

## CHAPTER 17 – TWO WATERS AND APSLEY

### 17.1. TWO WATERS AND APSLEY INSET: GENERAL

#### **Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
4516	J Sainsbury’s Developments	5189	Aitchison Raffety
4547	John Dickinson Stationery Ltd		

#### **Supports**

4431	Mr G R Brooks	4463	Mr R Burnell
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#### **Key Issues**

- (a) Whether the TWA Inset status is clear. (4516, 4547)
- (b) Whether text needs to be made clearer and referenced. (4516, 4547, 5189)
- (c) Whether the Planning Brief should take precedence over the Inset on certain matters. (4547)
- (d) Whether the Inset needs updating. (4547)

#### **Inspector’s Conclusions**

##### ***(a) Status of inset***

17.1.1. I have some sympathy with the concerns expressed about the status of the TWA Inset and the relationship with other parts of the Plan, for I have repeatedly commented about the complexity and duplication that are inherent in the structure proposed by the Council. In some cases, as in the previous chapter relating to North East Hemel Hempstead, I have recommended that the Area Proposals element be deleted and the relevant policies be incorporated in Part 3 of the Plan, or in supplementary planning guidance. Whilst in principle I feel the same about the TWA Inset, I do recognise that it is a far more complex section, dealing with a large number of sites and various inter-related proposals. Because of the time it would take for the Council to unravel this Inset and disperse it about the main body of the Plan, I have taken the pragmatic view that it should be retained largely as it is. In some instances, however, where I find that a sub-section or policy is unnecessary and can be removed or modified without requiring major consequential changes, I am recommending that alterations be made.

17.1.2. As to the way in which the Plan defines the function of the TWA Inset, I agree with the Council that the overall structure is set out in the explanatory notes at paragraph 1.1 of CD52. I believe that this is a sufficiently clear explanation of the framework of the Plan, and I recommend no change in response to these objections.

##### ***(b) Clearer text***

17.1.3. Like the objectors, I find the structure of the TWA Inset particularly difficult to follow. Part of the problem arises, in my view, from the sheer volume of analysis that occurs in the Objectives section of the Inset, a significant amount of which is repeated in the justification for the policies and proposals. To my mind the objectives should be a clear and concise statement of the overall aim of this part of the Plan, drawing on the previous studies but not repeating the detail of their findings. I believe that the clarity

of the Inset would be significantly improved if the Objectives section was reduced to a few pages at most, and Maps 2 to 7 were deleted.

- 17.1.4. Turning to the clarity of the text that is to remain, I agree with the Council that the paragraph numbering provided in the Composite Draft helps to provide a more visible structure to the Inset. In general I do not believe that there is a significant problem with the amount of cross-referencing in this part of the Plan. Other than the changes I refer to above, I recommend no further modifications in response to these objections.

**(c) *Precedence of the Planning Brief***

- 17.1.5. I agree with the Council that there should be no confusion about the relative status of the Plan and the Apsley Mills Planning Brief and Design Statement (CD121). The adopted Plan will be part of the development plan, and will therefore have the substantial weight given by Section 54A of the 1990 Act. The Planning Brief is supplementary planning guidance which, as PPG12 makes clear at paragraph 3.16, is a material consideration in the determination of planning applications. I recommend no change in response to this objection.

**(d) *Does the Inset need updating***

- 17.1.6. I agree that the Inset should be up-dated to reflect the closure of the John Dickinson stationery site, though in most instances it is implicit inasmuch as Proposals Sites TWA3 and TWA10 are clearly dependent upon the availability of this land. I recommend that appropriate amendments be made to the text.

**Recommendation**

- 17.1.7. **The Objectives section of the TWA Inset be reduced to a few pages at most, and Maps 2 to 7 be deleted.**
- 17.1.8. **The text be up-dated to reflect the closure of the John Dickinson stationery site.**

## **17.2. TWO WATERS & APSLEY INSET: OBJECTIVES: (A)**

### **Objection**

<i>Rep No</i>	<i>Name</i>
2887	British Waterways

### **Supports**

2885	British Waterways	2920	Environment Agency
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### **Key Issue**

- (a) Whether it is sufficiently clear that the reference to the opportunity to replace walls and reinstate banks excludes the Grand Union Canal. (2887)

## Inspector’s Conclusion

### (a) *Clarity of reference to rivers*

- 17.2.1. The text to which British Waterways objects is part of the detailed explanation of the Objectives that I have recommended for deletion (see paragraph 17.1.3 above). In any event, I agree with the Council that the paragraph clearly refers to rivers that are the responsibility of the Environment Agency. I recommend no further change in response to this objection.

#### **Recommendation**

- 17.2.2. **No modification be made in response to this objection.**
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## 17.3. TWO WATERS & APSLEY INSET: MAP 2

### Objection

<i>Rep No</i>	<i>Name</i>
635*	HCC Environment Department

### Key Issue

- (a) Whether the information source, Hertfordshire Biological Record Centre, should be inserted in the key to Map 2. (635)

## Inspector’s Conclusion

### (a) *Recognition of information source*

- 17.3.1. The Council accepts that the source of the information about wildlife sites should be acknowledged, and proposes PIC220 to address this. A similar amendment is proposed to Map 5 by PIC222. However, as a result of my concern about the level of detail in the Objectives sub-section of the Inset, I am recommending that these maps are deleted (see paragraph 17.1.3 above). If the Council does not agree with this recommendation, the Plan should be modified in accordance with PICs 220 and 222.

#### **Recommendation**

- 17.3.2. **Should the Council not accept the recommendation to delete Maps 2 and 5, the Plan be modified in accordance with PICs 220 and 222.**
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## 17.4. TWO WATERS & APSLEY INSET: MAP 4

### Objection

<i>Rep No</i>	<i>Name</i>
2886	British Waterways

### Key Issue

- (a) Whether The Albion public house should be deleted from Map 4 of the TWA Inset. (2886)

### Inspector’s Conclusion

- (a) *Accuracy of Map 4*

17.4.1. The Council agrees that Map should be up-dated to reflect the fact that The Albion public house has been demolished, and proposes PIC221 to address this. This is another instance of a change to a Map that I am recommending for deletion. If the Council decides against this, I agree that PIC221 should be adopted.

### **Recommendation**

- 17.4.2. **Should the Council not accept the recommendation to delete Map 4, the Plan be modified in accordance with PIC221.**

## 17.5. TWO WATERS & APSLEY INSET: OBJECTIVES: (C)

### Objection

<i>Rep No</i>	<i>Name</i>
4498	Prudential Assurance Company Ltd

### Support

2888	British Waterways
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### Key Issues

- (a) Whether the criteria for abandoning the Apsley Diversion should be applied to the proposed road link between Durrants Hill Road and the traffic lights at London Road/Weymouth Street outside the Homebase Store, and whether any amendment to the text of Objective (c) is required. (4498)

### Inspector’s Conclusions

- (a) *Reference to proposed road link in Objectives*

17.5.1. It is clear from Map 5 of the Appendix to the Two Waters and Apsley Study (CD44) that the Apsley Diversion was a different and far larger scheme than the link road proposed as part of TWA13 and TWA9. Whilst the criteria of cost, use of land and environmental impact may well apply to the proposed link road, the text of this part of the Plan is merely reflecting the historical position and does not warrant amendment. In any event, this is part of the Inset that I am recommending be deleted from the Plan. No further change is necessary in response to this objection.

**Recommendation**

17.5.2. No modification be made in response to this objection.

**17.6. TWO WATERS & APSLEY INSET: OBJECTIVES: (D)****Objection**

<i>Rep No</i>	<i>Name</i>
4499	Prudential Assurance Company

**Counter Objections**

To pre-inquiry change 223		
5528PC	CPRE - The Hertfordshire Society	5642PC      Apsley Developments Ltd

**KEY ISSUES**

- (a) Does the sub-section on retailing provide sufficient and realistic guidance in respect of the existing retail warehouse development. (4499)
- (b) Should the reference to housing development at the Manor Estate be retained. (5528PC, 5642PC)

**Inspector’s Conclusions****(a) *Retail guidance and retail warehouse development***

17.6.1. In common with most of the Objectives section of the Inset, I consider that the detail provided on the development opportunities for retailing is largely unnecessary. In my view the appropriate policy context is established in the Shopping chapter of the Plan (Part 3 Section 6), in particular Policies 41 and 45. These elaborate the criteria against which new shopping proposals will be assessed, and refer to the opportunities for non-food retail warehousing in the Two Waters and Apsley area. To my mind the retailing objectives of the Inset can be quite simply stated – to create conditions in which the Apsley local centre can flourish, and to restrict the growth of out-of-centre retailing.

17.6.2. Consequently, as part of my recommendation in paragraph 17.1.3, I consider that most of paragraphs 2.53-2.55 should be deleted, and replaced by the objectives in the paragraph above. However, if the Council decides not to accept this recommendation, then I broadly agree with the analysis in the Composite Draft. This is subject to one proviso – I consider that the sub-section would benefit from some reference to PPG6 and the sequential approach if it is to remain in the Plan.

**(b) *Development at the Manor Estate***

17.6.3. This objection is one of many from the CPRE that opposes the proposed deletion in the Composite Draft of housing development at the Manor Estate (Sites TWA6 and TWA7). As I indicate in Chapter 7, I have concluded that these sites should remain in the Plan. I set out my reasoning in detail when dealing with these sites later in this chapter.

- 17.6.4. The housing sub-section is yet another part of the Objectives that I consider to be largely superfluous, particularly as the justification for the housing Proposals Sites occurs later in the Inset. As with the other land uses, it should be possible to define a few succinct objectives and thereby delete most of paragraphs 2.50 and 2.51. If the Council chooses not to adopt this approach, then I recommend that the deletion of the reference to Green Belt land by PIC223 be not adopted.

### Recommendation

- 17.6.5. **The Plan be modified by deleting the retailing and housing development objectives and replacing them by simple and succinct statements.**
- 17.6.6. **Should this recommendation not be accepted:**
- i) **The retailing sub-section be modified to include a reference to PPG6 and the sequential approach;**
  - ii) **PIC223 be not adopted.**

## 17.7. TWO WATERS & APSLEY INSET: PROPOSALS: 3. THE GREEN BELT

### Counter Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
To pre-inquiry change 224 5529PC	CPRE - The Hertfordshire Society	5643PC	Apsley Developments Ltd

### Key Issues

- (a) Whether the sub-section explaining development around the Manor Estate, which is proposed to be deleted by PIC224, should be retained. (5529PC, 5643PC)

### Inspector’s Conclusions

- 17.7.1. In the light of my conclusions in section 4.32 of my report I do not consider that it is necessary for the sub-section explaining development around the Manor Estate to be deleted. However, if the Green Belt boundary is amended, as I have recommended in paragraph 4.32.45 of my report, I consider that the wording of this sub-section, particularly paragraph 3.10, may need to be amended to ensure the Plan is consistent. I recommend, therefore, that PIC 224 should not be adopted but that the Plan should be modified instead by altering the wording of the sub-section as necessary to take account of the amended boundary to the Green Belt.

### Recommendation

- 17.7.2. **PIC224 be not adopted.**
- 17.7.3. **The Plan be modified instead by amending the wording of the sub-section relating to the Manor Estate, as required, to ensure consistency with the changes to Map 6 in Part 3 of the Plan.**

## 17.8. TWO WATERS & APSLEY INSET: PROPOSALS 4: OPEN LAND AND ENVIRONMENT

### Counter Objection

*Rep No*      *Name*  
To pre-inquiry change 225  
5530PC      CPRE - The Hertfordshire Society

### **Key Issue**

- (a) Whether references to development around the Manor Estate, which are proposed to be deleted by PIC225, should be retained. (5530PC)

### **Inspector’s Conclusion**

- (a) *Development around the Manor Estate*

17.8.1. Another consequential objection from the CPRE in respect of the proposed deletion of the housing development at the Manor Estate. Following my recommendation that this be retained in the Plan, PIC225 should not be adopted.

### **Recommendation**

17.8.2. PIC225 be not adopted.

## 17.9. TWO WATERS & APSLEY INSET: PROPOSALS: 5. HOUSING

### Counter Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
To pre-inquiry change 226			
5332PC	Wilcon Development Group Ltd	5667PC	Apsley Developments Ltd
5531PC	CPRE - The Hertfordshire Society	5757PC	Felden Park Farms Ltd
5635PC	Mr James Campbell		
To pre-inquiry change 227			
5532PC	CPRE - The Hertfordshire Society	5666PC	Apsley Developments Ltd
5629PC	The Directors of Shendish Manor Estate	5758PC	Felden Park Farms Ltd
5636PC	Mr James Campbell		
To pre-inquiry change 228			
5281PC	Railtrack Property (Town Planning) Railtrack plc	5665PC	Apsley Developments Ltd
5333PC	Wilcon Development Group Ltd	5759PC	Felden Park Farms Ltd
5344PC	Lattice Property		

### Support

4649      Apsley Developments Ltd

### Supports for pre-inquiry changes

For pre-inquiry change 226		
5245PC	Helen Wolfenden	5343PC      Lattice Property
For pre-inquiry change 228		
5533PC	CPRE - The Hertfordshire Society	

### **Key Issues**

- (a) Should the references to the extension of the Manor Estate, which are proposed to be deleted by PICs 226 and 227, be retained. (5332PC, 5531PC, 5532PC, 5629PC, 5635PC, 5636PC, 5666PC, 5667PC, 5757PC, 5758PC, 5759PC)
- (b) Whether references to the reallocation of Proposal TWA8 from employment to housing use, as

proposed under PICs 226 and 228, should be included in the plan. (5281PC, 5332PC, 5333PC, 5531PC, 5635PC, 5665PC, 5667PC, 5757PC, 5758PC, 5759PC)

- (c) Should the part of the text in PIC228, which refers to park and ride facilities at the Gas Board site and land to the rear, London Road, be introduced into the Plan. (5344PC)

## Inspector’s Conclusions

### (a) *Retention of the Manor Estate extension*

- 17.9.1. I have concluded in section 4.32 of my report that development of the land adjoining the Manor Estate would cause limited harm to the wider Green Belt. In addition, I have found in section 7.4 that there is a need for more housing to be provided on identified sites. I have also concluded that the land at Breakspear Way would be an unsustainable location for housing and have therefore recommended that it should not be included in the Plan. In these circumstances, I consider that the deletion of the proposed housing sites adjoining the Manor Estate would be inappropriate. I therefore recommend that PIC227 should not be proceeded with.
- 17.9.2. However, in the light of my conclusions in section 17.23 of this chapter in respect of the appropriate net capacity for Proposal Site TWA7, I consider that there would need to be a consequential amendment to paragraph 3.46 to increase the number of dwellings referred to from 260 to 300. Amendments will also be required to the figures in paragraphs 3.30 and 3.31 and the references to TWA 6 and 7 in paragraph 3.31 will need to be retained. I recommend, therefore, that the Plan be modified accordingly.

### (b) *Reallocation of TWA8 to housing*

- 17.9.3. Most of the objectors agree with the reasons given by the Council for employment uses on Site TWA8 in its justification of the Deposit Draft proposal. Railtrack considers that an alternative site is needed for a rail-freight facility. These are related objections to matters that are addressed elsewhere in the Plan. I deal with the arguments in favour of employment use later in this chapter in my consideration of Proposal Site TWA8 (see paragraphs 17.24.1 to 17.24.5). Although I recognise that there is a good case for retaining the land for employment, I conclude that this is outweighed by the additional loss of Green Belt land to housing that would follow as a consequence. I consider the substantive objection to the loss of a freight railhead in Chapter 10, under Policy 66, where I conclude that the need for housing land outweighs the questionable prospect of a rail-freight facility being developed on this site (see paragraphs 10.17.2 to 10.17.7). Consequently, I support PICs 226 and 228.

### (c) *Park and ride on the Gas Board site*

- 17.9.4. Lattice Property opposes the inclusion of a park and ride site within Site TWA8 on the grounds that it is not well located for such a purpose, that the feasibility has not been demonstrated, and that it does not form part of a well-conceived transport strategy. Once again this is a related objection to a matter that is addressed elsewhere in the Plan. I consider the question of a park and ride facility on Site TWA8 in Chapter 10, under Proposal Site Txiv, where I recommend that it be deleted from the Plan (see paragraphs 10.35.1 to 10.35.9). As a consequence, I recommend that PIC228 be amended by the deletion of paragraph 3.43.



## Recommendation

17.9.5. The Plan be modified as follows:-

- (a) the dwelling figures in paragraphs 3.30 and 3.31 be amended to take account of my recommendations in Chapter 7 of my report and those later in this chapter which relate to the TWA Housing Proposal Sites;
- (b) an additional bullet point be inserted in paragraph 3.31 in accordance with PIC226;
- (c) paragraphs 3.41 to 3.44 be added in accordance with PIC228;
- (d) the figure in paragraph 3.46 be increased to 300 to be consistent with my recommendation in paragraphs 17.23.x. subject to the deletion of paragraph 3.43 from the latter.

17.9.6. PIC227 and that part of PIC226, which seeks to delete the references to Proposal Sites TWA6 and TWA7 and amend the housing figures in paragraphs 3.30 and 3.31, be not adopted.

## 17.10. TWO WATERS & APSLEY INSET: PROPOSALS: 6. EMPLOYMENT

### Objection

<i>Rep No</i>	<i>Name</i>
4500	Prudential Assurance Company Ltd

### Counter Objections

To pre-inquiry change 229

5371PC	J Sainsbury’s Developments	5664PC	Apsley Developments Ltd
5630PC	The Directors of Shendish Manor Estate	5760PC	Felden Park Farms Ltd

### Support for pre-inquiry change

For pre-inquiry change 229

5534PC	CPRE – The Hertfordshire Society
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## Key Issues

- (a) Whether the section referring to the removal of the Homebase retail warehouse should be retained. (4500)
- (b) Is the reference to proposal TWA9 in PIC229 appropriate. (5371PC)
- (c) Should the references to Employment Proposal TWA8, which are proposed to be deleted by PIC229, be retained. (5630PC, 5664PC, 5760PC)

## Inspector’s Conclusions

(a) *Retail warehouse*

17.10.1. The objector opposes the assertion in the second sentence of paragraph 3.57 that the retention of the Homebase retail warehouse is unnecessary because of the availability of other stores nearby. I deal with this matter under Proposal TWA9, which is the substantive policy dealing with this site. I find the statement difficult to reconcile with the large number of retail warehouses recently developed in the locality, for it is

reasonable to assume that permission would not have been granted for them all unless a need was thought to exist. Moreover, as I have previously indicated the Council has produced no evidence of over-provision of this type of floorspace. In my view there is no justification for the statement that the retail warehouse is unnecessary, and I recommend that it be deleted from the Plan.

**(b) Reference to TWA9**

- 17.10.2. The objection is a consequential objection to the inclusion of Proposal TWA9 within the Gade Valley GEA. I deal with this matter in my consideration of Policy TWA5, where I conclude that Gade Valley should be removed from the Table of GEAs because of its predominantly retail use. It follows, therefore, that the reference to TWA9 in PIC229 should be deleted.

**(c) Reference to TWA8**

- 17.10.3. The objectors oppose the deletion of Proposal TWA8 as an employment site, arguing that it is needed for such a purpose. These are also consequential objections, for the objectors address the substantive issues under Proposal TWA8, and I deal with them at that point in this chapter. As I conclude that the Gas Board land and adjoining former railway sidings should be developed for housing, the deletion of Proposal TWA8 for employment purposes is clearly appropriate. I recommend no change in response to these objections.

**Recommendation**

- 17.10.4. **The Plan be modified as follows:**

- i) **The second sentence of paragraph 3.57 be deleted;**
- ii) **The reference to TWA9 in PIC229 be deleted.**

## **17.11. TWO WATERS & APSLEY INSET: PROPOSALS: 7. APSLEY LOCAL CENTRE**

**Objection**

<i>Rep No</i>	<i>Name</i>
4563	Ms A Box

**Counter Objections**

To pre-inquiry change 230

5535PC	CPRE - The Hertfordshire Society
5663PC	Apsley Developments Ltd

5761PC

Felden Park Farms Ltd

### **Key Issues**

- (a) Should the reference to housing development at the Manor Estate, which is proposed to be deleted by PIC230, be retained. (5535PC, 5663PC, 5761PC)
- (b) Are the aims for proposals affecting the local centre appropriate. (4563)
- (c) How should the junction of Durrants Hill Road and London Road be improved. (4563)

## **Inspector’s Conclusions**

### **(a)      *Development at the Manor Estate***

- 17.11.1. These are further objections from those who oppose the proposed deletion of the housing development at the Manor Estate. Following my recommendation that this be retained in the Plan, PIC230 should not be adopted.

### **(b)      *Aims for the local centre***

- 17.11.2. Ms Box believes that Apsley local centre is in danger of losing its charm as a village if more traffic is directed through it, particularly as a result of the expansion of the Manor Estate. She is concerned at the loss of shops and other facilities, and at the quality of maintenance of public areas and landscaping. The Council has taken these objections to relate to the aims behind the proposals for the local centre in paragraph 2.69 of CD52, and considers that there is no direct objection to these aims. It seems to me, however, that there is an implied criticism of objective (a), in that Ms Box questions the need for the layout of the London Road/Durrants Hill Road junction to be rationalised. Objective (b), which seeks to direct traffic to London Road, is also opposed as part of her objection to the Manor Estate extension.
- 17.11.3. I recognise that the objective of directing traffic onto London Road is potentially in conflict with some of the other objectives, such as encouraging investment in buildings and ensuring the safety of pedestrians. London Road is, however, the main distributor road through the local centre, and the consequences of other less suitable roads being used would be likely to cause greater damage to the area. Consequently I believe that the Plan should aim to manage this traffic, and the other pressures on land, in the most appropriate manner. In my view the objectives at paragraph 2.69 generally establish the context for achieving this.
- 17.11.4. I deal with the matter of the London Road/Durrants Hill Road junction in the following sub-section. I recommend no change in response to this objection.

### **(c)      *Improvements to the junction of Durrants Hill Road and London Road***

- 17.11.5. Ms Box does not consider the London Road/Durrants Hill Road junction to be a problem, and is not clear how the proposals would work. In her view a set of traffic lights incorporating the zebra crossing is all that is needed. The Council contends that the junction is one of the main causes of congestion on London Road, and that some rationalisation is necessary to improve the effectiveness of the main distributor road so that traffic does not seek alternative routes. The approach is in two stages. The first would provide a new access road to the backland housing development on Proposal Site TWA13, and would include the closure of the Mill Street arm of the junction. The second stage would involve the closure of the Durrants Hill Road junction by continuing the route to a new junction with London Road as part of Proposal Site TWA9. The Council argues that a traffic signal controlled junction at Durrants Hill Road would be unsatisfactory, primarily because there is insufficient road width to provide the right turn lane that would be needed to increase the capacity of the road.
- 17.11.6. Although there is little evidence on which to reach a conclusion on this matter, there is nothing to suggest that the Council’s analysis is inherently wrong. I deal with the

specific elements of the proposed link road in my consideration of Proposals Sites TWA9 and TWA13. As far as this “scene-setting” part of the Inset is concerned, I recommend no change in response to this objection.

### **Recommendation**

17.11.7. PIC230 be not adopted.

## **17.12. TWO WATERS & APSLEY INSET: PROPOSALS: 8. TRANSPORT**

### **Objection**

<i>Rep No</i>	<i>Name</i>
2163	Highways Agency

### **Counter Objections**

To pre-inquiry change 231

5536PC	CPRE - The Hertfordshire Society	5762PC	Felden Park Farms Ltd
5662PC	Apsley Developments Ltd		

### **Support**

4552	John Dickinson Stationery Ltd
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### **Support for pre-inquiry change**

For pre-inquiry change 232

5537PC	CPRE - The Hertfordshire Society
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## **Key Issues**

- (a) Does a traffic assessment for the Inset Area proposals need to be prepared in order to consider the effects on the A41 trunk road. (2163)
- (b) Should the reference to highway improvements, TWA16 and TWA17, related to the extension of the Manor Estate be retained. (5536PC, 5662PC, 5762PC)

## **Inspector’s Conclusions**

### ***(a) Traffic assessment of effects on A41 trunk road***

17.12.1. The Highways Agency argues that the extensive redevelopment proposed for the Two Waters and Apsley area, including new housing and employment developments plus a park and ride facility, warrant the preparation of a Traffic Impact Assessment (TIA) before piecemeal development takes place. It is concerned at the implications for the A41 trunk road and its junctions, together with the sustainability of the proposals in relation to the trunk road network, and believes that a TIA would be in line with the objectives set out in Policy 52.

17.12.2. The Council’s detailed response considers the consequences of the main traffic generating proposals of the Inset on a site by site basis. It points out that an approach to traffic growth from new development was agreed with the County Council, as local highway authority, in the Two Waters and Apsley Study (CD44). Neither the Borough nor the County Council considers that the scale of development justifies a TIA for the area as a whole. They are confident that the cumulative effect of the traffic generated

by the proposals in either the Deposit Draft or the Composite Plan would not have an adverse impact on the A41. Furthermore, the Council indicates that large individual developments are required to provide a TIA prior to development, in accordance with Policy 52, and will have to take into account any planned commitments at that time.

- 17.12.3. I see no reason to disagree with the Council’s assessment. It is evident that there have been a number of studies into the implications of the traffic generated by the major developments proposed for this area, particularly in relation to the expansion of the Manor Estate. If the capacity of the A41, or other parts of the trunk road network, is a potential problem, it is reasonable to assume that these studies would have identified this. But there is no indication of any potential difficulty, nor has the objector suggested that such a problem is likely to occur. I share the Council’s view that an area-wide TIA would be justified if a significantly larger scale of development were proposed, such as the Manor Estate extension and Shendish, because the impact of this has not been tested. But on the evidence available to me I do not believe that an overall TIA is necessary. As to the sustainability arguments, such matters have been to the fore in the choice of the individual sites, resulting in a package of development proposals that aims to minimise any adverse effects on sustainability principles. I recommend no change in response to this objection.

**(b) Highway improvements TWA16 and TWA17**

- 17.12.4. These objections are related to the proposed deletion in the Composite Draft of the extension to the Manor Estate. The highway improvements proposed by TWA16 and TWA17 are solely required in connection with the housing development, and I consider them in detail later in the chapter. Nevertheless, as I am recommending that the residential allocations be retained, so too are the associated highway works. I recommend that PIC231 be not adopted.

**Recommendation**

- 17.12.5. PIC231 be not adopted.

## 17.13. POLICY TWA1: THE CANAL CORRIDOR THROUGH TWO WATERS AND APSLEY

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
2889	British Waterways	2890	British Waterways

### Supports

1155	Herts & Middlesex Wildlife Trust	2921	Environment Agency
1970	The Boxmoor Trust	3836	Mr J Buckett

### **Key Issues**

- (a) Should the policy state that financial contributions might be sought to secure improvements presented by development proposals. (2889)
- (b) Does the policy need to state that British Waterways approval is necessary for new pedestrian bridges over the canal. (2890)

## Inspector’s Conclusions

### (a) *Financial contributions to improvements to the canal corridor*

17.13.1. British Waterways generally supports the Policy, but objects to the lack of any reference to the funding of enhancements to the canal, and suggests that a reference to financial contributions be added. I share the Council’s view that such an addition is unnecessary. Policy 11, which promotes the planning obligations through which financial contributions are usually secured, applies to all development proposals, so a specific reference would be superfluous. I recognise that there are occasions when the need for contributions is mentioned, but these generally occur with site-specific proposals rather than general policies such as this. I recommend no change in response to this objection.

### (b) *Approval for new pedestrian bridges*

17.13.2. A further objection is to the failure of the Policy to recognise that British Waterways’ approval would be required for any new pedestrian bridges. In common with the many other objections from British Waterways concerning approval for works on its operational land, I do not regard this as a matter that needs to be acknowledged in a local plan policy. As both landowner and a statutory consultee, consultation would be required as part of the planning process before a pedestrian bridge could be approved. I recommend no change in response to this objection.

#### Recommendation

17.13.3. No modification be made in response to these objections.

## 17.14. POLICY TWA2: THE RIVERS THROUGH TWO WATERS AND APSLEY

### Supports

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1156	Herts & Middlesex Wildlife Trust	2922	Environment Agency
1971	The Box Moor Trust	4464	Mr R Burnell

## 17.15. POLICY TWA3: CONTROL OF DEVELOPMENT ALONGSIDE TWO WATERS WAY AND TWO WATERS ROAD

### Support

<i>Rep No</i>	<i>Name</i>
1006	The Box Moor Trust

## 17.16. POLICY TWA4: CONVERSION OF EMPLOYMENT LAND IN TWO WATERS AND APSLEY

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1086	The Boxmoor Trust	4446	WH Lavers & Sons Ltd & CS & EW Lavers Trusts
2892	British Waterways	4548	John Dickinson Stationery Ltd

2893            British Waterways  
4444            Fugro Ltd

4561            Ms A Box

**Support**

2891            British Waterways

## **Key Issues**

- (a)      Should part of the Corner Hall GEA be identified as a site for redevelopment for housing or be reinstated for employment use. (1086, 4446)
- (b)      Whether part of the Corner Hall GEA is a suitable site for housing. (1086)
- (c)      Should land at Frogmore Road be identified as a site for redevelopment for housing or be reinstated for employment use. (4444, 4561)
- (d)      Could the employment uses be relocated to Maylands Avenue. (4561)
- (e)      Whether housing proposed at Frogmore Road and Ebbens Road should be brought forward more quickly. (4561)
- (f)      Should the redevelopment of the land for housing preserve the village character and provide facilities to meet the needs of local residents. (4561)
- (g)      Whether the section yard on Ebbens Road ought to be included in the area in order to encourage its redevelopment for housing. (2892)
- (h)      Should the reference to the cycleway along the canal make it clear that it is subject to British Waterways approval. (2893)
- (i)      Does Policy TWA4 repeat advice in parts 1-3 of the Plan. (4548)

## **Inspector’s Conclusions**

### ***(a)      Appropriateness of Corner Hall conversion site***

- 17.16.1. The part of the Corner Hall General Employment Area that is identified for conversion to housing under Policy TWA4 comprises the premises of a timber merchant, consisting of a timber yard and a range of buildings, and a separate office building. The objectors argue that there is no prospect of the site being available for redevelopment, as it would not be economically viable to relocate the existing profitable enterprise. They are also concerned that the prohibition on redevelopment of the current uses would be detrimental to their business.
- 17.16.2. The Council contends that the Policy 33 and TWA4 proposals are an important element in the concept of planned regeneration that underlies the Structure Plan strategy for Hertfordshire. During the preparation of the Structure Plan, both the County Council and the EIP Panel believed that Dacorum had underestimated the scope for providing housing on land that would be surplus to employment requirements. In response, the Council has specifically allocated for housing those larger employment sites, generally in single ownership, that are most likely to be redeveloped during the Plan period. It has also identified a second group of sites, mostly smaller and in multiple ownership, which have potential for conversion to housing but are likely to take longer to realise. These Policy 33 and TWA4 sites provide a pool of opportunities from which a proportion are expected to come forward

for housing development in the Plan period, though the existing uses can remain if they so choose.

