/glazed areas in all habitable rooms should equal at least 10% of the floor area of the room. Natural ventilation should also equal at least 5% of the floor area in these rooms.*

### *Air Quality Assessment*

#### *Summary*

*The data presented is modelled information, using information both current and that extrapolated from old data that is available. The actual housing development is unlikely that local pollution levels will rise in congested areas, however, due to the averaging times that are used in calculating air pollution, these rises will be small and well within limits set by the Government.*

#### *Comments:*

*Please be advised that these comments follow conversation with Hertfordshire County council Highways, DBC Planning and the Consultants responsible for the air quality report. The Environmental Health Division has no models or data to compare the report to and therefore reliance is made on the integrity of the authors and the information given during our conversations.*

*Having read the air quality report and studying the maps provided I had the following queries:*

- (a) the reliability of the sources for the data used in the models*
- (b) the possible congestion of traffic at the junction of Featherbed Lane and London Road, leading to increased localised air pollution*

*The latter first; I discussed traffic flows with Highways and was informed that the modelling that has been undertaken suggests that the improvements to the roads and junctions would ease congestion and that the additional traffic had been allowed for in the modelling. I raised concerns that although new traffic layouts may ease congestion in the area, there is a bottleneck at Featherbed Lane and car owners would "rat run" the supporting streets in order to get onto the London road. From experience of being stationary on the A41 bypass due to congestion at the Two Waters traffic lights, I am fully aware how congested this area can become, especially early in the morning. The existing streets around Featherbed Lane have residential parking on each side of the street which supports parking for residents, their visitors, and customers and employees of the existing business units in this area. With the current congestion that is experienced, I feel that the additional traffic from 335 premises would invariably only add to that congestion and provide additional line sources for air pollution.*

*At this point, it is worth noting that vehicles pollute most when starting up and when idling.*

*Air Quality – contacted Hyder Consulting and talked to the author of the report and his manager – to clarify the information that was being presented. In particular the fact that the addition of some 335 properties and the associated traffic would actually see a decrease in air pollution for the area by 2009.*

*I was informed that the predicted air quality figures are derived from standard models used by air quality experts. The data that is entered into these models is from a variety of sources, which I was informed is standard practice. I understand that no physical monitoring for air quality – to provide current data has been undertaken, relying solely on modelling of data from alternative sources (please note there are referenced in the report).*

*The consultant is of the opinion that the accuracy of the sources is reliable and it is standard practice to use these sources.*

*There are many factors that are included in the models. To be brief, they suggest that with*

*current trends in cleaner vehicle fuels, cleaner vehicle emissions, energy conservation in properties, resulting in less fossil fuels to be burnt, climate changes, improved transport links, alternative transport etc, air pollution levels will effectively decrease by 2009. I feel that this report demonstrates this opinion.*

## Amended Plans

### Drainage

The pumping of sewage can cause very offensive odours not only at the retention site or 'wet well' but also the area to which the rising pump main discharges. I think I am right when I say that the proposed riser will discharge into a public sewer in King Edward Street, which is the responsibility of the Local Water Authority. In the event that there is a smell nuisance caused by this pump the Water Authority will not adopt and so the control will fall to EHO'. Rather than give a list of potential problems to address it would not be unreasonable to ask the developer to comment on the proposals to control smell nuisance from the use of a pumped system. They have not addressed nuisance odours other than for the siting of the pump at 15m from habitable dwellings. They mention an attached example of one that has recently been approved. Does that include nuisance at the discharge point?

I can assure you if there are any problems with this pump system the Water Authority will not adopt it

I would recommend that since the applicant is not addressing the potential of smell nuisance the management and maintenance of the pump system up to and including the point of discharge is maintained and operated so as not to cause a smell nuisance. In all honesty this is rather vague as far as enforcement goes and I guess that if the problem did occur then Environmental Health would take action under the nuisance provisions or drainage law. Perhaps an informative along the lines of:

"The operation and maintenance of the pump should be carried so as not to cause a smell nuisance at any point up to and including the discharge point prior to the adoption of the pumping station.

Until its adopted its an Environmental Health problem and if there is a problem Water Authorities will not adopt nor will they adopt if the 'wet well' has to be dosed with a sewage conditioner.

The following points are noted:

- Any system that retains and stores raw sewage has the potential to become a smell nuisance and is caused by the action of the decomposition process and in particular the production of the gas which is known as Hydrogen Sulfide.
- There are certain design parameters that will reduce the risk of smell from pumping systems that could be addressed at the planning stage.
- The applicant could supply these details along with the application as a detail drawing and should include:
  - ↓ A benched floor to the wet well to ensure the wet well is completely emptied at each pumping cycle.
  - ↓ A non return valve to stop the wet well refilling from the rising main
  - ↓ The rising main should be of the smallest feasible diameter to avoid large quantities of raw sewage being retained therein.
  - ↓ The pump out cycle of the wet well should exceed the quantity retained in the rising main.

### **Housing:**

### Original Plans

*Looking at the plans it would be preferable for the rented units to be more evenly distributed throughout the scheme, particularly for there not to be such a high concentration, 52 units, in one area – in effect segregating the rented area of the development. It also appears that although there are a substantial number of family sized units, there are few “local areas of play”. As previously stated we would wish to see the rented units more evenly dispersed.*

### Interim Revised Plans

*The revised plans showing the rented and shared ownership units more evenly distributed around the development is now acceptable. We would support this scheme on this basis.*

*The affordable housing element of this development will provide much-needed, suitable accommodation in this desirable area.*

*The scheme looks a lot better having the units more dispersed, from a housing management point of view the areas will still be relatively easy to manage and may not cause the same (number) of issues had the original concentration of units been implemented.*

### Interim Revised Plans 2

*Further to our meetings regarding the above site I would make the following points regarding the latest layout:*

- (1) I have concerns regarding the dominance of affordable housing in two areas, plots 153-184 and plots 1-41. I was hoping that the affordable housing would be spread over five sites.*
- (2) I would have hoped for a greater mix of “affordable tenure”. Plots 1-41 are dominated by rented accommodation and a better mix of shared ownership could be achieved in some blocks. Some rented accommodation could be introduced into the area of shared ownership properties on plots 259-276.*
- (3) The aim for a better grouping of the social housing is to enable better integration with the open market units, thereby incorporating the Governments agenda on social inclusion.*
- (4) There is also a necessity to keep the shared ownership predominantly to smaller units, to keep them affordable. I would like to see most of the three bedroom houses and all four bedroom properties to rent.*
- (5) I am satisfied with the balance of affordable housing on TWA 3.*
- (6) It is necessary for all affordable housing to meet the Housing Corporation scheme development standards.*

*Discussions relating to the provision of a fifth area of affordable housing have been held with the applicants who consider it difficult to achieve a fifth area of affordable housing and remain true to the Manor Estate Development and Design Brief. If it will enable the delivery of affordable housing to be speeded up then I would be willing to concede on the fifth area for a better distribution of tenures across the four proposed areas.*

### Amended Plans

Any comments received will be reported at the meeting.

## **Valuation and Estates:**

### Original plans

*The Council owns the playground site at the end of King Edward Street, which is included in the development. The land is subject to various covenants which are presently being investigated. No application has been received to my knowledge in respect of its purchase.*

### Amended Plans

The existing play area is I understand to be relocated within the site. These matters require the input of Landscape Services and Estates.

## **Waste Services Manager**

### Original Plans

*Designs similar to Apsley Lock Development. Problems that still exist are:*

- *Insufficient parking bays available*
- *Blocked access to bin cupboards*
- *Insufficiently access for vehicle*

*All the above arises from lack of parking bays for residents.*

*Concerns raised (on Manor Estate) are:*

- *Only one exit/entry into complex from Hemel (London Road area)*
- *What space is allocated for storage of wheeled bins/boxes*
- *Identified collection points/areas for residential properties*
- *Identified areas for recycling points for flats*
- *Refuse sheds, designed to hold sufficient containers for (number) of residents in block*
- *Full access for standard size 6 wheeled freighter*
- *Insufficient parking allowances forcing residents/visitors to park on roadside and corners*

### Amended Plans

Same concerns as above.

## **Rights of Way**

### Original Plans

*Requests an extension to the rights of way network via a s106 agreement. The s106 route would measure approx. 1.4km. Using the current access for Bridleway 139, Chipperfield Road, in conjunction with King Edward Street, a circular route of 2km is created. In addition, the route would link, via Featherbed Lane bridge, with byway 72, a host of minor roads and other parts of the PROW network. The route would serve as a safe escape from the estate for both pedestrian and horseriders (+ cyclists) and open up access to the wider countryside.*

### Interim Revised Plans

*Would ask for the line of the footpath from the pumping station to block 55-58 to be located within the Green Corridor. Concerned that the path will, at this point, be a paved, urban pavement. Otherwise relatively happy with the proposed line.*

*Have we specified surface type and width yet, or is it too soon?*

### Interim Revised Plans 2

- (1) *It will take approx. 6 months to divert the existing footpath, once full planning permission is granted (under TCPA). As the existing path cannot be disturbed until the diversion is legally complete it would be in the applicants interest to deal with this issue as soon as permission is granted.*
- (2) *I am unsure as to whether the applicants are aware of the process of dedication for the new, extended route. If not Carole Young at Herts CC is willing to assist to avoid future problems.*
- (3) *Would it be possible to confirm the width of the proposed footpaths? The plan appears to show the diverted section as 2m wide and the dedicated section as 1.5m.*
- (4) *Ol would reiterate that the construction of the path should be in line with HCC 'Best Practice' guidelines, i.e. depth of sub-base and surface, materials used etc.*
- (5) *At the end of Manorville Road the link to bridleway 139 is marked as a 'potential link'. Can this be confirmed as part of the dedication? This way the rights of way network will be continuous, possibly preventing problems in the future.*

### Latest Amended Plans

1. Just to remind you that the existing footpath will need to have been legally diverted before works affect the current route.
2. Are the developers/landowners aware of the process of dedication for the new extended route? If not it would be best for them to liaise with Carole Young at HCC.
3. Have we now agreed on surfacing the entire route with crushed concrete to HCC best practice spec. I can provide a copy of this if necessary.
4. The path to be dedicated is to be 2 m wide. I know we agreed that 1.5 m of surfacing would be adequate but the plan (4/02419/04) shows the diverted section as 2m wide and the new section as 1.5 m. Is this accurate? I have no problem if it is I just wondered why this is the case.
5. At the end of Manorville Road there is a potential link marked to the existing bridleway. I would ask that this is made part of the dedication agreement otherwise the network would not link up.

### **Trees and Woodlands**

#### Original Plans

*I would comment as follows on the proposed site layout, which I have considered in conjunction with the Landscape Appraisal Report and the Landscape Strategy and Management Plans. N.B. These comments are also applicable to the Outline application ref. 4/02329/04/Out.*

#### Site Layout – Sheet 1 (Drawing No. P.002)

1. *The width of the 'Green Corridor' along the southern boundary of the site was intended to be 20 m. This has been interpreted as 20 m to the building line which means that the main spine road, the bus link and other access roads are within the 'green' corridor. The tree-lined avenue envisaged through the development in the Masterplan, has also been lost. The green part of the corridor has been reduced to a narrow strip of between 11 and 13m which is mostly overhung by trees on the Shendish side of the boundary. The character of the green corridor relies almost completely on trees which are off-site and would be required to protect these trees from damage during development in any case. The corridor has the appearance of a section of left-over land and does not relate well to the adjacent houses.*

- 1.1. *I consider that the green corridor should be a meaningful width to provide useful open space outside the tree canopies along the Shendish boundary. The section along the railway line is about 37 m to the building line and perhaps this could be reduced in width to compensate. It is not clear why it is necessary to provide such a wide strip along this boundary.*
- 1.2. *The proposed footpath diversion is indicated as a Cycleway as well. It is not clear why these have been combined as the existing public footpath is not a cycle way.*

*The Landscape Appraisal Report in S.5.3, and on plan LO6 refers a network of new greenways along existing hedgerows, providing improved access to the countryside beyond. These do not appear to be included on the site layout. If the green corridor is widened, an informally surfaced footpath could be provided to link up all the green spaces around the site. This would be useable by wheelchairs and pushchairs and would provide a valuable recreational resource.*

## 2. *Site Layout – Sheet 2 (P.003)*

- 2.1 *The comments on the green corridor above are also applicable here.*
- 2.2 *The preserved tree/hedge belt between Plots 160 and 161 is extremely cramped by the proposed development. Even the recommended buffer zone of 4 m is not achieved and I do not consider that 4 m is acceptable in any case. The relationship with Plot 160 is particularly problematical as the house and garden will be dominated by the tall hedge. There would be insufficient space for construction even on level ground and it is not clear what the change in levels are at this point. A cross section through Plots 160 and 161 and the tree belt would be useful.*
- 2.3 *It is not clear why the Neighbourhood Green Space does not extend into the southern corner of the site, which is part of the application site. The space as indicated does not appear to be large enough to accommodate all the identified needs, particularly the habitat enhancements proposed in the ecological assessment. The landscape plan should indicate on a plan how the area is to be zoned accordingly to use i.e. football area, close mown amenity grass, species rich grass land, tree planting areas etc.,*
- 2.4 *The pedestrian/cycle paths use private drives and garage forecourts for part of their length. Is this likely to be acceptable to residents?*

## 3. *Site Layout – Sheet 3 (P.004)*

- 3.1 *Adjacent to Plot 234, the ecological report recommends a Buffer zone of 10 m, but a garage forecourt area is shown right to the site boundary. This is likely to have a detrimental effect on the mature trees in this area.*
- 3.2 *Along the same boundary, I consider that Plot 239 is unacceptably close to the mature Oak trees on the site. The crown spread on the plan has been under estimated and is actually 11 m according to the arboricultural survey. This will dominate the proposed dwelling and lead to the pressure for pruning and/or removal. Plot 239 should be moved well outside the crown spread of the trees.*

*I would suggest that to avoid these important trees ending up within a private garden, the LAP adjacent should be extended to include the trees.*

- 3.3 *I would recommend that the layout of Plots 300-303 is amended to allow a landscape link between the open spaces to be provided. There is a very large area of hard*

surface in the form of a private drives in this area, for a small number of houses.

4. *Site Layout – Sheet 4 (P.005)*

- 4.1 *I do not consider that the relationship between Home Wood and the proposed development is acceptable. There is little gradation between the areas, and Plot 20 is likely to be dominated by the close proximity of the wood. There should be a graded edge from trees to shrubs, to long grass then short grass. A cross section through this boundary would be useful.*

5. *Landscape & Ecology Strategies and Management Plans:-*

- 5.1 *The “Overall Ecological Strategy” includes a list of laudable aims but these are not directly related to areas of land. For instance where is the species rich grassland to be located and which existing vegetation is to be “re-furbished”? There is very limited space available for varying the grass cutting regimes and the scope for non-‘manicured’ Landscaping is minimal. I would seriously question whether the proposed management is “highly likely to significantly improve the wildlife value of the area” as stated.*

- 5.2 *Home Wood: The Management principles expressed are generally acceptable but need to be translated into a detailed Management Plan. Precise details of what is planned where and when should be included and illustrated on a Plan.*

*There are existing problems with BMX bike use/abuse in Home Wood West which will need to be addressed.*

*During a site visit the existing landowner or agents working on the site did not appear to be aware that Home Wood West is part of the Manor Estate Plan. Is this wood intended for transfer as P.O.S. or not?*

6. *Highway Improvement Works:*

- 6.1 *The highway improvement works will have a major impact on the character and appearance of the King Edward Street/Featherbed Lane junction. All the existing trees and hedges will need to be removed as stated on Drawing No. 3595:05:03.*

*The trees along the boundary of King Edward Street are semi-mature Beech which have significant value as a group. Adequate provision should be made for replacement of these trees as stated on the plan referred to above.*

*Amended Plans*

*General Comments*

- 1. There are some significant differences between the Richard Boast and the James Blake plans and it should be clarified as to which should take precedence.*
- 2. The status of the footpath through the green corridor should be clarified and that leading to Home Wood adjacent to Plot 18. I understood that the main footpath was to be dedicated as a right of way.*
- 3. I consider that the number of footpath links off the main path should be rationalised particularly around the NEAP adjacent to Plot 246.*
- 4. Existing features are not always shown on the James Blake plans e.g. Hedge rear of Plots 100-105 and tree belt south of Plot 107.*
- 5. Tree Protection Specification shown on the key of the James Blake plans is not in accordance with BS 5837: 2005.*

6. *No management plan for Home Wood has been submitted.*

*Specific Comments on the Layout by Sheet No. of Richard Boast Plans:*

Sheet 1

1. *O/s Plots 47-49, the informal footpath also acts as the main access to the properties. This is not likely to be acceptable to the residents. It would be preferable to separate the paths in this section.*
2. *The proposed shrubs within the grass area are not ideal but this could be discussed at a later stage.*
3. *I consider that the tree planting is rather formal along the green corridor and could be improved.*
4. *The treatment of the land within the area G6 should be clarified. It is mainly overhung by trees on the adjacent site but may still need some planting.*

Sheet 2

1. *Trees proposed in front of Plots 161-168 are not shown on the Blake plans. It should be clarified whether these are proposed or not.*
2. *The protective fencing for Group G5 is probably not realistic as it gives no space for construction.*
3. *In the Home Zone, the proposed planting between the road edge and the buildings is not clear and may not be desirable in such a narrow strip.*
4. *A road and footpath is still proposed through the tree belt G4. The position is slightly better than in the previous layout but is still contrary to the Development Brief. I would recommend that an alternative layout is considered.*

Sheet 3

1. *Plot 99 is still an issue with respect to the adjacent trees. The position of the property does not comply with BS 5837. The protective fencing should be at 12m for T6, T7 and T8 according to the applicant's own tree survey.*
2. *The treatment of the area to the SE of Plot 107 is not clear. Is it to be part of the proposed Public Open Space?*

Sheet 4

1. *The status of the footpath adjacent Plot 18 should be stated to ensure that there are public rights of access.*
2. *The edge of the woodland should be clearly defined. The scrub at the edge is currently shown to be retained within the gardens but this is unlikely to be suitable in small residential gardens.*
3. *The Blake plan of the trees to be retained along the southern boundary is not accurate and the protective fencing does not comply with BS 5837, e.g. For T15 the fencing should be at 10m and is shown at 1m !!*

*I would be happy to attend a meeting with the Landscape Architects if it will help to resolve any of the above issues.*

Latest Amended Plans

Claire has asked me to comment on the shrub planting for the above scheme, and I have discussed the proposal with Claire and Ruth Chapman. Please see my comments as follows:

General Comments

Do not like ground cover mix A because of the nature of the plants selected - mixes B (down as A?) and H are better, however I would not use *Cotoneaster horizontalis*, I think there are better *Cotoneasters* available, such as *C. conspicuus* 'Decorus'.



### Avoid

ground cover mix A  
Cotoneaster horizontalis  
Sambucus nigra

### Sheet 1

The hedge along the railway is down as beech (*Fagus sylvatica*). A better selection would be Hawthorne (*Crataegus monogyna*), which could be allowed to grow into a mature hedgerow (Cut every 2-3 years). I don't think there is enough space between the LEAP and the hedge, for a bed of hawthorn and hazel, with ground cover to the front. This bed would make the management of the hedge very difficult (in the long term), and I cannot see the mix of large native plants and a narrow strip of low growing ground cover plants to the front working. I would recommend not having a bed here at all, and just have a grass strip between the LEAP and the hedge.

Cannot see why you need Hazel *Corylus avellana* planted as Specimens within the wild flower meadow, in front of a bed which includes hazel?

Where the path through the green corridor leaves the site, there is a strip of grass, which is very narrow - needs to be wider. By slightly adjusting the position of the path it should be possible to achieve a wider strip.

Plants around Pumping station - I don't think the combination of native buffer mix and ground cover will work well because it is a small bed and there are large species within the buffer mix - maybe a hedge would be better, perhaps with ground cover.

Bed adjacent to 58, and another near 59 and 78. Again I think the combination of a buffer mix with large species and low ground cover species around the edge will not work well, because they are relatively small beds. Also having large species next to buildings is not necessarily a good idea, as they will need to be contained in order to avoid them growing into small trees, which could potentially cause structural damage. Better to plant species, that will not get too large near buildings and walls.

Hedge in front of properties - *Viburnum tinus* is not a good selection for this locality, as we have had problems with viburnum beetle in Dacorum - prefer alternative to be used.

### Sheet 3

Ground cover feature is far too narrow. Hedge in front of properties (see above comment)

### Sheet 4

Continuation of the very narrow ground cover bed - also a small section of Mix G? not listed.  
*Viburnum tinus* hedge (see comment above)  
Change ground cover mix A adjacent to 247

### Sheet 5

Ground cover mix A again! - change

### Sheet 6

Ground cover mix A

### Sheet 7

Don't like Combination of Buffer mix and ground cover - ground cover strip is narrow in places.

### Additional Comments

There have been a number of documents and plans submitted for comment. I will deal with

each in turn:

1. Response to Design Issue document and amended plan No. P006 Rev. D.

Plots 6-17

The layout has been amended and there is now an acceptable relationship between the trees and the buildings. The location of the protective fencing is satisfactory and in accordance with BS 5837:2005, providing there are no changes in levels proposed. Existing levels should be maintained within the Protection Area.

Plots 18

There is a proposed footpath link to Home Wood between Plots 17 & 18. It is still not clear what the status of this path is. It needs to have public rights but has not been proposed as a Definitive Right of Way. This issue should be clarified particularly in relation to the private access to Plots 12-17.

Plots 98-99

The most important tree in this group is T7 and the distance between this tree and Plot 99 is 15 m. This should be acceptable to future residents as there is sufficient usable garden space outside the tree canopy.

2. Tree Survey Report and Schedule:

In Paragraph 4.1 the report refers to a Tree Constraints Plan. Although this includes consideration of the Roof Protection Area, it does not include the above ground constraints. This would be useful particularly where trees are located to the south or west of proposed dwellings. I would recommend that the areas which have been identified as special protection area and those identified for excavation by hand, are included with the RPA until such time as the special measures are to be carried out.

In Paragraph 6.1, I agree with the statement that service runs must be considered prior to installation and should not encroach with the RPA. There should be no circumstances where this should happen. I assume this can be dealt with by condition so that no service trenches, drainage or sewage runs or soakaways are constructed within the RPA.

In Paragraph 8, proposed tree works are referred to as detailed in the Survey Schedule. This also includes works to the retained hedges and tree belt as well as individual trees.

It is not stated when these works are proposed or what the priority is. Some will be required immediately and some could be phased over a longer period e.g. the works to G4 could be phased over space and/or time. A management programme of what is proposed and when should be prepared.

3. Arboricultural Impact Assessment

In Paragraph 2.1, reference is made to removal of Part of G3 for the site access but in Paragraph 2.2 there is reference to construction of a shared access drive adjacent to T12 and G4. The drive is not now proposed so the report needs to be amended.

In Paragraph 3.0 Tree Protection, 3.3 states that the protective fencing will be erected on the line shown on the tree survey plan. I assume that this should be the Arboricultural Implications Drawing. See comments above on inclusion of special treatment areas within the RPA.

Paragraphs 8 & 9 relating to Level and Services are important. There is no point in agreeing Root Protection Area at this stage if there are likely to be changes in level or proposed service trenches. The statement in Paragraph 8.1 that 'should levels need to be changed-----etc.'

are rather worrying since level details are part of the current application. If possible, any possible changes in levels around retained trees should be clarified at this stage rather than as a condition.

#### 4. Woodland Management Strategy.

The Strategy is excellent as background as far as it goes but has two major omissions:

(A) It does not include the section of Home Wood North-West of Featherbed Lane.

And

(B) It does not include a Management Plan detailing what operations are proposed and when. I expected a detailed, costed Management Plan for Years 1-5 at least and then general proposals for years 5-20. The proposals should relate to a detailed plan of the woodlands.

#### 5. Detailed Open Space Proposals (Plans 1-7)

These are excellent in terms of details and clarity but there are numerous issues which need to be discussed and possibly amended. We are due to meet the Landscaped Architects on Wednesday 17<sup>th</sup> May to go through plans in detail. The amendments to these plans could be dealt with by condition if necessary.

One issue, which is important at this stage, is the path to the north of Plots 85-87. This is shown as a potential link to the existing footpath network. This needs to be included as part of the proposed definitive Right of Way running around the site to avoid a gap on the Definitive Map. It may be preferable to separate the route of this path from the access to the houses.

Secondly, it is not stated how the area of King Edward Street which is to be closed as highway, is to be treated. Should this be part of the area adjacent to G10 to be landscaped?

### **Parks and Open Spaces**

#### Original Plans

*Play - The area shown for the LEAP by King Edward Street, is approx 500m<sup>2</sup>, it will need to accommodate a minimum fenced area of 400m<sup>2</sup>. It might be difficult to achieve this given the corner layout of the space. I would prefer it to be located further away from housing if possible.*

*I would like the developer to consult residents and particularly young people on the design and equipment for the play areas. The play facilities must meet the requirements of DDA and be acceptable for use by disabled people. As such they will require footpaths leading to them and inclusive play features.*

*LAP's - I would prefer these to be areas of open space, rather than being developed as a LAP (as defined as an unequipped fenced area of 100m<sup>2</sup>).*

*DBC land - Dacorum Borough Council own the current play area land which is to be redeveloped for the access road and housing. This land is subject to a covenant restricting its use which will need to be resolved, with the transfer of the land, and any payment/permission.*

*Community planting event - An area should be designated for a future community planting event and separate funding sought from the developer for this to be implemented by DBC.*

*Neighbourhood Green Space - The main neighbourhood green space is approx 75mx130m,*

*this is of insufficient size to accommodate the development needs as detailed below.*

- *New planting along the boundary to:  
screen noise from the A41  
provide a green link between H8 and H10, to prevent H8 being isolated create a woodland and wildlife corridor from Home Wood to Shendish Manor  
create a visual boundary*
- *A neighbourhood informal play space:-  
space for a kickabout area of a size defined by Sport England  
play area  
a significant amount of public space to off-set the loss of the current permissive use of Maxted Field*
- *Grassland of sufficient area to be maintained to a level of local nature conservation value:  
Currently F2 and F3 are of local nature conservation value, the report advises that the partial loss of F2, F3 and F5 would have a moderate adverse impact, and the scale of the impact could be minimised by leaving some areas undeveloped and their interest retained through appropriate management.  
To be successful the grassland area needs to be clearly defined, of sufficient size to allow for different cutting regimes, and which people can understand is being actively managed.*

*Green Corridor & Hedges - I was under the impression that the buffer zone/green corridor was going to be 20m wide, as shown (though not specified) on the outline plan in the development and design brief.*

*A grassland strip of 3-6m is shown. The ecological strategy refers to creating species rich grassland; using varying cutting regimes to attract the widest possible variety of invertebrates, reptiles and small mammals. This will be compromised by the width. The width will be further reduced by a 1 metre wide cut where a footpath/cycleway passes close to a planted area.*

*H14, along the boundary with Shendish Manor has a random informal edge, which should be replicated with new planting after the poor specimens through this section have been removed.*

*For the retention of hedges to be successful they will require a buffer strip of undeveloped land, and the suggested widths need assessing as to whether they are adequate.*

*The recommended width of the buffer for H14 in F5 is 10m. On the current layout this would include the surfaced cycleway/footpath which cannot act as a green buffer. The corridor at this point should be widened or the footpath moved to gain the required 10m.*

*H12 has been assessed as a hedge important under the hedgerow regulations. On the plan it is shown as a preserved tree belt, there should be an assessment as to what would be most appropriate management for this hedge, in particular it may require laying and being managed as a hedge rather than a tree belt.*

*Roads/Footpaths - The position of a hard surface footpath/cycleway through the middle of the green corridor will effectively divide it, as it is likely that the housing side will be managed more formally.*

*The surfaced circuit around the edge of the housing and green corridor may be confusing to follow as it is formed from different elements of footpath, road, bus link, private access roads etc.*

*The concept in the development brief was to improve access to the countryside beyond, with public footpath 17 realigned to connect with a network of new greenways. It appears public*

footpath 17 has just been repositioned slightly and the only connection is its existing one.