- 17.16.3. There is no objection to the principle of a pool of potential employment sites that are encouraged to convert to residential use, and I accept that it is an appropriate means of achieving some regeneration during the Plan period that otherwise might not occur. The approach also flags up opportunities for further conversion beyond the Plan period, thereby indicating that the planned regeneration objective is likely to continue. It is important, however, that there is a realistic prospect of the sites identified under this policy coming forward at some stage. The Structure Plan recognises that successful regeneration requires the involvement of all sections of the community, including landowners and local businesses, for it is not the intention to promote wholesale redevelopment that would require the forced removal of either residents or businesses. Government advice in PPG3 is similar, cautioning against unreal expectations about the developability of particular sites.
- 17.16.4. It is clear that the company that owns the Corner Hall site, and the related company that operates the timber yard, have no intention or desire to move from this location. The business was established over 100 years ago and, being the only individual timber merchants in the Hemel Hempstead area has built up a strong client base. It is also in an accessible central location, and the use is complemented by the adjoining do-it-yourself superstore. The objection to the identification of the site as a potential location for housing was first made in response to the publication of the Two Waters and Apsley Study (CD44) in 1996. Despite the resistance of the landowners, and without making any contact with them, the Council carried the designation through to the Deposit Draft Plan. I find it surprising that the authority has not discussed the matter with the company, for it is difficult to see how a judgement about the prospects of redevelopment could be made without such a dialogue. It is also contrary to the approach promoted in the Structure Plan, which seeks community participation.
- 17.16.5. At the inquiry the objectors demonstrated that relocation to a similar purpose built facility would not be economically viable given the high price of industrial land, the cost of new buildings, and the costs associated with the move. It was also indicated that a move to an existing industrial building was unlikely to be feasible, as the supply of secondary property is extremely limited, making it expensive, and most buildings are not well-suited to use by a timber merchant. The Council did not contest the figures put forward, but argued instead that the present relatively small difference between industrial and residential land values could change in the future, perhaps making relocation a viable option.
- 17.16.6. Like the Council, I see no reason to doubt the valuations produced by the objectors, as they are consistent with those presented by other parties to the inquiry. I am not persuaded, however, by the Council’s contention that a future shift in comparative values would make relocation viable. This would require a substantial change in the relationship between residential and industrial land values, and I regard this as highly unlikely when the scarcity of both categories of land is set to continue.
- 17.16.7. There is clear evidence that the relocation of the existing timber merchants is unlikely to be cost-effective, and there is a strong resistance to moving from the present location because of the potential loss of trade. I therefore conclude that there is no realistic prospect of part of the Corner Hall General Employment Area being



redeveloped for housing during the Plan period, and that there is nothing to be gained by designating the site for conversion under Policy TWA4. Moreover, as the policy seeks to preclude redevelopment of the site in its current use, I recognise that the proposal would, in the longer term, threaten the continued existence of an established and profitable local business. In these circumstances I recommend that the site be deleted from the schedule of sites in Policy TWA4, and instead that it continue to form part of the General Employment Area.

**(b) *Suitability of Corner Hall site for housing***

17.16.8. The objector believes that the site is not a suitable location for housing use. It is argued that the land is severed from the main areas of housing and would have employment uses on two sides. Factors such as potential overlooking from three storey offices would make it difficult to provide reasonable living conditions and the overall setting and environment is believed to be unsatisfactory.

17.16.9. The Council considers that a suitable residential environment could be created, and I share this view. The site is situated on a boundary between residential and office development on the Lawn Lane frontage, with the canal to the south and a car park to the west. The adjoining commercial uses are not incompatible with residential development, in my opinion, and the site benefits from proximity to the canal and an area of open space. Moreover it is an eminently sustainable location, within walking distance of Hemel Hempstead town centre and on a bus route. Nevertheless, the suitability of the site for housing does not outweigh my conclusion in the preceding section that it should be retained in employment use. I recommend no further change in response to this objection.

**(c) *Appropriateness of Frogmore Road conversion site***

17.16.10. The Frogmore Road General Employment Area occupies an elongated triangle of land between the canal and the River Gade to the south east of Durrants Hill Road. The area identified for housing is the narrow, south eastern part that lies mainly beyond the turning head at the end of the cul-de-sac. It comprises two buildings separated by an access to the car park at the rear. The objector owns the larger, southern building and uses most of it as offices and a laboratory; the remainder is leased to other companies. As with the Corner Hall site, the objector has no intention of moving from the site and is concerned that the policy would prohibit redevelopment for the present uses. The company is part of a world-wide specialist geo-technical group that has seen consistent expansion in recent years, and may at some future time seek to redevelop its Frogmore Road site.

17.16.11. The Council selected the site in the Two Waters and Apsley study, and despite objections at that time from the owners, the designation was carried forward into the Deposit Draft Plan without any dialogue between the parties. The comments I make in sub-section (a) above are therefore equally applicable here. Not only has the authority failed to involve the section of the community that would ultimately be responsible for enabling the conversion to housing, but by the same token it has foregone the opportunity to assess the likelihood of implementation.

17.16.12. The one significant difference between this site and Corner Hall is the appropriateness of residential use, for the objector considers that the location is inherently unsuitable

for housing, given the proximity of industrial and commercial uses. The Council accepts that the location is not ideal, but believes that the changes proposed for the surrounding area should bring about the creation of a satisfactory residential environment. I acknowledge that some improvements to the locality are likely, for the plans to turn Frogmore Mill into a heritage centre and museum are well advanced and should enhance the appearance of this unsightly site. Additional benefits will arise from the widening of Durrants Hill Road (Proposal TWA15) and creation of a visitors’ car park (Proposal TWA14). In addition, the outlook across the canal to the north-east could improve if the industrial units on Ebberns Road were similarly redeveloped for housing under Policy TWA4, though given my concern about the loss of small units (see section (d)) and the multiplicity of ownerships, there can be no certainty that this will occur.

17.16.13. Even with these improvements, however, the site would remain in a predominantly industrial and commercial area. The approach along Frogmore Road would still pass between the industrial units and the mill building, and there is no reason to suppose that the constant movement of goods vehicles, the on-street parking and the noise associated with the industrial activity would cease. Further disturbance would arise, as at present, from deliveries to the service yards of the large retail units that are situated just across the River Gade to the south west, and the unattractive outlook in this direction would persist. Consequently, despite the appeal of living by the canal, I consider that the site would have a poor environmental quality.

17.16.14. The principle that underlies planned regeneration is the need to make the best and most efficient use of urban land so as to minimise the development of greenfield sites beyond existing settlements. Implicit in this process is a proactive stance towards land and buildings that are, or might shortly become, under-used, vacant or derelict. The Frogmore Road site is none of these, however. The buildings are relatively modern, with a life span well beyond the Plan period; they have been altered internally to provide the specialist accommodation required by the objector; and they are fully occupied. Moreover, if the site were redeveloped for housing, a broadly equivalent amount of floorspace would be required in another employment location if the significant number of jobs (over 120) were to be retained in the wider area.

17.16.15. It is apparent that not only has the objector no wish to move from Frogmore Road, but the company believes the site to have considerable potential for future expansion or redevelopment. The main building has been adapted to the particular requirements of the objector, and has a reasonable remaining life span. I therefore believe that there is no realistic prospect of the site being vacated by the present occupier during the plan period. Even if the site were to become available for redevelopment, I have serious reservations about its suitability for housing given the close proximity of industrial and commercial uses, most of which are to remain. In these circumstances I do not consider that it is appropriate to designate the site for conversion to housing under Policy TWA4. I recommend that it be deleted from the schedule of sites and reinstated as part of the GEA.

**(d) *Relocation of employment uses***

17.16.16. The objector fundamentally supports the conversion to housing of the Ebberns Road and Frogmore Road sites, and suggests that they should be relocated to the Maylands Avenue GEA. The Council points out that whilst parts of the wider Maylands area

would be suitable for displaced industrial uses, the allocated sites are largely taken and there is limited secondary property on the market for small to medium sized firms. The authority also believes that it is important to provide a variety of sites and locations, and favours retaining some employment sites in Apsley so as not to concentrate them all in the Maylands area.

- 17.16.17. The acknowledgement by the Council of the shortage of secondary industrial property in the Hemel Hempstead area highlights an issue that, in my view, has received insufficient attention in the selection of Policy 33/TWA4 conversion sites. Because of its New Town origins the pattern and distribution of industrial land in Hemel Hempstead is somewhat unusual, for there is a distinct shortage of the smaller, older industrial property that in many towns provides relatively cheap accommodation for new enterprises. Indeed a significant proportion of these small premises appears to be found in Apsley, and it is difficult to see how the businesses that occupy the TWA4 sites could find suitable alternative accommodation nearby.
- 17.16.18. I appreciate that my rejection of the Corner Hall and Frogmore Road conversion sites means that fewer firms are likely to be seeking opportunities to relocate, but these sites are currently occupied by larger concerns that might more easily have been able to move to the Maylands area. The Ebberns Road site, on the other hand, is predominantly occupied by small businesses, so the conversion of this land to housing would both reduce the supply of small premises and increase the competition for them. The situation is exacerbated by the loss of TWA8 for employment use, as the Council had previously regarded this as an important source of secondary industrial land.
- 17.16.19. In these circumstances I am concerned at the potential consequences of the Ebberns Road conversion site on the supply of secondary accommodation for small and medium sized enterprises. Because the Policy lacks any element of compulsion, in that it seeks to encourage rather than require such conversion, it is only likely to be implemented if opportunities for relocation can be found. For this reason, coupled with the fact that there was no objection to the Ebberns Road element of Policy TWA4, I do not propose that the site be deleted. I do recommend, however, that the Council looks again at the implications of the designation on the supply of accommodation for small businesses. If it finds that the inclusion of the Ebberns Road site would be likely to lead to a significant shortage of such premises, with adverse consequences for employment within the Borough, then I would recommend that the site be deleted.

**(e) *Speed of conversion to housing***

- 17.16.20. Although supportive of the principle of the TWA4 sites, the objector is concerned at the slow rate of change envisaged by the Council and wishes the process to happen as quickly as possible. She and other local residents object to the noise and disturbance created by the industries that occupy these sites, and to the associated traffic, and believe that the local environment would be significantly improved once the conversion has taken place. The Council points out that the employment sites most likely to come forward for housing have been included within the Schedule of Housing Proposal Sites. Those identified under Policies 33 and TWA4 are the ones with established employment uses and fragmented ownership. Because the authority anticipates that there may be difficulties of site assembly before any redevelopment can take place, the process is likely to take longer to implement. Consequently not all

the Policy 33/TWA4 sites are expected to come forward during the plan period, though the designation gives a clear indication of the Council’s intentions.

- 17.16.21. I believe that the Council has taken a realistic approach to the categorisation of sites, for it is reasonable that those cases where there is uncertainty about the likelihood of conversion should contribute to a pool of opportunities. It is evident that the authority has assumed a relatively slow take-up during the Plan period, estimating that about 90 houses will be built from sites that, in total, could contribute some 6ha of land. Indeed, Policies 33/TWA4 are very much a vehicle for promoting regeneration that otherwise would be unlikely to happen, for the uncertainties are such that the sites could not be specifically allocated for development.
- 17.16.22. Nevertheless my conclusion that the Corner Hall and Frogmore Road sites are inappropriate for conversion (see sub-sections (a) and (c) above) reduces the pool from which conversions could occur. In addition, because of my reservations about the availability of alternative accommodation for the Ebberns Road businesses, and the fact that this is the largest and probably the most complex of all the Policy 33/TWA4 sites, I believe that it would be unwise to assume any substantial housing gain from this source. As a consequence I consider that it is somewhat optimistic to assume that 90 houses are likely to be built during the Plan period from the remaining sites. I suggest instead that a figure in the region of 60 would be a more realistic assumption to build into the housing supply equation.
- 17.16.23. The speed at which the changes proposed in Policies 33/TWA4 are implemented is largely beyond the control of the local plan. The Council has the power to take a proactive role if it so chooses, perhaps by co-ordinating site assembly, by assisting firms to find alternative sites for relocation, and ultimately by using compulsory purchase powers if appropriate. However, in the context of a pool of opportunity sites, I do not believe that it would be reasonable for the Policy to commit the authority to any of these actions. I therefore recommend no change to the Plan in response to this objection.

**(f) *Local facilities and village character***

- 17.16.24. The objector believes that the residential development proposed for the Ebberns Road and Frogmore Road conversion sites should reflect the village character of the older part of Apsley, and that the opportunity should be taken to provide local facilities such as a surgery. Notwithstanding my views about the suitability of the Frogmore Road site (see sub-section (c) above), it seems to me that these are essentially matters of detail that can be considered during the preparation of the development briefs that are required by Policy TWA4.
- 17.16.25. Whilst it should be feasible for the design and layout of the dwellings to reflect the local traditions, the relationship of the sites to the canal and river are particularly important, in my view, and other solutions are therefore possible. As to the provision of local facilities, I share the Council’s view that these would best be located within the nearby Apsley local centre, where they would be more readily accessible and would enhance the attractiveness of the centre. Nevertheless, the generally enabling nature of Policies 68 and 71, which seek the provision of social and community facilities, would not necessarily preclude this type of development in a residential area

if a particular need were identified. I recommend no change to the Plan in response to this objection.

**(g)      *Ebberns Road section yard***

17.16.26. British Waterways objects to the requirement that its section yard on Ebberns Road be retained as open land rather than form part of the housing conversion site. Although it has no plans to discontinue the use, it believes that it should have the option to redevelop some or all of the yard. The Council points out that the facility is conveniently located to carry out maintenance work on the canal, and that an alternative location would be difficult to find without breaching Green Belt or open land constraints.

17.16.27. A close examination of the Proposals Map reveals that part of the section yard is within the housing conversion site, and part within the open land. There is no indication whether this is intentional, or whether it is a drafting error. Turning to the substance of the objection, I think that the Council’s approach is appropriate, for it seems reasonable to regard the section yard as an integral part of the infrastructure of the canal. Furthermore the fact that the yard is not included within the Policy TWA4 designation does not mean that it could not be redeveloped if it became surplus to requirements at some future date, subject to the other policies of the Plan. I recommend no change to the Plan in response to this objection, though I think the Council should consider whether the boundary shown on the Proposals Map is correct.

**(h)      *Reference to cycleway***

17.16.28. British Waterways is concerned that the reference to a cycleway alongside the canal towpath does not include a caveat that it is subject to its approval. The Council has previously acknowledged that the consent of British Waterways would be required for cycle routes alongside the canal (see paragraph 10.41.4), and I do not believe that this matter needs to form part of the Plan. Furthermore it is possible, in my view, that a cycleway could be routed through land adjacent to the canal, in which case the consent of the objector would not be required. I recommend no change in response to this objection.

**(i)      *Repetition of Parts 1-3 of Plan***

17.16.29. The objector considers that the Policy repeats advice set out in Parts 1 to 3 of the Plan. The Council accepts that it seeks the same objectives as Policy 33, but argues that it is separately included because it covers the inset area of Two Waters and Apsley. I have already indicated my general view that the Plan is unduly long and complex, and I believe that it could be simplified if policies that appear earlier in the Plan are not repeated in the Area Proposals section. In this respect Policy TWA4 is an obvious candidate for deletion, particularly as I am recommending that two of the three sites should not be included. I therefore recommend that Policy TWA4 be deleted, and that (subject to the re-appraisal suggested in sub-paragraph (d) above) the full details of the Ebberns Road site be transferred to Policy 33.

**Recommendation**

17.16.30. The Plan be modified as follows:

- i) The Corner Hall and Frogmore Road housing conversion sites be deleted from the Plan and the sites be included as General Employment Areas;
- ii) The Council look again at the implications of the Ebberns Road designation on the supply of accommodation for small businesses;
- iii) Subject to the re-appraisal under (ii) above, the Ebberns Road conversion site be transferred to Policy 33;
- iv) Subject to the re-appraisal under (ii) above, the Council check the boundary on the Proposals Map between the Ebberns Road conversion site and the British Waterways section yard;
- v) The remaining elements of Policy TWA4, and the associated text, be deleted.

## 17.17. POLICY TWA5: GENERAL EMPLOYMENT AREAS IN TWO WATERS AND APSLEY

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
508	Save & Prosper Pensions Ltd/Save & Prosper Insurance	4478	The Mary Street Estate Ltd
959	Lattice Property	4517	J Sainsbury’s Developments
998	Mr J Malamatenios	4549	John Dickinson Stationery Ltd
4453	G B Kent & Sons Ltd	4562	Ms A Box
4454	Asda Property Holdings plc	5190	Prudential Assurance Company Ltd
4470	The British Paper Company		

**Counter Objections**

To pre-inquiry change 234			
5334PC	Wilcon Development Group Ltd	5644PC	Apsley Developments Ltd
5631PC	The Directors of Shendish Manor Estate		
To pre-inquiry change 235			
5540PC	CPRE - The Hertfordshire Society	5763PC	Felden Park Farms Ltd
5661PC	Apsley Developments Ltd		

**Support**

1087	The Boxmoor Trust
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**Supports for pre-inquiry changes**

For pre-inquiry change 233			
5538PC	CPRE - The Hertfordshire Society		
For pre-inquiry change 234			
5345PC	Lattice Property	5539PC	CPRE - The Hertfordshire Society

**Key Issues**

- (a) Whether the Apsley Mills retail park and the Gade Valley GEA should be included as an employment area or classed as a retail site and added to the shopping hierarchy. (508, 4517)
- (b) Should non-food retail warehousing be permitted on the site occupied by G B Kent and Sons Ltd in the Gade Valley GEA. (4453)
- (c) Should non-food retail warehousing be permitted on the site occupied by Mortimer Transport in the Two Waters GEA, or should this use be limited to the existing retail warehouses. (4454, 5190)

- (d) Should the employment and allied development of the vacant Gas Board land and former railway sidings in the Two Waters GEA (Proposal Site TWA8), which is proposed to be deleted by PIC234, be retained. (959, 998, 5334PC, 5631PC, 5644PC)
- (e) Whether the residential development of the John Dickinson site should be conditional on the construction of the ‘Paper Trail’ project. (4470)
- (f) Should the safeguarding of the bus garage be retained in the Two Waters GEA or should alternative employment uses be permitted. (4478)
- (g) Whether employment uses should be retained in the Frogmore GEA. (4562)
- (h) Should the reference to highway improvement Proposal TWA17, linked to the extension of the Manor Estate be retained. (5540PC, 5661PC, 5763PC)
- (i) Does Policy TWA5 repeat advice from Parts 1 to 3 of the Plan. (4549)

## Inspector’s Conclusions

### (a) *Apsley Mills retail park and Gade Valley GEA*

- 17.17.1. The objectors point out that the Gade Valley GEA is now predominantly in retail use as a result of the development of the Apsley Mills retail park and two non-food retail warehouses. They contend that the designation for employment use is therefore inappropriate, and suggest that the GEA should be positively allocated for retail use and included within the shopping hierarchy. The Council acknowledges that the Apsley Mills Retail Park is now part of the shopping fabric of the town and accepts that it should be retained, but nonetheless regards employment as the preferred alternative use in the event of redevelopment in the future.
- 17.17.2. As I indicate in my consideration of Policy 31, in principle I can see no justification for designating as GEAs sites that are currently in retail use (see paragraphs 8.5.9 to 8.5.13). They are not in employment use as defined by the Council, and they are not included in assessments of employment land or the supply of jobs. Apart perhaps from one site in the Gade Valley GEA (TWA9 – see paragraphs 17.25.1 to 17.25.3), there is no realistic prospect of the retail stores becoming available for redevelopment during the Plan period. Furthermore I am not convinced that employment is the most appropriate future use, as the Council suggests, because a substantial reduction in retail capacity could have significant consequences in terms of sustainability and loss of trade for Hemel Hempstead. Indeed I find it difficult to reconcile the Council’s position with the reasoning behind Policy 45 (paragraph 9.26 of CD52), which gives clear support for non-food retailing in this location.
- 17.17.3. I address the question of whether the retail sites should be classed as a retail centre and included in the shopping hierarchy in Chapter 9, where I conclude that they should not. (see paragraphs 9.4.19 to 9.4.21). The result of the removal of the GEA designation and the non-acceptance of a retailing classification is that the sites would not be subject to any notation in the Plan, unless they are allocated as Shopping Proposal Sites in response to my recommendation in paragraph 9.9.13. I recommend that Gade Valley be deleted from the table of GEAs, and that the accompanying text and the Proposals Map be amended accordingly.

**(b) Non-food retail warehousing on G B Kent site**

- 17.17.4. G B Kent accepts that the factory occupied by the company is correctly located within a GEA, but considers that the premises should also be identified as suitable for retail warehouse purposes. It points out that the site is surrounded by predominantly retail uses, and that the building was designed and built to be capable of retail warehouse use with shared access roads and parking facilities. It is considered that the premises could make a valid contribution to meeting the demand for retail warehouse development in an area where such a use is already well established, thereby enabling the Council to resist proposals in other parts of the Borough.
- 17.17.5. The objection site is the only premises of any significant size within the Gade Valley GEA that is in employment use. I conclude in the subsection above that the GEA designation is inappropriate because of the preponderance of retail uses, and recommend that it be deleted. The existence of the Kent factory does not change my view, and the 0.5ha site is too small to be designated a GEA on its own. If my recommendation is accepted, therefore, the objection site will not be subject to any designation in the Plan.
- 17.17.6. The existence of retail warehouse developments nearby, coupled with a favourable site layout, does not in my view amount to sufficient justification for identifying the objection site as suitable for non-food retail use. The objector has not identified any need for additional retail development, nor is there any indication that the sequential approach to site selection (as required by PPG6) has been carried out. Furthermore there is no case for including the objection site as an ancillary element of a wider retail designation, for I conclude in Chapter 9 that the adjacent retail warehouses should not be designated as a local shopping centre, either individually or as an extension to the Apsley local centre. In these circumstances I recommend no change to the Plan in response to this objection.
- 17.17.7. However, if the Council should determine that it would be appropriate for additional land to be allocated for out-of-centre retailing, following the review I have recommended in paragraph 9.9.13 of my report, they may wish to give consideration to this site as a potentially suitable location.

**(c) Non-food retail warehousing in Two Waters GEA**

- 17.17.8. In recent years three retail warehouse units have been built in the eastern part of the Two Waters GEA, taking access from London Road. Policy TWA5 identifies non-food retailing as an appropriate use within this part of the GEA, and TWA Diagram 5 indicates a potential extension of retail use into a haulage yard occupied by Mortimer Transport. The Policy also identifies two other alternative uses for the haulage yard, as offices or housing, with the latter preferred to retail warehousing. Asda Property Holdings supports the extension of retail activity, but seeks a more positive zoning of the haulage yard for retail use on the Proposals Map. The Prudential Assurance Company, on the other hand, objects to the extension of the retail warehouse use, arguing that it should be restricted to existing outlets.
- 17.17.9. These objections raise similar issues to those discussed in the previous sub-section in relation to the need for additional shopping floorspace and the application of the sequential test. Once again there is no evidence from any party to demonstrate



compliance with PPG6, so the case for an extension to the retail warehouse site is not strong. However Policy TWA5 does require any proposal to have a satisfactory shopping impact, and cross-refers to Policy 41. I recommend in Chapter 9 that Policy 41 is modified so as to more closely follow the guidance in PPG6, so compliance with Policy 41 should ensure that unjustified retail development would not occur. For this reason, I am not satisfied it would be appropriate for a specific allocation to be made, for there can be no guarantee at this stage that a potential retail use would satisfy the tests in Policy 41. I recommend no change to the Plan in response to these objections. However, as with the previous site the Council may wish to give further consideration to this site if it should determine that there is sufficient evidence of a need for further out-of-centre retail development.

**(d)      *Retention of employment uses at Site TWA8***

17.17.10. Policy TWA5 in the Deposit Draft Plan included a reference to Proposal TWA8, which proposed the reuse and redevelopment of the former Gas Board site and railway sidings on London Road for industry and storage, with potential also for a freight railhead and an inert waste recycling facility. This proposal was dropped in favour of housing in the Composite Plan, and PIC234 makes the consequent change to Policy TWA5; it also changes the designation of Site TWA8 from GEA to residential. The objections are part of a series of related submissions that oppose the deletion of the employment proposal on Site TWA8.

17.17.11. I address the substance of these objections in my consideration of Proposal TWA8. As my overall conclusion is that Site TWA8 should be used for housing (*see sections 7.54 and 17.24 of the report*), it follows that the reference to the site in Policy TWA5 should be deleted. I recommend that the Plan be modified in accordance with PIC234, and that the Proposals Map be amended accordingly.

17.17.12. I also endorse FC79, which removes from Policy TWA5 a reference to a park and ride facility on the site. I note that the reason given by the Council for the further change is that the land proposed for the park and ride facility would no longer be within the GEA. Whilst this would be so, in view of my conclusion that a park and ride facility should not form part of Site TWA8 (*see paragraphs 10.35.1-10.35.9*), my reason for supporting FC79 is more fundamental.

**(e)      *John Dickinson site***

17.17.13. The objector considers that measures should be introduced in the Plan to ensure that the implementation of the residential development of the John Dickinson site is conditional upon the construction of the ‘Paper Trail’ museum project. I address the substance of this matter in my consideration of Proposal, though it should be recognised that there are limits to the extent to which a local plan can secure matters of detailed implementation such as this. I am satisfied that the references to the ‘Paper Trail’ in Policy TWA5 are appropriate, including that proposed by PIC233. Other than endorsing PIC233, I recommend no change to the Plan in response to this objection.

**(f)      *Bus garage in Two Waters GEA***

17.17.14. This is one of a series of related objections in which the objector opposes the protection of the Hemel Hempstead bus garage at Whiteleaf Road. It is argued that the

land lies within the Two Waters GEA and is therefore suitable for a range of alternative uses, including employment development within Classes B1, B2 and B8. I have already discussed the principle of protecting this private commercial interest under Policy 65, where I conclude that it is reasonable to safeguard a site which is necessary for the operation of a viable and efficient public transport service (see paragraph 10.16.6).

17.17.15. I acknowledge that the range of employment uses suggested by the objector would potentially be acceptable as an alternative to the current use. It is not necessary for this to be specifically stated in the Plan, however, because the site is included within a GEA in which all these uses are appropriate. Although the Policy indicates that the principle uses in the GEA are industry and storage/distribution, as the site adjoins Two Waters Way it is a location where new offices would also be acceptable. I appreciate that redevelopment of the site, particularly for office use, could facilitate an enhancement of the approach to the town from the A41, as sought by Policy TWA3. In my view, however, the protection of key passenger transport facilities is an important element in the strategy of encouraging a shift to non-car modes of transport. This not only justifies the retention of the bus garage, but also outweighs any visual improvement that redevelopment might bring to the character of the area. Furthermore, the Plan does allow for redevelopment if a satisfactory alternative bus garage is available. In these circumstances I am satisfied that the reference to the bus garage in Policy TWA5 is appropriate, and I recommend no change in response to this objection.

**(g)      *Retention of employment uses in Frogmore GEA***

17.17.16. The objector considers that the industrial units on Frogmore Road are wholly inappropriate, and argues that they should all be encouraged to convert to housing under Policy TWA4. She is regularly disturbed by noise generated by the activity at these premises, which have their backs and service yards facing (across the canal) the rear of houses on Ebberns Road. The absence of any control over night-time working causes problems both day and night, and the lack of landscaping alongside the canal means that the buildings and yards are in full view, causing visual harm. The objector states that the leases on some of the buildings run out shortly, presenting the ideal opportunity for re-zoning the land for housing use.

17.17.17. I acknowledge that the character of large areas of Apsley has changed as the traditional heavy industries have moved away and are being replaced by housing. However, I do not believe that the industrial areas that remain are thereby anomalous, as claimed by the objector. I appreciate that the relationship between the houses on Ebberns Road and the units on Frogmore Road is not ideal, and it is unfortunate that the Council’s ability to control the activity in these buildings is less thorough than might exist with more modern development. Nevertheless such juxtaposition between industry and housing is quite common in Dacorum, and it is apparent that the Council has powers to prevent the nearby businesses causing excessive disturbance. The industrial buildings were constructed in the 1960s and, despite their somewhat utilitarian appearance, they would appear to have a reasonable life span remaining. Moreover, they are an important element in the supply of accommodation for small and medium enterprises, which is generally in short supply in Hemel Hempstead.

17.17.18. The Frogmore Road units also provide local employment opportunities for people in the Apsley area and the southern part of Hemel Hempstead. In sustainability terms it is desirable to have a reasonable distribution of jobs throughout the settlement rather than an over-concentration in the major Maylands development to the north east. Furthermore, as the supply of employment land is limited, with little but the key employment site at North East Hemel Hempstead still to be developed, the opportunities in the Maylands area for firms seeking to relocate from sites such as Frogmore Road are likely to be restricted. Taking all these factors into account, I find no compelling evidence to support the contention that the whole of the Frogmore GEA should be identified as suitable for conversion to housing. I therefore recommend no change to the Plan in response to this objection.

**(h) Highway improvement (Proposal TWA17)**

17.17.19. As part of a package of related objections to the deletion of the proposed housing development on the Manor Estate, the objectors oppose the deletion of the reference to Proposal TWA17 by PIC235. I have concluded that the Manor Estate developments would be more sustainable and less harmful to the Green Belt than many of the alternatives, and should therefore be re-instated (*see sections 4.32, 17.22 and 17.23*). Consequently I recommend that PIC235 is not adopted and that the reference to Proposal TWA17 is retained.