Formal Planted Areas - The tree and shrub choice in the schedules is good but I make the following comments:

Replace *Sambucus nigra* 'Black Beauty' with *Escallonia* Apple Blossom.

Replace *Cornus alba* *Ellegantissima* and *Cornus stolonifera* 'Flaviramea' with *Cotoneaster lacteus* and *Viburnum davidii*.

Without an accurate site plan, it is not easy to select appropriate plant species for the location. The choices are based on the assumption that *Cornus* species would be too close to properties and therefore unsuitable. The *sambucus* looks unattractive in Winter. *Cotoneaster lacteus* and *Viburnum davidii* should be planted in the same bed.

General - The Landscape Appraisal Report makes reference to the public consultation undertaken as part of the preparation of the development brief. However it is not shown how the results of the public consultation have been incorporated into the current design.

Consideration should be given to providing information boards.

Bins and dog bins should be provided in the scheme, numbers and position to be agreed.

The scheme does not show boundary treatments.

Landscape and Ecological Strategies and Management Plans - This document does not provide an adequate management plan for the development of the greenspace. I would expect more detail and programming on the works to be carried out as part of the development and recommendations for management afterwards. It doesn't refer to the ecological assessment or demonstrate how its recommendations are to be accommodated and the nature conservation value of the site developed.

#### Amended Plans

In general the layout plan appears to have been adapted to take into account the comments we have made at our various site meetings, I expect Ruth to comment on this in more detail.

#### Management Statement (James Blake Associates):

The management statement is a specification for works to be undertaken after transfer, it is not a management plan. It focuses on operations, with less emphasis on general management, nature conservation or people. It isn't especially user friendly, easy to refer to guide or clear for others to use.

I appreciate that it is a standard format with some adaptations for the site involved, with the option to make it more relevant by including additional information, as it becomes available. Many of the operations included will not be applicable to the areas DBC will adopt and other information which we do need is not included e.g. management of wildlife areas, more information on how these are to be established, a monitoring schedule, a management plan of Home Wood.

And it doesn't assess the condition of the hedges and recommend what works need to be done to them, it's all the general specification.

I think some of the elements are more than DBC would be able to accommodate e.g. reporting annually to residents. If the residents wish to form a friends or neighbourhood group to take active interest and involvement in the area we would support them. Our emphasis would be on a partnership approach, rather than DBC reporting actions to them. Would Planning wish to get involved/give permission to any revisions within 5 years? With the play area specification, the

equipment manufacturer will not be able to inspect the equipment weekly, nor will DBC without investment in a further inspection team.

Items that we still need:

- Management plan for Home Wood
- Specification for establishing the areas
- Risk assessment
- Boundary details

#### Other Items

- There are still a number of details to be resolved and I'm not sure if this is the stage to consider these or not
- fenceline - consider providing a mowing strip underneath where appropriate to reduce the need for spraying/trimming
- bins - minimum 100 ltrs capacity, fireproof, include provision for dog bins within the development
- seats policy - Dacorum Borough Council has a non tropical hardwood policy for seats in it's open spaces
- Where will the community planting take place
- Where will the art be

#### Play Areas

These ideally need to be further away from the housing. The Part NEAP is only 10m away, can it be edged further towards the footpath (not sure what the levels are like), similar problem with the LEAP. (Take a look at the John Dickinson site to see how close it will be in reality!)

Please provide details of where the temporary play area will be sited.

There's a lot of planting around the play areas, I would like some planting around or even in the play areas (if they are large enough) to add to the interest and experience of using them. However they still need natural surveillance and the planting should not restrict this and the species need to be suitable for the location.

#### Footpath

The footpath through the green corridor should be positioned as far as possible away from development, so as to accentuate the feeling of getting away from the urban built environment.

I wonder if the footpaths links need simplifying - there are so many connections to the footpath along the green corridor - need more thought on how people are using them and where they are going to go e.g. there are 3 links within 80m by the bus link, but nothing by the school.

Similarly by the LEAP and pumping station, the footpath provides access to private residential footpaths (to no's 47, 48, 49) I would like this corner to be re-designed and the footpath to be further away and the number of connections reduced. I don't want it to link to private residential footpaths.

Where possible I would prefer the canopies of the new trees not to overhang the footpath (leaf debris will make the footpath slippery/muddy). Remove the tree and triangular bit to the junction to the front of 210.

Again by no 246 there are 3 footpath sections dividing the tree belt, I would rather have one link from the access road (why does the footpath cross over the road, how will it take the weight of vehicles, how will the different materials work together, start at the edge of the road) and a simpler link from the other side of the play area, remove the triangular bit.

### Open Space/Green Corridor

Clarify the boundary between private space and open space, a lot of the open space appears to go to the property walls, in particular the area to the front of the village green appears unresolved. The type of space should be visually clear, to aid maintenance, to stop residents encroaching on open land.

As this is not a detailed planting scheme it is not possible to make specific comments about its appropriateness, however the number of different planting features makes for a complicated mix, that is not appropriate for this semi-natural urban fringe setting. The introduction semi-native shrub and whip drifts, ground cover shrub planting, spring flowering bulbs, and herbaceous perennials does not seem to fit, as it implies that non-native plants will form part of the planting.

The green corridor open space should reflect the surrounding woodlands, hedgerows and grasslands. When walking through the space it should give a feeling of escape from the urban built environment to that of the countryside. I don't think that semi-native, ground cover shrubs, and mixed shrub and herbaceous planting is compatible with this vision of the corridor.

Shrub planting has been included along many of the property boundaries. This can be useful in deterring ball games, however they will require significant additional maintenance which concerns me. Visually they are not part of the rural landscape, and practically many of them appear on the plan next to long grass which will make maintenance difficult.

I am not clear what is happening in front of the village green, there appears to be formal shrub planting within a fenced area, but this is not on the key. Again this will be difficult to maintain to residents expectations.

Generally I would prefer the shrub planting to be restricted to areas which will be maintained by management companies, and more formal areas of open space.

Spring bulb planting is not compatible with the wildflower areas; and would be more appropriate in amenity grass.

### Wildflower meadow

What do we want to achieve here, wildflower meadows, generally are on sloping land, poor soil, with a scrub and woodland edge. This design is more of a manufactured rural feel, and having long grass on either side of the footpath would do this. However practically - will the grass grow under the tree canopies, how will we direct grounds maintenance to distinguish between these areas, will they be able to get the machinery into all of these areas to cut and clear it. In terms of specification it is a lot easier for grounds maintenance if we say one pass either side of the footpath is regularly mown and the remainder is cut on a less frequent basis and have the wildflower area on one side of the footpath only.

I know that even small sunny banks can be great wildflower resources, and we can sympathetically manage them, but there is so much on these plans. If we really want to do a wildflower meadow, please designate a block somewhere.

### Swales

We need more information on how these will be constructed. Will we be able to take machinery over them or do they have to be hand strimmed. Are there any safety factors with them being close to properties. Obviously we want to limit the amount of hand strimming. At present they are within areas of wildflowers. It would be difficult to differentiate what we can cut by machine and which areas we have to leave and cut by hand.

### Trees

The proposed tree planting is regimented in places, I would prefer a more natural planting style along the green corridor, e.g. village green, there should be views across the green to the part

*NEAP to provide surveillance.*

## **Latest Amended Plans**

Here are some comments. More will be coming from Nick Graham on the shrub planting, and I've given the woodland strategy to Chris Loughborough. As you know we have arranged to meet with the landscape architects next Wednesday to discuss the plans, so hopefully we will be able to sort out much of this then.

### Play

- Please reinstate the footpath link from the front of the village green to the younger part NEAP (this could just go from the Home Zone to the play area, if required rather than linking to the footpath along the green corridor), and change the connecting links to this play area to give the preserved tree belt more space.
- The finish of the play area fencing should deter rust and not require future painting.
- The detail (e.g. model and supplier) of the self closing gate for the play areas must be agreed with DBC.
- The shapes of the play areas on the plan are curved. Bow top fencing is produced in straight sections, it can be bent to a slight curve, I don't know whether it can produce these designs.
- The bottom play area states that it will be equipped with 5 items, which may be slightly restrictive as 2 items would be used for the swings.

### Ecological Survey

- Is the translocation of grass species from the most species rich areas of TW4 planned as included in the ecological survey? Would it be better for sections of these species rich areas be protected in situ during the construction process rather than reseeding within the green corridor.
- Will the hedgerow recommendations detailed on the tree survey e.g. to G4 (western side), and G8/G9 (left of the school drop down zone) be part of the tree work programme to be agreed?
- A groundcover mix is shown adjacent to G4, the planting here should be native and strengthen the planting of the preserved tree belt.
- Is anything happening within the protection zone for G6, nothing is shown here.
- There is an item within the ecological survey about a valuable strip adjacent to the footpath by the roundabout to the houses (sheet 7). I am not sure if these recommendations have been included in the design (connecting the good habitats along the road verges of Featherbed Lane).

### Woodland Management

- Include the removal of litter/rubbish/garden debris
- Set a trigger for the agreement of the tree work programme both in the woodland and across the site, and phasing of the work.
- What about the other section of Home Wood across Featherbed Lane? Is this included within the management plan?
- What areas does the amenity management strategy within the woodland management plan relate to? (this may be unachievable by us e.g. monthly inspections, collecting grass cuttings)

### Other

- Bins and dog bins? e.g. by seats, in the play areas, along the footpath
- Where is the temporary play area going to be?
- Where is the area designated for community planting?
- Has the management schedule submitted last time been withdrawn?
- I note that the drainage included last time has been removed, are any other measures required e.g. soakaways or will the scheme be okay?



- On the western side of the site, shrub planting is shown next to property fences along the green corridor, I would prefer this to be removed.
- Which of the landscape elements shown on the plan are to be considered for public transfer? I was under the impression that we would gain the green corridor and be responsible for the highway areas. More than this is shown on the plans submitted e.g., the hedge along the ramp, will this be an adopted highway area. Plus there are many smaller shrub beds by housing. Please clarify the boundary between public space and private space, e.g. to the front of the village green.
- There are long sections of ornamental hedge planting along the edge of the green corridor. If it is felt that the estate needs a more formal edging like this, then I would ask that is it the responsibility of a management company rather than being transferred to Dacorum. The ornamental hedge mix may need to be adjusted, e.g. replace the viburnum which has been hit locally by disease.
- All of the footpath through green corridor should be constructed from hoggin, including the ROW which is currently shown as metalled.
- A seeded grass area is shown to the rear of the part NEAP 600m2, will this all need to be seeded, should part of this instead it be part of the wildflower meadow or existing vegetation? (Could Martin advise)
- Bulbs are shown under holly trees, not the usual format!
- There's a tree shown in the middle of the footpath in sheet 4, please could this be moved.
- I am concerned about the length of trip rail fencing around the edge of the green corridor. This type of fencing adds significantly to maintenance as it creates many obstructions for strimming/spraying, plus can be regularly damaged by vehicles. On the eastern side of the site it is spaced a little into the seeded area, creating a narrow grass strip which may be awkward to cut. On the top western section, it is close to the block paved home zone and the footpath and there may not be sufficient width, particularly by the parking areas. I would like to know what it's purpose is in order to consider other options e.g. double height kerbs would prevent vehicles driving on to the grass, or sturdy posts are more robust. Most open space is not fenced.
- The bus stop takes a relatively large section out of the green corridor, could it be reduced in size?
- Will the school setting down area be an adopted highway area? The mix of planting with trees, hedge, grass and shrubs isn't very practical to maintain and the tree species aren't suitable for an area where vehicles will be turning/parked.
- There still seem to be many new trees. Trees should not be planted within the wildflower meadow, the tree planting should form an edge along the boundary of the green corridor.
- Signage?

#### Nature conservation management

- We still require a suitable management plan for the green corridor
- The reserve site may include an area which currently has a higher ecological value, can this be protected during development and until the reserve site is required?
- Is a protective zone for badgers required?

#### **Hertfordshire County Council (Transportation Planning and Policy)**

I can confirm that the Highway Authority is not in the position to give a formal response to the amended plans.

The plans submitted seem on first inspection to slightly differ to that which was agreed at a meeting held in early March between representatives of HCC / Herts Highways and MJA. The submitted plans you have forwarded for comment from the Architect are not detailed drawings and they do appear to vary from the drawings that have previously been commented on by Herts Highways (Implementation Team).

Manjinder Sehmi has confirmed that although the details will need further checking (currently with PTU), in principle they would be acceptable to the Highway Authority subject to the ongoing checking.

### **Hertfordshire County Council (Development Control)**

Given the allocation of the Manor Estate in the Dacorum Borough Local plan (sites TWA3 and TWA4) and the presence of an adopted development and design brief for this site, the County Council does not have any strategic land use planning comments to make regarding the proposed development.

### **Hertfordshire Biological Records Centre**

#### Original Plans

*Our comments are as follows:*

1. *One of the aims of the DBC Development and Design Brief was to 'create a landscape setting that provides amenity for resident, protects and encourages ecological diversity and meets engineering needs for SUDS'.*
2. *As outlined in the brief, key components for the development of the sites are:*
  - *provision of approximately 300 dwellings on two sites*
  - *provision of public open space, retention of Home Wood and other environmental and ecological enhancements.*

*This sets the context for a number of issues within the current proposals that we consider important and need further work.*

3. *The increased number of dwellings within the current layout may have put pressure on the provision of open land to be retained. Whilst this does not preclude a re-design to accommodate the higher dwelling numbers, this has reduced the open land provision to a minimum. It was already pointed out by HBRC in the design of the Brief that as so little open space remained, the options for securing ecological enhancements would be extremely limited.*
4. *This in turn now limits management opportunities within the space that is left, and in this sense fails to satisfy sufficiently one of the Brief aims which is ecological enhancement. We accept that the Shendish boundary is proposed to have a 20m buffer. Indeed, this is specifically described within the Landscape Appraisal Report as a Landscape Buffer / Corridor. However, this is misleading; it is not a buffer or 'Greenway' of undeveloped land – it also has to accommodate front gardens, an access road and footpath. This leaves little room for ecological enhancements to the grassland habitat within the area that will be left, which ranges from 9-15m. If this strip also has to accommodate a footpath as well to provide access this reduces further the available land. Consequently we would welcome any opportunity to increase the width of this strip, if only in places, to allow it to perform its function properly as envisaged within the Brief.*
5. *The existing hazel hedge by the A41 / Featherbed Lane corner will be destroyed, with no obvious compensatory planting. This area already represents a significant pinch point by Featherbed Lane, which will fragment the existing continuous habitat link. Consequently this places further emphasis on minimising the impact, but we do not believe that this has been considered, and advise that this is addressed as requested in the Brief.*

*In this respect, we therefore advise that the shrub boundary to the Public Open Space and the new road should be largely of hazel. This is consistent with the existing hedge character as well as the ancient hedges bordering the former Featherbed Lane, where it is a sunken holloway.*

6. *The proposed new access arrangements from the railway bridge will effectively remove the existing screen of trees and shrubs that are currently present. The landscape zones as proposed within application 04/02920/04 (retail unit) are a poor substitute for the existing vegetation. However, the new planting should at least be characteristic of the local area. In this respect we advise ash/beechn in the middle and hazel on the edges, reflecting local species that should be successful.*
7. *The landscape and ecology management plans cover much of the establishment works, but lack clear details or guidance for maintenance. Within the 'peripheral planting' zone there is no indication of where trees are to be planted, or how many, or any distinction from grassland establishment and management areas. We would also like to see species lists for the lowland meadow and low maintenance landscape grassland mixes.*
8. *The woodland plans – which appear to relate to the path and some edge coppicing – are not detailed enough to guide any establishment works required to restore the woodland, or provide a longer term guide to subsequent longer term maintenance works. Currently the woods have suffered from neglect, have a population of poor standards and little evidence of quality recruitment – a reflection of both past management operations as well as a lack of them. Given the accessibility and use of Home Wood east, a more detailed plan with maps needs to be provided.*
9. *We are also concerned about the distance from the woodland edge of the adjacent houses to the north. There is a hard developed edge immediately next to the site and any opportunity to offset this by creating a local open / green setting to the woodland itself should be considered. This does not affect the proposals to coppice the scrubby edge to the site, which we support.*
10. *As a contrast, we support the non-intervention of Home Wood west of the site which is included within the overall site boundary, but which on a recent site visit was considered otherwise by the existing owners. This needs to be investigated and clarified.*
11. *The new planting to reinforce the A41 boundary between Home Wood and Shendish is welcomed. However the new planting designed to strengthen the existing visual buffer provided by Home Wood appears already to have been completed. This proposal cannot therefore be considered as a benefit resulting from the development. Does this mean that further planting is envisaged and if so, where?*
12. *Are there buffer zones (see Development Brief) for the retained hedgerows? If so, they need to be marked on the maps and their management described.*
13. *The Ecological Appraisal by Wessex Ecological identified trees that had the potential for supporting bat roosts and these should be retained within the development.*
14. *We would recommend that no trees or hedges are removed between the 1<sup>st</sup> March and the end of September inclusive to avoid disturbing nesting birds.*
15. *With respect to the proposed tree planting within the 'peripheral area' as shown on the maps, we would not consider silver birch and small-leaved lime appropriate as neither of these species are found locally within Home Wood, which being ancient semi-natural woodland, supports a locally distinctive tree community.*

We recommended in March 2004 that a management plan outlining management prescriptions should be prepared, as well as a land management strategy to show what open spaces are to provide recreation or wildlife benefit. Although these have been provided they do not adequately detail the management regime required to conserve and enhance the features of ecological interest. This should not require exhaustive new work, as much has been undertaken already. However in its present form the plan does not provide sufficient detail on the aspects raised above, and until this is addressed we consider that the application should not be approved. Without taking the above issues into consideration, we do not consider that the current proposals follow the spirit of the agreed Development Brief.

### Amended Plans

This full application is the culmination of much work undertaken to date, including an outline permission which has been granted following the guidance as set out within the Development Brief. There have been three separate ecological reports. Whilst the nature and extent of the development limited the extent to which any significant wildlife gain can be made, it is still important to recognise the intention to 'protect and manage ecological diversity' as part of the development. In this report there should still be an emphasis on surviving or potential features and their management in an attempt to compensate for the overall loss of ecological resource. **In our opinion the results of this process as presented within the full application do not meet these expectations or the claims made in the supporting statements, for the reasons outlined below.**

1. The Wessex and HBRC surveys reported on-eye daisy, common sorrel, wild carrot, agrimony within the (now) ploughed fields, and wild carrot, ox-eye daisy, meadow buttercup, common sorrel, sheep's sorrel and black knapweed within the horse pasture. All of these are indicator plants for Wildlife Site status, although the criteria for WS had not been developed by 1996. If large areas of reasonable quality grassland do remain, these should be considered for translocation in some forms. There are opportunities for this within the site or local area, such as adjacent to Roughdown Common or the Westbrook Hay Estate, now managed by the Boxmoor Trust. **No supporting proposals are given for where or how this is to be achieved.**
2. Extra planting to buffer the eastern half of the wood as proposed within the 2003 report and Brief (p48) will be at the expense of open land, which already will be at a premium ecologically. We would not support any such extensive planting, although enhancing adjacent hedgerows connecting to the woodland would be a compromise. The woodland/grassland boundary is ecologically valuable, an aspect will also have been severely degraded by the completion of the proposed development bordering the northern edge of the wood. We would not want this attribute to be further compromised. **No adequate management proposals have been given for the woodland or the woodland edge habitat consisting of colonising scrub, including the woodland edge bordered by houses.**
3. **Linking Home Wood to the habitats to the south** is really the only Wildlife Corridor that presently survives to link this area to open countryside. Roads, railways and bridges provide barriers of one form or another in all other directions. The roadside bund would serve this process well, although additional habitat diversity would be provided if the lowest few metres were to remain as open and managed as grassland.
  - (i) **No details are given for the species to be used for this or any 'ecologically enhanced' area, and we are concerned about the 'semi-native and evergreen' whips that are proposed. 4.5 of the Landscape Design Code does outline a range of species for the village and woodland edge, and we object to the abundance of ornamental cultivars as opposed to native**

**species. There is not even any hawthorn, a ubiquitous species within the area. We strongly advise this list should be significantly modified to favour native species. Why select ornamental species, as outlined within the 6.0 Landscape Sustainability Objectives?**

- (ii) There are also no details of Wildflower mix.**
  - (iii) The previous 'Landscape Ecology and Management Plan' proposals were far more appropriate in respect to some of these details, and it is frustrating to have to make these comments when we would have thought such issues had already been satisfactorily dealt with.**
4. **Hedges are also recognised within previous ecological reports and original brief, which also promotes the idea of buffer zones. Lining the old sunken Featherbed Lane they are particularly characteristic in consisting largely of mature hazel, with some cherry and ash standards.**
- (i) The dominance of hazel is a locally characteristic feature that will be lost by the new roundabout, and there is no evidence of compensatory planting proposals.**
  - (ii) There does not appear to be detailed 'programme of selection thinning and replanting' (Brief p49), which also needs applying to individual hedges – no reference is made to previous proposals to coppice existing hedges.**
  - (iii) Many trees are proposed which do not create a rural feel of hedgerow trees given their regular and formal spacing. A more imaginative approach could have been chosen to clump trees or shrubs, reflecting a more semi-natural distribution. This contradicts the statement that 'residential streets fronting or adjacent to open space statement that 'residential streets fronting or adjacent to open space areas will be more rural in character' (5.0 hard Landscape Strategy). How?**
  - (iv) No details are provided on herb or fruit tree proposals, other than a comment within the biodiversity of 6.0 Landscape Sustainability Objectives. We support fruit trees/small orchard opportunities within the site where possible, so this should be clearly described.**
5. **Buffer zones and their management/enhancement are a feature of the proposals. However,**
- (i) The Landscape Framework maps shown in 4.1 and 4.2 are misleading for they imply ecological value will be enhanced around the edges of the development. However much of these will consist of amenity grassland and formal play areas, which do not provide the ecological value implied.**
  - (ii) Furthermore, bulb planting is proposed for many areas within the wildflower grassland. This may be desirable from a visual amenity perspective in more formal situations but it is not characteristic of native wildflower grassland, and we do not support this approach.**
  - (iii) Trees are proposed for the open grassland adjacent to Home Wood. This is the only open space that could provide significant grassland ecological interest being a single area enhanced by ancient semi-natural woodland with little direct impact from development. Notwithstanding the significant human pressure from disturbance that will be generated, it is**

**proposed to plant trees within the grassland. We suggest the number and location of these are given further consideration as they are inconsistent with open grassland habitat.**

- (iv) The buffer to Shendish is wider than shown previously but still not 20m throughout its length. Whilst this may be unavoidable, it places greater emphasis on securing ecological enhancements within the proposed buffer.**
7. We also endorse the suggestion to translocate turfs to the remaining grassland adjacent to Home Wood (or elsewhere) as highlighted within the current ecological report and previous reports. Such areas would also subsequent require appropriate management to enhance their full potential. **No details are submitted for any of this work.**
  8. We acknowledge the land management statement to outline management intentions, but consider these are prescriptions/specifications of how management is to be delivered. **Currently this does not represent a management plan, which is what we would have expected to be submitted for comment. It is also incorrect to state that 'management plans will provide for the sustainable long term viability of these areas'. In themselves, plans are simply written documents.**
  9. The issue of bat roosts is important given the known roosts within the Manor Estate. The master plan outlines tree and shrub planting which will be beneficial from a bat's perspective.
  10. No exterior lighting is considered part of the development. If it was this should be subject of a specific proposal that can be judged or modified on its own merits in relation to both the built and natural environments that will result.
  11. Home Wood is of community benefit but is acknowledged as having been severely degraded and compromised by developments of different kinds, and this can only increase given the additional pressure the site will come under. In this respect the increased pressures should be recognised and a strategy developed to provide some compensation for this. This will seek to minimise pressure and enhance the ecology through appropriate management. There is already an informal path around the western half of Home Wood, which links to the old Featherbed Lane, an historic Green Lane lined with mature hazel, completely ignored as a feature of the area within any of the reports. This must also be addressed.