**(i) Repetition of Parts 1-3 of Plan**

17.17.20. In common with the objection to Policy TWA4, the objector considers that the Policy repeats advice set out in Parts 1 to 3 of the Plan. The Council argues that Policy TWA5 is separate from Policy 31 because it covers the employment sites within the inset area of Two Waters and Apsley. I have already indicated my general view that the Plan is unduly long and complex, and I believe that it could be simplified if policies that appear earlier in the Plan are not repeated in the Area Proposals section. A further reason why Policy TWA5 should be deleted is the fact that it is not complete, in that it does not include the general policy on proposed uses or the development criteria, but merely cross-refers back to Policy 31. Indeed, there is a danger that a user who is unfamiliar with the Plan might not appreciate the significance of the reference back to Policy 31.

17.17.21. It is preferable, in my view, for each policy to give full guidance on the particular matter it addresses. To simplify the Plan I believe that the individual GEA entries that comprise the bulk of Policy TWA5 should be incorporated within Policy 31. I appreciate that this might make the proposals for Two Waters and Apsley less comprehensive, but the purpose of Policy TWA5 is to give general guidance for each GEA in the same way as occurs in Policy 31. The site-specific proposals for Two Waters and Apsley would remain within the Area Proposals part of the Plan. The Council might wish to consider whether it is possible to simplify the GEA guidance, particularly where the requirements of another policy or proposal are repeated. I recommend that Policy TWA5 is deleted, and that the GEA entries (simplified where possible) are transferred to Policy 31

**(j) Consequential matters**

17.17.22. I conclude in Policy 31 and sub-section (a) above that there is no justification for designating sites that are in retail use as GEAs. This has implications for the treatment of GEAs that include retail sites within their boundaries, particularly where the retail use is a significant and definable part of the GEA. The Policy TWA5 sites contain two such areas – three non-food retail warehouse units in the eastern part of the Two Waters GEA, and a single unit in the south-western corner of the Corner Hall GEA. Because they are merely part of a GEA the case for their exclusion is perhaps less strong, but in my view the underlying principles remain the same. Moreover most of the stores have only recently been developed, so it is unlikely that they will become available for redevelopment during the Plan period. For the sake of consistency I recommend that the non-food retail warehouse units in the Two Waters and Corner Hall GEAs are excluded from the GEAs, and that the Proposals Map is amended accordingly.

**Recommendation**

17.17.23. The Plan be modified as follows:

- i) In accordance with PICs 233, 234 and FC79, but PIC235 be deleted;
- ii) The Gade Valley GEA be deleted and consequential amendments be made to the text and the Proposals Map;
- iii) The boundaries of the Two Waters and Corner Hall GEAs be amended so as to exclude sites occupied by non-food retail warehouses;
- iv) Policy TWA5 be deleted and the GEA entries, modified as above and simplified where possible, be transferred to Policy 31.

## 17.18. SCHEDULE OF TWO WATERS & APSLEY INSET PROPOSAL SITES: GENERAL

**Objection**

<i>Rep No</i>	<i>Name</i>
1610	Mrs A Johnson

**Key Issue**

- (a) Whether specific proposals should be prepared to restrict traffic using the A4251 southbound through Kings Langley and direct it on to the A41 trunk road. (1610)

**Inspector’s Conclusion**

17.18.1. The objector argues that traffic that is to be directed onto London Road (A4251) through Two Waters and Apsley should be restricted from travelling south through Kings Langley, and should use the A41 by-pass instead. The Council presumes that the objection is in response to the queues that occur south of Kings Langley in the morning peak period. It indicates that peak hour traffic signals have been introduced on the A4251/M25/A41 roundabout, and considers that traffic queues on the A4251

are now of manageable proportions. It points out that by altering the phasings to reduce queues on the A41, that route has now become more attractive.

- 17.18.2. The Council’s response clearly identifies that the matter raised by the objector is primarily a traffic management issue, and not something that it is necessary for the Local Plan to address. I recommend no change in response to this objection.

### Recommendation

- 17.18.3. **No modification be made in response to this objection.**

## 17.19. PROPOSAL SITE TWA 1 LAND AT BELSWAINS LANE, COMPRISING THE FORMER CHILTERN HUNT FACTORY SITE AND BACK GARDENS AT 240-246 BELSWAINS LANE

### Objection

<i>Rep No</i>	<i>Name</i>
2894	British Waterways

### Key Issues

- (a) Whether the planning requirements should ensure that there is no private open space or housing backing on to the canal, and whether landscaping should be agreed with British Waterways. (2894).

### Inspector’s Conclusions

- (a) *Housing, private open space and landscaping adjacent to the canal*

- 17.19.1. British Waterways gives no reason for contending that housing and private open space should not back onto the canal. In my view such a requirement is unduly restrictive, and should not form part of a local plan policy. In this particular case the requirement for a 10m wide green space to be provided alongside the canal should, in any event, satisfy the objector. As to the agreement of British Waterways to landscaping, because the organisation would be consulted on proposals adjacent to the canal, I agree with the Council that it is unnecessary to state this in the Plan. I recommend no change in response to this objection.

- 17.19.2. This housing site was completed by March 1998. In common with other sites that were built by this date, Proposal Site TWA1 should be deleted and the figure for completions in Policy 17 should be amended accordingly.

### Recommendation

- 17.19.3. **The Plan be modified by deleting Proposal Site TWA1 and amending the figure for completions in Policy 17 accordingly.**

## 17.20. PROPOSAL SITE TWA2 BREAKSPEAR HOSPITAL ALLERGY TESTING CENTRE 162-192 AND LAND TO THE REAR OF 194-238 BELSWAINS LANE

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1601	Mrs A Johnson	4680	HCC Corporate Services Department
4559	Nash Mills Parish Council	4831	The Directors of Shendish Manor Estate

### Key Issues

- (a) Is the allocation of the land at Breakspear Hospital allergy testing centre and 162-192 and land to the rear of 194-238 Belswains Lane (Proposal TWA2) appropriate. (4831)
- (b) Should the capacity of the proposal be amended. (1609)
- (c) Do the planning requirements for the proposal need to be amended to refer to traffic calming on Belswains Lane, a new bridge over the canal taking traffic to London Road, and other infrastructure. (4559)
- (d) Should the planning requirements stipulate that provision for additional education facilities will be required. (4559, 4680)

### Inspector’s Conclusions

#### *(a) Suitability of site for housing*

- 17.20.1. This is one of a number of objections by The Directors of Shendish Manor Estate to identified housing sites contained in the Plan on the basis that they are not available within the Plan period, not as sustainable as the Shendish proposals or have a significant impact on open countryside. Clearly this site would have no impact on the open countryside. Indeed use of this site for housing would actually benefit the countryside, as it would reduce the need to use greenfield land for housing. Since it is within the existing urban area and close to schools, shops and transport I also consider it would be as sustainable as the Shendish proposals. The question therefore is whether or not there is a reasonable prospect that the site will become available within the Plan period.
- 17.20.2. As planning permission was given for the demolition of 162-168 Belswains Lane and the Breakspear Hospital building and the erection of 50 dwellings in October 1999 and this permission has been implemented it is clear that at least part of the site was genuinely available. Indeed, the original net capacity specified in the Plan has virtually been met<sup>1</sup>. However, as the Breakspear hospital building was not originally envisaged as being available for redevelopment the Council considers that it would be appropriate to increase the capacity of the site to 92, under FC74. I have therefore considered whether this revised target is likely to be achievable.
- 17.20.3. Although the site consists primarily of rear gardens it is clear that permission has been granted in the past for residential development on back gardens in this area and that some of these permissions have already been implemented. More importantly with the development of 162-168 Belswains Lane and the hospital building access is now readily available to serve the adjoining land. Access would also appear to be

<sup>1</sup> The demolition of 162-168 Belswains Lane means that the total number of additional dwellings was 46, which is 4 short of the net capacity target in the Deposit Draft.

potentially available from the TWA1 site to serve the remaining land. Given these factors and the strong demand for new housing I consider that there is a reasonable prospect that a sufficient quantity of the remaining land would come forward within the Plan period to achieve the overall capacity target of 92 dwellings. Clearly if there has been no progress by the time of the next review of the Plan in 2006 it would be open to the Council to consider using its CPO powers to make better use of this underused brownfield land, as recommended in PPG3. I am satisfied, therefore, that the allocation of this site for housing is appropriate. Consequently, I recommend that no modification should be made to the Plan in response to objection 4831.

**(b) Capacity of the site**

- 17.20.4. Mrs Johnson points out that contrary to what it says in the planning requirements the Breakspear Hospital allergy testing centre is not to remain as it has been demolished. She therefore suggests that the site could accommodate more housing than the Plan provides for which could reduce the need for housing in the Green Belt. The Council accepts that in the light of the closure of the testing centre the site could accommodate more housing. It proposes to address this under FC74 by increasing the capacity to 92.
- 17.20.5. Since this would achieve a gross density of 32 dwellings per hectare I consider that this density is reasonable and would accord with paragraph 58 of PPG3. It is possible that an even higher density could be achieved but in view of the uncertainties as to how much of this site will come forward I do not consider increasing the density further would be sensible in this case. While this increase would not by itself warrant the deletion of any other housing site I agree that this increase together with the increase in housing numbers at the John Dickinson site and on the Gas Board land do give a degree of flexibility. However, this is at least partly offset by the reduced number of dwellings I have concluded would come forward on unidentified sites within the urban area.
- 17.20.6. In response to this objection therefore I merely endorse FC74 and recommend that the Plan be modified accordingly. However, I also recommend that the first paragraph of the planning requirements and the progress should be modified to reflect the demolition of the Breakspear Hospital building and 162-168 Belswains Lane and the construction of the new dwellings.

**(c) The need for traffic calming and other highway and infrastructure improvements**

- 17.20.7. Nash Mills Parish Council raises concerns about the extent of development when considered in conjunction with the adjoining housing development (TWA1) and the development of the John Dickinson site (TWA3). It considers that these developments would lead to a substantial increase in traffic on Belswains Lane, which already suffers from deplorable traffic conditions. It is also concerned about the impact on schools and the drainage and sewerage infrastructure.
- 17.20.8. The Borough Council acknowledges the need for highway safety improvements in the light of these developments and has extended the Corner Hall Urban Safety Management scheme to provide for new mini roundabout junctions and a new pelican crossing outside Nash Mills Primary School. Provision is also made for new cycle paths and footpaths. It considers that a vehicular bridge over the canal would be

- neither appropriate nor necessary to accommodate the traffic from TWA1 and TWA2.
- 17.20.9. I can understand the fears of the Parish Council regarding the impact of the extensive amount of new housing built in the area within a relatively short space of time. However, judging from what I saw of the area, I consider that the traffic calming measures proposed by the Highway Authority should be sufficient to ensure that traffic speeds on Belswains Lane are kept to an acceptable level. The new pedestrian crossing should also enable those living on the south side of Belswains Lane to access the local school in relative safety. The increase in car borne traffic along the lane will to some extent be offset by a reduction in heavy goods traffic I do not consider therefore that those living along the lane would suffer a substantial reduction in the quality of their living environment. However, I accept that the increased density proposed under FC74 may require further highway improvements. I therefore endorse the proposed change (FC75) to the requirements which seek to address this point
- 17.20.10. A new vehicular link across the canal is unnecessary in my view in order to accommodate the level of traffic proposed by this development, even when considered in conjunction with the adjoining sites. Moreover taking the main access to these sites from London Road would have a tendency to divorce them from the adjoining residential area as well as causing harm to the setting of the canal. Access via the Apsley Mills Retail Park, which appears to have been one suggestion, would in my view only serve to increase the congestion that already occurs at this point on the London Road at weekends. I am not satisfied, therefore, that the provision of an alternative access across the canal would be appropriate.
- 17.20.11. As for the other infrastructure issues, I deal with the pressure on the local school under issue (d) below. Although there are alleged to have been drainage and sewerage problems on Belswains Lane there is no substantive evidence to support this and no objection has been raised by the Environment Agency or the local water company. I have no reason to believe therefore that such problems could not be adequately addressed as part of any development on the site. I therefore recommend that in response to objection 4559 the Plan be modified in accordance with FC75.

**(d) *Additional educational provision***

- 17.20.12. The County Council argues that in view of the problems at the local school the requirements should be amended to require a contribution to be made towards additional educational provision. However, it considers the reference to the contribution being subject to the ability of the development to meet the requirement, as proposed under FC75, is inappropriate. It maintains that the proposed wording of the additional requirement gives no guidance as to what factors would be taken into account in determining whether or not such a contribution would be required. It also suggests that the requirement for educational provision and highway management would take a lower priority. It should be consistent with that for other housing sites. The contribution made in respect of TWA3 was not expected to meet the educational needs of this site.
- 17.20.13. The Borough Council points out that when the development of TWA2 was first suggested the County Council gave no indication that it would require additional educational provision. It was only with the development of TWA3 that this need became apparent. In that case the Borough accepted a lower affordable housing provision to meet the requirement for additional educational facilities with the



expectation that this could be redressed to some extent on TWA2. TWA2 is not a major site and is likely to come forward in small parcels. This would make such a requirement less practical. In any case in the light of the 2 additional classrooms that will be provided for by the contribution from TWA3 it is not clear that a contribution will be necessary. Insisting on such a requirement at this stage could reduce the chances of the site coming forward. However, it is suggested that to address the County’s concerns about priority the last three words of the suggested change could be amended to “*the overall requirements*”.

17.20.14. Unlike the situation with H28 where a similar requirement was proposed I consider that it is much less certain that additional educational provision will actually be required in this case. While the existing school is under pressure, I note that the contribution made by the John Dickinson’s site will provide for 2 additional classrooms. Although the County argues that this would only be sufficient to meet the needs arising from that site it is not yet clear as to the actual level of demand that will be generated by that development. Development of the remainder of TWA2 is likely to generate only a further 13 places. It is possible that if there is surplus capacity following the expansion funded by the TWA3 site the additional pupils arising from TWA2 could be accommodated without the requirement for any additional provision. I appreciate the argument that this would mean that one developer contributing to additional provision and another not contributing but in my view it would only be reasonable to seek a requirement where it is necessary for existing facilities to be expanded to meet the needs of that particular development.

17.20.15. There is also a strong possibility in this case that owing to the nature and ownership of the site it would come forward in small parcels rather than as one development site. This would undoubtedly make it far harder to justify seeking a contribution to educational provision. It is also possible that such an additional requirement could act as a further constraint on the site coming forward, which in my view is an important consideration in this instance. However, while I can understand the reasons the Borough Council considers it appropriate to refer to such a contribution in the context of the ability of the development to meet other requirements, I am concerned that this appears to put educational provision on a lower footing than the other requirements. While this may seem appropriate now, circumstances could clearly change during the life of the Plan.

17.20.16. Although the question of viability would clearly be relevant in this case, I consider that the weighting of the various requirements and the priority that is accorded to them would be more appropriately determined at the time an application is considered. To seek to qualify the requirement at this stage could unnecessarily constrain the flexibility of the Plan to meet changing circumstances. In my view, therefore, it would be simpler at this stage to merely state that a contribution towards additional educational provision may be required. This would allow the Council sufficient flexibility to determine whether ultimately to seek such a contribution and the extent of any contribution that would be sought. I recommend, therefore, that the wording of FC74 should be revised accordingly.

**(e) Other matters**

17.20.17. In the light of my recommendation in paragraph 17.42.4 I also recommend that the reference to TWA Diagram1 should be deleted.

**Recommendation**

17.20.18. The Plan be modified by:-

- (a) amending the net capacity for TWA2 in accordance with FC74;
- (b) altering the planning requirements as follows:-
  - (i) revise wording of first paragraph to reflect demolition of Breakspear Hospital allergy testing centre;
  - (ii) insert additional requirement along the following lines:-
 

“A contribution towards the provision of additional educational facilities and to highway management and improvements of Belswains Lane may be required.”;
  - (iii) delete reference to TWA Diagram 1;
- (c) amending ‘*Progress*’ to reflect current position.

## 17.21. PROPOSAL SITE TWA3 JOHN DICKINSONS FACTORY, BELSWAINS LANE

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1529	Kings Langley & District Residents’ Association	4457	Miss Z Cabourne
1602	Mrs A Johnson	4471	The British Paper Company
1964	Mrs R Sparrow	4480	G R Chesterman
1965	Mr & Mrs D G Rose	4481	Mrs S Turner
1966	Mr A Trimby	4533	John Dickinson Stationery Ltd
2853	British Waterways	4550	John Dickinson Stationery Ltd
3076	Mr J O Mathie	4560	Nash Mills Parish Council
3084	Miss K Bardsley	4682	HCC Corporate Services Department
3090	Mr B Punchard	4832	The Directors of Shendish Manor Estate
4425	D J Willett	5025L	Mr & Mrs Archer
4455	Mr G R Fielding		

**Counter Objection**

To pre-inquiry change 236

5694PC Kings Langley & District Residents’ Association

**Supports**

977	Mr & Mrs B Nicholls	4465	Mr R Burnell
2549	Mr B Moggs	5168	Mr Tony McWalter MP
3837	Mr J Buekett		

**Supports for pre-inquiry changes**

For pre-inquiry change 236

5541PC CPRE - The Hertfordshire Society

For pre-inquiry change 237

5542PC CPRE - The Hertfordshire Society

For pre-inquiry change 238

5543PC CPRE - The Hertfordshire Society

For pre-inquiry change 239

5544PC CPRE - The Hertfordshire Society



## Key Issues

- (a) Should Proposal TWA3 for housing development at John Dickinson’s factory, Belswains Lane be retained in the Schedule of Two Waters and Apsley Inset Proposals Sites. (4560, 4832, 5025)
- (b) Whether the proposal ought to be amalgamated with TWA10 (John Dickinson’s, London Road) as a mixed-use zone. (4550)
- (c) Should the net dwelling capacity of the proposal be amended. (1529, 1602, 4533, 5694)
- (d) Do the planning requirements need to be amended in respect of the following:-
  - (i) the provision of affordable housing (4550)
  - (ii) education provision (4682)
  - (iii) traffic calming/management measures on Belswains Lane (3090, 4455, 4560)
  - (iv) a new vehicular bridge over the canal (4455, 4560)
  - (v) important views, building heights and/or better urban design (3084, 3090, 4455, 4550, 5025)
  - (vi) tree planting (1965, 4481)
  - (vii) construction activity (3090, 4425)
  - (viii) the relationship of the new development with housing at Dell Meadow and Belswains Lane which backs on to the site (1964, 1965, 3076, 4425, 4457, 4480)
  - (ix) adequate parking (4481)
  - (x) site artefacts (3076)
  - (xi) implementation of the Paper Trail museum (4471)
  - (xii) the role of British Waterways and the landowner’s brief (2853, 4550)

## Inspector’s Conclusions

### (a) *Should TWA3 be retained in the Schedule*

- 17.21.1. The principle of including Site TWA3 in the Plan has been overtaken by events, in that planning permission has been granted and development is now well under way. Notwithstanding this, I am satisfied that it is a sustainable urban brownfield site that is well located in relation to a range of facilities and services. I also believe that the traffic generated by the houses can be accommodated on the highway network. I recommend no change in response to these objections.

### (b) *Amalgamation with TWA10*

- 17.21.2. The objector believes that the consideration of Sites TWA3 and TWA10 under separate ‘housing’ and ‘employment’ headings is inappropriate and promotes a false distinction. I note that the sites were subject to a combined outline planning permission, and clearly there is some inter-relationship in terms of the mix of uses. However, because the two sites are separated by the canal, they are essentially distinct planning units and it is reasonable that they should be treated as such in the Local Plan. The fact that individual detailed planning applications have been submitted, and that the sites are being developed separately, serves to demonstrate this point. I recommend no change in response to this objection.

### (c) *Capacity of the development*

- 17.21.3. The objectors believe that the site is capable of accommodating significantly more houses than the 260 stated in the Composite Draft. The Council points out that this figure equates to a density of about 40 dwellings per hectare, substantially higher than

the general level of 30 dwellings per hectare assumed on most other sites. Nevertheless, in view of the high proportion of flats that are envisaged for the site in the planning brief, the authority accepts that a higher net capacity could be achieved. It proposes a revised figure of 300 in PIC236.

- 17.21.4. The detailed planning permission granted for the site in July 2000 establishes that 430 dwellings are to be built. This permission is currently being implemented. The Council has no objection to 430 now being adopted as the net capacity of the site, though it argues that any ‘minimum requirement’ figure would be lower, at about 300 dwellings. I agree that this is a reasonable theoretical minimum level of development for this site, though clearly many more are likely to be built.
- 17.21.5. I recommend that PIC236 be not adopted, but that the net capacity of 260 be replaced by a figure of 430. I also recommend that PIC238 be not adopted, but that the minimum figure be increased from 260 to 300. In addition, the ‘Progress’ should be up-dated to reflect the current position.

**(d)      *The planning requirements***

- 17.21.6. Because the planning permission granted for the site is currently being implemented, the objections to the matters of detail in the Plan are unlikely to produce any changes to the development that have not already been made. Nevertheless the Council has addressed the issues raised by the objectors, and I shall briefly comment on them.

**(i)      *Affordable housing***

- 17.21.7. In view of the substantial increase in the total number of dwellings likely to be provided on the site, and the high infrastructure costs associated with the development, it seems reasonable to accept a smaller proportion of affordable housing units. Indeed, I note that the 71 affordable units in the approved scheme is a higher number than the 65 that would have been provided under the Composite Draft minimum requirement of 25% of 260 houses. I agree that, for the purpose of the Plan, a 20% figure is appropriate, and I endorse FC76.

**(ii)     *Education provision***

- 17.21.8. A problem of capacity at local schools has been identified, and a financial contribution has been agreed in association with the approved development of the site. It is reasonable that the Plan should reflect the current position, and I support the part of FC77 that achieves this.

**(iii)    *Traffic calming on Belswains Lane***

- 17.21.9. The Council indicates that the concerns about the impact on Belswains Lane of the traffic generated by the development were taken into account when the planning application was considered. The approved scheme includes an increase in the number of junctions on Belswains Lane so as to calm traffic, a pelican crossing, and a highway gateway feature. These are desirable measures, in my view, and the Plan should reflect the need for them. I support the relevant part of FC77.

**(iv) New vehicular bridge**

17.21.10. The suggestion that a new vehicular bridge be provided over the canal, linking the site with London Road, stems from fears that Belswains Lane would be unable to cope with the additional traffic generated by this (and neighbouring) housing developments. I agree with the Council that a new bridge could have a number of undesirable consequences, including greater potential for the mixing of residential and employment traffic on both sides of the river, and disturbance to the canal corridor. There is also no evidence to suggest that Belswains Lane is not able to cope with the increase in residential traffic, particularly if improved by the traffic management measures identified in the previous sub-section. I recommend no change in response to this objection.

**(v) Important views, building heights and better urban design**

17.21.11. There is clearly a balance to be struck between maximising the use of urban land and the desirability of long distance views across the Gade Valley. I see no reason to disagree with the principle of 3 or 4 storey buildings being acceptable, particularly around the canal basin, and I note that the Plan also seeks to protect important views to Shendish and St Mary’s Church. The need for a high quality design is mentioned; further guidance would not be appropriate to a local plan, but is properly the function of the urban design brief. I recommend no change in response to this objection.

**(vi) Tree planting**

17.21.12. The objectors are mainly concerned about the poplar trees at the rear of Dell Meadow, which they wish to be removed because of the light they take from these properties. I regard this as a matter to be addressed in the detailed design of the site, and do not think it is appropriate for the local plan policy. Nor is there any need to require additional tree planting, as this is a normal component of large development sites. I recommend no change in response to these objections.

**(vii) Construction activity**

17.21.13. Concern about disturbance from construction activity is not normally a matter for the planning system, because the Council has powers of control under other legislation. It is certainly not a matter that needs to be addressed in a local plan, and I recommend no change in response to these objections.

**(viii) The relationship with housing at Dell Meadow and Belswains Lane**

17.21.14. I appreciate the concern of neighbours adjoining this large site about the impact of the development on their property. This is primarily a matter to be addressed at the detailed application stage, however, and would be assessed according to the criteria in Policy 9. I recommend no change in response to these objections.

**(ix) Parking**

17.21.15. The adequacy of the parking provision is again a matter that is properly addressed at the detailed application stage, and would be subject to the requirements of Policies 58 and 59. I recommend in Chapter 10 that the Council moves away from minimum

standards of provision and follows instead the advice in PPG13, which indicates that maximum levels should be set for broad classes of development. There is no reason for a different approach to be taken to this particular site, and I recommend no change in response to this objection.

**(x) Site artefacts**

17.21.16. I agree with the Council that it is desirable for artefacts which commemorate the history of the paper industry to be salvaged and re-used, and I support PIC239.

**(xi) The Paper Trail Museum**

17.21.17. The objector considers that measures should be introduced in the Plan to ensure that the implementation of the residential development on the John Dickinson site is conditional upon the construction of the ‘Paper Trail’ museum project. I agree with the Council that it would be unreasonable to require the development of Site TWA3 to fund this multi-million pound project. I note that certain elements of the project are requirements of the associated John Dickinson land, Site TWA10, and I recommend no change to the Plan in response to this objection.

**(xii) British Waterways and the landowner’s brief**

17.21.18. I am not clear why British Waterways considers that there should be a reference to the development brief being prepared by the vendor. The planning requirements mention the need for the brief, and the Council proposes PIC237 to reflect the fact that the brief has now been prepared. I endorse this pre-inquiry change. In my view there is nothing to be gained by stating the author of the brief, and I recommend no change to the Plan in response to this objection.

**Recommendation**

17.21.19. The Plan be modified in accordance with PICs 237 and 239, FCs 76 and 77, and as follows:

- (i) the net capacity of 260 be replaced by 430;
- (ii) the minimum capacity be increased from 260 to 300;
- (iii) ‘Progress’ should be up-dated to reflect the current position.

17.21.20. PICs 236 and 238 be not adopted;

**17.22. PROPOSAL SITE TWA6  
LAND TO THE NORTH WEST OF THE MANOR ESTATE, ADJOINING  
MANORVILLE ROAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
815	Mr R E Attwood	3502	Mrs P E Barber
821	Mr M A Gower	3509	Mrs N Eames
827	Mrs J M Gower	3516	Mr S Ayling
833	Mrs L P Mason	3523	Mrs J Hardcastle
839	D H Preist	3530	Mr T Hardcastle

845	Ann Bastow	3537	Margaret Jury
851	Mr D P Hopkinson	3544	B Ayling
857	Mr J Mason	3551	Mr J B Halsey
863	Mr John Izzard	3558	D M Halsey
869	Ms Janet Izzard	3565	Mr C Rawlings
875	Mrs Whitton	3572	Mrs S Rawlings
881	Mr & Mrs Folliard	3579	Mr A Keen
887	Mr N Schramm	3586	Janet Richmond
893	Mr & Mrs J Bosworthick	3593	Mr I Tulloch
899	P & C Williams	3600	Mrs C Hill
905	Mr & Mrs A Konstandi	3607*	B & T Groutage
911	Mrs Margaret Keeton	3614	Mr J Keeton
917	Mr M D Groome	3621	Mr & Mrs A Wheatley
924	Ms Teresa Gates	3628	Mr A Shearman
931	Mr Iain McNicol	3635	Sally Carter
937	Ms Christine Moore	3642*	Mr R Green
943	Mr P G Moore	3649	G H Woods
949	Mr Robert McFadden	3656	Mr R J Monk
961	Mrs P A Harrington	3663	Rosalind Monk
970	S Di-Castri	3670	Mr & Mrs J E Parker
989	Mr B G Neep	3677	Mr B Mason
1022	Mrs S Prowse	3684*	Mr D Robinson
1029	Mr Nicholas Prowse	3691	Mr & Mrs W Leeden
1038	Mr & Mrs B Nicholls	3848	Mrs E V Thompson
1110	Mr P S Woodward	4077*	HCC Environment Department
1163	Ms Karen Gubbs	4098*	Lucas Aerospace
1916	Jo Richards	4339	Mr B R Watson
1928	R Buckell	4346	Minesh Thakrar
2551	Mr B Moggs	4352	D & B Sear
2570	Mr G Barnett	4359	Mr C Conwell
2577	Mrs S Barnett	4366	Miss Lisa Green
3248	Mrs M Clarke	4373	Mr & Mrs A Milton
3254	Mr & Mrs A Cunningham	4381	Mr S A Bremner
3260	Mr B N Parker	4389	Mr G Biswell
3266	Mr P Harrington	4397	Mrs V Biswell
3272	Susan Harrington	4403	A E D & N M Thorne
3278	Mr A Whitton	4411	Mr M Brearley
3284	Mr & Mrs R S Dove	4419	Mr A Clarke
3290	Mr & Mrs K Spicer	4429	Mr D Jury
3295	Mr M Everitt	4433	Mr & Mrs Healey
3301	Mr & Mrs R Jackson	4436	Mrs J Blackie
3307	T Langley	4440	K P & J D Hobbs
3313	R A Beckett	4450*	Residents of Manor Estate
3319	P D Vincent-Jones	4564*	Ms A Box
3329	Amanda Forster	4577*	V E Welsh
3335	Mr I A M Grant	4580	Mrs E Richards
3341	Mr C A Clarke	4582	Janice Marshal
3346	Mrs S J Barber	4584	Mr & Mrs K T Jennings
3352	Mrs E Burnell	4589	Mr P J Eames
3358	Mr A G Barber	4591	Mr & Mrs F Gungadoo
3364	Mr R G Burnell	4594	Mrs J Galvin
3370	Mrs V Plummer	4596	Mr & Mrs D Wiggins
3376	Mr J Plummer	4601	Mr & Mrs M Garrini
3382	Mr D Restall	4608	Russell & Rachel Newman
3388	Joanne Mason	4611	Mr R Lloyd
3394	Mr D Whitehead	4618	Mr & Mrs R Linsley
3400	Mrs J Miles	4623	J & B Davies
3406	Mr P Miles	4629	Mr Keith Richmond
3412*	Mrs L Robinson	4633	Mr & Mrs J & C Wright
3419	Dr J Singleton	4635*	Mr R Gent
3426	Mr B Burgess	4637	Kate & Andy Shaw
3433	Mrs Carlin	4640	Mr & Mrs P Ludlow
3440*	Mr R Chamberlain	4646	R & M Alexander
3447	Tracy Fairbrother	4684*	HCC Corporate Services Department
3454	Mrs M Henley	4780	Felden Park Farms Ltd
3461	Mr R Henley	4833	The Directors of Shendish Manor Estate
3467	Mr & Mrs E R Birch	4845	D B Barnett
3474	Miss P M Daniels	5002L	Mr P Campbell
3481	Mr M Fey	5033L	Terry Johnson
3488	Mr E B Hancocks	5039L	Eugene Cheshire
3495	Mr J R Barber	5169	Mr Tony McWalter MP

### **Counter Objections**

To pre-inquiry change 240

5297PC	Mr David W Jones	5660PC	Apsley Developments Ltd
5545PC	CPRE - The Hertfordshire Society	5674PC	Felden Park Farms Ltd



### **Supports**

4631	Mr James Campbell	5142	Mr C J Baughan
5022L	J James		

### **Supports for pre-inquiry changes**

For pre-inquiry change 240

5223PC	Mr B Moggs	5639PC	Dacorum Borough Council Conservative Group
5363PC	Mrs C Hill		

## **Key Issues**

- (a) Should the settlement capacities of Hemel Hempstead, Berkhamsted and Tring be established before allowing the proposal to come forward for development. (4098)
- (b) Is land to the north west of the Manor Estate a suitable location for housing. Should it be deleted from the Plan as proposed under PIC240 or should it be retained in the Schedule of Two Waters and Apsley Inset Proposal Sites. (815, 821, 827, 833, 839, 845, 851, 857, 863, 869, 875, 881, 887, 893, 899, 905, 911, 917, 924, 931, 937, 943, 949, 961, 970, 989, 1022, 1029, 1038, 1110, 1163, 1916, 1928, 2551, 2570, 2577, 3248, 3254, 3260, 3266, 3272, 3278, 3284, 3290, 3295, 3301, 3307, 3313, 3319, 3329, 3335, 3341, 3346, 3352, 3358, 3364, 3370, 3376, 3382, 3388, 3394, 3400, 3406, 3412, 3419, 3426, 3433, 3440, 3447, 3454, 3461, 3467, 3474, 3481, 3488, 3495, 3502, 3509, 3516, 3523, 3530, 3537, 3544, 3551, 3558, 3565, 3572, 3579, 3586, 3593, 3600, 3607, 3614, 3621, 3628, 3635, 3642, 3649, 3656, 3663, 3670, 3677, 3684, 3691, 3848, 4339, 4346, 4352, 4359, 4366, 4373, 4381, 4389, 4397, 4403, 4411, 4419, 4429, 4433, 4436, 4440, 4450, 4564, 4577, 4580, 4582, 4584, 4589, 4591, 4594, 4596, 4601, 4608, 4611, 4618, 4623, 4629, 4633, 4635, 4637, 4640, 4646, 4780, 4833, 4845, 5002L, 5033L, 5039L, 5169, 5297PC, 5545PC, 5660PC, 5764PC)
- (c) Should Proposal TWA6 be developed separately from TWA7. (4780)
- (d) Do the planning requirements for Proposal TWA6 need to be amended in respect of archaeology and education provision. (4077, 4684, 4780)

## **Inspector’s Conclusions**

### ***(a) Settlement capacities***

17.22.19. This objection is similar to a number made to the Green Belt releases in Section 1 of Part 3 of the Plan. I have previously considered this issue in some detail at paragraphs 4.17.1-2 and in respect of this site at paragraphs 4.32.1 of my report. I have concluded that it would not be appropriate to delay identifying Green Belt releases until such time as the settlement capacities for Hemel Hempstead, Berkhamsted and Tring have been established. I, therefore, recommend that no modification should be made to the Plan in response to objection 4098.