## 12. Future Requirements

Given the above comments, we would like to see:

- (i) *Habitat survey results of grassland to determine areas for seed collection/translocation.*
- (ii) *A map to demonstrate what features will remain or be created to enable bat access from the Manor Estate to open countryside. This should also serve as a general ecological map which highlights functioning corridors.*
- (iii) *Produce a clear and concise management plan rather than a series of specifications.*
- (iv) *Produce a clear recreation/land function map to show how the site is to be used. This could be achieved by showing features or facilities where ecology or recreation is the primary use.*

Furthermore, would welcome clarification or further details on the following:

- 13. *We are also unclear as to who is expected to pay for the Specialist Consultants Reports as detailed within 4.1.1 of the Management Plan. **We do not consider it appropriate for the Adopting Authority to pay for such advice in this way on a regular basis.** In our opinion it places an unreasonable level of obligation on the authority in managing the open spaces it will be reasonable for, especially as a more pragmatic approach is taken for all other existing open spaces.*
- 14. **Where is the strategically important vegetation (4.1.5.1)?**
- 15. *We would prefer to see the amenity grasslands and meadow grasslands to be described within separate sections, as their creation, renovation, repair and management regimes for wildflower areas will be, with respect to timing of cutting and removal of arisings. **This information has not been provided.** Indeed, swale area management (4.2.12) proposes management as described in the wildflower meadow clause. **We cannot find any such clause. This needs addressing.***
- 16. *'Planted, grass and sports turf areas' will have weed control (4.2.2). What are these weeds? As most if not all of the landscaped environment will have been created, does this mean that almost everywhere will have weed control, including wildflower areas? Wildflower areas will not be sprayed where not planted with trees (4.2.3) but it is not clear if this will include where scattered trees are proposed. Further clarification is require. Clearly unless there is a serious infestation of docks, thistles or nettles etc.*
- 17. *Section 4.2.5.1 outlines cur grass and other vegetation maintenance, but this does not include management for wildflower area. **The management proposed is not appropriate for wildflower grassland, and further guidance is required.***
- 18. *Where are the hedges that are to be managed (4.2.7.1)? Normally the aim is to achieve structural diversity through variation in age profiles – and this is not achieved by annual pruning. Even and tidy hedges are urban in character, not rural, another contradiction in objectives for areas beyond the immediate built environments. **We suggest this is reconsidered, with a map outlining simple management requirements for the hedgerow resource of the site.***
- 19. *Additional information is required for the management plan, including management care of habitat and a calendar of management operations. **Whilst we acknowledge***

***the potential flexibility require to update a plan as necessary, unfortunately, without basic information, the management plan remain incomplete and as a formal document, is unacceptable.***

*Given the issues raised above, we advise that the application should not be approved until they have been adequately addressed to the satisfaction of the Local Authority.*

### **Latest Amended Plans**

Any comments received will be reported at the committee.

### **Hertfordshire County Council (Archaeology)**

#### Original Plans

*The site lies partially within Area of Archaeological Significance No. 52, as designated in the Local Plan. This notes that the area contains evidence for prehistoric activity and settlement dating to the Late Neolithic, Early Bronze-Age, and Late Bronze-Age to early Iron Ages periods.*

*In accordance with the advice contained within PPG6 and the Local Plan policy on archaeology, recommends that the applicant provide further archaeological information regarding the impact of the proposal on the historic environment before the application is determined.*

#### Amended Plans

The site lies partially within Area of Archaeological Significance No.52, as designated in the Local Plan. This notes that the area contains evidence of prehistoric activity and settlement dating to the Late Neolithic, Early Bronze-Age, and Late Bronze Age to Early Iron Age periods.

An archaeological evaluation of the site of the proposed development site has confirmed the existence of a number of archaeological features dated to the later prehistoric and Roman periods.

With the above in mind, I believe that the position and scale of the proposed development is such that it should be regarded as likely to have an impact on significant archaeological remains. I recommend that the following provision be made, should you be minded to grant consent:

1. archaeological excavation of a number of small areas centred in concentrations of features identified in the pre-determination archaeological evaluation.

I believe these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of the development proposal. I further believe that these recommendations closely follow both the Local and County Plans policies for archaeological remains and PPG 16.

In this case an appropriately worded condition on any planning consent would be sufficient to secure the level of investigation that this proposal warrants. I suggest the following wording (based on paragraph 30 of PPG 16):

No demolition or development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, submitted to the planning authority and approved in writing. This condition can only be discharged when the planning authority has received an approved archaeological report on all



investigations.

## **Hertfordshire Constabulary Crime Liaison Officer (CLO)**

### Original Plans

*I have today met with Roger Kerrison, the architect with Roger Boast Associates, agent for JS Bloor (Sudbury) Limited and discussed with him the features needed to create a safe and sustainable development. Having worked previously with Mr Kerrison I am confident that he recognises the value of designing a safe environment and will put his knowledge into the future layout and design. The following points were discussed:*

- 1. It is essential that through the design process, appropriate features be used to clearly define the difference between public and private space. Failure to do so creates confusion between owners and users, leading to public disorder and upset. The present layout shows pedestrian and cycle paths crossing over and through private space belonging to residents. One example is the route in front of units 100 to 106 where it appears to cross over the garage access and parking areas between the units. There are a number of other similar proposals.*
- 2. Where appropriate, footpaths and cycle routes should have some form of staggered bars or other feature to help prevent the unlawful use by motorcyclist and in some locations by motor vehicles.*
- 3. Where parking is intended as courtyard parking placed to the rear of dwellings I recommend that the rear garden boundaries should be 1500mm high wooded close-boarded fencing with a 200/300mm high wooden trellis on top. This allows for some surveillance and supervision out of the dwellings over the parking bays whilst maintaining an element of privacy for residents. Lighting in these areas will need carefully consideration.*
- 4. I note also that some dwellings have been placed in what appears to me to be the garage and parking courts with access through the parking courts. I feel certain that this arrangement will cause future unrest if allowed to proceed with. An example of this appears to be unit 120.*
- 5. The same can be said for some of the private residential parking where residents will be unable to get their cars close to their homes and have walk some distance. This aspect needs to be reconsidered and unit parking to be reconsidered. Unit 163 is an example of this.*

*I am sure that you are aware the dwellings deemed to be the 'affordable' element are required to achieve the Secured by Design Award status to receive the necessary grant aid funding. I would appreciate your support and help in encouraging the developer to achieve this nationally recognised status across the whole development and not just for the affordable units.*

### Amended Plans

*I have discussed the application with Roger Kerrison of Richard Boast Associates and am satisfied that the proposed development should support the requirement for producing a safe and secure environment for future residents. The permeability aspect suggested by planning guidance is in my view satisfied with access routes designed to encourage surveillance from dwellings overlooking the route.*

### Latest Amended Plans

As I believe you are aware I met with the architect from Richard Boast Associates, Stevenage to discuss this development. The layout incorporates the points discussed and encapsulates most of the recommended guidance for community and environmental safety and security from the latest planning guidance documents.

I ask that consideration be given to placing a planning condition on any future approval here that encourages the developer to show what measures are in place to reduce the possibility of crime (Development Control paragraph - Planning Conditions, page 49, in document ODPM 'Safer Places - The Planning System and Crime Prevention'). All affordable housing will be required to achieve the Secured by Design status under the Housing Corporation grant-aid auditing procedure so why cannot the private sale units achieve the same safety and security standard? I am sure we may need to discuss this aspect further but I feel that this is a good opportunity to up the security stakes on this new build and your support in doing so would be appreciated.

### **Hertfordshire County Council (Education)**

We started discussions in respect of this site on the basis that the housing development would result in a shortage of primary school places. The current position has changed; pupil numbers have begun to decline in Hemel Hempstead and therefore overall there is unlikely to be a shortage of places though there will continue to be pressure for places at Two Waters Primary School because of its popularity.

However after much discussion the governors of the school have made it very clear that they would only wish to expand if this could be by a full form of entry. As this level of expansion is not required by the size of the proposed housing development there would be no resources to fund the necessary capital works.

At the two focus groups I attended at the school I pointed out that the area of land which had been reserved for the possible expansion of the school was in a very poor location and it was also the wrong shape. It is at a much lower level than the existing playing field and the shape limits its future use. However In the current circumstances the LEA has no reason to continue to request that the additional land be reserved for an expansion to the school.

The proposed layout for access to the school from the new housing will mean that parents and pupils will be approaching the school on foot from the opposite direction than at present and therefore we would want to have funding to create a pedestrian walkway from that side of the front gates to the front entrance of the school building. This may mean that we also need to reconfigure some of the car parking places on the school site. It would be very helpful to have some additional land in order to facilitate these essential changes to the layout at the front of the school site even if this does not meet the strict tests in Circular 1/97.

You also need to be aware that in the first few years following completion of the new housing parents may not be able to get their children places at Two Waters school. There are likely to be many more car journeys to other schools off the estate at the beginning and end of the school day because of this factor. We have suggested that the developer might fund a coach /mini bus for 5 to 7 years in order to avoid the additional vehicle movements even though the schools where the children would travel to would still be within two miles of the new estate. I hope our transportation colleagues have taken this into account.

### Additional information

The estimate for the cost of transport to alternative primary schools (Lime Walk, Tudor, The Reddings and Chambersbury) is estimated at £300,000 over 7 years. This came from Don Tyler in the Passenger Transport Unit. However, this could be spread over more years if the housing

is built over a period of years. The work to improve the parking and access to the school is estimated at £50,000. An actual scheme has not been drawn up or costed.

### **Hertfordshire Fire and Rescue**

Vehicle access for Fire Service vehicles should be constructed in accordance with section 17 of approved Document B if the Building Regulations 2000 were applicable. Particular attention should be paid to table 21 and diagram 50 of the above document. Water Supplies for fire fighting should be provided in accordance with BS5588:Part 5:2004.

### **Architects Advisory Panel**

#### Amended Plans

The proposals follow the publication of a development brief prepared by Terence O'Rourke on behalf of Dacorum Borough Council in April 2004. The brief sets the context for the development of 300 houses on the application site. The Panel first considered plans in January 2005.

The Panel were shown a laptop presentation illustrating the various buildings and spaces between them. The presentation gave a virtual journey around the site, facilitating a better understanding of the layout and building form proposed. The panel made the following comments:

1. This is an interesting scheme, which merits the further involvement of designers as the contract progressed. This will help to ensure that some of the finer details, which had been carefully considered during the design stage and referred to in the presentation would be implemented.
2. It is essential that HCC Highways authority provides full support for the proposals particularly a more relaxed approach to vision splays.
3. Consideration should be given to the line of the footpath through the housing rather the around it and in the vicinity of the railway line.
4. The land no longer required by the school should be retained as open space.
5. While the siting and design of the proposals are commendable Panel members were slightly concerned about some of the fenestration. This lacked attention in the size, position and details of window openings. These details need refining.
6. The Panel notes the concerns of officers regarding the layout and elevation treatment of buildings on the isolated site, but felt that on the whole the submission had improved. They hoped that concerns regards the details of fenestration would be taken into account.

### **Environment Agency**

Objects for reasons that the development may present a flood risk from the generation of surface water run-off and is not accompanied by a flood risk assessment (FRA) as required by PPG25.

#### Subsequent comments following further information supplied by applicant

Satisfied with the details submitted in respect of surface water drainage and now withdraws its objection. Recommends conditions if planning permission is granted.

## **Network Rail**

I refer to the previous letters dated 11 and 22 November 2004 concerning the above development and can now confirm that the following written undertakings from Hertfordshire Highways in connection with the future ownership and maintenance issues of the new works, that I am prepared to remove the objection to this planning application.

The new bridge and any modification to the existing footbridge No. 82 will require network rail approval, and be subject to a legal agreement covering land issues and an asset \protection Agreement (Works agreement) covering design, construction and ownership issues, between Network Rail, Hertfordshire Highways and Bloor Homes.

## **Sport England**

### *Original Plans*

#### Outdoor Sports Facilities

*The proposed development does not make any specific provision (on-site or off-site) for outdoor sports facilities, such as sports pitches, courts and greens to serve the needs of the residential development.*

*I have noted that policy 76 of the adopted local plan confirms that major developments may be required to contribute to the off-site provision of sports pitches, or the enhancement of existing playing fields. Furthermore, paragraph A6.3 of Appendix 6 of the local plan confirms that if a development is of sufficient size and adds significantly to the overall demand for leisure facilities, a contribution towards new adult/youth play provision may be required.*

*A development of 335 dwellings would generate a minimum need for approximately 1.34 hectares of outdoor sports provision (on the assumptions of a density of 2.5 persons per dwelling and the use of the Council's adult/youth play provision standard of 1.6 hectares per 1000 population). An area of this size would be sufficient to accommodate to adult football pitches. I therefore consider that the development is of a sufficient size and could add significantly to the overall demand for sports facilities in the area. If there is an existing deficiency in outdoor sport facility provision in the Apsley area, I am concerned that the proposed development, in its current form, will not meet the demand for outdoor sports facilities that it generates. This will inevitably result in more demand being placed on existing facilities in the locality, which may already be used to their capacity. As well as being contrary to Sport England's policy, this would also conflict with the advice in PPG17 "Planning for Open Space, Sport and Recreation" (2002), which advises (in paragraph 23) local authorities to ensure that provision is made for local sports and recreation facilities (either through an increase in the number of facilities or through improvements to existing facilities), where planning permission is granted for new developments.*

*I am aware that paragraph 3.22 of the Manor Estate Apsley Development Brief requires a new village green to be provided within the development, which could at least accommodate a junior football pitch. The neighbourhood green space identified in the southern corner of the development has been proposed to meet the requirement. However, in Sport England's view this would not represent adequate outdoor sports facility provision for the following reasons:*

- The area would not be large enough in quantitative terms to meet the minimum level of provision that the development would generate, i.e. the calculation set out above indicates an approximate need for 1.34 ha but the village green is only about 50% of the size in area.*
- The applicant's design statement confirms that the pitch will not be marked out. Unless the pitch is marked out at least during the football season, it will not be able to be used for formal sport, and as such will not be able to contribute towards meeting the development's*