### ***(b) Suitability of the site for housing***

#### ***General***

17.22.20. Most of the objectors to this site also object to the larger allocation on the land to the south west and south east of the Manor Estate (TWA7). The majority does not appear to differentiate between the two sites although a few appear less opposed to the development of this site than that of TWA7.

17.22.21. I have already considered the issues relating to the proposed release of both sites from the Green Belt at section 4.32 of my report. I deal here therefore solely with the other issues which have been raised that are pertinent to the allocation of the site for

housing. The issues raised relate largely to the need for housing, the sustainability of the site, the visual impact, access and traffic implications, loss of trees and hedgerows, residential amenity and the effect on the local school.

### *Housing need*

- 17.22.22. As I have previously identified in section 7.4 of my report I am not satisfied that there is sufficient previously developed land within the urban area to accommodate the housing requirement for the period up until 2011. While some additional housing could be achieved by increasing densities on some sites and enlarging others this would not be enough, in my view, to obviate the need for some strategic greenfield sites to be developed during the Plan period. This is clearly recognised under Policy 8 of the adopted Structure Plan, which provides for 1000 new dwellings to be built on various sites on the periphery of Hemel Hempstead. The allocation of land at the Manor Estate would be in conformity with this approach and was endorsed in principle by the EIP Panel.
- 17.22.23. I appreciate that the Council now proposes to delete this site along with TWA7 on the basis that alternative provision can be made within the urban area at the Gas Board site (TWA8) and Breakspear Way (H15A). However, the latter site is itself a greenfield site and I have concluded in section 7.53 of my report that it would be an unsustainable location for housing owing to its distance from local facilities and the possibility that the development would increase congestion on the A414. In the circumstances, I conclude that there is a clear need for land at the Manor Estate to be allocated to meet the housing requirement in the period up to 2011.

### *Sustainability considerations*

- 17.22.24. The site is within reasonable walking distance of the Apsley Local Centre and the main bus route along the London Road. At 600-700 metres from Two Waters JMI School it would be below the Council’s acceptable walking distance to a local primary school. Although slightly beyond the recommended distance from Apsley Station, I consider that it would not be an unreasonable journey on foot particularly if the existing footbridge adjacent to north east corner of the estate were replaced. It would also be close to a number of employment areas and only just over a kilometre from the town centre. I am satisfied therefore that the site is readily accessible.
- 17.22.25. Judging from the Council’s own sustainability appraisal of the site, which is contained in ‘Assessment of main Council greenfield and objection housing sites’ (CD53A), the site is also sustainable in respect of most of the other factors the Council considered to be relevant. The only exceptions are that it does not reuse derelict land, which applies to all the greenfield sites, and that it has a northern aspect. Overall therefore the Council concluded in CD53A that the site had a sustainability score of 16 which was as high or higher than virtually all the greenfield sites retained in the Plan.
- 17.22.26. Even if the score ought to be reduced to 14, as the Council suggested at the Inquiry, this would still put it level with West Hemel Hempstead and much higher than the land at Breakspear Way. Moreover, I consider that the Council’s has over-estimated the sustainability of the land at West Hemel Hempstead for the reasons I set out in sections 4.36 and 7.33 of my report. Overall therefore I find that the site would be a more

sustainable location for housing than either land at West Hemel Hempstead or at Breakspear Way.

### *Visual impact*

- 17.22.27. Although concern is raised about the visual impact of development on this site it would be screened from the south by Home Wood. It would not be prominent from Apsley to the north owing to the railway line and intervening vegetation. There would be views of the upper part of the site from some points on the opposite side of the valley, such as Deaconsfield Road, but these would be limited. In any case the new housing would be seen in the context of the much more prominent development at the Manor Estate. While the site can be seen from Two Waters Way to the west the new dwellings would be viewed against the backdrop of the existing housing on Manorville Road. Moreover, this view would be softened over time as the recent planting between Two Waters Way and Featherbed Lane matures. I am satisfied therefore that the use of the land for housing would have limited impact on the wider landscape.
- 17.22.28. In terms of more localised views the site would be seen from Featherbed Lane, but the bend in the road to the south and bridge to the north limit this to a stretch of around 225 metres. I appreciate that the loss of the open space between the lane and the properties in Manorville Road would reduce the semi-rural aspect of this section of Featherbed Lane. However, this has already been much altered by the highway improvements that were undertaken when the A41 bypass was built. Subject to suitable landscaping being incorporated into the scheme I do not consider it would cause serious harm to the character of this stretch of Featherbed Lane.
- 17.22.29. The development would also be visible from some of the housing on the western side of Manorville Road. However, as the site slopes down from the boundary with these properties towards Featherbed Lane I am satisfied that any new housing would not unreasonably enclose the outlook from the adjoining dwellings.
- 17.22.30. The most significant impact in my view would be the loss of vegetation that is likely to arise from improvements to the visibility at the junction of Featherbed Lane with King Edward Road. This is likely to necessitate some removal of vegetation, whether or not TWA7 is developed. However, I consider this impact could be significantly mitigated in the longer term by new planting. I am not satisfied therefore that on its own it would be sufficient to warrant rejecting this site. I find therefore that the development of this site for housing would not have a damaging visual impact on the surrounding landscape or on the outlook of adjoining occupiers.

### *Access and traffic*

- 17.22.31. There is no doubt that the existing access to the Manor Estate across the railway bridge is substandard owing to the alignment of the bridge and the approach roads and the proximity of the bridge to the junction with King Edward Road. However, despite these difficulties it appears to function with reasonable safety judging by the fact that only one personal injury accident occurred within this vicinity between 1998 and 2001. I doubt that the traffic from the 30 additional dwellings would make the situation noticeably worse, particularly as the new housing would be accessed directly off Featherbed Lane, which would mean that there would be no additional traffic using the King Edward Road junction. However, I accept that at peak hours there could be some

additional congestion at the bridge. I am satisfied that this could be adequately addressed by the installation of traffic lights on the existing railway bridge and junction to King Edward Road.

- 17.22.32. I appreciate that there are also some problems with the right turn into Featherbed Lane from London Road causing delays on the main road through Apsley at peak times. However, while the Manor Avenue/Orchard Avenue gyratory system is not perfect, it operates reasonably well. I accept that the development of TWA6 would be likely to result in a 10% increase in traffic using the gyratory. However, subject to the installation of traffic lights at the Orchard Street/London Road junction I do not consider that this would result in a serious increase in congestion on London Road. I conclude therefore that the development of TWA6 alone should not cause significant highway problems.
- 17.22.33. Clearly if it were developed together with TWA7 the impact would be far more significant. However, in my view the proposed improvements to the Featherbed Lane/London Road junction and the replacement of the railway bridge, which I consider in greater detail in sections 17.31 and 17.32, should be sufficient to avoid serious problems arising. I am not satisfied therefore that the traffic and access implications of TWA6 would be sufficient to merit rejecting it for housing.

#### ***Trees and hedgerows***

- 17.22.34. I see no reason why the existing vegetation along the boundary with the properties on Manorville Road should be affected by development on the objection site. There is very little vegetation of merit along the Featherbed Lane frontage so the provision of a new access onto the site would be unlikely to lead to a significant loss of trees or hedgerows. Subject to sufficient care being taken with the siting and design of the new dwellings, particularly in relation to the distance of housing from the northern edge of the wood, there should be no need for trees within Home Wood to be felled as a direct result of the development.
- 17.22.35. The additional housing could potentially place Home Wood under great pressure due to the activities of the new occupiers but in my view this would be largely offset by the benefits that would arise from a more active management of the wood by a suitable organisation. The only area therefore where the development is likely to have a serious impact on the existing vegetation is immediately adjoining the junction with King Edward Road. However, careful design of the necessary road improvements together with appropriate protection of the trees during construction and further planting to replace those lost should ensure that the impact is kept to a minimum. I am not persuaded therefore that the development would result in unacceptable loss of or damage to trees and hedgerows.

#### ***Residential amenity***

- 17.22.36. Unlike TWA7 traffic from this site would not need to pass through the Manor Estate it would therefore not lead to additional noise, disturbance or pollution for residents of the estate. If it were developed on its own it would not increase traffic along Manor Avenue or Orchard Street to such a degree that it would result in a significant increase or noise or disturbance to residents of those streets. If it were developed together with TWA7 the proposed improvements to London Road/Featherbed Lane junction should

lead to an improvement for occupiers of properties in Manor Road and Orchard Street due to the decrease in traffic on the gyratory system.

17.22.37. I appreciate the fears of the residents of Winifred Road and Weymouth Street regarding possible ‘rat-running’. However, the additional traffic arising from TWA6 would be unlikely to seriously exacerbate existing problems in this regard. The problem could be worse if it were developed in conjunction with TWA7 but I do not believe it would result in a significant increase in noise and disturbance, as ‘rat running’ would be most likely to occur at times when ambient noise levels would be relatively high.

17.22.38. I acknowledge that the residents of nos.8 to 38 Manorville Road would suffer some loss of view. However, I am not satisfied that their outlook would be unacceptably enclosed owing to the sloping nature of the site and the existing vegetation along the boundary. I find no reason to believe, therefore, that the development of TWA6 would have a detrimental impact on residential amenity.

#### ***Effect on Two Waters JMI School***

17.22.39. The effect on the school arising from the development of TWA6 on its own is less clear cut. The Education Authority argues that the development of the objection site would require 8 additional places at the school in the longer term and almost double that number in the short to medium term. As the school is currently full it would appear that it does not have the capacity to accommodate the additional children at present. While it might be possible to expand the premises to accommodate the increase, in my opinion, this is unlikely to be the most realistic option either financially or in educational terms bearing in mind the small number of children involved. Indeed in this regard I note that the County Council’s letter of 22 January 2001 suggests that the most likely scenario would be for the children to be accommodated at schools elsewhere. Clearly if this were the case then the development of TWA6 would have no direct impact on the operation of Two Waters JMI School.

17.22.40. Obviously it could have an impact on other local schools which apparently are also full. However, I note that Belswains Primary School is being expanded to meet the demands from the redevelopment of the John Dickinson site and it appears that further expansion to accommodate the additional children from TWA6 would be feasible. I am not persuaded therefore that the development of TWA6 would necessarily result in unacceptable pressure on either Two Waters JMI or other local schools. Clearly if TWA7 were also developed this would be a different scenario but I deal with this under section 17.23 below.

#### ***Conclusions***

17.22.41. In conclusion, I find that there is a clear need for greenfield land to be used to meet the housing requirement in the period up until 2011. I consider that this site would be highly accessible and would therefore be a more sustainable location than either West Hemel Hempstead or the land at Breakspear Way. I do not consider that development of this site would have a substantial visual impact on the surrounding landscape or on the outlook of neighbouring occupiers. Subject to appropriate highway improvements the development of this site on its own would have limited impact on the safety and

convenience of other road users. Even if developed together with TWA7 I am satisfied that it would not lead to serious congestion or highway safety problems. I judge that it would not result in a serious loss of residential amenity and by itself it should not place significant pressure on Two Waters and Apsley JMI School. Taken as a whole therefore I consider that it would be a suitable location for housing. Consequently, I recommend that PIC240 should not be proceeded with and no modification should be made to the Plan in response to these objections.

**(c) *Whether development of TWA6 should be linked with development of TWA7***

17.22.42. The landowner argues that there is no need for the development of this site to be linked with the development of TWA7. The Borough Council acknowledges that it would be physically possible to develop the two sites separately. However, it argues that the release of land adjoining the Manor Estate was originally only considered to be acceptable as part of a comprehensive package. The benefits which would include improving vehicular and pedestrian access to the estate, the reintroduction of a bus route and addressing the current shortfall in open space and community facilities, would only be achieved through such an approach.

17.22.43. I acknowledge that TWA6 could physically be developed separately from TWA7, although it appears likely that if the latter site was also developed the necessary improvements to visibility would affect site TWA6. As I have already indicated, I accept that highway problems arising from the traffic generated by the development of TWA6 could be addressed by lesser measures than those that would be required if both sites were developed. However, in my view these would not achieve the same degree of benefit that would be gained from the provision of a new vehicular bridge across the railway and improvements to the Featherbed Lane/London Road junction.

17.22.44. TWA6 alone would also be unlikely to achieve a significant improvement in pedestrian access. Certainly there is no indication that it would be able to support the replacement of the existing pedestrian bridge that links the Manor Estate to Kents Avenue (part of Proposal TWA21). As this provides the shortest route to the nearest main convenience shopping facility I consider this to be of considerable importance. Even more importantly, development of TWA6 on its own would clearly not support the provision of a new bus service to the estate, which is currently extremely poorly served by public transport.

17.22.45. It is argued that the development of TWA6 would help to meet existing open space deficiency through the provision of that part of Leisure Proposal Site TWA24 that abuts Featherbed Lane. However, as this would only provide around 0.7 hectares of usable open space it would be insufficient to meet the needs of the new occupiers and address the existing deficiency. While achieving more effective management of Home Wood would clearly be an advantage, bearing in mind its nature conservation importance as ancient woodland, I do not consider this would be sufficient, by itself, to warrant releasing land from the Green Belt in this location.

17.22.46. I acknowledge that TWA6 is relatively sustainable and would make a small contribution towards housing need. However, I am not persuaded that the benefits of developing this site on its own would be sufficient to outweigh the benefits that could be gained through comprehensive development of other sites elsewhere on the periphery of Hemel Hempstead. In the circumstances, I consider that the Council’s

approach of seeking to achieve the development of land around the Manor Estate as part of a comprehensive package is reasonable. Consequently, I support the Plan’s requirement that the development of the two sites should be linked. I recommend no modification should be made to the Plan in this regard in answer to this element of objection 4870.

**(d) *The planning requirements***

- 17.22.47. The landowner’s original objection (4780) appeared to raise concerns about the other planning requirements. However, it seems from what was said at the inquiry that there is no serious objection to the requirement for 33% of the housing to be provided as affordable units, subject to this being an indicative target only and the actual figure being negotiated under the provisions of Policy 21. In the light of my findings in section 7.8 of my report I consider that this would be a reasonable approach and indeed I note that the Borough Council accepts this. Nevertheless, I consider it would be helpful to insert the word “around” in front of the figure to make clear that it is an indicative target rather than a minimum requirement.
- 17.22.48. I note the suggestion that matters should be left to a development brief. However, I consider that it is reasonable for the Plan to set out the general principles of what will be required. The details can then be left to the development brief. Reference to the production of a development brief is in my view entirely appropriate to ensure that the comprehensive approach that the Plan seeks is achieved. However, in the light of my recommendation at paragraph 17.42.3 I consider the reference to TWA Diagram 3 should be deleted as in my view this introduces too much detail into the Plan.
- 17.22.49. The replacement of the road bridge and the improvement of the Featherbed Lane/London Road junction would not be essential for the development of TWA6. However, in the light of my conclusions on the link between it and TWA7 and bearing mind that occupiers of TWA6 would clearly benefit from these improvements, I conclude that the requirement for TWA6 to contribute towards these works is entirely reasonable in this case.
- 17.22.50. Turning to the objection from the Education Authority (4684) regarding the wording of the requirement for additional education provision, I note that the Borough Council would have accepted this objection had it not decided to delete the site<sup>2</sup>. I appreciate that the requirements already provide for the expansion of the existing primary school. However, while this would appear to be the most likely option for meeting the needs arising from the development of TWA6 and TWA7 it is clear that there could be difficulties with this approach. It may therefore be necessary at least in the shorter term to accommodate children elsewhere. More importantly restricting provision to the expansion of the primary school would not meet the increased educational needs at secondary level. I consider, therefore, that it would be appropriate for the requirements to be amended to more generally require a contribution towards additional educational facilities. Not only would this be more consistent with other housing proposals in the Plan but it would also provide a necessary degree of flexibility for the Education Authority in meeting the needs arising from this site.

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<sup>2</sup> Paragraph 5.31 of LPA Doc. No. 639

- 17.22.51. In reaching this conclusion I have taken into account the comments of the landowner regarding the ability of Two Waters JMI to accommodate children from TWA6 if children living outside the catchment area were transferred to other schools. However, in my view this would not be practical in the short term even if the Education Authority were able to achieve this, which seems unlikely, as it would be highly disruptive to the existing pupils’ education. In any case as other schools in the area are also full it would still be necessary for funding to be found from somewhere to extend them to accommodate the additional pupils. I appreciate that Belswains primary school is proposed for extension but the funding provided for this by the developers of the John Dickinson site will apparently only be sufficient to meet the increased needs generated by that site. In the circumstances, I consider that it would be reasonable for the requirements for TWA6 to include provision for additional educational facilities.
- 17.22.52. Finally I have considered the objection from the County Archaeologist (4077), which argues that the site should be subject to a requirement for an archaeological evaluation and mitigation measures. Once again I note that the Borough Council would have accepted this objection. Since the site lies just over 220 metres from an Area of Archaeological Significance that contains remains of national or regional importance I consider that the requirement for an evaluation would not be unreasonable. In reaching this conclusion I note the landowner’s comment about the absence of finds during the excavation of the new cutting for Featherbed Lane. However, it appears that the archaeological inspection in that case was carried out in less than ideal conditions. I am not persuaded therefore that it is sufficient to obviate the need for an evaluation of this site.
- 17.22.53. The Plan currently requires that an opportunity for an archaeological survey must be given. This wording does not strictly accord with the advice in PPG16 although Policy 114 to which the requirement also refers does. I accept therefore that the wording of the requirement would benefit from some amendment. However, while I have generally endorsed the changes the Council has proposed elsewhere in the Plan in response to the County Archaeologist’s objections, I would question whether it is actually necessary to go into so much detail, especially as the matter is already adequately addressed under Policy 114. In my view it should be sufficient to merely request an archaeological evaluation and mitigation measures in accordance with Policy 114. I therefore recommend that the Plan be modified by amending the requirements in respect of educational provision and archaeological evaluation and by the deletion of the reference to TWA Diagram 3.
- 17.22.54. In addition in the light of my conclusions in section 17.23 the housing total for TWA6 and TWA7 of 260 dwellings, which is contained in the planning requirements for TWA6, will also need to be modified.

**Recommendation**

**17.22.55. The Plan be modified by amending Proposal TWA6 as follows:-**

- (a) Delete the words “*the expansion of the primary school,*” and insert a new sentence to read:-**



**“A contribution towards the provision of additional educational facilities will be required.”;**

**(b) Remove the sentence beginning “*The opportunity for archaeological...*” and substitute the following sentence:-**

**“An archaeological evaluation and appropriate mitigation measures should be undertaken in accordance with Policy 114.”;**

**(c) Delete “(see Diagram TWA3 for further detail)”;**

**(d) Replace the number “260” with ‘300’.**

**17.22.56. PIC240 be not adopted.**

## **17.23. PROPOSAL SITE TWA7 LAND TO THE SOUTH WEST AND SOUTH EAST OF THE MANOR ESTATE**

### **Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
816	Mr R E Attwood	3517	Mr S Ayling
822	Mr M A Gower	3524	Mrs J Hardcastle
828	Mrs J M Gower	3531	Mr T Hardcastle
834	Mrs L P Mason	3538	Margaret Jury
840	D H Preist	3545	B Ayling
846	Ann Bastow	3552	Mr J B Halsey
852	Mr D P Hopkinson	3559	D M Halsey
858	Mr J Mason	3566	Mr C Rawlings
864	Mr John Izzard	3573	Mrs S Rawlings
870	Ms Janet Izzard	3580	Mr A Keen
876	Mrs Whitton	3587	Janet Richmond
882	Mr & Mrs Folliard	3594	Mr I Tulloch
888	Mr N Schramm	3601	Mrs C Hill
894	Mr & Mrs J Bosworthick	3608*	B & T Groutage
900	P & C Williams	3615	Mr J Keeton
906	Mr & Mrs A Konstandi	3622	Mr & Mrs A Wheatley
912	Mrs Margaret Keeton	3629	Mr A Shearman
918	Mr M D Groome	3636	Sally Carter
925	Ms Teresa Gates	3643*	Mr R Green
932	Mr Iain McNicol	3650	G H Woods
938	Ms Christine Moore	3657	Mr R J Monk
944	Mr P G Moore	3664	Rosalind Monk
950	Mr Robert McFadden	3671	Mr & Mrs J E Parker
962	Mrs P A Harrington	3678	Mr B Mason
963	Miss V Saunders	3685*	Mr D Robinson
971	S Di-Castri	3692	Mr & Mrs W Leeden
990	Mr B G Neep	3849	Mrs E V Thompson
1023	Mrs S Prowse	4078*	HCC Environment Department
1030	Mr Nicholas Prowse	4099*	Lucas Aerospace
1039	Mr & Mrs B Nicholls	4194	English Partnerships
1089	Mrs C Buckell	4340	Mr B R Watson
1164	Ms Karen Gubbs	4347	Minesh Thakrar
1194	Mr P Wallis	4353	D & B Sear
1301	CPRE - The Hertfordshire Society	4360	Mr C Conwell
1917	Jo Richards	4367	Miss Lisa Green
1929	R Buckell	4374	Mr & Mrs A Milton
2552	Mr B Moggs	4382	Mr S A Bremner
2571	Mr G Barnett	4390	Mr G Biswell
2578	Mrs S Barnett	4398	Mrs V Biswell
3110*	Mr & Mrs J W Musgrove	4404	A E D & N M Thorne
3249	Mrs M Clarke	4412	Mr M Brearley
3255	Mr & Mrs A Cunningham	4420	Mr A Clarke

3261	Mr B N Parker	4430	Mr D Jury
3267	Mr P Harrington	4434	Mr & Mrs Healey
3273	Susan Harrington	4437	Mrs J Blackie
3279	Mr A Whitton	4441	K P & J D Hobbs
3285	Mr & Mrs R S Dove	4451*	Residents of Manor Estate
3291	Mr & Mrs K Spicer	4565*	Ms A Box
3296	Mr M Everitt	4571	Mr David Bridge
3302	Mr & Mrs R Jackson	4572	Mr M E R Bess
3308	T Langley	4573	Mr S Rigden
3314	R A Beckett	4578*	V E Welsh
3320	P D Vincent-Jones	4581	Mrs E Richards
3330	Amanda Forster	4583	Janice Marshall
3336	Mr I A M Grant	4585	Mr & Mrs K T Jennings
3342	Mr C A Clarke	4590	Mr P J Eames
3347	Mrs S J Barber	4592	Mr & Mrs G Gungadoo
3353	Mrs E Burnell	4595	Mrs J Galvin
3359	Mr A G Barber	4597	Mr & Mrs D Wiggins
3365	Mr R G Burnell	4602	Mr & Mrs M Garrini
3371	Mrs V Plummer	4609	Russell & Rachel Newman
3377	Mr I Plummer	4612	Mr R Lloyd
3383	Mr D Restall	4619	Mr & Mrs R Linsley
3389	Joanne Mason	4624	J & B Davies
3395	Mr D Whitehead	4630	Mr Keith Richmond
3401	Mrs J Miles	4634	Mr & Mrs J & C Wright
3407	Mr P Miles	4636*	Mr R Gent
3413*	Mrs L Robinson	4638	Kate & Andy Shaw
3420	Dr J Singleton	4641	Mr & Mrs P Ludlow
3427	Mr B Burgess	4647	R & M Alexander
3434	Mrs Carlin	4652*	Mr C J Baughan
3441*	Mr R Chamberlain	4685*	HCC Corporate Services Department
3448	Tracy Fairbrother	4686*	HCC Corporate Services Department
3455	Mrs M Henley	4781	Felden Park Farms Ltd
3462	Mr R Henley	4834	The Directors of Shendish Manor Estate
3468	Mr & Mrs E R Birch	4846	D B Barnett
3475	Miss P M Daniels	4848	Mr & Mrs R Strachan
3482	Mr M Fey	5003L	Mr P Campbell
3489	Mr E B Hancock	5034L	Terry Johnson
3496	Mr J R Barber	5040L	Eugene Cheshire
3503	Mrs P E Barber	5170	Mr Tony McWalter MP
3510	Mrs N Eames	5803	Mr P S Woodward
		5807	Mrs C W Baughan

### Counter Objections

To pre-inquiry change 241

5298PC	Mr David W Jones	5659PC	Apsley Developments Ltd
5546PC	CPRE - The Hertfordshire Society	5675PC	Felden Park Farms Ltd
5632PC	The Directors of Shendish Manor Estate		

### Supports

1483	HCC Environment Department	4632	Mr James Campbell
3109	Mr R James	5023L	J James

### Supports for pre-inquiry changes

For pre-inquiry change 241

5224PC	Mr B Moggs	5640PC	Dacorum Borough Council Conservative Group
5364PC	Mrs C Hill		

## **Key Issues**

- (a) Should the settlement capacities of Hemel Hempstead, Berkhamsted and Tring be established before allowing the proposal to come forward for development. (4099)
- (b) Is TWA7 a suitable location for housing. Should it be deleted as proposed under PIC241 or should it be retained in the Schedule of Two Waters and Apsley Inset Proposal sites. (816, 822, 828, 834, 840, 846, 852, 858, 864, 870, 876, 882, 888, 894, 900, 906, 912, 918, 925, 932, 938, 944, 950, 962, 963, 971, 990, 1023, 1030, 1039, 1089, 1164, 1194, 1917, 1929, 2552, 2571, 2578, 3110, 3249, 3255, 3261, 3267, 3273, 3279, 3285, 3291, 3296, 3302, 3308, 3314, 3320, 3330, 3336, 3342, 3347, 3353, 3359, 3365, 3371, 3377, 3383, 3389, 3395, 3401, 3407, 3413, 3420, 3427, 3434, 3441, 3448, 3455, 3462, 3468, 3475, 3482, 3489, 3496, 3503, 3510, 3517, 3524, 3531, 3538, 3545, 3552, 3559, 3566, 3573, 3580, 3587, 3594, 3601, 3608, 3615, 3622, 3629, 3636, 3643, 3650, 3657, 3664, 3671, 3678, 3685, 3692, 3849, 4340, 4347, 4353, 4360, 4367, 4374, 4382, 4390, 4398, 4404, 4412, 4420, 4430, 4434, 4437, 4441, 4451, 4565, 4572,

4573, 4578, 4581, 4583, 4585, 4590, 4592, 4595, 4597, 4602, 4609, 4612, 4619, 4624, 4630, 4634, 4636, 4638, 4641, 4647, 4652, 4781, 4834, 4846, 4848, 5003L, 5034L, 5040L, 5170, 5298PC, 5546PC, 5632PC, 5659PC, 5765PC, 5803, 5807)

- (c) Would it be better if the scale of housing development proposed was reduced. (4451, 4834)
- (d) Should the net capacity be increased if the proposal is retained in the plan. (1301)
- (e) Is it appropriate for the development of Proposal TWA6 to be made contingent upon the development of Proposal TWA7. (4781)
- (f) Should the planning requirements for Proposal TWA7 be amended in respect of archaeology, hedgerow protection and education provision. (4078, 4571, 4685, 4686)

## Inspector’s Conclusions

### (a) *Settlement capacities*

17.23.19. I have already addressed this issue on a number of occasions in my report (*see paragraphs 4.17.1 and 14.17.2*). For the reasons I have set out previously I consider that it would be inappropriate to delay identifying Green Belt releases until such time as the settlement capacities for Hemel Hempstead, Berkhamsted and Tring have been established. I, therefore, recommend that no modification should be made to the Plan in response to objection 4099.