*outdoor sports facility requirements.*

- *Whilst the indicative pitch identified on the proposed site layout meets Sport England's minimum side and safety margins of 3 metres and 4 metres respectively are required. The site layout indicates that trees will be planted in the areas immediately adjoining the pitch and the size and shape of the village green does not provide the flexibility to address this. It should be noted that pitch safety margins have to be free from obstructions such as trees.*
- *No provision is made for ancillary facilities, such as a pavilion and dedicated car parking. Such facilities are essential in order to provide changing facilities for the users of the pitch and to avoid residential amenity conflicts.*

*Sport England therefore objects to the lack of outdoor sports provision made for meeting the needs of the development. However, I would be prepared to withdraw its objection if one of the following actions was taken:*

- *The development makes adequate on-site provision for outdoor sports facilities as part of the development, which incorporates the advice set out above with respect to the quantity and quality of such provision.*
- *An appropriate financial contribution in lieu of on-site provision of outdoor sports facilities is secured through a planning obligation, which would be used towards the provision and maintenance of new or improved off-site facilities in the Apsley area. A contribution could be used for implementing an identified scheme in its entirety or could be ring fenced and pooled towards the implementation of a major scheme. If priorities for new or enhanced outdoor sports facilities in the local area have not been identified, because an open space strategy (as advocated in PPG17) has not yet been completed, I would accept the use of a contribution being delayed until such priorities have been identified.*
- *It can be satisfactorily demonstrated to Sport England, through a playing pitch assessment, that there is adequate existing provision in the catchment to meet the outdoor sports facility needs of the development.*

#### Residential Development Built Sports Facility Requirements

*In strategic terms, Sport England's Facilities Planning Model has not identified any major sports facility deficiencies in Dacorum district, although the provision of an additional small sports hall in the Hemel Hempstead area was considered to be justified in 1999, when Sport England last undertook a Hertfordshire-wide assessment of sports halls. Sport England is not aware of whether a detailed local assessment of sports facilities in the Dacorum Borough area has been undertaken. It is therefore not possible to confirm the extent and nature of any local deficiencies in existing sports facility provision (in quantitative, qualitative terms). However, it is noted that paragraph 86.1 of the local plan identifies scope for further provision of local sports facilities through dual use provision on school sites and in general terms, most areas have local qualitative deficiencies in sports facilities, e.g. sports halls and swimming pools in need of repair/refurbishment to meet community needs. Major new residential developments will aggravate any existing deficiencies unless they make provision for the additional demands that they will generate. The Council's leisure development should be able to provide advice with respect to local deficiencies in sports facility provision. Unless it can be demonstrated that adequate provision already exists in the catchment for meeting the sports facility needs of the development in quantitative, qualitative and accessibility terms, justification would exist for the development to make an appropriate level of provision for built sports facility requirements.*

*Whilst it is accepted that it would not be appropriate to provide built sports facilities on-site, Sport England would expect financial contribution to be secured in lieu of provision, which would be used towards providing new, or improving existing, facilities elsewhere within the local area. Although I acknowledge that the adopted local plan does not specifically require*

residential redevelopments to make provision for built sports facilities, policies 12 and 13 of the plan require development to make provision for the social infrastructure, in general terms, that they generate. The seeking of such a financial contribution through a planning obligation would also accord with the guidance in paragraphs 23 and 33 of PPG17 (2002).

In terms of calculating an appropriate financial contribution, Sport England has recently produced a Sports Facility Calculator, which provides an estimate of the demand for community sports facilities for any given population, based on the local population profile (Census 2001). Demand is expressed in terms of pools, sports halls etc, and in terms of the cost of providing the facility (allowing for regional variations). The calculator can be adjusted to allow for local sports development targets and to reflect new population profiles. This tool can estimate how much additional demand for sports facilities a new housing development will generate and quantify the contribution that should be sought from developers. The calculator uses demand parameters established by Sport England's Facilities Planning Model.

I would be willing to provide further advice on how the Sports Facility Calculator could be applied to this development, in order to ensure that adequate sports facility provision is secured. However, as an example, based on an estimated population of 838 (335 dwellings with an occupancy of 2.5 people per dwelling), assuming that the development will have a similar population profile to the rest of Dacorum Borough and allowing for a 10% increase in sports participation above current levels, the calculator would estimate that the development would generate facility requirements (in terms of sports halls, swimming pools and indoor bowls halls) equivalent to £269.265.

#### Community Halls

I note that land to the east of the development is reserved for possible community uses, which have yet to be determined. If a community hall is to be provided either on-site or off-site to serve the development. Sport England would encourage it to be designed to facilitate sports use to provide additional opportunities for new residents to participate in sport. Guidance on how community halls can be designed to accommodate a range of sports and physical activities is set out in our publication "Village and Community Halls" (January 2001), which can be downloaded from the Sport England website at [www.sportengland.org/villagehalls.pdf](http://www.sportengland.org/villagehalls.pdf). For example, through attention to the design of the main hall and ancillary facilities, a community hall can be designed to accommodate a one-court badminton hall, which would be suitable for a range of sports and physical activities.

#### Sport England's Planning Contribution Kitbag

I would like to take this opportunity to inform you about the Planning Contributions Kitbag, which has recently been published by Sport England and can be downloaded from Sport England's website at [www.sportengland.org/index/get\\_resources/resource\\_ps/kitbag\\_front\\_page.htm](http://www.sportengland.org/index/get_resources/resource_ps/kitbag_front_page.htm). The kitbag will allow local authorities to use ready made planning tools to facilitate the provision of community sports facilities associated with new residential developments, which is obviously relevant to this planning application. The kitbag contains the following tools, which are of relevance to this proposal:

- Sports Facility Calculator – described above.
- Planning Contributions Checklist – Strategic and Individual Sites
- Model planning obligations and conditions
- Facility Cost List
- Case studies of the sporting benefits that can be achieved through new developments

#### Conclusion

*In conclusion, Sport England would OBJECT to the planning application until the following issues, which are covered in more detail above, have been fully considered, and where appropriate, addressed to the satisfaction of Sport England:*

- *Consideration is given to how the development will make adequate provision for outdoor sports facilities, as set out above.*
- *Consideration is given to how the development will make provision for the demands it will place on built sports facilities. Unless it is demonstrated that there are no local deficiencies in sports facility provision, a financial contribution in lieu of on-site provision will be expected, as set out above.*

#### Additional Response

Thank you for your letter dated 9<sup>th</sup> January 2006, which related to Sport England's position on the above application in the context of recently submitted amended plans and information.

The information that you provided on how the sports facility needs of the proposed development have been considered to date is helpful and I am willing to review our position in the light of this information.

In relation to the demand generated by the development for both indoor and outdoor built sports facilities, I would retain my position that the development would increase demand and place pressure on existing facilities. In relation to whether existing facilities have the capacity in both quantitative and qualitative terms to accommodate this additional demand, in accordance with guidance in PPG 17, this would be informed by local assessment of sports facility provision. This is why I have not supplied evidence of local need in my original response to the consultation on this application. In this regard, reference has been made in the information you provided to the Council Playing Pitch Strategy (August 1998), which concluded that provision in Hemel Hempstead area was broadly in balance with demands, although some pitches were overused. Whilst I consider that the conclusions of this study would have justified the principle of an off-site financial contribution towards the provision of additional pitches (e.g. Bunkers Lane) as well as on-site provision of one junior pitch as proposed, I acknowledge that there is no specific requirement for this in the development brief.

As the 1998 playing pitch strategy is relatively out of date and will soon be superseded by the Council's emerging assessment of indoor and outdoor sports facilities assessment, I consider that the most appropriate way forward for assessing whether there is a need for development to make a contribution would be to consider if this assessment identifies deficiencies in the Hemel Hempstead area. If the assessment does identify significant deficiencies, I would expect consideration to be given to appropriate contributions being made as part of contributions proposed for other community facilities.

I can confirm that subject to this requirement being met that Sport England would withdraw its objections to this application. If the assessment does not identify any deficiencies in provision then I would not expect a contribution to be secured.

#### Latest Amended Plans

Any comments received will be reported at the committee

#### ***Hertfordshire and Middlesex Wildlife Trust***

#### Original Plans

*The boundary for this application incorporates an identified Wildlife Site (Home Wood). This*

*woodland has been identified as a semi-natural ancient beech woodland. Wildlife sites are selected because they meet agreed scientific criteria for their important habitats and species. Wildlife sites are of County Importance for the wildlife they support and are regarded as being of substantive value, as required by Government Guidelines on nature conservation, PPG9. The importance of Wildlife sites as critical natural capital in Hertfordshire has been recognised by their inclusion in the Dacorum Borough Local Plan (Policy 102) and by specific policies designed to protect Wildlife Sites in the Hertfordshire County Structure Plan Review 1991-2011 (as adopted in 1998).*

*The trust would oppose the loss of any part of this woodland. If this application is approved, we would want to see measures in place to protect the woodland from any direct and indirect effects associated with the proposed development. I refer to the Landscape and Ecological Design strategy (5.3). We endorse these proposals, particularly to protect Home Wood by a buffer zone and to extend the existing woodland area. We recommend that the proposals set out in this Design Strategy are enforced through appropriate planning conditions. Recommends 12 conditions to protect the ecological interest of Home Wood and the surrounding development.*

### Amended Plans

The Trust is pleased to see that our previous comments requesting ecological surveys have been taken on board and that an ecological survey has been completed. The Trust is also pleased to see that this application has included all the landscape details at this stage and that these have not been left to form conditions of planning. Having the full details of the landscaping proposals in addition to the ecological report allows the Trust to see more clearly the impact that the development will have on the ecology of the area.

With regards to the ecological survey the Trust is satisfied that the techniques used and the timing of the surveys are correct. It is noted that the findings of the survey conclude that reptile surveys were incomplete at the time of writing the report. Have these now been completed?

It is also noted that the ecological report stated that appendix 1 gives the species lists however this list is not given in appendix 1. The Trust would therefore like to request a copy of the species found on the site.

The Trust is happy with the other findings with the exception of the translocation of the grasslands. Herts and Middlesex Wildlife Trust believe that translocation of habitats or communities is never an acceptable alternative to *in situ* conservation and should only be considered a last resort. There is no evidence that habitat or community translocations succeed in maintaining the biodiversity supported by the original site (Gault 1997). As such the Trust would wish to see these species rich grassland areas (within fields 3 and 4) where possible incorporated into the landscaping design.

With regards to the landscaping the Trust are happy with the landscaping proposals (with the exception of the grassland translocation discussed above). We would point out that the ecological report suggests that one hedgerow is being used by badgers and therefore would be important to ensure that this is kept.

It is noted that the design guide states some of the species to be used within the landscaping however there is no mention of what species will be used for the meadow grassland forming the green corridor. The Trust would be happy to advise of appropriate species mixes suitable for this purpose should this be required.

It is pleasing to see the future management of the green corridor and open spaces within the development has been considered at this stage and the Trust is happy with the detailed management statement of this. A proposal has also been given to produce a management



plan for Home Wood. The Trust would wish to ensure that this is produced and would request that this forms part of any planning agreements for the site.

### **Three Valleys Water Company**

Any Comments received will be reported at the meeting.

### **Commission for Architecture and the Built Environment (CABE)**

We are consulted about more schemes than we have the resources to deal with and, unfortunately, we will not be able to comment on this scheme.

### **Ministry of Agriculture, Fisheries and Food (MAFF)**

We are consulted about more schemes than we have the resources to deal with and, unfortunately, we will not be able to comment on this scheme.

### **Thames Water**

#### Original Plans

#### Waste Comments

*Surface Water Drainage – With regard to surface water drainage it is responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. It must not be allowed to drain into the foul sewer as this is a major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control and encourages its appropriate application for the overall benefit of customers. Thames Water will recommend that the applicant:*

- (a) Looks to ensure that new connections to the public sewerage system do not pose an unacceptable threat to surcharge, flooding or pollution,*
- (b) Check the proposals are in line with advice from DETR which encourages, wherever practicable, disposal on site without recourse to the public sewerage system – for example in the form of soakaways or infiltration areas on free draining soils,*
- (c) Ensure the separation of foul and surface water sewerage on all new developments.*

*Where disposal of surface water is other than to a public sewer, then the applicant should ensure that approval for the discharge has been obtained from the appropriate authorities.*

*In respect to surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage.*

*There are public sewers crossing the site, therefore no building will be permitted within 3m of the sewers without Thames Waters approval.*

*Thames Water would recommend that petrol/oil interceptors are fitted to all car parking facilities to prevent pollution of the local watercourse.*

#### Water Comments

*No water comments.*

#### Supplementary Comments

*With the information provided, Thames Water has been unable to determine the capacity of wastewater infrastructure needs of this application.*

*We advise that development should not commence until details of on site drainage works have*

*been submitted to, and approved by, the local planning authority in consultation with Thames Water.*

*The increase flows from the development are likely to be substantial and may lead to sewerage flooding. Impact studies of the existing infrastructure will be required in order to determine the magnitude of any new additional capacity required in the system and suitable connection point. The developer will be required to fund this and early contact with Thames Water is recommended. If agreement cannot be reached then Thames Water would have no alternative but to object on grounds of insufficient capacity in infrastructure.*

*All public sewers should be considered to surcharge to cover level. On site drainage should be designed with this in mind and storage provided where necessary.*

*Any redundant drainage on the site should be grubbed up and sealed to the satisfaction of the building inspector. Any redundant connections should be capped off and sealed at the junction with the main sewer.*

*Better advice can be given once the drainage strategy for the development has been issued.*

### Amended Plans

#### Waste Comments

Thames Water must recommend that the applicant consults with the Thames Water Development Control Department on telephone number 01923 898072 who will determine the ability of the local sewers to dispose of foul and surface water. If investigations find that insufficient capacity is available, Thames Water will provide the additional capacity as soon as is practicable. To ensure Thames Water has sufficient lead-in time to provide such additional services we would like the following condition to be imposed:-

“Development shall not commence until details of on site drainage works have been submitted to, and approved by, the local planning authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed” or

In the case of off-site drainage works a Section 106 agreement be recommended for the development. Thames Water would then recommend the following clause be included – “Not to commence the development or any part thereof unless and until

- (a) details of off site foul and surface water drainage have been approved in writing by the Planning Authority in consultation with the Sewerage Undertaker and
- (b) arrangements have been made to satisfaction of adequate foul and surface water drainage for the whole of the development. Such drainage should be secured where appropriate by means of a public sewer requisition pursuant to sections 98 to 101 of the Water Industry Act 1991”. Reason – To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

Thames Water would recommend that petrol/oil interceptors to be fitted in all car parking facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourse.