### (b) *Is TWA7 a suitable location for housing*

#### *General*

17.23.20. As I have previously indicated in paragraph 4.32.2 of my report objectors to this proposal appear to fall mainly into four groups. The majority opposes any development at the Manor Estate. Others object to TWA7 but not to TWA6, whilst some object either to the part of TWA7 which lies alongside the A41 (*referred to as the Top Fields or A41 Fields*) or to the part which lies between the estate and Shendish (*known as Maxted Field*). I have taken into account these various points of view in reaching my conclusions on this proposal.

17.23.21. I have already considered the arguments relating to the release of this land from the Green Belt at section 4.32 of my report. I therefore propose at this point to address the other issues that have been raised in relation to the development of this site for housing. The main objections to the proposed allocation appear to relate to housing need, the sustainability of the site, the visual impact of the development, the loss of open space, loss of trees and hedgerows, the effect on the character of the estate<sup>3</sup>, traffic and access implications, noise and disturbance, the impact on local schools, the effect on residential amenity, the capacity of local infrastructure, and whether the scheme could be implemented in the life of the Plan. I consider each of these issues in turn below. I have also taken into account the alleged advantages of the scheme.

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<sup>3</sup> This includes issues related to the density of the new development and the provision of affordable housing.

***Housing need***

17.23.22. I have already addressed this issue in paragraphs 17.22.22 and 17.22.23 above. I consider that the conclusions I reached apply equally to TWA7. In my view there is a clear need for some greenfield land to be developed to meet housing requirements in the period up to 2011. I am not satisfied that both of the alternative sites that the Council now seeks to bring forward in order to meet this need are suitable for reasons I give elsewhere in this report. I find therefore that there is a need for this site to be allocated for housing.

***Sustainability considerations***

17.23.23. In the light of the objections to different parts of this site on the grounds of sustainability I have considered the two parts separately. In doing so I have taken account of the Council’s sustainability assessment of this site, which is contained in CD53A. This gives it an overall score of 12, which is below the score for West Hemel Hempstead but considerably higher than the score of +1 for the land at Breakspear Way (CD53<sup>4</sup>). However, I have concluded earlier in my report that the Council’s assessment of the sustainability of the land at West Hemel Hempstead is an over-estimate. I consider therefore that the land at the Manor Estate is likely to be at least equal, if not better, in sustainability terms than the land at West Hemel Hempstead.

17.23.24. Turning first to Maxted Field, it is clear that housing on this area would be within 1000 metres of the railway station at Apsley. While some of this area would be within 400 metres of the nearest bus stop on London Road, when one also takes into account the slope of the land I accept that a significant part of this area would fall outside this standard. However, as part of the development package it is proposed to provide a new half-hourly bus service to serve the estate. This would ensure a high accessibility by public transport. Some objectors question the long-term viability of such a service. However, I consider that there is a reasonable prospect that once established the service would continue after the initial period of subsidy, taking into account the overall number of dwellings there would be on the estate following its expansion and the improvements to the existing sub-standard road access.

17.23.25. The area would be within 2 kilometres of a number of employment areas. However, at least one objector argues that due to the gradient involved it would actually fail this criterion. I am not satisfied that the slope is so great in respect of Maxted Field as to result in the existing employment areas along London Road falling outside this criterion. The advice in ‘Sustainable Settlements’ (CD86) suggests that for every metre difference in height one should add 10 metres to the distance. Based on this I calculate that even after adding the additional distance to compensate for the slope both Doolittle Meadows business park and the Two Waters GEA would be within the distance specified in the criterion.

17.23.26. Although the slope would mean that part of the site would fall outside the range of 800 metres to a local centre I consider that a substantial portion would fall within the required distance. Certainly it did not seem to me that the walk involved was unreasonable and the replacement of the pedestrian bridge to Kents Avenue with a ramped bridge would greatly facilitate access to Sainsburys and the local centre. The

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<sup>4</sup> The land is referred to as the ‘Lucas Site’ in CD53.

site would lie directly adjacent to a primary school but it would be more than 1500 metres from the nearest secondary school<sup>5</sup>. However, this is the case for many of the greenfield sites proposed in the Plan. In my view this is more than outweighed by its much closer proximity to the primary school where walking distance is likely to be far more critical. While the area would be in reasonable proximity to a dental surgery it appears that it would be some distance from other health facilities although it is possible that this situation may change.

17.23.27. Like all greenfield sites the development would not reuse derelict or built up land. While English Partnerships argues that development of the site would involve valuable landscape it is clear from CD43 that this criterion refers to the AONB and Landscape Conservation Areas neither of which would be affected in this case. I am satisfied that development of this area would not have a detrimental impact on any of the general physical constraints (criteria 8 to 14) which are used in the Council’s assessment method. Environmental conditions would also be relatively good. I accept that this area of the site would be prominent visually from across the valley. However, I consider any development would relate well to the existing built form.

17.23.28. I agree that the degree of slope is such as to call into question the Council’s decision to give this criterion a tick, albeit in brackets, in CD53A particularly when it was previously given a cross in CD53. Since the site is north facing the aspect would not be ideal. While the site would require significant additional infrastructure this would be true of many of the greenfield sites proposed in the Plan. Unlike many of the other sites the provision of this infrastructure would also benefit a significant number of existing residents. Overall therefore I consider that Maxted Field would be a sustainable location for housing.

17.23.29. The situation would be less clear-cut in relation to the Top Fields. This area would be over 1000 metres from Apsley Station, particularly if one takes into account the slope. It would also be beyond the specified distance from a bus stop or shopping centre, although the former would be redressed by the provision of the new bus service. It would however be in close proximity to the primary school and probably just within 2 kilometres from the nearest employment area. Overall therefore it would have a medium level of accessibility to local facilities and services.

17.23.30. It would be similar to Maxted Field in terms of most of the other criteria used in the Council’s sustainability matrix. However, it would, in my view, have less visual impact and the land would be relatively flat. It would therefore score higher on at least two criteria. Overall, however, I accept that owing to its poorer accessibility it would be a less sustainable location than Maxted Field. However, it is clear that the development of Maxted Field alone would be insufficient to fund improved access to the estate, the provision of public transport and redressing the existing open space deficiency. I consider therefore that when these benefits are factored into the equation the comprehensive development package proposed would make the development of the whole of TWA7 a sustainable proposition overall.

17.23.31. In reaching this conclusion I have taken account of the comments made by English Partnerships regarding the significant cost of providing the required infrastructure

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<sup>5</sup> This is the distance specified as being appropriate in paragraph 11 of Appendix 2 to the Council’s Technical Report 2 (CD43)

improvements and the effect this has on the overall sustainability assessment of the site. However, while the costs of developing this site may be higher than for Breakspear Way I am not satisfied that this is sufficient to conclude that the latter would be more a more sustainable location for housing given its significant distance from the nearest primary school and local centre.

***Visual impact and effect on landscape***

17.23.32. Development on Maxted Field would be visible from many areas on the opposite side of the valley, including the Bennetts End Recreation Ground. However, the Two Waters JMI School already intrudes significantly beyond the existing edge of the Manor estate into this field. More importantly, the field is separated from the open parkland of the Shendish Estate to the east by a wide belt of trees. In contrast there is little vegetation of visual significance along the boundary with the properties in High Ridge Road. Consequently, I find that the area relates more closely to the existing Manor Estate than to the open land to the east. I agree therefore with the EIP Panel’s assessment that development of this area would be contained by the landform and would appear as a natural extension of existing built development in this area. As such I do not consider that development of Maxted Field would result in an unacceptable visual intrusion into the landscape of the southern slopes of the Gade Valley.

17.23.33. Since the topography of the Top Fields is much flatter development in this part of the site would be far less prominent from across the valley, which is clearly why some objectors like the CPRE support development on this part of the site. It would be at least partially visible from the countryside to the south of the A41. However, I consider that as the new planting along the A41 matures this is likely to be limited to the roofs of the new dwellings. These would be seen against the backdrop of the development on the opposite side of the Gade Valley. I acknowledge that the southern corner of these fields would be visible from Barnes Lane and that the northern area would be prominent from Featherbed Lane, but the Plan proposes these areas would be retained as open space under Proposal TWA24. Overall therefore I do not consider that the development of TWA7 would have a deleterious impact on the landscape setting of Hemel Hempstead.

***Loss of open space***

17.23.34. Concerns are expressed by a number of objectors about the loss of the green buffer around the existing estate. However, apart from the play area adjoining the end of King Edward Road and the footpath that runs diagonally across the lower part of Maxted Field there is no official public access to this area. I appreciate that residents may have unofficially used this area for informal recreation for some years but legally the landowner could prevent this. In my view the provision of significant areas of permanent public open space as part of the development proposal would more than offset the loss of these fields in recreational terms. While the play area might have to be moved there is clearly scope for a replacement facility to be installed close to its current location. In addition as part of the development there is the opportunity for a play area to be provided on the Top Fields which would improve access to such facilities for those living on the upper part of the existing estate.

***Trees and hedgerows***

17.23.35. I acknowledge that the hedgerow and trees along the southern boundary of the existing estate, the hedgerow between Maxted Field and the Top Fields and the hedgerow separating the two Top Fields are important landscape features. However, I see no reason why these should not be largely retained as part of any development. There will undoubtedly be some loss of trees at the King Edward Road/Featherbed Lane junction owing to visibility improvements as well as some loss of vegetation alongside the railway as a result of the works to the bridge, but these could be replaced in time with new planting. I am not convinced therefore that development of the site would lead to an unacceptable loss of existing vegetation.

***Character of the estate***

17.23.36. Many objectors argue that the expansion of the estate will be harmful to its character. Concern is expressed specifically about the density of the new development and the possible impact of affordable housing both on the character of the area and on property values. There is no doubt that the development would result in a major expansion of the estate. Clearly this would have a significant impact on its character in the shorter term, particularly in the light of the higher traffic levels on King Edward Road. However, I am not satisfied that the resulting change in character would cause real long-term harm.

17.23.37. Subject to a high standard of design and layout being achieved I see no reason why a higher density of development should look unduly out of place in this location. As for the proposed element of affordable housing PPG3 makes clear that the Government believes that it is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. In particular it does not accept that different types of housing and tenures make bad neighbours. I find no evidence to substantiate some residents fears that the requirement for 33% of the new dwellings to be affordable would lead to a degradation of the current residential environment of the estate. Consequently, I find no reason to believe that the development would have a seriously damaging impact on the character of the estate.

***Traffic and access***

17.23.38. Turning to the issue of access and traffic the concerns raised effectively fall into three areas. The increase in traffic on the estate, the effect on Featherbed Lane and other adjoining roads in Apsley and finally the wider implications for traffic levels on London Road. I deal with the second of these areas in more detail in considering Proposal TWA16 in section 17.31 below. I therefore propose at this point to deal with the issues of traffic on the estate and on London Road.

17.23.39. Although TWA Diagram 3 shows a number of the existing roads on the estate being linked through to the new development, judging from the evidence I heard at the Inquiry no firm decision appears to have been reached as to whether such linkage would be appropriate. In my view this is an issue of detail that is better determined at the planning application stage where the benefits of dispersing the traffic can be weighed more carefully against the acknowledged disadvantages of increased traffic on the existing estate roads. I therefore make no comment on which should be the preferred solution. However, even if it is ultimately decided to link through some of

the existing roads I consider that it is unlikely that any increase in traffic on West Valley Road, Chipperfield Road or Manorville Road would be so significant as to affect the safety or convenience of existing residents. Indeed it is possible that residents at the lower end of these roads could experience less traffic as those living at the top end may find it easier to exit the estate via the proposed new northern access.

17.23.40. In my view the only road that would experience a significant increase in traffic is King Edward Road. Judging from the figures presented at the Inquiry there could be an increase of around 26% in the a.m. peak and 48% in the p.m. peak. However, this is on a very low base. Thus the 48% rise predicted in the p.m. peak would actually only represent 108 vehicles. Judging from the width and standard of King Edward Road, I consider that it has the physical capacity to accommodate this increase. The Council argues, however, that it would exceed the environmental capacity of the road. While I note the findings of the Buchanan report<sup>6</sup> the research on which this was based is now almost 40 years old and is therefore of more limited value in considering this issue in today’s environment. In any case it would appear that Buchanan concluded that the environmental capacity for an access road or local distributor was in the region of 300 to 600 vehicles per hour. Judging from the figures presented at the Inquiry the upper limit would not be exceeded on King Edward Road even during peak hours. I am not satisfied therefore that the development would lead to the environmental capacity of King Edward Road being exceeded.

17.23.41. If difficulties should arise for pedestrians seeking to cross King Edward Road at peak times this could be readily addressed by the provision of pedestrian crossings. I conclude therefore that while there would be a noticeable increase of traffic on King Edward Road it would not exceed either the physical or environmental capacity of the road. In the circumstances I am not persuaded that the additional traffic generated by the development would have a detrimental impact on the safety and convenience of existing residents or on the wider character of the estate.

17.23.42. Turning to the situation on the London Road traffic levels are undoubtedly heavy though apparently still well below those that were experienced before the opening of the A41. More importantly I note from the Two Waters and Apsley Study (CD44) that it was considered at that time that the road had the capacity to accommodate an increase in traffic of between 30-40%, subject to some improvements to existing junctions. There is no substantive evidence to suggest that development of TWA7, even when considered with other new developments in Apsley would lead to this figure being exceeded. I appreciate that the operation of the Apsley Mills Retail Park does cause some localised congestion on London Road at weekends. However, the Council supplied no figures on flows to confirm its contention that the extension of the Manor Estate would seriously exacerbate this problem. Even, if it did, I see no reason why this could not be addressed by undertaking further improvements to the junction serving the Retail Park. I am not convinced from the evidence available that it would lead to significant amounts of traffic being diverted on to Belswains Lane.

17.23.43. As for the environmental capacity of London Road it is clear that while there are some residential properties adjoining the road the majority of existing development on London Road is commercial in nature. I find no reason to believe that the additional

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<sup>6</sup> “Traffic in Towns – A study of the long term problems of traffic in urban areas” Reports of the Steering and Working Group appointed by the Minister of Transport 1963.



traffic arising from TWA7 would result in such a significant increase in traffic along London Road that the environmental capacity of the road would be exceeded. I appreciate that the additional traffic could have some impact on the Apsley Local Centre. However, to some extent this would be offset by the decreased use of the gyratory system. Overall, therefore, I conclude that the consequences of the increased traffic arising from the development should not lead to serious additional congestion on London Road or to a significant deterioration in its environmental quality.

#### *Noise and disturbance*

- 17.23.44. There are two elements to the objections about noise and disturbance. The main issue raised is the effect on existing residents of additional traffic. However, a few objectors also raise concerns about noise levels for future occupiers of the new housing.
- 17.23.45. Turning first to the impact on existing residents, I do not consider that opening up West Valley Road, Chipperfield Road or Manorville Road for through traffic, as shown on TWA Diagram 3, would be likely to make a significant difference to their current noise environment. In my view any additional traffic along these roads is likely to be fairly light. There will be a much greater impact on residents of King Edward Road, which will undoubtedly have much higher levels of traffic. However, any significant increase in traffic noise is likely to be limited to peak hours on weekdays. I do not consider therefore that it would seriously erode the residential environment of King Edward Road.
- 17.23.46. The additional traffic on Featherbed Lane would clearly have some effect on the occupiers of the houses that adjoin it. However, there are relatively few residential properties on this road. I do not consider therefore that the impact would be so substantial as to warrant rejecting the proposal on this ground. Residents of Manor Avenue and Orchard Street should experience some reduction in traffic noise owing to the decrease in the amount of vehicles using this route. There may be some ‘rat-running’ along Winifred Road and Weymouth Street but I do not consider that the amount of additional traffic involved would be likely to result in significant noise and disturbance for residents of those streets. In any case if ‘rat-running’ were to become a real problem, measures could be taken to discourage through traffic. Overall, I am satisfied that existing residents should not experience an intolerable increase in noise and disturbance.
- 17.23.47. As for future occupiers, it is clear that parts of the land to the south west and south east of the existing estate are subject to high levels of noise due to the proximity of the railway line and the A41. However, the worse affected areas are proposed as open space. I am satisfied that this together with appropriate design measures in respect of the housing closest to the railway line and A41 should be sufficient to ensure a satisfactory noise environment for future occupiers. I find therefore that there would not be an unacceptable level of noise and disturbance for future occupiers.
- 17.23.48. I accept that during the construction period some residents may experience noise and disturbance. However, this is likely to be relatively short lived. If any more persistent problems arose during this period it should be possible for the Council to deal with these under the appropriate environmental health legislation. I do not consider therefore that the disturbance caused by the construction of the development would warrant rejecting this site as unsuitable for housing.

***Impact on local schools***

- 17.23.49. Two Waters and Apsley JMI School is currently a one form entry school with an admission limit capacity of 210, which is already slightly exceeded. It is considered that expansion of this school is likely to be the most realistic option if both TWA6 and TWA7 are developed. The Borough Council calculates that TWA6 and TWA7 combined would generate 66 additional pupils in the longer term, which would necessitate at least 2 additional classrooms. However, it is suggested that this would have an unacceptable impact because it would increase the school to a non-standard size, which would affect teaching. Moreover, extending the school would be disruptive, particularly as there have been relatively recent building works to the school. It is also argued that the nature of the sloping site would make it both physically difficult and expensive to provide the additional facilities.
- 17.23.50. I appreciate that a non-standard size school is not ideal in teaching terms but it is clearly not uncommon. Indeed it appears that this will be the situation at Belswains Primary School once it has been extended. Judging from the comments of the landowner’s education expert many schools cope with such an arrangement successfully. I am not persuaded that the disruption to the education of existing pupils would be as severe as has been suggested. I appreciate that buildings works were undertaken to the school not long ago. However, even if Proposal TWA7 goes forward it is likely to be a few years before works on the school would take place bearing in mind the lead in time for such a significant project. I consider therefore there will have been sufficient time elapsed from the last period of building works to have allowed matters to settle sufficiently at the school.
- 17.23.51. There is no doubt that the land available for building is constrained due to the slope. However, as the Borough Council originally proposed the expansion of the Manor estate and the County Council did not object to it, it seems reasonable to conclude that they did not consider the slope of the land would prevent the school being suitably extended. It seems to me that there would be sufficient scope on the site to achieve this, even if meant building on the football pitch and re-siting this elsewhere. Use of some of the development site could also be considered if this were more suitable. I consider therefore that there is a reasonable prospect that the extension of the school could be achieved without causing serious disruption. Moreover, it should be possible in the process to enhance some of the other facilities at the school, such as the drop-off points and parking provision. I am not satisfied, therefore, that the alleged problems with the school are of such significance in this case as to justify deleting the Proposal from the Plan.
- 17.23.52. I note that a number of objectors also raise concerns about the capacity of existing secondary schools. However, the evidence would suggest that at present most of these are below their admission limit capacity. Even if the existing schools could not accommodate the 56 additional secondary level pupils that are likely to be generated by the development, I see no reason why one or more schools could not be suitably expanded. I am not satisfied, therefore, that the development of TWA7 would cause insuperable problems in terms of its impact on local schools.

***Residential amenity***

- 17.23.53. I have already dealt with the issue of noise and disturbance above. Some residents also raise concerns about a possible loss of privacy. The properties bordering the Top Fields should not suffer any significant loss of privacy as they are generally well screened by the existing vegetation along the boundary. Some of the properties in High Ridge Road, which overlook Maxted Field, could be more affected owing to the lack of existing screening. However, with additional planting and careful design and siting of the new dwellings the development should not result in a serious loss of privacy for occupiers of these dwellings.
- 17.23.54. I accept that the replacement of the existing footbridge to Kents Avenue with a ramped bridge could potentially increase overlooking to the adjoining properties. However, I see no reason why this could not be suitably addressed by the provision of solid parapets along the upper stretches of the access ramps.
- 17.23.55. I note the concerns raised in respect of the potential for increased crime to occur on the estate. However, while I understand these fears I am not persuaded that the additional housing and the changes to the road layout would necessarily lead to a higher incidence of crime in this case.

***Infrastructure capacity***

- 17.23.56. Although some objectors raise issues regarding the capacity of the drainage/sewerage system and other infrastructure I understand that all the relevant utilities have been consulted and have raised no objection to the proposals. There is no evidence either to suggest that the development would lead to a shortage of water either on the estate or in the wider area. I find no reason to conclude therefore that the necessary infrastructure to serve the new development could not be provided.

***Implementation***

- 17.23.57. English Partnerships and a number of other objectors contend that the extent and cost of the necessary infrastructure, particularly the new railway bridge, is likely to delay the implementation of the new housing to such a degree that the scheme is unlikely to be completed within the Plan period. However, it would appear that the necessary agreements are already in place with Railtrack and that there should be no need to acquire any additional land. Felden Park Farms have indicated its agreement to allowing its land to be used to provide the necessary visibility splay to King Edward Road. I also note that the land necessary to construct the new footbridge is either within the control of the developer, Railtrack or the Council. I am not persuaded therefore that any delays in bringing the development to fruition would be so severe as to mean that there was no reasonable prospect of the housing being completed within the Plan period. As for the overall costs, the exercise undertaken by Fordham Research Limited (CD62) indicates that the scheme should be viable. I find no reason to question this assessment.
- 17.23.58. In reaching this conclusion I have taken into account the criticisms that were made by English Partnerships in respect of the design of many of the proposed infrastructure elements. However, even if re-decking of the existing bridge were not feasible, which is far from certain, it would appear that there are other realistic options available.

Although both the vertical alignment of the bridge and the visibility of the London Road/Featherbed Lane junction would still be marginally below standard they would be a considerable improvement on the current situation. I am satisfied from what I saw on site that there is sufficient space to accommodate a ramped footbridge to Kents Avenue. The parking area adjoining the industrial units did not appear to be well used I doubt therefore that the loss of part of this area would have significant consequences. I find none of these matters therefore alter my views on the overall acceptability of the proposal to develop land to the south west and south east of the Manor Estate.

***The benefits of the scheme***

- 17.23.59. The proposal would bring a number of clear benefits to the existing estate. Improved access would be provided via Featherbed Lane with a new wider and better-aligned bridge across the railway, including a separate footway. The pedestrian bridge to Kents Avenue would also be substantially improved. A bus service would be provided for the estate. The junction of Featherbed Lane and London Road would be improved, including a turn right lane. It would also ensure the retention, use and management of Home Wood and the provision of permanent public open space. While none of these benefits would have been sufficient in themselves to justify the allocation of this site in the absence of a clear housing need, I consider that they do add weight to the advantages of this site over other greenfield sites that have been proposed.

***Conclusions***

- 17.23.60. I conclude that there is a clear housing need for this site. Development of Maxted Field would be highly sustainable. Development of the Top Fields would be less sustainable but this would be more than offset by the benefits that would be gained from improved access, better public transport and open space provision. The development would appear a natural extension of the built area and would not intrude significantly into the surrounding landscape. The loss of the green buffer around the estate would be balanced by the provision of permanent public open space. Development should not result in a serious loss of important vegetation or harm the character of the estate.
- 17.23.61. While it would lead to a significant increase in traffic on King Edward Road this would not exceed the physical or environmental capacity of the road. I am not satisfied that it would have a damaging impact on London Road either. The development should not cause serious noise and disturbance for either existing or prospective occupiers. Although development would be likely to result in the Two Waters JMI School being expanded to a non-standard size I am not satisfied that this would be seriously disruptive. Residential amenity would not be seriously affected. It should be possible to provide the necessary infrastructure and to implement the housing within the Plan period. I conclude therefore that the site is a suitable location for housing and recommend that it should be retained in the Plan. Consequently, I recommend that the Plan should not be modified in accordance with PIC241.

***(c) Should the scale of the housing area be reduced***

- 17.23.62. Both objectors consider that that the lower part of TWA7 (Maxted Field) should be developed in conjunction with the adjoining land at Shendish. While the land at Shendish would be more accessible than the Top Fields would be, I consider that

development of that area would have a far more significant visual impact on the landscape of the Gade Valley for the reasons I have already given in section 7.59 of my report. I also believe that it would cause more serious harm to the Green Belt (*see section 4.34*). I am not satisfied therefore that it would be a more suitable location for housing than the Top Fields. It is unlikely that development of Maxted Field on its own would be sufficiently viable to support the necessary improvements to the existing infrastructure, particularly the widening or replacement of the existing railway bridge. I am not satisfied therefore that the scale of the housing area should be reduced. I therefore recommend no modification should be made to the Plan in response to these objections.

**(d) Net capacity of the site**

- 17.23.63. The CPRE argues that if the site is retained in the Plan the density should be increased. The Borough Council maintains that a total site density of 19-20 dwellings per hectare is not inappropriate since the site may need to accommodate more open space and the area of Two Waters JMI School may need to be expanded. It also points out that children’s play space would need to be accommodated and there would need to be a sufficient buffer to the railway.
- 17.23.64. While some of these factors would mean that the net density would be rather higher it would appear that even when they are taken into account the revised density would still be below 30 dwellings per hectare<sup>7</sup>. It would therefore fail to meet the guidance in PPG3. I acknowledge that TWA Diagram 3 envisages a higher density of around 40 to 45 dwellings per hectare for Maxted Field. However, it shows a density of only 15-20 dwellings per hectare for the Top Fields. In my view this would not make best use of this land.
- 17.23.65. I appreciate that the Council believes that a lower density is necessary to soften the impact on the adjoining countryside. However, I see no need for the density to be as low as 15-20 dwellings per hectare for this to be achieved. My view is strengthened by the fact that existing and proposed planting on the embankment to the A41 should over time largely screen the site from the open countryside. On balance therefore I consider that development of this site would accord more closely with the objectives of PPG3 if the net capacity were increased to 270 dwellings, which would achieve a net density of 32.5 dwellings per hectare.
- 17.23.66. I consider that this number of dwellings could be accommodated without causing harm to the countryside or seriously increasing the impact on the character of the estate or on the environmental capacity of the local road network. It would have the added advantage of improving the feasibility of the development and increasing the likelihood that the new bus service would be viable in the longer term. I therefore recommend that the Plan be modified by increasing the net capacity of TWA7 to 270 dwellings. A consequential modification will also be required to the total housing figure for TWA6 and TWA7, which appears in the planning requirements.

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<sup>7</sup> Table 3 in CD57C shows a revised density of 27.7 dwellings per hectare.

**(e) Development of TWA6**

17.23.67. I have already addressed this issue in paragraphs 17.22.42 to 17.22.46 above. I consider that the linkage of the two sites is reasonable for the reasons I have already given. I therefore recommend no modification should be made to the Plan in response to objection 4781.

**(f) The planning requirements**

17.23.68. The County Archaeologist and Corporate Services Department raise similar objections to those made in respect of TWA6. In addition, the latter points out that to restrict the requirement for additional education facilities to two additional classrooms may be inaccurate. Mr Bridge points out that the hedgerow to the rear of 59 High Ridge Road, which is shown as being protected on TWA Diagram 3 is not within the Proposal Site. The Borough Council has indicated that if the site were retained in the Plan it would be minded to accept these objections.

17.23.69. As part of TWA7 falls within an Area of Archaeological Significance I accept that a requirement for an archaeological evaluation would be justified in this case. In my view a similar amendment to the one I have recommended in respect of TWA6 should suffice. Since the ultimate form of the development has not been finalised I agree that limiting the level of additional educational provision to two classrooms is inappropriate at this stage. Not only may more than two classrooms be required, particularly if the density is increased as I have recommended, but it also fails to take account of the need for ancillary facilities to be expanded. I consider therefore that the inclusion of a general requirement for a contribution towards additional educational facilities would be more sensible. I recommend therefore that the Plan be modified accordingly.

17.23.70. I see no need for any amendment to be made to the Plan in response to objection 4571 as I have recommended later in this Chapter that all the TWA Diagrams should be deleted. This would avoid the necessity of amending the error in respect of the hedgerow to the rear of 59 High Ridge Road. However, to ensure consistency the reference to TWA Diagram 3 in the planning requirements for TWA7 would also need to be removed. I recommend therefore that the Plan be modified by the deletion of the reference to TWA Diagram 3.