Increased flow from the development may lead to sewage flooding. Impact studies of the existing infrastructure will be required in order to determine the magnitude of any new additional capacity required in the system and a suitable connection point. The developer will be required to fund this and early contact with Thames Water is recommended.

Where disposal of surface water is other than to a public sewer, then the applicant should ensure that approval for the discharge has been obtained from the appropriate authorities.

In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage.

### **British Gas Properties**

Any Comments received will be reported at the meeting.

### **Veolia Water**

You should be aware that the site is located within the groundwater protection zone of Marlowes pumping station. This is a public water supply comprising a number of chalk boreholes operated by Three Valleys Water.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRCA Publication C532 "Control of water from construction – guidance for consultants and contractors".

### **Local residents**

The following comprises a summary of the concerns of local residents under key issue headings:

- General
- No axonometric drawings submitted.
- 3D perspectives should be provided
- There are discrepancies between Richard Boast plans and James Blake landscape plans
- 3D visualisation should be produced
- A sunlight/daylight report should be submitted
- EIA should be undertaken

#### Principle

- There should be no building on Green Belt
- Brown field sites should be developed first
- Council is in breach of PPG3
- There has been too much building in Apsley to its detriment
- The number of units is too high at 325.
- There should be a maximum of 315 dwellings
- Original proposals for 260, later increased to 300 and now 340+ dwellings. This is an attempt to mislead local people about the scale of development.
- Location of Spine Road undermines intentions to create a long term defensible green belt boundary and should be relocated away from the Shendish boundary
- A dense belt of vegetation 15m wide should be created on the Shendish boundary with no formal woodland walks in order to create a defensible Green Belt boundary

#### Affordable housing

- Proportion of affordable units at 37% is too great
- There is no key worker housing proposed
- There is a poor distribution of affordable housing units contrary to PPG3 guidance and

the Councils own guidance and what was agreed at the focus groups. Units should be pepper-potted to prevent the creation of ghettos and pockets of social deprivation. 70% will be accessed from King Edward Street.

- Object to the large block of affordable housing flanking the school.
- Design of affordable houses would be acutely discernible from the private houses, contrary to the Devt Brief
- Must meet Lifetime Homes standards, a good eco homes rating, high HQI score and be more integrated
- Car parking must not dominate the home zones
- Council houses too close to existing private housing
- Location of affordable houses is in the least desirable parts, at odds with PPG3 guidance on creating mixed and sustainable communities.
- Distribution concentrated towards the lower end of Manorville Road leading to loss of value

#### Design and layout

- High density flats adjacent to the school and High Ridge Road bungalows are inappropriate
- The density of development is too high and this results in over-development of the site.
- Design extremely bland and does not measure up to the Devt Brief
- Design not in keeping with the existing estate, contrary to the Devt Brief.
- It is at best a poor pastiche of a village style exemplified by Poundbury
- The height of the proposed houses adjacent to the Shendish boundary and Kennel Cottages does not acknowledge the scale, character and form of neighbouring properties and is thus unacceptable
- Three storey properties are considered to be out of character, insensitive to neighbouring bungalows and contrary to the Devt Brief
- All parking areas and garage courts should be cobbled to dissuade skateboarders
- Garages should not be flat roofed
- Flats near the school and bungalows will bring aggravation
- Visual encroachment of roofs on the landscape

#### Amenity

- Overlooking of properties at tops of existing cul-de-sacs.
- Three storey properties will be overbearing
- Loss of privacy and overbearing appearance on Nos. 68, 72 and 76 High Ridge Road
- Loss of light, privacy, draft to chimney and overbearing impact on No. 85 West Valley Road
- Overlooking of No. 18 King Edward Street
- Loss of views and privacy to No. 49 High Ridge Road and potential for noise and pollution from car parking areas to the rear of dwellings
- Loss of privacy, outlook, sunlight and value to No. 24 Manorville Road. No consideration of screen planting appears to have been given
- Loss of value from location of affordable housing
- Increased noise, nuisance and vandalism
- Loss of value
- Although heed has been taken to reducing the height of properties behind High Ridge Road we would reiterate ground levels are rising causing issues of overlooking.
- There are 17 houses backing onto properties at the top of High Ridge Road with small gardens that will not get the afternoon and evening sun.

#### Landscaping, Ecology and Open Space:

- Wildlife has not been properly considered and a thorough survey should be done
- The width of the landscape corridor is unacceptable

- There is a lack of sensitivity regarding the existing trees and hedgerows
- There should be a landscape corridor/planting to protect existing residents
- New open space and play areas should be provided
- Play areas should be sited away from houses
- Play area dangerous next to railway line
- Play area dangerous next to A41
- Play areas should be surrounded by houses and less isolated
- Village Green too close to bypass and will not be used at the top of a hill
- Buffer planting along Shendish boundary inadequate
- There are Badgers in Cocks Head Wood
- Noise/nuisance to Edward Court properties from proposed playground
- Unclear if native planting and due regard given to fauna and flora
- Concerned at potential for removal of vegetation from gardens that back onto High Ridge Road
- Concerned at loss of wildlife
- Concerned at loss of mature trees from "swan neck"
- Approve of the proposals for open spaces, walks and play areas, but there is nothing for teenagers
- Loss of trees in front of No. 85 West Valley Road
- Footpath to rear of Manorville Road will be a magnet for undesirables
- Insufficient information on landscaping

#### Drainage, Sewerage and Utilities Capacity:

- Inadequate sewerage infrastructure
- How can this development be approved with water restrictions in place?
- The pumping station is poorly located, will be noisy, smelly, unattractive and a target for vandalism.
- The requirement for a pumping station must indicate that the site is overdeveloped.
- The provision of a pumping station must trigger a need for an Environmental Impact Assessment.
- Inadequate provision for local services

#### Traffic, Parking and Movement

- Will cause unacceptable increase in traffic congestion in London Road
- Installation of guard rails and removal of parking bays outside Nos. 72, 74, 78 and 108 London Road will cause hardship to these businesses which may have to close
- Access along King Edward Street is unacceptable and will become more dangerous
- Access should be considered from the bypass to ease congestion
- There needs to be a Bond
- Proper traffic calming measures required to the spine road
- Car parking for the private houses is too high contrary to PPG3
- Inadequate car parking for the flats
- There is no right of way from top of High Ridge Road into the new estate
- Speed humps need in Featherbed Lane
- Completion of road bridge before 50<sup>th</sup> dwelling
- Bridge must be built before any dwellings
- All roads should be cleaned daily
- Pleased at narrowing of King Edward Street as it enters the new estate
- Potential parking problems on the landscape corridor
- Cycle path emerging downhill adjacent to No. 85 West Valley Road will be a serious danger
- Requests further details of design of pedestrian bridge adjacent to No. 10 Kents Avenue
- Bus gate a good idea

- A roundabout should be placed at the junction of “new King Edward Street” and Featherbed Lane to slow traffic.

#### Education

- S106 monies should be provided to help the school grow to accommodate the extra pupils
- Furious at proposals to drop requirement for school extension land
- Reserved site adjacent to Two Water School should not be allocated for housing
- Drop off zone will be too small if the school ever expands

#### Retail outlet

- No convincing case has been put forward for the shop
- There are enough shops on London Road within walking distance
- Would cause traffic problems and site for undesirables

Other

- Consultation with residents of Kennel cottages and Shendish not been democratic
- Council has not complied with ODPM on Community Involvement in Planning.
- Kennel Cottages not identified
- Fence/hedge from school to play area must be constructed before work starts
- Hours of work should be imposed and deliveries restricted
- Can the school advise parents of the proposed drop off zone?
- Air quality study should be commissioned

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following 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 a plan showing how the development will be phased and implemented shall have been submitted to and approved in writing by the local planning authority. The phasing plan shall show each separate phase of development and provide details of start and completion dates. The development shall then be carried out in accordance with the approved phasing details, unless the local planning authority gives its written consent to any variation.**

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

- 3 **Notwithstanding any details submitted, no development shall take place until samples of the materials (including sample panels showing brickbond, mortar colour and pointing) to be used in the construction of the external surfaces of the development hereby permitted (including boundary walls) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development.

- 4 **Unless otherwise approved in writing by the local planning authority, all window frames shall be finished white and recessed 90 mm from the face of the elevation in which they are set, all doors shall be painted/stained timber, all fascias, bargeboards, and other joinery shall be white painted/stained timber, and all juliet balconies shall be finished black and, notwithstanding any details submitted, no development shall take place until details of each type/style of window, for each different house/flat type, at a scale of 1:20 (including materials and vertical cross sections through the openings) shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a sustainable form and satisfactory appearance to the

development.

- 5 **No development shall take place until details of the proposed finished levels or contours of the site and proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land (noting positions of trees), and buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels, unless otherwise agreed in writing by the local planning authority.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

- 6 **Notwithstanding the details submitted no development shall take place until a plan showing all trees to be retained and measures for their protection during construction works and details of a timetable for the erection and removal of such protection measures shall have been submitted to and approved in writing by the local planning authority. Construction works include any ground clearance, demolition or excavation. No materials, plant or equipment shall be stored or deposited and no mixing of materials shall take place within the area(s) so protected.**

Reason: To ensure that damage does not occur to the trees during building operations.

- 7 **Notwithstanding any details submitted, no development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials (including car parking, access and circulation areas);**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**
- **a maintenance programme for any areas that are not to be publicly maintained.**

**The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting**



and any parts of the landscaping scheme which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.

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

- 8 **No development shall take place on the land hatched purple (Purple Land) without first having submitted to the Council for approval and having obtained the Council's written approval to a scheme which sets out details for the layout, design ecological enhancement and details of the landscaping within and around the land cross hatched black (Additional Land) on Drg. No. PO72 rev A. Such scheme shall include:**

- details of levels and contours;
- any underground services required;
- siting of a community planting project;
- all new hard surfacing materials (including details of street furniture, play equipment and means of enclosure (if any));
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works; and
- a detailed programme for the implementation and maintenance of such works.

The approved landscape works shall be implemented prior to the occupation of the last of the residential units in the phase immediately adjoining the Additional Land. The hard and soft landscape works shall thereafter be maintained for a period of twelve (12) months after completion to the satisfaction of the Council who, when so satisfied, shall issue a certificate ("the Certificate") accordingly, and any remedial works required by the Council shall be subject to inspection by the Council until such time as the Applicant shall have completed the remedial works to the reasonable satisfaction of the Council who, within twenty eight (28) days thereafter, shall issue the Certificate. For the purposes of this condition the phase area shall be as approved under Condition 2 above."

Note: The Landscaping Scheme may be submitted under a scheme for all of the open space in the application site.

- 9 **No development shall take place until a scheme indicating all of the proposed means of enclosure within and around the site whether by means of walls, fences or hedges shall have been submitted to and approved in writing by the local planning authority. These details shall include a programme for the construction, erection or planting of the approved means of enclosure. The development shall be carried out in accordance with the approved details.**

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

- 10 **Notwithstanding any details submitted, no development shall take place until**

**further details of the specific measures to protect the privacy of Nos. 8 to 22 Manorville Road inclusive from the "Swan-Neck" running between Featherbed Lane and King Edward Street shown on Drawing P005 Rev J shall have been submitted to and approved in writing by the local planning authority. These details shall include a programme for the implementation of the approved measures. The development shall be carried out in accordance with the approved details.**

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

- 11 **No development shall take place until details of the means of securing individual cycles within the cycle stores shown on the approved plans shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and notwithstanding any details submitted, the cycle stores shall be fitted with lockable doors.**

Reason: In the interests of providing secure facilities for cycle parking/storage.

- 12 **Notwithstanding any details submitted, no development shall take place until plans and details showing how the development will provide for renewable energy and energy efficiency and conservation measures to meet level 3 of the Code for Sustainable Homes and explaining how the development would seek to generate 10% of its energy from renewable or low carbon sources shall have been submitted to and approved in writing by the local planning authority. These details shall include a schedule of renewable energy, energy efficiency and conservation measures by Plot number. All approved measures shall be incorporated into each individual house or flat before it is first occupied.**

Reason: To ensure sustainable development of the site in accordance with Policy 1 of the Local Plan and Supplementary Planning Document, Energy Efficiency and Conservation.