**Recommendation**

**17.23.71. The Plan be modified by amending Proposal TWA7 as follows:-**

- (a) increase the net capacity from ‘230’ to 270;**
- (b) revise the planning requirements as set out below:-**
  - (i) delete “(see Diagram TWA3 for further detail)”;**
  - (ii) replace the number “260” with ‘300’;**

(iii) delete the words “*the expansion of the primary school,*” and insert a new sentence to read:-

“A contribution towards the provision of additional educational facilities will be required.”;

(iv) remove the sentence beginning “*The opportunity for archaeological...*” and substitute the following sentence:-

“An archaeological evaluation and appropriate mitigation measures should be undertaken in accordance with Policy 114.”;

(v) delete words “*Two extra classrooms*” and substitute the words “Additional education facilities”;

17.23.72. PIC241 be not adopted.

## 17.24. PROPOSAL SITE TWA8 GAS BOARD SITE AND LAND TO THE REAR, LONDON ROAD

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
926	Ms Teresa Gates	1530	Kings Langley & District Residents’ Association
960	Lattice Property	1666	Kings Langley Branch of HH Conservatives
999	Mr J Malamatenios	2002	Mr Peter Lai
1007	The Box Moor Trust	2064	Janice Marshall

### Counter Objections

To pre-inquiry change 242

5335PC	Wilcon Development Group Ltd	5696PC	Kings Langley & District Residents Association
5633PC	The Directors of Shendish Manor Estate	5766PC	Felden Park Farms Ltd
5658PC	Apsley Developments Ltd		

### Supports for pre-inquiry change

For pre-inquiry change 242

5225PC	Mr B Moggs	5547PC	CPRE - The Hertfordshire Society
5346PC	Lattice Property		

## Key Issues

- Whether Proposal TWA8, for employment development on land at the Gas Board site and to the rear, London Road, should be deleted from the Employment section of the Two Waters and Apsley Inset Proposal Sites, as proposed by PIC242. (926, 960, 999, 1530, 1666, 2002, 2064, 5335PC, 5633PC, 5658PC, 5766PC)
- Should land adjacent to Stratford Way, which is part of Proposal Site TWA8, be developed jointly and comprehensively with the adjacent Gas Board site. (960, 999, 1007)
- Whether Proposal TWA8 should incorporate a firm proposal for a park and ride facility. (960, 1007)

## Inspector’s Conclusions

### *(a) Deletion of employment proposal*

- 17.24.1. Most of the objectors to the Deposit Draft Plan oppose the proposed reuse and redevelopment of the former railway sidings and gas works on London Road for industry and storage. Lattice Property argues that the economics of redeveloping the site, which would include relocating the existing operations, make housing a more appropriate use. Others suggest that the site should be developed for housing in preference to sites that would involve the loss of Green Belt land. The counter-objectors, on the other hand, support the employment uses as part of their case that peripheral Green Belt sites should be developed for housing, and oppose the proposed deletion of the employment site in the Composite Plan through PIC242.
- 17.24.2. In its justification of the Deposit Draft proposal, the Council identified a number of reasons why the site would have been suitable for redevelopment for employment purposes. It is well located in relation to a main distributor road, with easy access to the A41 trunk road, and adjoins a mainline railway giving opportunities for the movement of freight, including the development of a freight railhead. It would have contributed to the mix and diversity of employment opportunities, both in Two Waters and Apsley and, by balancing the dominant supply in the eastern part of the town, in Hemel Hempstead as a whole. It could have provided a relocation opportunity for firms occupying less suitable premises in the locality, potentially facilitating the conversion to housing of Policy 33/TWA4 sites. The site was also identified as the only large area within a GEA suitable for inert waste recycling, and was considered to have potential for a park and ride facility.
- 17.24.3. I agree with the Council that, on qualitative and locational grounds, there is justification for retaining the site in employment use. There is a significant shortage of secondary and lower grade industrial land in Hemel Hempstead which this site helps to satisfy, and it lessens the geographical imbalance that results from the concentration of employment land in the east of the town. The characteristics of the site, such as the existence of the gasholder and the constraints imposed by the underground pipelines, also tend to favour employment uses. Despite my conclusion that the prospects of developing a rail interchange are very slight (see Policy 66, paragraph 10.17.4), and my doubts about the practicality and viability of a park and ride scheme (see Proposal Txiv, paragraph 10.35.9), the case for general employment uses remains strong.
- 17.24.4. However, I also conclude in Chapter 7 that the site is appropriate for residential development. I believe that Site TWA8 is one of those few key sites in the Borough that is appropriate for either employment or housing purposes. In practice the future of the London Road site has been determined by the decisions I have reached on the other sites that also have potential for both uses, but where the case for favouring one use over the other is stronger. It largely stems from my conclusion that the Breakspear Way site (H15A) is not an appropriate or sustainable location for residential development, but that much of that land is suitable for employment use. This effectively provides an element of flexibility in an otherwise relatively tight employment land supply situation. Part of this flexibility is removed by my recommendation that Employment Site E4 should be reduced at the expense of an expanded Housing Site H27 (this being another location where both uses are appropriate). Even taking this into account, I am satisfied that, in quantitative terms, it



is not necessary to retain Site TWA8 in employment use to maintain adequate flexibility in the supply of employment land.

- 17.24.5. Whilst the case on qualitative and locational grounds remains, the effect of retaining Site TWA8 in employment use would be the removal from the Green Belt of an additional area of land for housing purposes. In my judgement the benefits of employment use on Site TWA8 are outweighed by the harm caused by the loss of Green Belt land. I therefore conclude, on balance, that Site TWA8 should be deleted as an employment site in accordance with PIC242 and allocated instead for residential development, as proposed by PIC252.

**(b) *Joint and comprehensive development***

- 17.24.6. Mr Malamatenios and Lattice Property both argue that the requirement for the former railway sidings to be developed comprehensively with the Gas Board land takes no account of the loss of the treed boundary and the level difference between the two sites. They consider that that joint development would be difficult and uneconomic, and that there is no justification for a single access from London Road. Mr Malamatenios is also concerned that a comprehensive approach would prejudice the early development of his land. These objections are also against the designation of the land for employment use, and are primarily aimed at securing the independent residential development of the separately owned parts of site TWA8. In contrast, the Boxmoor Trust supports a comprehensive approach to the development of the site.
- 17.24.7. Despite my conclusion that Site TWA8 should be developed for housing, it is necessary to briefly consider whether, if the site was to become an employment site, comprehensive development is necessary. I note that a previous Inspector considered a similar matter as part of an appeal in 1985, finding that it was desirable for access to be gained which did not involve Stratford Way. I see no reason to disagree with this conclusion, for Stratford Way is a residential access road and it would be potentially harmful to local residents for it to be used by the large goods vehicles normally associated with industrial sites. I therefore see no need for the requirements to be modified in this regard if the site were to be retained for employment purposes in the Plan. I deal with the issue of whether or not the site should be developed comprehensively for residential purposes in section 17.41 of the report.

**(c) *Inclusion of park and ride***

- 17.24.8. The Boxmoor Trust believes that the opportunity to incorporate park and ride facilities as part of the site should be firmed up, rather than being left as an option. The objection is part of their opposition to the use of Trust land for the provision of park and ride facilities. Lattice Property, on the other hand, argues that the site is wholly inappropriate for park and ride. I have dealt with this matter in the Transport chapter under Proposal Scheme Txiv. Because of my serious doubts about the practicability and viability of a park and ride scheme in this location, and my preference for housing on the whole of the site, I conclude that land should not be reserved for such a facility. Consequently, I recommend that the requirement for part of the land to be laid out as a Park and Ride site and the consequential reference to the maximum housing area should be deleted from PIC 252.

**Recommendation**

17.24.9. **The Plan be modified in accordance with PIC242.**

*See paragraph 17.41.18 for my recommendations in respect of PIC252.*

## **17.25. PROPOSAL SITE TWA9 HOMEBASE (FORMERLY TEXAS) STORE SITE, LONDON ROAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1603	Mrs A Johnson	4501	Prudential Assurance Company Ltd
1667	Kings Langley Branch of HH Conservative Association	4518	J Sainsbury’s Developments

**Support**

4472	The British Paper Company
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**Key Issues**

- (a) Is there a realistic prospect of Site TWA9 becoming available for redevelopment (4501, 4518)
- (b) Whether TWA9 should be included in the Apsley local centre and combined with TWA13, and/or be excluded from the GEA. (4501, 4518)
- (c) Should the site be used to provide a link road. (1603, 4501, 4518)
- (d) Is it appropriate for the site to be used for housing or offices. (1667, 4518)

**Inspector’s Conclusions****(a) Prospect of redevelopment**

- 17.25.1. The objectors believe that the Plan fails to recognise the existence of a retail warehouse on Site TWA9, pointing out that it is unlikely that the site would change to another use unless there were market or value advantages. They strongly contest the Council’s view that the retention of the Homebase store is unnecessary because another Homebase store exists in the Apsley Mills retail centre. They indicate that the unit could become available to another operator, and therefore that the continuance of Homebase as the only operator is not a reason for proposing the site for redevelopment. The objectors argue that the capacity of the locality to accommodate the level of retail development that has been built in recent years should have been assessed at the time the various planning applications were submitted. If it was thought that capacity did not exist, then permissions should not have been granted.
- 17.25.2. The Council points out that the garden centre which has a temporary permission will be lost to a replacement car park when the adjoining Site TWA13 is developed for housing, making it likely that Homebase will vacate the site in the medium term. Whilst this may be a reasonable assumption to make, in my view it does not follow that the site would then be redeveloped, for the building is a relatively recent structure that could be expected to have a life well beyond 2011. The reference in the text to the retail unit being unnecessary is not backed up by any evidence of over-provision of

this type of floorspace, and is difficult to reconcile with the large number of relatively recent permissions for retail warehouses in the locality. Although the competition between do-it-yourself operators may make it unlikely that a similar retailer would replace Homebase, the building appears to be a typical unit that could be suitable for occupation by other retail operations. I appreciate that the limited amount of car parking that would remain may not be ideal, but I am not convinced that it would be so deficient as to render continued retail use unviable.

- 17.25.3. Given the high land and rental values associated with retailing, I share the objectors’ view that there would need to be some financial incentive to trigger redevelopment. There is, however, no evidence that redevelopment would be economically feasible. Furthermore there is no indication that the Council has discussed its proposals for the site with the landowner or store operator, yet in the circumstances it would seem that a co-operative approach is essential. Consequently, on the limited information available to me, I believe that the prospect of the existing store being redeveloped during the Plan period is very small. I therefore question whether TWA9 should remain in the Schedule of Proposal Sites. I recognise that the proposal only seeks to *encourage* redevelopment, but to my mind it should not appear in this form in the Plan unless there is some prospect of implementation. I recommend that the Council looks again at Proposal TWA9, and that it is only retained if there is some positive indication that it could be implemented during the Plan period.

**(b)      *Extension of site or omission from GEA***

- 17.25.4. The objectors contend that the site is incorrectly included within the Gade Valley GEA because it is not in employment use. They suggest that it either forms part of an extended Apsley local centre (Site TWA13), or that Sites TWA9 and TWA13 are combined, or that Site TWA9 is excluded from the GEA. I have already considered the matter of an extended Apsley local centre in Chapter 9 and under Policy TWA5, where I conclude that it would not be appropriate. I have also determined that retail warehouses should not be included within GEAs in my consideration of Policy 31 and Policy TWA5. Similar arguments on both counts apply to Site TWA9, in my view, so my conclusions are the same. As I consider that neither designation is appropriate, I can see no merit in the suggestion that they be combined. I recommend that the site be removed from the Gade Valley GEA.

**(c)      *Provision of link road***

- 17.25.5. The proposed link road through Site TWA9 is part of a wider scheme to close the junction of Durrants Hill Road with London Road and to provide a route around the Apsley local centre for traffic using Durrants Hill Road. The scheme would remove a source of congestion in the local centre, and enable better use of the land at the rear of the frontage properties on London Road, including rear servicing. It seems likely that most of the scheme will be implemented through the development of site TWA13, for a planning application has been approved in principle by the Council and is subject to the completion of a planning obligation.
- 17.25.6. The two objectors with a direct interest in Site TWA9 consider that the link road should either be removed from the Plan or identified as illustrative only. It is pointed out that the availability of funding to implement the proposal is not known, and it is considered that a co-ordinated approach involving all ownerships is required. It is also

suggested that the route should be redrawn so as not to run through the centre of the Homebase unit. Mrs Johnson argues that the provision of the link road would not alleviate the pressure of vehicles on London Road.

- 17.25.7. In the absence of any evidence to the contrary, I see little reason to contest the Council’s view that there would be significant benefits from the provision of the link road. As with sub-section (a) above, however, it should only be included in the Plan if there is some prospect of the necessary redevelopment of Site TWA9 taking place during the Plan period. If the reappraisal that I recommend for Site TWA9 results in the proposal being retained in the Plan, I recommend no change in response to this objection. If the proposal is deleted from the Plan, the Council might wish to consider whether the road link should be included as a long term transport proposal in Part II of the Schedule of Transport Proposal Sites.

*(d) Housing or office use*

- 17.25.8. Sainsbury’s object to office use as part of their opposition to the proposed loss of retail use. The Kings Langley Branch of the HHCA, on the other hand, suggests that Site TWA9 is suitable for housing development, thereby complementing the town dwellings on the opposite side of London Road. The consequence of my recommendation that the site be deleted from the GEA is that there would no longer be a presumption in favour of employment (including office) uses. Any redevelopment of the site would, therefore, have to be assessed against the general policies of the Plan.
- 17.25.9. I can see some justification for both office and housing as appropriate alternative land uses. The area between the link road and London Road might be suitable for a range of uses, including offices and general retail development; these would help to retain some or all of the employment that the site currently provides. To the north-east of the link road it seems to me that residential development would be eminently suitable, complementing the new housing to be provided on Site TWA13. If the reappraisal that I recommend for Site TWA9 results in the proposal being retained in the Plan, the Council should consider whether it would be appropriate for these (or any other) alternative uses for the site to be specified.

**Recommendation**

- 17.25.10. **The Council looks again at the likelihood of Proposal Site TWA9 being implemented during the Plan period. The Proposal should only be retained in the Plan if there is some positive indication of implementation.**
- 17.25.11. **If Proposal Site TWA9 is retained in the Plan, it should be removed from the Gade Valley GEA and the text and the Proposals Map should be amended accordingly. The Council should also consider whether it would be appropriate to indicate the alternative uses (such as offices and housing) that would be suitable upon redevelopment.**
- 17.25.12. **If Proposal Site TWA9 is not retained in the Plan, the Council should consider whether the proposed link road ought to be added to the long term transport proposals in Part II of the Schedule of Transport Proposal Sites.**

## **17.26. PROPOSAL SITE TWA10 LAND AT JOHN DICKINSONS, INCLUDING THE HIGH BAY WAREHOUSE, LONDON ROAD**

### **Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1006	Miss P J Vallis	4473	The British Paper Company
1082	Mr & Mrs Wells	4551	John Dickinson Stationery Ltd
1605	Mrs A Johnson	5191	Mr J O Mathie
4456	Mr G R Fielding		

### **Supports**

425	East of England Tourist Board	3114	The Apsley Paper Trail
976	Mr & Mrs B Nicholls	3838	Mr J Buckett
1115	Paper Publications Ltd	4466	Mr R Burnell
1604	Mrs A Johnson	5171	Mr Tony McWalter MP
2550	Mr B Moggs		

### **Supports for pre-inquiry changes**

For pre-inquiry change 243

5548PC CPRE - The Hertfordshire Society

For pre-inquiry change 244

5549 CPRE - The Hertfordshire Society

## **Key Issues**

- (a) Should Proposal TWA10 (John Dickinson's, London Road) be amalgamated with TWA3 (John Dickinson's, Belswains Lane) as a single mixed-use zone. (4551)
- (b) Do the planning requirements for Proposal TWA10 provide an appropriate framework for the development of the site, or should they be amended to reflect the concerns about the mix of uses, the use of the former cycle sheds, parking provision, building heights, tree planting, and the salvage of site artefacts. (1082, 1605, 4456, 4551, 5191)
- (c) Could the additional traffic generated from the proposal and from an extension of the Manor Estate (Proposals TWA6 and TWA7 in the Deposit Draft) be accommodated on the road network. (1066)
- (d) Should Proposal TWA10 include a new vehicular bridge over the canal. (4456)
- (e) Whether the residential development of the John Dickinson site should be conditional on the construction of the 'Paper Trail' project. (4473)

## **Inspector's Conclusions**

### ***(a) Amalgamation of TWA10 and TWA3***

17.26.1. An identical objection is made to Proposal Site TWA3, and I have addressed this matter there. I conclude that, because the canal separates them, the two sites are essentially distinct planning units and should be treated as such in the Plan. I recommend no change in response to this objection.

### ***(b) Appropriateness of planning requirements***

17.26.2. The publication of the Deposit Draft Plan coincided with publicity about the development of Sites TWA3 and TWA10. Many of the objections are based on the detailed plans that were then available, and some do not relate directly to the 'planning requirements' section of the local plan. Furthermore, as the Council has now granted planning permission for the development (see CD122), and as building work has commenced, the contents of the Plan have largely been overtaken by events.

Nevertheless, as the Council points out, in the event that the current developers should fail to implement the approved development, or seek revisions to it, it is appropriate that the ‘planning requirements’ of Policy TWA10 should be properly framed to provide a basis for any future proposals.

- 17.26.3. In relation to the mix of uses, there is concern about the appropriateness of office use and a suggestion that parts of the site would be suitable for housing. The Council points out that the mix of acceptable uses is broad, and includes an ancillary element of residential development. The primary purpose of TWA10 is to provide employment and to attract visitors to the Paper Trail and canalside heritage, and a lively environment is envisaged. It seems to me that offices are an acceptable element of such a mixed-use scheme, and would provide welcome employment to complement the large residential development on Site TWA3.
- 17.26.4. The Plan limits the use of the former cycle sheds to car parking; some objectors support this, with one suggesting that it be used in part for additional parking at Apsley station, while another objector considers that other uses should be allowed. I have mixed views about the restriction proposed by the Council. I acknowledge that any building on this prominent hillside site would have a significant visual impact, but I see no reason why a structure of an appropriate scale and height should not be acceptable. I agree that it is important for Site TWA10 to provide adequate car parking, and that an easily identified location is advantageous, but I have some reservations about the desirability of requiring large numbers of visitors to cross the busy London Road. I do acknowledge, however, that car parking on this part of the site would facilitate a shared facility with Apsley station if this were considered desirable. It is clear that the future use of the former cycle sheds should be planned as an integral part of the site as a whole, and on balance I do not consider that there is sufficient reason for me to conclude that the requirements of the plan are inappropriate.
- 17.26.5. The other matters raised by the objectors are primarily detailed development control issues that go beyond the scope of the local plan policy. In my view the comment in the Plan about the restricted scale of the buildings on the site is appropriate, as is that about the retention of existing landscaping. The Council has responded to the comment about salvaging historical artefacts with PIC244, which I endorse. It also proposes another Pre Inquiry Change, No 243, which up-dates the references to the development brief and urban design brief, which again I support. I recommend no further change in response to these objections.

**(c) *Impact of traffic***

- 17.26.6. The Council accepts that there would be a problem of increased traffic on London Road if both the Manor Estate extension and Site TWA10 were to proceed, but does not believe that the problem would be major. I have considered the traffic that would be generated by the extension to the Manor Estate under Sites TWA6 and TWA7, where I conclude that subject to the improvements proposed under TWA16 and TWA17 the additional traffic should not lead to unacceptable congestion. Whilst the development of Site TWA10 would add to the congestion on London Road, the proposed mix of uses means that pronounced peak movements of traffic to and from the site are less likely than if the site was in a single use, as it was in the past. A traffic impact study has been undertaken in support of the combined TWA3/TWA10 planning

application, which pointed to the need for a new access to the site (see CD122), but the local highway authority is satisfied that no undue highway difficulty would result. In the absence of any evidence of a serious traffic problem, and bearing in mind that the TWA10 proposal utilises previously developed land, I recommend no change to the Plan in response to this objection.

**(d) *New bridge over canal***

17.26.7. The objector is concerned that unless there is a road link between Sites TWA3 and TWA10, the development of the housing site would discharge too much traffic onto Belswains Lane. I have dealt with the traffic impact on Belswains Lane in my consideration of Site TWA3, where I can find no evidence to suggest that this distributor road would not be able to cope with the increase in residential traffic, particularly if improved by traffic management measures. I share the Council’s view that a road bridge over the canal would be intrusive and disruptive to the ecology and relative quiet of this part of the waterway. I also believe that the distinctive character that the Council is seeking to create on each side of the canal would be lessened by a linking road bridge, to the detriment of both sites. I recommend no change in response to this objection.

**(e) *Relationship to ‘Paper Trail’***

17.26.8. The objector considers that measures should be introduced in the Plan to ensure that the implementation of the residential development on the John Dickinson site is conditional upon the construction of the ‘Paper Trail’ museum project. I address this matter in my consideration of Proposal TWA3, where I conclude that such a requirement would be unreasonable. I am satisfied that the references to the ‘Paper Trail’ in Policy TWA10 are appropriate, and I recommend no change to the Plan in response to this objection.

**Recommendation**

17.26.9. **The Plan be modified in accordance with PICs 243 and 244.**

**17.27. PROPOSAL SITE TWA11  
PUBLIC CAR PARK AND LAND ADJOINING, LONDON ROAD**

**Objection**

<i>Rep No</i>	<i>Name</i>
1606	Mrs A Johnson

**Key Issue**

(a) Whether existing car parking facilities serving the railway station will be lost. (1606)

## Inspector’s Conclusion

17.27.1. The objector mistakenly identified Site TWA11 as the car park adjacent to Apsley station. The intended objection is dealt with at Site TWA18, under Rep No 1609. There is no objection to the proposal relating to the car park at London Road.

### Recommendation

17.27.2. No modification be made in response to this objection.

## 17.28. PROPOSAL SITE TWA13 LAND BETWEEN LONDON ROAD AND THE RIVER GADE, SOUTH EAST OF DURRANTS HILL ROAD

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1607	Mrs A Johnson	4519	J Sainsbury’s Developments
4502	Prudential Assurance Company Ltd		

### Support

4474 The British Paper Company

### Support for pre-inquiry change

For pre-inquiry change 245  
5550PC CPRE - The Hertfordshire Society

## Key Issues

- (a) Would TWA13 have a detrimental effect on Apsley local centre. (1607)
- (b) Whether TWA13 should be combined with TWA9. (4502, 4519)
- (c) Should the link road through TWA13 be removed or identified for illustrative purposes only. (4502, 4519)

## Inspector’s Conclusions

### (a) *Effect on Apsley local centre*

17.28.1. The objector argues that the proposals to widen Apsley High Street and to replace the small shops with larger units would take the heart and character out of the local centre. It seems to me, however, that the Plan is not specifically requiring larger units, but merely suggesting that any redevelopment schemes for shops on the London Road frontage should cover several properties and have a co-ordinated design. I see no reason why the proposal should not continue to provide the variety of townscape that currently exists as a result of buildings being constructed at different times.

17.28.2. The widening of the road is limited to a setback from the existing building line of one metre, and in my view would have little impact on the character of the street. I appreciate that road widening will not solve the traffic problem, but as London Road is to remain as the main distributor through Apsley, the improvements proposed to its



capacity will help to keep traffic off less suitable alternative routes. I recommend no change in response to this objection.

**(b) *Amalgamation with TWA9***

17.28.3. These are part of a series of related objections that seek either the inclusion of Site TWA9 within the Apsley local centre, or alternatively that Sites TWA13 and TWA9 are combined. I have already addressed this matter under Policy TWA5 and Site TWA9, concluding that neither approach is appropriate. I share the Council’s view that the sites are different in functional terms, and that different policy objectives apply to them. I recommend no change in response to these objections.

**(c) *Removal of link road through TWA13***

17.28.4. These objections are made primarily against Site TWA9, and seek the removal of the new road proposed to link Durrants Hill Road with London Road at the Weymouth Street junction. In my consideration of that proposal, I question whether there is a reasonable prospect of implementing the part of the road that affects Site TWA9. However, I see no reason to raise similar doubts over the part of the road that would cross Site TWA13. Even if the section through TWA9 has to be deleted because it is unlikely to be implemented during the Plan period, it is reasonable to assume that the remainder will be built as part of the redevelopment for housing purposes of the backland area of TWA13. Because the objective of completing the link at some future time would remain a desirable option, the references to it in Site TWA13 should remain. Depending on the Council’s decision on Site TWA9, consequential amendments may need to be made to the planning requirements of Site TWA13.

17.28.5. The Council proposes PIC245 to reflect the fact that a substantial element of housing is now sought as part of the redevelopment of the local centre, which I support. I recommend no other changes in response to these objections.

**Recommendation**

17.28.6. **The Plan be modified in accordance with PIC245.**

17.28.7. **The Council considers whether consequential amendments to the Planning Requirements of Site TWA13 are necessary as a result of its decision on the treatment of Site TWA9.**

**17.29. PROPOSAL SITE TWA14  
CAR PARK ON THE FILTER BEDS SITE, OPPOSITE FROGMORE MILL,  
DURRANTS HILL ROAD**

**Objections**

<i>Rep No</i>	<i>Name</i>
1492	HCC Environment Department
1608	Mrs A Johnson

<i>Rep No</i>	<i>Name</i>
4566	Ms A Box

**Supports**

1008	The Boxmoor Trust
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4475	The British Paper Company
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## Key Issues

- (a) Should Proposal TWA14 safeguard the important trees and scrub. (1492, 4566)
- (b) Whether the railings should be renovated and restored. (4566)
- (c) Does the Proposal provide the only public car park in Apsley. (1608)

## Inspector’s Conclusions

### (a) *Safeguarding trees and scrub*

17.29.1. The objectors consider that the filter beds support locally valuable trees and scrub which should be retained around the edge of the development. The Borough Council recognises the significance of the trees and scrub, and with FC171 seeks the retention of this vegetation along the frontage of the site as far as possible. I agree that the silver birch trees, in particular, make an important contribution to the character of this part of the river valley, and I support the further change.

### (b) *Retain railings*

17.29.2. The objector believes that the railings along the frontage of the site should be retained, as they are part of the vernacular style of the area. Whilst I agree that this would be desirable, in my view it is not so important to the character of the area that it should form part of the local plan. I also consider that it might be difficult to achieve in practice, for the railings could impede the provision of a footpath along the site frontage and the requirement to provide a safe access. In my view the highway safety interest should take precedence, and I recommend no change to the Plan in response to this objection.

### (c) *Parking provision in Apsley*

17.29.3. The objector does not oppose the car park on Site TWA14, but is concerned that a parking facility should remain next to Apsley railway station. This matter is addressed in Site TWA10, where the Plan requires the former bicycle sheds next to the station to be available for car parking. I recommend no change to the Plan in response to this objection.

## Recommendation

17.29.4. **The Plan be modified in accordance with FC171.**

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## 17.30. PROPOSAL SITE TWA15 IMPROVEMENTS TO DURRANTS HILL ROAD

### Objection

<i>Rep No</i>	<i>Name</i>
4567	Ms A Box

### Support

4476	The British Paper Company
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## Key Issue

- (a) Whether the benefit of Proposal TWA15 is clear, or whether an alternative proposal would be preferable. (4567)

## Inspector’s Conclusion

### (a) *Benefit of Proposal TWA15*

17.30.1. It is not entirely clear whether this objection is aimed at the improvements proposed to Durrants Hill Road, including carriageway widening and new footpaths (Proposal TWA15), or to the closure of the Durrants Hill Road/London Road junction and its replacement by a new link road (part of Proposal TWA13). I suspect it is the latter, for the suggestion that traffic lights incorporating a zebra crossing would suffice appears to relate more to the junction than to the section of Durrants Hill Road covered by TWA15. In any event, it seems to me that a zebra crossing in either location is unlikely to resolve the problems identified by the Council. As far as Proposal TWA15 is concerned, I agree that some form of carriageway widening and footpath provision is essential if the proposed car park (Proposal TWA14) is intended to cater for the Apsley local centre, as the existing narrow bridge over the river is potentially dangerous. I recommend no change to the Plan in response to this objection.

## Recommendation

17.30.2. No modification be made in response to this objection.

## 17.31. PROPOSAL SITE TWA16 IMPROVEMENTS TO FEATHERBED LANE AND JUNCTIONS WITH LONDON ROAD

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
817	Mr R E Attwood	3428	Mr B Burgess
823	Mr M A Gower	3435	Mrs Carlin
829	Mr J M Gower	3442*	Mr R Chamberlain
835	Mrs L P Mason	3449	Tracy Fairbrother
841	D H Priest	3456	Mrs M Henley
847	Ann Bastow	3463	Mr R Henley
853	Mr D P Hopkinson	3469	Mr & Mrs E R Birch
859	Mr J Mason	3476	Miss P M Daniels
865	Mr John Izzard	3483	Mr M Fey
871	Ms Janet Izzard	3490	Mr E B Hancocks
877	Mrs Whitton	3497	Mr J R Barber
883	Mr & Mrs Folliard	3504	Mrs P E Barber
889	Mr N Schramm	3511	Mrs N Eames
895	Mr & Mrs J Bosworthick	3518	Mr S Ayling
901	P & C Williams	3525	Mrs J Hardcastle
907	Mr & Mrs A Konstandi	3532	Mr T Hardcastle
913	Mrs Margaret Keeton	3539	Margaret Jury
919	Mr M D Groome	3546	B Ayling
927	Ms Teresa Gates	3553	Mr J B Halsey
933	Mr Iain McNichol	3560	D M Halsey
939	Ms Christine Moore	3567	Mr C Rawlings
945	Mr P G Moore	3574	Mrs S Rawlings
951	Mr Robert McFadden	3581	Mr A Keen
964	Miss V Saunders	3588	Janet Richmond
972	S Di-Castri	3595	Mr I Tulloch

991	Mr B G Neep	3602	Mrs C Hill
1024	Mrs S Prowse	3609*	B & T Groutage
1031	Mr Nicholas Prowse	3616	Mr J Keeton
1040	Mr & Mrs B Nicholls	3623	Mr & Mrs A Wheatley
1045	Apsley Developments Ltd	3630	Mr A Shearman
1165	Ms Karen Gubbs	3637	Sally Carter
1918	Jo Richards	3644*	Mr R Green
1930	R Buckell	3651	G H Woods
2553	Mr B Moggs	3658	Mr R J Monk
2572	Mr G Barnett	3665	Rosalind Monk
2579	Mrs S Barnett	3672	Mr & Mrs J E Parker
3111	Mr & Mrs M McGuire	3679	Mr B Mason
3250	Mrs M Clarke	3686*	Mr D Robinson
3256	Mr & Mrs A Cunningham	3693	Mr & Mrs W Leeden
3262	Mr B N Parker	4341	Mr B R Watson
3268	Mr P Harrington	4348	Minesh Thakrar
3274	Susan Harrington	4354	D & B Sear
3280	Mr A Whitton	4361	Mr C Conwell
3286	Mr & Mrs R S Dove	4368	Miss Lisa Green
3292	Mr & Mrs K Spicer	4375	Mr & Mrs A Milton
3297	Mr M Everitt	4383	Mr S A Bremner
3303	Mr & Mrs R Jackson	4391	Mr G Biswell
3309	T Langley	4399	Mrs V Biswell
3315	R A Beckett	4405	A E D & N M Thorne
3321	P D Vincent-Jones	4413	Mr M Brearley
3325	Mr & Mrs R Strachan	4421	Mr A Clarke
3331	Amanda Forster	4438	Mrs J Blackie
3337	Mr I A M Grant	4568*	Ms A Box
3343	Mr C A Clarke	4574	Mr P White
3348	Mrs S J Barber	4586	Mr & Mrs K T Jennings
3354	Mrs E Burnell	4598	Mr & Mrs D Wiggins
3360	Mr A G Barber	4603	Mr & Mrs M Garrini
3366	Mr R G Burnell	4613*	Mrs C W Baughan
3372	Mrs V Plummer	4620	Mr & Mrs R Linsley
3378	Mr I Plummer	4625	J & B Davies
3384	Mr D Restall	4642	Mr & Mrs P Ludlow
3390	Joanne Mason	4653*	Mr C J Baughan
3396	Mr D Whitehead	4841	Mr & Mrs C C Grove
3402	Mrs J Miles	4847	D B Barnett
3408	Mr P Miles	5004L	Mr P Campbell
3414*	Mrs L Robinson	5035L	Terry Johnson
3421	Dr J Singleton	5041L	Eugene Cheshire

### Counter Objections

To pre-inquiry change 246

5551PC CPRE - The Hertfordshire Society  
5657PC Apsley Developments Ltd

5767PC Felden Park Farms Ltd

### Key Issues

- (a) Whether Proposal TWA16 for improvements to Featherbed Lane and junctions with London Road, which is proposed to be deleted by PIC246, should be retained in the Schedule of Two Waters and Apsley Inset Proposal Sites. (817, 823, 829, 835, 841, 847, 853, 859, 865, 871, 877, 883, 889, 895, 901, 907, 913, 919, 927, 933, 939, 945, 951, 964, 972, 991, 1024, 1031, 1040, 1165, 1918, 1930, 2553, 2572, 2579, 3111, 3250, 3256, 3262, 3268, 3274, 3280, 3286, 3292, 3297, 3303, 3309, 3315, 3321, 3325, 3331, 3337, 3343, 3348, 3354, 3360, 3366, 3372, 3378, 3384, 3390, 3396, 3402, 3408, 3414, 3421, 3428, 3435, 3442, 3449, 3456, 3463, 3469, 3476, 3483, 3490, 3497, 3504, 3511, 3518, 3525, 3532, 3539, 3546, 3553, 3560, 3567, 3574, 3581, 3588, 3595, 3602, 3609, 3616, 3623, 3630, 3637, 3644, 3651, 3658, 3665, 3672, 3679, 3686, 3693, 4341, 4348, 4354, 4361, 4368, 4375, 4383, 4391, 4399, 4405, 4413, 4421, 4438, 4568, 4574, 4586, 4598, 4603, 4613, 4620, 4625, 4642, 4653, 4841, 4847, 5004L, 5035L, 5041L, 5551PC, 5657PC, 5767PC)
- (b) Is the planning requirement for road improvements to be designed and implemented together appropriate, and should implementation be required before any new housing is built. (817, 1031, 1040, 1045)
- (c) Should planning requirements for Proposal TWA16 be amended to require a traffic survey and/or to explain the proposal more fully. (901, 1024, 1031, 2553, 3111, 3331, 3378, 3602, 3637, 3644,)

- (d) As an alternative to TWA16, should a new, second access road be provided to housing development at the Manor Estate. (889, 901, 1024, 1031, 1165, 3111, 3321, 3337, 3679, 4361, 4574, 4620, 4625)

## **Inspector’s Conclusions**

### **(a) *Retention or deletion of Proposal TWA16***

- 17.31.1. The majority of objectors oppose the road improvements as part of their objections to the housing development around the Manor Estate (Proposal Sites TWA6 and TWA7). The traffic that 260 additional houses would generate is one of the principal reasons for this opposition. Concern is expressed about increased traffic within the estate itself, along the route to and from the Apsley local centre, and along the already congested London Road through Apsley. I have dealt with the impact of traffic within the estate and in the wider locality in my consideration of Sites TWA6 and TWA7. In this section I focus on the part of the highway network to which Site TWA16 relates.
- 17.31.2. Many objectors consider that, even with the proposed improvements, the narrow bridge over the railway on Featherbed Lane would not have the capacity to safely accommodate almost double the number of vehicular movements. It is argued that the bridge is already a safety hazard that, at peak times, causes congestion, and it is believed that the current problems would significantly worsen. A number of objectors are concerned about the delays that would occur during the construction phase. Furthermore, an enlarged estate served by only one main road would exacerbate the emergency access and safety problems in the event that Featherbed Lane is blocked by an accident. At the London Road junctions there is concern that the additional traffic would lead to longer queues on the approach to and exit from the Estate. Residents of the Winifred Road/Weymouth Street area foresee an increase in rat running along their streets if the housing developments take place.
- 17.31.3. The Council indicates that, without the new housing proposed around the Manor Estate, Proposal TWA16 could not reasonably be retained in the Plan. The lack of recorded accidents means that the improvements would not be given a high priority, and the high cost of implementation would make them impractical to carry out. Even if the requirement for a new railway bridge was dropped, the existing highway difficulties are not considered serious enough to warrant remedial action in the foreseeable future.
- 17.31.4. I agree with this assessment. I acknowledge that the narrowness of the railway bridge and the lack of forward visibility make the approach to the Manor Estate difficult, and the right turn out of the estate onto Featherbed Lane demands even more care. Nevertheless, I observed car drivers perform these manoeuvres without significant problems, and there is no evidence of a serious threat to highway safety. Nor am I persuaded that the reported congestion over the bridge at the beginning and end of the school day is anything more than a relatively minor inconvenience, for it seems to be of very limited duration; indeed, a small number of objectors argue that no such problem exists. I appreciate that the right turn into Featherbed Lane from London Road causes delays on the main road through Apsley at peak times, but I share the Council’s view (in CD44) that whilst the Manor Avenue/Orchard Avenue gyratory system is not perfect, it operates reasonably well. In these circumstances I accept that the road improvements are not essential to overcome existing highway deficiencies.

- 17.31.5. As a consequence, the need for Proposal TWA16 is wholly associated with the housing development around the Manor Estate. For the reasons that I indicate in my consideration of Proposals TWA6 and TWA7, I am recommending that these housing sites be retained in the Plan. It is therefore necessary to consider whether the road improvements proposed in TWA16 would enable the highway network to cater for the additional traffic generated by the developments. It is also necessary to consider if there is a realistic prospect of the scheme being implemented during the Plan period.
- 17.31.6. The evidence to the inquiry suggests that the proposed improvements to Featherbed Lane would significantly reduce the hazards to both existing and new traffic using the railway bridge and the junction with King Edward Street. The provision of a second bridge, or the re-decking and widening of the existing structure, would enable unimpeded two-way flows, and forward visibility would be increased through a smoothing of the vertical alignment. The much-improved visibility at the junction, although slightly below current standards, would make the exit from King Edward Street substantially easier. I acknowledge that the single main access point into the Estate would remain, but an alternative (albeit circuitous) route does exist through Felden which could, as now, be used in emergencies. I also appreciate that some delays are inevitable during construction, but in my view the long-term benefits of the bridge improvement far outweigh the short-term inconvenience.
- 17.31.7. Whilst the impact on London Road is less clear cut, the provision of a right turn facility into Featherbed Lane would reduce queuing at this point, and the reduction in traffic around the gyratory system should improve conditions for residents of Manor Avenue and Orchard Street. The traffic flow along London Road is currently limited by the capacity of the junctions, so the benefit of improved capacity at the Featherbed Lane and Orchard Street junctions would be partially off-set by increased traffic at unaltered junctions further away. Nevertheless I see no reason to disagree with the local highway authority’s view that there would be an overall benefit to traffic on London Road as a result of the Manor Estate developments. Perhaps the persons likely to be most affected by the extra traffic would be the residents of Winifred Road and Weymouth Street, for I share their fears about an increase in rat running from vehicles attempting to avoid congestion on London Road to the south. However it seems to me that there are a number of traffic management measures that could be taken to restrict such movements if they become a significant problem.
- 17.31.8. Turning to the matter of implementation, proposals to provide new railway bridges can be highly costly and often require lengthy negotiations with the rail operators. Consultants for the Council have assessed the financial viability of all the major housing schemes, and while the results remain confidential, it appears that the viability of the Manor Estate project is not in doubt (CD62). Moreover, from the estimates provided at the inquiry it is reasonable to assume that the development can withstand the cost of the bridge and the other highway improvements. It also seems likely to be achievable within a reasonably short time-scale, for discussions have taken place with Railtrack and preliminary agreements are in place.
- 17.31.9. I am satisfied that the works required by Proposal TWA16 would improve highway conditions along the main approach to the Manor Estate, and would more than compensate for the extra traffic generated by the housing development. I also believe that the works are feasible, would form part of a viable scheme, and are likely to be capable of implementation within an acceptable time-scale. I agree that Proposal

TWA16 is a necessary element in the infrastructure provision associated with the housing development, and should therefore be retained in the Plan. I recommend that the Plan should not be modified as proposed by PIC246.

**(b)      *Phasing and timing of implementation***

17.31.10. A number of objectors argue that the road improvements should be implemented before any new housing is built on the site. Apsley Developments take a different view, believing that it is not necessary for the different elements of the proposal to be implemented together. At the inquiry the local highway authority indicated that up to 50 houses could be built before the bridge improvement became a necessity, and the Borough Council accepted that it would be unrealistic to expect all highway improvements before any housing was occupied. It is envisaged, however, that the works to the London Road junctions would be carried out prior to the start of development, thereby lessening the impact of the associated traffic.

17.31.11. I agree with the Council that the existing conditions on the approach roads to the Manor Estate are not so hazardous as to warrant all the improvements being carried out before the commencement of development. I do share the view, however, that the bridge improvement should be completed at a relatively early stage so as to compensate for the impact of additional traffic, and I regard 50 dwellings as a reasonable limit. It is clear that, by agreeing to a phased programme of implementation, the Council has tacitly accepted that the requirement for the improvements to be implemented together is unlikely to be satisfied. In these circumstances I believe that the Plan should reflect this position, and I recommend that the words “and implemented together” be replaced by “together and implemented in accordance with a phased programme of provision”.

**(c)      *Traffic survey and fuller explanation***

17.31.12. There is a general concern that the proposals for the Manor Estate were included in the Deposit Draft Plan without a full study of the likely traffic impacts. A few objectors consider that the amount of information provided in Proposal TWA16 is insufficient to enable the effect of the improvements to be properly assessed. It seems to me, however, that a great deal of analysis has been carried out into the impact of the development. The Two Waters and Apsley Study (CD44) set the broad context, and a traffic assessment was carried out in 1997 by consultants acting for the potential developers, using traffic data from 1995. The traffic counts were up-dated in 2000, and were found not to alter the validity of the original conclusions. From the evidence presented at the inquiry I see no reason to question the finding that the proposed highway improvements are more than sufficient to cater for the housing development.

17.31.13. As to the level of detail contained in Proposal TWA16, I consider that the Plan adequately describes the required improvements. Indeed I believe that, in general, the Plan is far too detailed, and in this instance I see no reason for the provision of more information. I recommend no change in response to these objections.

**(d)      *Second access***

17.31.14. Some objectors consider that a housing development of the scale proposed warrants the provision of an alternative access to the estate instead of the improvements which



make up Proposal TWA16. It is suggested that such an access could be taken from Two Waters Way, or directly from the A41, or from London Road to the south (either through the Apsley GEA or via Shendish). The Council has investigated these alternatives and believes that they all have severe drawbacks. Whilst it is difficult for me to comment because no details of specific routes have been submitted, it does seem that most schemes would involve a scale of works that would be disproportionate to the size of the expansion to the Manor Estate. Moreover, it appears that all the schemes would result in additional harm to the Green Belt. In the absence of any evidence demonstrating that an alternative access would be more beneficial than the improvements proposed in TWA16, I recommend no change in response to these objections.

### **Recommendation**

17.31.15. The Plan be modified by deleting the words “and implemented together” from Proposals Site TWA16 and replacing them with “together and implemented in accordance with a phased programme of provision”.

17.31.16. PIC246 be not adopted.

## **17.32. PROPOSAL SITE TWA17**

### **DEMOLITION OF 235 AND 237 LONDON ROAD AND WIDENING OF THE FEATHERBED LANE/LONDON ROAD JUNCTION**

#### **Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
3112	Mr & Mrs M McGuire	4599	Mr & Mrs D Wiggins
4569*	Ms A Box	4621	Mr & Mrs R Linsley
4575	Mr P White	4626	J & B Davies
4587	Mr & Mrs K T Jennings	4842	Mr & Mrs C G Grove

#### **Counter Objections**

To pre-inquiry change 247

5552PC	CPRE - The Hertfordshire Society	5768PC	Felden Park Farms Ltd
5656PC	Apsley Developments Ltd		

### **Key Issues**

- (a) Whether Proposal TWA17 for the demolition of 235 and 237 London Road and improvements to the junction of Featherbed Lane with London Road, which is proposed to be deleted by PIC247, should be retained in the Schedule of Two Waters and Apsley Inset Proposal Sites. (3112, 4569, 4575, 4587, 4599, 4621, 4626, 4842, 5552PC, 5656PC, 5768PC)

### **Inspector’s Conclusion**

#### ***(a) Retention or deletion of Proposal TWA17***

- 17.32.1. Proposal TWA17 is effectively an integral part of Proposal TWA16, for the latter cannot be implemented in full without utilising part of the land to which TWA17 relates. All the objectors to this proposal have submitted an identical objection to Proposal TWA16, and there is no specific comment about the detailed requirements of Proposal TWA17. I have therefore dealt with all the substantive matters raised in the



preceding section. Consequently my conclusion on whether Proposal TWA17 should be retained is wholly dependent upon the decision made in respect of the housing development around the Manor Estate. As I am recommending that Proposals TWA6 and TWA7 remain in the Plan, it follows that TWA17 should also be retained. I recommend that PIC247 should not be adopted.

**Recommendation**

17.32.2. **PIC247 be not adopted.**

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### **17.33. PROPOSAL SITE TWA18 APSLEY RAILWAY STATION, LONDON ROAD**

**Objection**

<i>Rep No</i>	<i>Name</i>
1609	Mrs A Johnson

**Support**

4467	Mr R Burnell
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### **Key Issues**

- (a) Is the station car parking to remain. (1609)
- (b) Should existing car parking facilities be enhanced. (1609)

### **Inspector’s Conclusions**

**(a) *Retention of station car park***

17.33.1. The objector is uncertain about whether the car park is to remain next to Apsley railway station. Although Proposal TWA18, which seeks to safeguard existing station interchange facilities, does not specifically refer to the car park, it is clear from the Proposals Map that it forms part of the station site. Consequently I am satisfied that it is the intention of the Plan for the car park to remain, and I propose no change in response to this objection.

**(b) *Enhancement of station parking***

17.33.2. The objector suggests that Apsley station car park should be enhanced, perhaps by taking some of the adjacent land from Proposal TWA10. Whilst the Council supports the principle of greater car parking to encourage a shift from car journeys to rail, it considers that the parking associated with Proposal TWA10 is limited and is required to serve the uses proposed for that site. As I infer in my consideration of Proposal TWA10, however, it seems to me that there may be potential for shared use of the car park associated with the visitor centre if spare capacity exists (it may be, for example, that visitor parking will only be fully utilised for limited periods). Nevertheless I regard this as a matter that is best addressed during the detailed design of the TWA10 development. I recommend no change to the Plan in response to this objection.

**Recommendation**

17.33.3. No modification be made to the Plan in response to this objection.

### 17.34. PROPOSAL SITE TWA19 HEMEL HEMPSTEAD BUS GARAGE, WHITELEAF ROAD

**Objection**

<i>Rep No</i>	<i>Name</i>		
4479	The Mary Street Estate Ltd	4115*	Lucas Aerospace Ltd

**Key Issues**

- (a) Does the proposal for Hemel Hempstead Bus Garage (TWA19) require correction. (4115)
- (b) Whether the Hemel Hempstead Bus Garage should be safeguarded for passenger transport operations, or whether alternative employment-generating development should be allowed. (4479)

**Inspector’s Conclusions****(a) Correction of Proposal TWA19**

17.34.1. The Council proposes to correct the errors to which the objector refers by PIC248. As a result, the objection has been conditionally withdrawn. I endorse this pre-inquiry change.

**(b) Safeguarding for transport use**

17.34.2. This is one of a series of related objections in which the objector opposes the protection of the Hemel Hempstead bus garage at Whiteleaf Road. It is argued that the land lies within the Two Waters GEA and is therefore suitable for a range of alternative uses, including employment development within Classes B1, B2 and B8. I have already discussed the principle of protecting this private commercial interest under Policy 65, where I conclude that it is reasonable to safeguard a site which is necessary for the operation of a viable and efficient public transport service (see paragraph 10.16.6). I have also considered the matter of alternative employment uses under Policy TWA5 (see paragraph 17.17.15). I believe that the furtherance of the strategy that encourages a shift to non-car modes of transport outweighs any benefit that might be gained from the redevelopment of the bus garage. Consequently I am satisfied that the reference to the bus garage in Policy TWA19 is appropriate, and I recommend no change in response to this objection.

**Recommendation**

17.34.3. The Plan be modified in accordance with PIC248.

## 17.35. PROPOSAL SITE TWA20 CYCLE ROUTE BETWEEN TWO WATERS, APSLEY AND NASH MILLS

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1065	Miss H Chana	1134	Mr & Mrs J Taylor
1069	Mr A J Brown	1135	Mr A Theobald
1088	Mr & Mrs A Say	1136	Mr A Briggs
1094	Mr C Thompson	1137	Mr & Mrs T C Rushbrook
1096	P de Chaumont-Rambert	1138	Mr s J V Kindell
1097	Janet Balmer	1139	J Hanson
1111	Mr A Ingram	1140	B & G Newman
1116	Mr P W G Powell	1141	Mr & Mrs Fraser
1117	Miss D Cannell	1142	Mr & Mrs S Bennett
1118	Mr J Sachs	1143	G Curry
1119	Karen Davis	1144	Mr & Mrs S Batchelor
1120	Mr & Mrs S L Glennon	1147	Mr J Middleton
1121	N J Hawkrigge	1159	Mr P Gray
1122	Mr J Newark	1160	Mr & Mrs Thurgood
1123	Mr & Mrs A Baxendale	1973	Mrs Hodge
1124	K Vanderhook	1974	Mrs S J Marshall
1125	Mr and Mrs R A Miles	2867	British Waterways
1126	J Gilbert	2895	British Waterways
1127	Mr & Mrs G Halsey	3093	Mr J Perry
1128	Mr & Mrs K M Kindell	4408	Dr D Bain
1129	Mrs J Hill	4426	The Willows (HH) Residents Company Ltd
1130	Mrs L Peers	4447	W H Lavers&SonsLtd/C S & E W Lavers Trusts
1132	Mrs A Manser	4553	John Dickinson Stationery Ltd
1133	Mr S Pilbeam		

### Supports

1009	The Boxmoor Trust	3113	Mr & Mrs G N Richards
3839	Mr J Buckett		

### Key Issues

- (a) Is the cycle route necessary and should it be included in the Plan. (1065, 1069, 1088, 1094, 1096, 1097, 1111, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1147, 1159, 1160, 1973, 1974, 3093, 4408, 4426)
- (b) Whether the route shown for Proposal TWA20 is appropriate. (1065, 1069, 1088, 1094, 1096, 1097, 1111, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1147, 1159, 1160, 1973, 1974, 3093, 4408, 4426, 4447)
- (c) Should the Plan refer to the need for British Waterways' approval for parts of the cycle route affecting the canal. (2867, 2895)
- (d) Is it appropriate for the cycle route to use the canal towpath. (2895)
- (e) Should the cycle route be labelled as indicative only. (4553)

### Inspector's Conclusions

#### (a) *Need for cycle route*

- 17.35.1. The cycle route is intended to link with a similar route through Three Rivers District to the south, and would enable commuters and leisure cyclists in the Gade Valley to gain access to Hemel Hempstead town centre and to the retail park at Apsley. Most of the objectors oppose the provision of the cycle route through the recently developed housing site TWA1, believing it to be an unnecessary intrusion into their quiet residential area. The Council regards the proposal as an important element in its

strategy of encouraging non-car modes of transport, for it considers the Gade Valley to be an ideal corridor for cycling if safe routes can be identified.

- 17.35.2. I share the Council’s view that, in principle, the provision of a cycle route through the Gade Valley is important. River valleys provide ideal opportunities for cycling because they are flat, and it is only through the provision of facilities that are attractive and easy to use that any significant shift to non-car modes of transport is likely to occur. Moreover, I note that parts of the route are currently being implemented through the development of Sites TWA1, 2 and 3. I recommend no change to the Plan in response to these objections.

**(b) *Appropriateness of route***

- 17.35.3. There is widespread opposition from the objectors who live in the houses built on Site TWA1 to the provision of the cycle route at the back of their properties and alongside the canal. They argue that it would disturb their peace and quiet, intrude into their privacy, represent a security and safety risk (especially to children), threaten wildlife and interfere with willow trees, and open up the area to strangers. Lavers point out that any route through their site would depend upon the conversion of the land to housing, to which they are opposed, and suggest that alternative routes are more readily available.
- 17.35.4. While I can understand the apprehension of the residents of Site TWA1 about the cycle route close to the rear boundary of the houses that back onto the canal, it is important to recognise that the strip alongside the canal is dedicated public open space. This green space is required by Proposal TWA1 to be at least 10 metres wide (and in places is much wider), and already has a footpath along part of its length. Consequently the fears about loss of privacy and security are not well founded, in my view – indeed it is arguable that greater public use could reduce the risk of crime. I appreciate the concern about conflict between cyclists and children playing in this locality, and with other pedestrians, but I believe that there is sufficient space available for all users to be safely accommodated. I saw on my visit that the cycle route would have to pass under the canopy of a few mature willow trees, necessitating some pruning, but I see no reason why this (or any other wildlife interest) should prevent the route being implemented.
- 17.35.5. I do not accept the Council’s contention that the route alongside the canal through Site TWA1 is critical to the overall scheme, for I believe that there are other potential routes in this locality. For example, it might be possible to use the towpath on the south western side of the canal, or the lightly trafficked roads through the new housing areas. However I regard the route illustrated on the Proposals Map as the preferred option, for it would be a dedicated facility that would be readily accessible to people living in the housing areas on the north eastern side of the River Gade. I therefore propose no alteration to the indicative route at the southern end of Proposal TWA20.
- 17.35.6. At its northern end the route of Proposal TWA20 divides into two and crosses the timber yard which is shown as a housing conversion site under Policy TWA4. The implementation of this section is wholly dependent upon the redevelopment of the timber yard. As I recommend in paragraph 17.16.30 that this site be deleted from Policy TWA4, and continue instead to form part of the Corner Hall GEA, the routes shown on the Proposals Map are no longer achievable. I do not believe that this

jeopardises the entire proposal, for it should be possible to gain access to Lawn Lane some 170m to the south east, at the entrance to the Lawnpark open space. I recommend that the reference to Lawn Lane be deleted from Proposal TWA20, and that the route be amended on the Proposals Map.

**(c) *Approval of British Waterways***

- 17.35.7. British Waterways is concerned that the Plan does not state that its approval would be required for any sections of the cycle route that use the canal towpath. I have already addressed this matter in Chapter 10. I recognise that widespread consultation with landowners will have to take place whatever route is chosen, and I conclude that there is no reason why the need to consult with any particular organisation should be stated in the Plan (see paragraph 10.15.4). I recommend no change in response to these objections.

**(d) *Use of canal towpath***

- 17.35.8. British Waterways objects to the cycle route using the canal towpath, arguing that there may be technical and safety problems associated with mixing cyclists and other towpath users. In its evidence to Policy 63, the Council acknowledges the difficulties of the shared use of towpaths, and in general prefers not to use them for cycling. It would seem, however, that this concern does not apply to the short section of towpath in the middle of Proposal TWA20, for the authority is strongly in favour of the canalside route despite the existence of a potential alternative route along Ebberns Road.
- 17.35.9. I acknowledge that there is a potential conflict between cyclists and pedestrians along canal towpaths, though in my experience much depends upon the width and nature of the path. In many locations the shared use of towpaths is appropriate, and from my site inspection I would have thought that the stretch in question should be capable of accommodating both cyclists and pedestrians in relative safety. I also regard the towpath route as preferable, for it would minimise the conflict with industrial traffic on Ebberns Road. However, I am not sure whether it could be achieved if the Council decides to retain the Ebberns Road GEA (see Policy TWA4, paragraph 17.16.30). I consider, therefore that the Council should review the Ebberns Road part of Proposal TWA20 in the light of its decision on Policy TWA4, and to only include a route which has a realistic prospect of implementation.

**(e) *Indicative route***

- 17.35.10. The objector believes that the routes shown in Proposals TWA 20 and 21 should be clearly labelled as indicative, for many cross new housing sites and the resulting development may lead to changes to the detailed routes shown on the Proposals Map. The Council considers that such a labelling would add nothing to the Plan, arguing that the Proposals are clearly indicative until detailed schemes exist. Despite the Council’s intentions, it seems to me that the routes shown on the Inset Proposals Map (Sheet 6) are not indicative, for specific routes are clearly shown on an Ordnance Survey map base. In this respect both the cycle and pedestrian route networks in Two Waters and Apsley differ significantly from those in the rest of the Plan, where they are shown diagrammatically on Transport Diagram 3. I agree with the Council that the routes should be diagrammatic, both to cater for evolving developments and to ensure that

minor variations to routes would not be contrary to the Plan. In my view it is essential that the words “indicative route only” be added to Proposals TWA 20 and 21 on the key to Sheet 6 of the Proposals Map.

### **Recommendation**

17.35.11. The Plan be modified as follows:

- (a) the reference to Lawn Lane in Proposal TWA20 be deleted;
- (b) the northern parts of the route through the Corner Hall GEA be deleted from the Proposals Map;
- (c) the words “indicative route only” be added to Proposal TWA20 on the key to Sheet 6 of the Proposals Map.

17.35.12. The Council reviews the Ebberns Road part of the route, in the light of its decision on Policy TWA4, and only show on the Proposals Map a route which has a realistic prospect of implementation.

## **17.36. PROPOSAL SITE TWA21 IMPROVEMENTS TO THE FOOTPATH NETWORK**

### **Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
2868	British Waterways	4445	Fugro Ltd
2896	British Waterways	4554	John Dickinson Stationery Ltd
4409	Dr D Bain		

### **Supports**

1010	The Boxmoor Trust	3840	Mr J Buckett
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### **Key Issues**

- (a) Should the Plan refer to the need for British Waterways' approval for parts of the footpath network affecting the canal. (2868, 2896)
- (b) Would Proposal TWA21 lead to conflict between cyclists and pedestrians, harm community areas or create a security risk. (4409)
- (c) Is the route shown for the footpath network appropriate. (4445)
- (d) Should the footpath network be labelled indicative only. (4445, 4554)

### **Inspector’s Conclusions**

#### **(a) *Approval of British Waterways***

17.36.1. I have already concluded that there is no need for the Plan to make specific reference to any approval that would be required from landowners before schemes are implemented. I recommend no change in response to these objections.

**(b) Conflicts resulting from pedestrian routes**

- 17.36.2. The objector opposes both the cycle and pedestrian routes through Site TWA1, and has lodged an identical objection to Proposals TWA20 and 21. I have dealt with the matters raised in this objection under Proposal TWA20. I conclude that there is sufficient space alongside the canal to provide routes for both cyclists and pedestrians without harming each other or the communal areas through which the routes pass, and that the risk to security is unlikely to rise through increased usage of these paths. I recommend no change in response to this objection.

**(c) Appropriateness of route**

- 17.36.3. Fugro objects to the provision of two footpaths through its employment site at Frogmore Road. The routes were selected because the land was identified as a housing conversion site under Policy TWA4, and it was intended that the paths would be provided as part of the redevelopment process. The company argues that there is no realistic prospect of the site becoming available for housing, so the footpaths will not be implemented. In my consideration of Policy TWA4 I conclude that it is not appropriate to designate the Fugro site for conversion to housing, but that it should remain as part of the Frogmore GEA (see paragraph 17.16.15). It is therefore necessary to question the appropriateness of including these routes in the Plan.
- 17.36.4. I share the Council’s view that that the provision of more opportunities for north-south movements across the physical barrier of the Grand Union Canal and River Gade is desirable, making it easier for residents and employees to reach the retail and commercial sites to the south of the river. The northernmost of the two proposed routes would be the most direct, linking an existing bridge over the canal with Site TWA9 and the Apsley local centre; it would also skirt the edge of the Fugro land and could perhaps be implemented without significant disruption to the existing businesses. The second route would run between the river and the main building on the site, and is unlikely to be achievable without redevelopment of the site.
- 17.36.5. The Council argues that if the footpaths through the Fugro land became the last link in the provision of new routes, it would have to consider the potential for public funding and/or compulsory purchase even if the site remains in its current employment use. In these circumstances, and taking into account the importance of extra north-south links, I think it reasonable that the northernmost route should remain in the Plan. The route alongside the river is unlikely to be capable of implementation, in my view, and should be deleted from the Plan.

**(d) Indicative footpath network**

- 17.36.6. I have dealt with this matter under Proposal TWA20, where I conclude that it is necessary for the routes to be labelled as indicative on the Proposals Map. I recommend that a similar modification be made in respect of Proposal TWA21.

**Recommendation**

- 17.36.7. **The Plan be modified as follows:**

- (a) the footpath route which runs alongside the River Gade through the Fugro site on Frogmore Road be deleted from the Proposals Map;
- (b) the words “indicative route only” be added to Proposal TWA21 on the key to Sheet 6 of the Proposals Map.