- 13 **No development shall take place until a scheme for foul and surface water drainage shall have been submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water run-off so that it does not discharge into the highway or foul water sewerage system. Before any house or flat is first occupied within any separate phase of the development, the approved drainage measures within that phase area shall be provided. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.**

Reason: To ensure the satisfactory disposal of foul and surface water, to ensure sustainable development of the site in accordance with Policy 1 of the Local Plan and Supplementary Planning Document, "Water Conservation."

- 14 **No development shall take place until the following shall have been submitted to and approved in writing by the local planning authority:**
- (a) **the results of a survey carried out to identify which of the proposed dwellings is likely to be affected by noise and vibration from the railway in accordance with national guidance in PPG24; and**
  - (b) **a scheme for protecting the affected dwellings from noise and vibration from the railway.**

**No affected dwelling shall be occupied until the works which form part of the approved scheme referred to in (b) above which relate to that specific dwelling shall have been completed.**

Reason: In accordance with PPG24 in the interests of the amenity of residents.

- 15 **Notwithstanding any details submitted, no development shall take place until details of proposals to control smell and noise nuisance arising from the foul sewage pumping system shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: In the interests of residential amenities.

- 16 **No development shall take place until details of measures to reduce the possibility of crime in accordance with ODPM "Safer Places - The Planning System and Crime Prevention" shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To design out crime in accordance with ODPM "Safer Places - The Planning System and Crime Prevention".

- 17 **No development shall take place until details of a method statement (including timetable) for the translocation of areas of important grassland shall have been submitted to and approved in writing by the local planning authority. The grassland shall then be translocated in accordance with the approved details.**

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

- 18 **No development shall take place until a scheme showing how protected species of animals (badgers, bats, lizards, dormice) present on the site will be accommodated within the design/layout shall have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.**

Reason: To ensure the appropriate accommodation of protected species and their habitat within the development.

- 19 **No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the local planning authority. This condition will only be discharged when the local planning authority has received a fully detailed report of all of the archaeological investigations.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence.

- 20 **No development shall take place until details of facilities for washing the wheels of construction vehicles leaving the site and of the operation and maintenance of such facilities shall have been submitted to and approved in writing by the local planning authority. Such details shall include measures**

for the regular removal and disposal of any mud brought onto the highway. Wheel washing facilities shall then be provided in accordance with the approved details prior to the commencement of construction works and they shall thereafter be operated and maintained, along with measures for the disposal and removal of mud, in accordance with the approved details for the duration of construction works.

Reason: In the interests of highway safety.

- 21 **No development shall take place until a Phase I Report to assess the actual or potential contamination at the site shall have been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model and a basic hazard assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a "conceptual model" of the site is constructed and a basic hazard assessment is carried out.**

**A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**

**A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 22 **All remediation or protection measures identified in the Remediation Statement referred to in the above condition shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

**For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to

ensure a satisfactory development.

INFORMATIVE:

The applicant is advised that Phase I and Phase II reports relating to site contamination should be carried out by or under the direction of a suitably qualified person.

These reports should comply with BS 10175 which clearly sets out how a site investigation and risk assessment should be carried out.

Contaminated Land Planning Guidance can be obtained from Environmental Health or via the Council's website: <http://www.dacorum.gov.uk/default.aspx?page=2247>

- 23 **All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities.

- 24 **No house or flat shall be occupied until the facilities for vehicle parking and access (including cycle storage) for that house and/or flat shall have been provided in accordance with the details shown on the approved plans, and such facilities shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 25 **The refuse storage facilities for the blocks of flats shown on the approved plans shall be provided before any flat in any block to which they relate is first occupied.**

Reason: In the interests of providing satisfactory facilities for the storage of refuse.

- 26 **Before any house or flat is first occupied within any separate phase of the development, the approved roadway, access, turning and circulation areas within that phase area shall have been laid out and constructed to base course level. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.**

Reason: In the interests of highway safety and convenience.

- 27 **Development shall be undertaken in accordance with the mitigation measures as set out in the Air Quality Assessment Report.**

Reason: To ensure that the issue of air quality is adequately addressed and to ensure a satisfactory residential development.

- 28 **Except in relation to the bridge works, or as may otherwise be agreed in writing**

by the local planning authority, no construction works relating to this permission shall be carried out outside the following hours:

**Monday to Friday** 07.30 hours to 18.00 hours  
**Saturday** 08.00 hours to 13.00 hours

**There shall be no construction work on Sundays or Bank Holidays.**

Reason: In the interests of the amenity of nearby residents.

- 29 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order) (with or without modification) no development on the following properties falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1**

**Class A**

**TWA3 - Plots 23, 25, 29**

**TWA4 - Plots 53-58, 60, 70, 79-82, 87, 90, 98-101, 105-107, 125, 132, 136, 137, 138, 141, 142, 147, 148, 177, 182, 186, 189, 193, 194, 201, 203, 204, 209, 211, 215-217, 225, 229, 239, 248, 254, 256-259, 260-269, 270-280, 282-285, 287, 288, 290, 295,**

**Class B**

**TWA3 - Plots 1, 2, 18-30**

**TWA4 - Plots 1-6, 38-58, 59, 60, 70, 78-84, 87, 90-93, 98-101, 125-128, 129, 133-136, 139-140, 146-153, 177, 182, 185, 186, 189-193, 196, 197, 201, 203-204, 206, 207, 211-217, 225, 229-233, 239, 242-248, 251, 254, 256-280, 282, 283, 285, 287-295,**

**Class C**

**TWA3 - Plots 1-30 (excluding flats)**

**TWA4 - Plots 1-295 (excluding flats)**

**Class D**

**TWA3 - Plots 18-22, 25-27, 29, 30**

**TWA4 - Plots 55-58, 59, 62-69, 71, 78, 103-106, 108, 131, 132-141, 196, 197, 201-204, 210-214, 230, 231, 243-246, 248, 249, 258, 259, 267-269, 277, 278, 289,**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenities of the locality (including the original design concept of the dwellings).

- 30 **The windows in the following properties shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority:**

**TWA 3:**

**Plot 18 - First floor bathroom**

**Plot 19 - First floor bathroom**

**Plot 23 - First floor landing and shower room**

**Plot 24 - First floor landing and shower room**  
**Plot 25 - First floor bathroom**  
**Plot 27 - Stairwells**

**TWA 4:**

**Plot 9 - Bathroom and south east living room**  
**Plot 11 - Bathroom and south east living room**  
**Plot 41 - Landing**  
**Plot 42 - En-suite**  
**Plot 50 - Upper stairwell**  
**Plot 59 - First floor en-suite**  
**Plot 75 - North-most window to bedroom 5**  
**Plot 84 - First floor bathroom**  
**Plot 88 - First floor en-suite**  
**Plot 89 - Bedroom 4**  
**Plot 96 - Stairwells**  
**Plot 99 - First floor en-suite**  
**Plot 126 - Stairwells**  
**Plot 133 - Stairwells**  
**Plot 137 - First floor en-suite**  
**Plot 138 - Bedroom 6**  
**Plot 139 - First floor en-suite**  
**Plot 141 - First floor en-suite**  
**Plot 144 - First floor bathroom**  
**Plot 177 - South east bedroom 2**  
**Plot 180 - Hall, bathroom and store**  
**Plot 181 - Hall, bathroom and store**  
**Plot 182 - North west bedroom 2**  
**Plot 185 - South east bedroom 2**  
**Plot 186 - bathroom and en-suite**  
**Plot 190 - Stairwells**  
**Plot 200 - First floor en-suite**  
**Plot 201 - En-suite**  
**Plot 202 - En-suite**  
**Plot 203 - En-suite**  
**Plot 204 - En-suite**  
**Plot 205 - First floor en-suite**  
**Plot 207 - First floor bathroom**  
**Plot 214 - First floor en-suite**  
**Plot 219 - Stairwells**  
**Plot 234 - First floor en-suite**  
**Plot 235 - Bedroom 5 and 6**  
**Plot 236 - First floor en-suite**  
**Plot 237 - First floor en-suite**  
**Plot 238 - Bathroom**  
**Plot 246 - Bedroom 5 and 6**  
**Plot 249 - First floor en-suite**  
**Plot 250 - Bathroom**  
**Plot 260 - Stairwells**  
**Plot 286 - Bathroom**  
**Plot 294 - Stairwells**

Reason: In the interests of the amenity of adjoining residents.

**Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.**

Reason: In the interests of highway safety.

- 32 **The development shall be constructed fully in accordance with the approved plans and particulars and there shall be no variation, unless otherwise agreed in writing by the local planning authority by way of a further planning application or an application for a non-material minor amendment, as appropriate.**

Reason: For the avoidance of doubt and to preserve the original design concept of the dwellings in the interests of the visual amenities of the area and to ensure a satisfactory appearance to the development.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is allocated in the Local Plan as a Housing Proposal Site under TWA3 and TWA4. Residential development of about 300 houses is therefore accepted, together with the provision of open space, landscaping and other community benefits as set out in detail within the adopted Manor Estate Design and Development Brief. The Development Control Committee resolved to delegate the grant of outline permission for residential development on this site (4/02329/04/OUT) on 10 March 2005, subject to a s.106 agreement. The agreement is awaiting completion.

Full planning permission is sought for the erection of 325 dwellings on the site, together with the provision of open space, landscaping, footpath links and associated highway works. An environmental statement was deemed not to be required for this development on 5 October 2004. The Highway Authority has previously concluded that the proposed means of access, and various highway improvements will accommodate up to 340 dwellings without harm to the surrounding highway network.

The density of the proposed scheme equates to approximately 36 dwellings per hectare which is considered to strike a reasonable balance between the current density of the Manor Estate, its urban fringe location and the requirements of central government to make best use of land. This accords both with PPG3 advice and Policies 10 and 21 of the Local Plan.

The proposed layout of the extension to the Manor Estate closely follows the master-plan layout adopted in the Manor Estate Design and Development Brief. The number of dwellings can be satisfactorily accommodated on the site without detriment, and the design and layout would respect the existing Manor Estate. There would be no harm to adjoining residential amenities. The proposal would accord with Policy 11 of the DBLP.

The provision of 35% affordable housing will form a significant proportion of the



required annual supply (91%) in the district and is considered to provide a suitable compromise between the desires of local residents and the overall aims and objectives to supply a larger proportion of affordable housing. The distribution of the affordable housing in five areas is considered an acceptable compromise between the interests of social inclusion and the issues of maintenance and management by the RSL.

Subject to a suitable management plan and landscaping proposals, as required by the Development Brief, the provision of open space is considered acceptable. The development would have a satisfactory relationship to existing trees. The major ecological issues emerging from the application can be dealt with by condition.

The provision of a bus gate will act as an effective traffic management tool to limit access from King Edward Street to 84 units. The diversion of public footpath 73 will be secured around the perimeter of the application site. Subject to the comments of the Highways Authority, estate access is considered satisfactory and car parking is in accordance with PPG3 and adopted standards in the Local Plan.

Sustainable drainage methods would be adopted and the development would make efforts to minimise the use of energy through renewable energy sources and energy conservation measures. An Energy Consumption Statement indicates a 23% reduction in CO2 emissions as against conventional technologies and building methods.

In accordance with the submitted air quality assessment, whilst overall CO2 emissions would rise, the impact on air quality from the houses would be below EU limit values. The likelihood of smell nuisance from the proposed pumping station is considered to be low and any responsibility for offensive smells will fall to the adopting sewerage authority.

The developer has agreed to make financial contributions, inter alia, towards engineering works on the school site, to fund a school bus service, to help subsidise the running of a public bus service, for medical services in Apsley, for community facilities and to help subsidise local shopping in Apsley centre. These benefits would be secured by legal agreement.

#### NOTE 2:

The following policies of the development plan are relevant to this decision:

#### **Dacorum Borough Local Plan 1991 - 2011**

##### **Part 3 General Proposals**

Policies 1, 2, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 49, 50, 51, 54, 55, 58, 61, 62, 63, 64, 67, 69, 70, 72, 73, 76, 79, 80, 96, 98, 99, 100, 101, 102, 103, 107, 111, 113, 115, 116, 118, 122, 123 and 124.

Two Water and Apsley Insert

#### **Appendices**

Appendices 1, 3, 5, and 8

#### **Supplementary Planning Documents/Guidance**

Eligibility Criteria for the Occupation of Affordable Housing

Energy Efficiency and Conservation

Environmental Guidelines

Manor Estate Development Brief

## Water Conservation

### INFORMATIVES:

#### Badgers

The applicant is advised that an English Nature licence will be required for any construction work within the following distances of a badger sett:

30 metres for Heavy Plant

20 metres for Light Plant

10 metres by Hand

#### Fire and Rescue

- The applicant is advised that vehicle access for fire service vehicles should be constructed in accordance with Section 17 of Approved document B of the Building Regulations 2000 where applicable.

Particular attention should be paid to table 21 and diagram 50 of above document.

- The applicant is advised that water supplies for fire fighting purposes should be provided and sited in accordance with BS5588: Part 5: 2004.

#### Public Sewers Crossing the Site

- The applicant is advised that there are public sewers crossing this site, therefore no building will be permitted within 3 metres of the sewers without Thames Water's approval. Should you require a building over application form or other information relating to your building/development work please contact Thames Water on 0845 850 2777.

#### Disabled Access

All units should have level access and accessible thresholds in order to comply with the current Building Regulations.