## 17.37. PROPOSAL SITE TWA22 LAND BETWEEN FEATHERBED LANE AND TWO WATERS WAY

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
818	Mr R E Attwood	3409	Mr P Miles
824	Mr M A Gower	3415*	Mrs L Robinson
830	Mrs J M Gower	3422	Dr J Singleton
836	Mrs L P Mason	3429	Mr B Burgess
842	D H Preist	3436	Mrs Carlin
848	Ann Bastow	3443*	Mr R Chamberlain
854	Mr D P Hopkinson	3450	Tracy Fairbrother
860	Mr J Mason	3457	Mrs M Henley
866	Mr John Izzard	3464	Mr R Henley
872	Ms Janet Izzard	3470	Mr & Mrs E R Birch
878	Mrs Whitton	3477	Miss P M Daniels
884	Mr & Mrs Folliard	3484	Mr M Fey
890	Mr N Schramm	3491	Mr E B Hancocks
896	Mr & Mrs J Bosworthick	3498	Mr J R Barber
902	P & C Williams	3505	Mrs P E Barber
908	Mr & Mrs A Konstandi	3512	Mrs N Eames
914	Mrs Margaret Keeton	3519	Mr S Ayling
920	Mr M D Groome	3526	Mrs J Hardcastle
928	Ms Teresa Gates	3533	Mr T Hardcastle
934	Mr Iain McNicol	3540	Margaret Jury
940	Ms Christine Moore	3547	B Ayling
946	Mr P G Moore	3554	Mr J B Halsey
952	Mr Robert McFadden	3561	D M Halsey
965	Miss V Saunders	3568	Mr C Rawlings
973	S Di-Castri	3575	Mrs S Rawlings
992	Mr B G Neep	3582	Mr A Keen
1025	Mrs S Prowse	3589	Janet Richmond
1032	Mr Nicholas Prowse	3596	Mr I Tulloch
1041	Mr & Mrs B Nicholls	3603	Mrs C Hill
1166	Ms Karen Gubbs	3610*	B & T Groutage
1919	Jo Richards	3617	Mr J Keeton
1931	R Buckell	3624	Mr & Mrs A Wheatley
2164	Highways Agency	3631	Mr A Shearman
2554	Mr B Moggs	3638	Sally Carter
2573	Mr G Barnett	3645*	Mr R Green
2580	Mrs S Barnett	3652	G H Woods
3251	Mrs M Clarke	3659	Mr R J Monk
3257	Mr & Mrs A Cunningham	3666	Rosalind Monk
3263	Mr B N Parker	3673	Mr & Mrs J E Parker
3269	Mr P Harrington	3680	Mr B Mason
3275	Susan Harrington	3687*	Mr D Robinson
3281	Mr A Whitton	3694	Mr & Mrs W Leeden
3287	Mr & Mrs R S Dove	4342	Mr B R Watson
3293	Mr & Mrs K Spicer	4349	Minesh Thakrar
3298	Mr M Everitt	4355	D & B Sear
3304	Mr & Mrs R Jackson	4362	Mr C Conwell
3310	T Langley	4369	Miss Lisa Green
3316	R A Beckett	4376	Mr & Mrs A Milton
3322	P D Vincent-Jones	4384	Mr S A Bremner
3326	Mr & Mrs R Strachan	4392	Mr G Biswell
3332	Amanda Forster	4400	Mrs V Biswell
3338	Mr I A M Grant	4414	Mr M Brearley
3349	Mrs S J Barber	4422	Mr A Clarke
3355	Mrs E Burnell	4439	Mrs J Blackie
3361	Mr A G Barber	4604	Mr & Mrs M Garrini
3367	Mr R G Burnell	4614*	Mrs C W Baughan



3373 Mrs V Plummer  
3379 Mr I Plummer  
3385 Mr D Restall  
3391 Joanne Mason  
3397 Mr D Whitehead  
3403 Mrs J Miles

4643 Mr & Mrs P Ludlow  
4654\* Mr C J Baughan  
5005L Mr P Campbell  
5036L Terry Johnson  
5042L Eugene Cheshire

### **Counter Objections**

To pre-inquiry change 249

5553PC CPRE - The Hertfordshire Society  
5655PC Apsley Developments Ltd

5769PC Felden Park Farms Ltd

## **Key Issues**

- (a) Whether the proposal for a local community facility should be retained in the Schedule of Two Waters and Apsley Inset Proposal Sites. (818, 824, 830, 836, 842, 848, 854, 860, 866, 872, 878, 884, 890, 896, 902, 908, 914, 920, 928, 934, 940, 946, 952, 965, 973, 992, 1025, 1032, 1041, 1166, 1919, 1931, 2164, 2554, 2573, 2580, 3251, 3257, 3263, 3269, 3275, 3281, 3287, 3293, 3298, 3304, 3310, 3316, 3322, 3326, 3332, 3338, 3349, 3355, 3361, 3367, 3373, 3379, 3385, 3391, 3397, 3403, 3409, 3415, 3422, 3429, 3436, 3443, 3450, 3457, 3464, 3470, 3477, 3484, 3491, 3498, 3505, 3512, 3519, 3526, 3533, 3540, 3547, 3554, 3561, 3568, 3575, 3582, 3589, 3596, 3603, 3610, 3617, 3624, 3631, 3638, 3645, 3652, 3659, 3666, 3673, 3680, 3687, 3694, 4342, 4349, 4355, 4362, 4369, 4376, 4384, 4392, 4400, 4414, 4422, 4439, 4604, 4614, 4643, 4654, 5005L, 5036L, 5042L, 5553PC, 5655PC, 5769PC)
- (b) Is TWA22 an appropriate location for a local community facility to serve the Manor Estate. (4614, 4654)

## **Inspector’s Conclusions**

### ***(a) Retention of Proposal TWA22***

- 17.37.1. Most objectors make no specific mention of the community facility in their representation, but oppose the scheme as part of their wider objections to the housing development around the Manor Estate (Proposal Sites TWA6 and TWA7). One objector is concerned that the proposed facility might compete with the existing Apsley community centre for custom. The counter objectors argue that the housing sites should remain in the Plan and that, as a consequence, PIC249 should not be adopted. The Highways Agency indicates that the land was acquired compulsorily for landscaping purposes and those requirements remain.
- 17.37.2. There is no evidence of an existing need or demand for a local community facility, so the requirement for Proposal TWA23 is wholly dependent upon the proposed expansion of the Manor Estate. It is questionable whether there is a need for such a facility even with the expansion, though it is possible that a currently unidentified demand could arise from the enlarged Estate. The Council points out that the size of the resulting community and its degree of separation from the remainder of Apsley, coupled with the fact that the community centre in Apsley operates close to capacity, warrants at least the option of community provision. It believes that this could help social integration within the enlarged Estate and assist its social development, and I agree that this is a worthy objective. The indication that there is little capacity at the Apsley centre suggests that any new facility would be unlikely to harm this operation.
- 17.37.3. The Council indicates in the ‘planning requirements’ that, if no need exists, the land would be suitable for woodland purposes as an extension of Home Wood. In my view this is a significant element in the proposal, for it clearly indicates that the site is not suitable for other development such as housing or employment. Effectively the land

would be a small part of the open land around the enlarged Estate, which could satisfy a need for a community facility. On this basis I believe that the proposal is appropriate. The site is self-contained, and the part close to Featherbed Lane that would be most suitable for a building is not unduly prominent in the landscape. Much of the remainder of the site, including the western part that slopes up to the Two Waters Way embankment, would still be available for woodland planting, thereby meeting the objection of the Highways Agency.

- 17.37.4. I have concluded earlier in the report that housing Proposals TWA6 and TWA7 should remain in the Plan. I am satisfied that Proposal TWA22 is an appropriate element in the package of developments associated with the Manor Estate expansion, and consequently it should also be retained in the Plan. I recommend that PIC246 should not be adopted.

**(b) Appropriateness of location for community facility**

- 17.37.5. Two objectors consider that community areas should be more easily accessible from both new and existing development, and suggest that more centrally located sites would be safer and more secure for both users and operators. I have some sympathy with this view, for it would be preferable for a new community facility to be in a central location that could easily be reached by all residents. However the problem with the peripheral expansion proposed in the Plan is that all potential sites are on the edge of the existing nucleus of development, so a central location is not achievable. Furthermore, as there is no definite indication that a site for a community facility will be needed, I do not think it would be appropriate to sterilise land that is required for housing or a specific leisure use. In any event, I do not believe that Site TWA22 would be particularly difficult to reach from an enlarged Manor Estate. I recommend no change in response to these objections.

**Recommendation**

- 17.37.6. PIC249 be not adopted.

**17.38. PROPOSAL SITE TWA23  
LAND BETWEEN TWO WATERS WAY AND TWO WATERS ROAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1011	The Boxmoor Trust	4448	Mr P J Masters
1493	HCC Environment Department	4615	Mrs C W Baughan
1668	Kings Langley Branch of HH Conservative Association	4655	Mr C J Baughan

**Supports**

441	East of England Tourist Board	1161	Forte UK Ltd
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**Key Issues**

- (a) Would the loss of openness resulting from Proposal TWA23 be acceptable. (1493, 1668, 4615, 4655)
- (b) Should the proposed new hotel or offices that would replace the plant hire yard remain in an open land context. (1011)

- (c) Is a hotel use to be preferred over offices. (1011, 4448)
- (d) Should the planning requirements and constraints on Proposal TWA23 be relaxed. (1011, 4448)
- (e) Is Proposal TWA23 compatible with current advice on development in areas of flood risk.

## **Inspector’s Conclusions**

### **(a) *Loss of openness***

- 17.38.1. Proposal Site TWA23 comprises a triangle of land bounded by Two Waters Way, Two Waters Road and London Road, and is part of a broad swathe of designated open land around the confluence of the Bulbourne and Gade Rivers. The River Bulbourne crosses the northern part of the site, to the north of which is a small area of scrubland used partly for car parking. The central part of the site consists of a few mainly single storey buildings and temporary structures around a surfaced storage area, and is used as a plant hire yard. To the south, covering almost half the site, is an open area of grass known as Two Waters Field. The Plan proposes that the plant hire yard be replaced with a new building for hotel or office purposes, with the area alongside the river becoming open land and the building being situated mostly on Two Waters Field.
- 17.38.2. At the inquiry it became clear that the Council envisages a scale of development that would be substantially above the replacement of the existing plant yard. A footprint of some 3,000-4,000 sq. m was not discounted, with the authority accepting that about half the open field might be covered with a building between two- and three-storeys high. It considers that a high quality building in a landscaped setting, co-ordinated with other new building around the Two Waters Way/London Road junction, would help to reduce the dominating effect of the road junction and uplift the image of Hemel Hempstead on a main route to the town centre. This would be coupled with the development of an ecologically important open space on either side of the river, substantially improving the environment of the river corridor. The Council accepts that such a development would conflict with the open land Policy 110, but believes that the spirit of the open land context would be maintained.
- 17.38.3. The site occupies a prominent position on the approach to Hemel Hempstead from the south and west, and the objectors believe that the loss of the Two Waters Field green space would be harmful to the visual amenity and character of the area. Fundamentally this is a view that I share. I accept that the removal of the plant hire yard would enhance the river corridor, but – as the Council acknowledges – trees contain the visual impact of the yard, to the extent that it is only prominent from the short stretch of its boundary with Two Waters Way. By contrast I believe that the erection of a two- and three-storey building along the Two Waters Way and London Road frontages, as shown on TWA Diagram 5, would significantly restrict views across the broad swathe of open land to the north of London Road. Despite the lower land level and the potential for a high quality design, in my view such a building would seriously detract from the feeling of spaciousness that is an important element in the approach to the town.
- 17.38.4. I do not accept the Council’s contention that Two Waters Field is only visible from close by. It is clearly visible from the west and south, and whilst from the north the land surface is partially hidden by the embankment of Two Waters Way, the space

above it is perceived as part of the swathe of open land. At present Two Waters Field provides an important and strong visual link between the meadows of Boxmoor to the west and the treed parkland area to the east. I do not believe that the realignment of open areas alongside the river would have nearly the same impact, for the gap between built development would be both narrower and less prominent. Moreover the existing gap at Two Waters Field appears larger because it adjoins the London Road/Two Waters Way junction; I appreciate that the junction is unsightly, but I find that the street scene is relieved by views into the open space beyond. Indeed, there is a danger that the sense of containment that would result from building in a previously undeveloped quadrant of the junction would heighten the perception of the junction.

- 17.38.5. I recognise that there would be other advantages from the development proposed in TWA23, including an improvement to the riverside ecology and the relocation of the flume, and financial benefits to the Boxmoor Trust which would help to support its wider land management responsibilities. However in my opinion the merits of the scheme are heavily outweighed by the detrimental impact on the open character of this important approach to Hemel Hempstead. I conclude that a development of the scale envisaged would not be appropriate, and I recommend that Proposal TWA23 be deleted from the Plan.

**(b) *Open land context***

- 17.38.6. The objector supports the principle of hotel or office use, but thinks it confusing that the site should remain within the open land as shown on the Proposals Map. The Council’s view is that the Site TWA23 could remain within the general swathe of open land because it would amount to not much more than a redistribution of development within the site. The evidence of some 3,000-4,000 sq m of built site coverage (see sub-section (a) above) does not support the authority’s contention, however. I consider it likely that either an hotel or an office development would have a height, mass and character that would not be compatible with the open land designation. I note the inclusion of the row of houses and other buildings fronting Two Waters Way within the open land, but (despite the views of the previous Inspector) I regard this as somewhat anomalous. It also gives a slightly false impression of the width of the river corridor in this locality. Consequently, if I had not already concluded that the Site TWA23 should be deleted from the Plan, I would be recommending that the built part of the site be separately identified and removed from the designated open land.

**(c) *Preference for hotel use***

- 17.38.7. Both objectors believe that the preference given to hotel development in Proposal TWA23 is unjustified in the light of other opportunities for new hotels in the Plan. Instead they suggest that hotel and office use should be given equal priority. The Council maintains that a hotel would be preferable because the site is excellently located on the town entry route, there is a demand and need for hotel accommodation but (compared with offices) fewer opportunities for it, and because it would attract less traffic during peak periods.
- 17.38.8. To my mind there is conflicting evidence about the need for more hotels in Dacorum. The Council’s Economic Development Unit indicates that it has frequent complaints from local businesses about the inadequacy of accommodation in the Borough, and there is support for an hotel on the objection site from a potential operator. On the

other hand three budget hotels have been developed in recent years, and sites for new provision are proposed at Jarman’s Park, within the Maylands Avenue GEA, at North East Hemel Hempstead (Site E4), and as part of the mixed use development at London Road, Apsley (Site TWA10). Moreover the first two opportunities for new provision were included within the Adopted Plan (CD39) but have remained undeveloped, and an permission exists for additional accommodation at the Bourne End service area.

- 17.38.9. I agree with the Council that the site appears to be a good location for an hotel, for it is close to main road and rail links yet also convenient for Hemel Hempstead town centre. I also think that an hotel is the type of one-off, free-standing use that would not appear out of place on a site that is slightly detached from other development. In the light of the support from a potential operator, it might also be a more attractive site than many of the other hotel opportunities available in the Plan. Although the evidence of need is not compelling, I am satisfied that a preference for an hotel is appropriate. Nevertheless this conclusion does not outweigh my view that the development of the site would be harmful to the open character of the locality. I recommend no change to the Plan in response to this objection.

**(d) *Relaxation of planning requirements***

- 17.38.10. The objectors are concerned that the planning requirements for the development of Site TWA23 are unduly restrictive. In particular they consider that the requirement to develop the site comprehensively should be removed, that a development brief is unnecessary, and that the guidance on building heights and a co-ordinated design is over-prescriptive. As I have already concluded that the site is not appropriate for the proposed development, I can see little reason for dealing with these matters of detail at length. For the sake of completeness, however, I briefly set out my conclusions below.

- 17.38.11. I believe that a comprehensive approach to the development of the site would be essential, for otherwise it would be difficult to co-ordinate the development of one part of the site with the clearance and restoration of the other parts. In view of my conclusion about the impact of the scale of development proposed, it will come as no surprise that I consider the guidance on building heights to be important. I accept that a co-ordinated design with potential office development on the opposite side of London Road would be desirable, though in practice it is difficult to see how this could be achieved if Site TWA23 was developed first. To my mind the most appropriate framework for setting out the detailed requirements would be a development brief, as the Plan suggests. Consequently, and notwithstanding my overall conclusion on Proposal TWA23, I consider that the planning requirements are appropriate.

**(e) *Flood risk***

- 17.38.12. All but a small part of Proposal Site TWA23 lies within an area adjacent to the River Bulbourne that is at risk from flooding. During the preparation of the Plan the Council consulted the Environment Agency, who at that time raised no formal objection to development on the site. Growing concern about the effects of flooding has led the Government to publish revised national guidance on development and flood risk in the form of PPG25. The revised draft was published in February 2001, and is the document upon which the evidence to the inquiry is based. The final version was published in July 2001; although this was after the close of the inquiry, it represents a statement of Government policy that must be taken into account in future decisions,

and I shall base my conclusions upon it.

17.38.13. PPG25 promotes a risk-based approach to the selection of sites in development plans and sets out a sequential test that reflects the potential risk that a site will flood. The Environment Agency indicates that Site TWA23 is at risk of flooding in a 100 year return period, placing it within the high risk category 3(b) where the annual probability is greater than 1%. PPG25 advises that such areas are not generally suitable for residential, commercial and industrial uses unless a particular location is essential. It recognises that exceptions may need to be made where extensive areas of land fall into this category and where alternative locations in lower risk areas are not available. However the application of the sequential test requires more suitable sites in lower risk areas to be investigated before a high-risk site is selected. If no alternative exists, a site-specific flood risk assessment should be carried out, following the principles of Appendix F of PPG25.

17.38.14. Although there is no indication that the site has flooded in the recent past, recent survey information shows that parts of Two Waters Field are below the level of the riverbank. Furthermore, there is no obvious sign of flood defences. This lends support to the inclusion of the site within a high-risk area, and casts serious doubt upon the suitability of the site for either hotel or office purposes. Whilst the outcome of any application of the sequential test cannot be pre-judged, from the evidence given to the inquiry I suspect that it would be difficult to make an overriding case for this site based upon the need for either a hotel or offices. In these circumstances I believe that the risk of flooding is sufficient reason in its own right for me to conclude that the site should not be allocated for the development proposed. In any event, it adds substantial weight to my finding in sub-section (a) above that the development is inappropriate because it would seriously harm the open character of the locality. I recommend that Proposal TWA23 be deleted from the Plan.

### **Recommendation**

17.38.15. The Plan be modified by the deletion of Proposal Site TWA23.

## **17.39. PROPOSAL SITE TWA24 LAND ADJOINING FEATHERBED LANE AND A41 INCLUDING THE EASTERN PART OF HOME WOOD**

### **Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
819	Mr R E Attwood	3416*	Mrs L Robinson
825	Mr M A Gower	3423	Dr J Singleton
831	Mrs J M Gower	3430	Mr B Burgess
837	Mrs L P Mason	3437	Mrs Carlin
843	D H Preist	3444*	Mr R Chamberlain
849	Ann Bastow	3451	Tracy Fairbrother
855	Mr D P Hopkinson	3458	Mrs M Henley
861	Mr J Mason	3465	Mr R Henley
867	Mr John Izzard	3471	Mr & Mrs E R Birch
873	Ms Janet Izzard	3478	Miss P M Daniels
879	Mrs Whittton	3485	Mr M Fey
885	Mr & Mrs Folliard	3492	Mr E B Hancocks
891	Mr N Schramm	3499	Mr J R Barber
897	Mr & Mrs J Bosworthick	3506	Mrs P E Barber
903	P & C Williams	3513	Mrs N Eames

909	Mr & Mrs A Konstandi	3520	Mr S Ayling
915	Mrs Margaret Keeton	3527	Mrs J Hardcastle
921	Mr M D Groome	3534	Mr T Hardcastle
929	Ms Teresa Gates	3541	Margaret Jury
935	Mr Iain McNicol	3548	B Ayling
941	Ms Christine Moore	3555	Mr J B Halsey
947	Mr P G Moore	3562	D M Halsey
953	Mr Robert McFadden	3569	Mr C Rawlings
966	Miss V Saunders	3576	Mrs S Rawlings
974	S Di-Castri	3583	Mr A Keen
993	Mr B G Neep	3590	Janet Richmond
1026	Mrs S Prowse	3597	Mr I Tulloch
1033	Mr Nicholas Prowse	3604	Mrs C Hill
1042	Mr & Mrs B Nicholls	3611*	B & T Groutage
1167	Ms Karen Gubbs	3618	Mr J Keeton
1494	HCC Environment Department	3625	Mr & Mrs A Wheatley
1932	R Buckell	3632	Mr A Shearman
2574	Mr G Barnett	3639	Sally Carter
2581	Mrs S Barnett	3646*	Mr R Green
3252	Mrs M Clarke	3653	G H Woods
3258	Mr & Mrs A Cunningham	3660	Mr R J Monk
3264	Mr B N Parker	3667	Rosalind Monk
3270	Mr P Harrington	3674	Mr & Mrs J E Parker
3276	Susan Harrington	3681	Mr B Mason
3282	Mr A Whitton	3688*	Mr D Robinson
3288	Mr & Mrs R S Dove	3695	Mr & Mrs W Leeden
3299	Mr M Everitt	4343	Mr B R Watson
3305	Mr & Mrs R Jackson	4350	Minesh Thakrar
3311	T Langley	4356	D & B Sear
3317	R A Becket	4363	Mr C Conwell
3323	P D Vincent-Jones	4370	Miss Lisa Green
3327	Mr & Mrs R Strachan	4377	Mr & Mrs A Milton
3333	Amanda Forster	4385	Mr S A Bremner
3339	Mr I A M Grant	4393	Mr G Biswell
3344	Mr C A Clarke	4401	Mrs V Biswell
3350	Mrs S J Barber	4406	A E D & N M Thorne
3356	Mrs E Burnell	4415	Mr M Brearley
3362	Mr A G Barber	4423	Mr A Clarke
3368	Mr R G Burnell	4605	Mr & Mrs M Garrini
3374	Mrs V Plummer	4616*	Mrs C W Baughan
3380	Mr I Plummer	4644	Mr & Mrs P Ludlow
3386	Mr D Restall	4656*	Mr C J Baughan
3392	Joanne Mason	4782	Felden Park Farms Ltd
3398	Mr D Whitehead	5006L	Mr P Campbell
3404	Mrs J Miles	5037L	Terry Johnson
3410	Mr P Miles	5043L	Eugene Cheshire

### Counter Objections

To pre-inquiry change 250

5554PC	CPRE - The Hertfordshire Society	5770PC	Felden Park Farms Ltd
5654PC	Apsley Developments Ltd		

### Supports

1157	Herts & Middlesex Wildlife Trust	2555	Mr B Moggs
1920	Jo Richards		

## **Key Issues**

- (a) Whether Proposal TWA24 for informal leisure space, pedestrian routes, the retention of Home Wood East and environmental improvements should be retained in the Schedule of Two Waters and Apsley Inset Proposal sites. (819, 825, 831, 837, 843, 849, 855, 861, 867, 873, 879, 885, 891, 897, 903, 909, 915, 921, 929, 935, 941, 947, 953, 966, 974, 993, 1026, 1033, 1042, 1167, 1920, 1932, 2555, 2574, 2581, 3252, 3258, 3264, 3270, 3276, 3282, 3288, 3299, 3305, 3311, 3317, 3323, 3327, 3333, 3339, 3344, 3350, 3356, 3362, 3368, 3374, 3380, 3386, 3392, 3398, 3404, 3410, 3416, 3423, 3430, 3437, 3444, 3451, 3458, 3465, 3471, 3478, 3485, 3492, 3499, 3506, 3513, 3520, 3527, 3534, 3541, 3548, 3555, 3562, 3569, 3576, 3583, 3590, 3597, 3604, 3611, 3618, 3625, 3632, 3639, 3646, 3653, 3660, 3667, 3674, 3681, 3688, 3695, 4343, 4350, 4356, 4363, 4370, 4377, 4385, 4393, 4401, 4406, 4415, 4423, 4605, 4616, 4644, 4656, 4782, 5006L, 5037L, 5043L, 5554PC, 5654PC, 5770PC)
- (b) Should Proposal TWA24 be identified as L17. (4782)



- (c) Would the open space and other facilities of Proposal TWA24 be appropriately located in relation to the Manor Estate. (4616, 4656)
- (d) Should the planning requirements for Proposal TWA24 refer to Home Wood as a Wildlife Site. (1494, 3646)

## **Inspector’s Conclusions**

### **(a) *Retention of Proposal TWA24***

- 17.39.1. Most objectors make no specific mention of the leisure space provision in their representation, but oppose Proposal TWA24 as part of their wider objections to the housing development around the Manor Estate (Proposal Sites TWA6 and TWA7). As many are concerned about the loss of the informal open space around the Estate, and the associated loss of wildlife, it is reasonable to assume that the leisure space proposed in TWA24 is insufficient compensation for the loss of an existing informal facility. The counter objectors argue that the housing sites should remain in the Plan and that, as a consequence, PIC250 should not be adopted.
- 17.39.2. There is a significant existing deficiency of leisure space at the Manor Estate when assessed against the Council’s standards. There is therefore a strong case for arguing that at least part of the leisure space proposed in TWA24 should be provided even if the expansion of the Manor Estate were not to proceed. In practice, however, the Council considers that there is no realistic prospect of reducing this deficiency unless it can be associated with new housing development. Consequently the provision of the leisure space and other facilities included in Proposal TWA24 is wholly dependent upon the proposed expansion of the Manor Estate.
- 17.39.3. Site TWA24 comprises part of the elevated, uncultivated land to the south-west of the Manor Estate, a small elevated field of pasture to the west of Manorville Road, and the eastern part of Home Wood (a Wildlife Site). It is proposed as a predominantly informal leisure space, providing a link between Home Wood and the wider countryside at Shendish. Home Wood would be managed to protect its ecological value, and informal public access allowed. Part of the flatter land in the southern corner of the site is considered suitable for a formal playing pitch if the need arises.
- 17.39.4. The Council considers that this 3.73ha site, plus Home Wood West (Proposal Site TWA25), would provide sufficient open space to meet the existing deficiency and to cater for the proposed expansion. In terms of their overall size this is undoubtedly the case, though as both sites are located on the fringe of the estate, the accessibility criteria would not be satisfied. Moreover the woodland areas would not make up the deficiency in sports or informal play provision. However these shortcomings would be overcome by the provision of some open space and play facilities within the housing development, as required by TWA7.
- 17.39.5. In these circumstances I am satisfied that Proposal TWA24 is a necessary and appropriate element in the package of proposals associated with the expansion of the Manor Estate. As a consequence of my earlier recommendation that Proposals TWA6 and TWA7 should remain in the Plan, TWA24 should also be retained. I recommend that PIC250 should not be adopted.



**(b) Correct policy label**

- 17.39.6. The objector considers that Proposal TWA24 should be identified as Leisure Site L17. The Council introduces the proposal in the Leisure Chapter, but in common with the other proposals in the Two Waters and Apsley Inset, provides the detail in this later section. I see no good reason why this one site should be re-labelled in the way suggested, and I recommend no change in response to this objection.

**(c) Appropriateness of location of open space**

- 17.39.7. Two objectors consider that the leisure areas should be more easily accessible from both new and existing development, and suggest that the open space should be part of a buffer zone between the existing and new development. They believe that this would reduce antisocial behaviour and be safer and more secure for both users and operators. In some locations I accept that this might be an appropriate arrangement, especially where the open space is intended to be in active use. However the situation at the Manor Estate is rather different, for the peripheral band of open space is intended to minimise the impact of the housing development by retaining the wider countryside setting, contributing to a green entry route into the town, and protecting the natural environment and habitats. Because Site TWA24 has these particular qualities, and because of the importance I attach to the wider impact on the landscape, I consider that the leisure space is in the most appropriate location. I recommend no change in response to these objections.

**(d) Reference to Wildlife Site**

- 17.39.8. The County Council suggests that the Plan should recognise the status of Home Wood as a Wildlife Site. The Council accepts that it would have been appropriate to refer to this in the explanatory text. I agree, and recommend that the desired reference be added to paragraph 3.47 of the Inset.

**Recommendation**

- 17.39.9. **The Plan be modified by adding a reference to paragraph 3.47 of the Two Waters and Apsley Inset indicating that Home Wood is a Wildlife Site.**

- 17.39.10. **PIC250 be not adopted.**

**17.40. PROPOSAL SITE TWA25****LAND BETWEEN FEATHERBED LANE, TWO WATERS WAY AND A41, INCLUDING THE WESTERN PART OF HOME WOOD****Objections**

<i>Rep No</i>	<i>Name</i>
820	Mr R E Attwood
826	Mr M A Gower
832	Mrs J M Gower
838	Mrs L P Mason
844	D H Preist
850	Ann Bastow

<i>Rep No</i>	<i>Name</i>
3411	Mr P Miles
3417*	Mrs L Robinson
3424	Dr J Singleton
3431	Mr B Burgess
3438	Mrs Carlin
3445*	Mr R Chamberlain

856	Mr D P Hopkinson	3452	Tracy Fairbrother
862	Mr J Mason	3459	Mrs M Henley
868	Mr John Izzard	3466	Mr R Henley
874	Ms Janet Izzard	3472	Mr & Mrs E R Birch
880	Mrs Whitton	3479	Miss P M Daniels
886	Mr & Mrs Folliard	3486	Mr M Fey
892	Mr N Schramm	3493	Mr E B Hancocks
898	Mr & Mrs J Bosworthick	3500	Mr J R Barber
904	P & C Williams	3507	Mrs P E Barber
910	Mr & Mrs A Konstandi	3514	Mrs N Eames
916	Mrs Margaret Keeton	3521	Mr S Ayling
922	Mr M D Groome	3528	Mrs J Hardcastle
930	Ms Teresa Gates	3535	Mr T Hardcastle
936	Mr Iain McNicol	3542	Margaret Jury
942	Ms Christine Moore	3549	B Ayling
948	Mr P G Moore	3556	Mr J B Halsey
954	Mr Robert McFadden	3563	D M Halsey
967	Miss V Saunders	3570	Mr C Rawlings
975	S Di-Castri	3577	Mrs S Rawlings
994	Mr B G Neep	3584	Mr A Keen
1027	Mrs S Prowse	3591	Janet Richmond
1034	Mr Nicholas Prowse	3598	Mr I Tulloch
1043	Mr & Mrs B Nicholls	3605	Mrs C Hill
1168	Ms Karen Gubbs	3612*	B & T Groutage
1495	HCC Environment Department	3619	Mr J Keeton
1933	R Buckell	3626	Mr & Mrs A Wheatley
2575	Mr G Barnett	3633	Mr A Shearman
2582	Mrs S Barnett	3640	Sally Carter
3253	Mrs M Clarke	3647*	Mr R Green
3259	Mr & Mrs A Cunningham	3654	G H Woods
3265	Mr B N Parker	3661	Mr R J Monk
3271	Mr P Harrington	3668	Rosalind Monk
3277	Susan Harrington	3675	Mr & Mrs J E Parker
3283	Mr A Whitton	3682	Mr B Mason
3289	Mr & Mrs R S Dove	3689*	Mr D Robinson
3294	Mr & Mrs K Spicer	3696	Mr & Mrs W Leeden
3300	Mr M Everitt	4344	Mr B R Watson
3306	Mr & Mrs R Jackson	4351	Minesh Thakrar
3312	T Langley	4357	D & B Sear
3318	R A Becket	4364	Mr C Conwell
3324	P D Vincent-Jones	4371	Miss Lisa Green
3328	Mr & Mrs R Strachan	4378	Mr & Mrs A Milton
3334	Amanda Forster	4386	Mr S A Bremner
3340	Mr I A M Grant	4394	Mr G Biswell
3345	Mr C A Clarke	4402	Mrs V Biswell
3351	Mrs S J Barber	4407	A E D & N M Thorne
3357	Mrs E Burnell	4416	Mr M Brearley
3363	Mr A G Barber	4424	Mr A Clarke
3369	Mr R G Burnell	4606	Mr & Mrs M Garrini
3375	Mrs V Plummer	4617*	Mrs C W Baughan
3381	Mr I Plummer	4645	Mr & Mrs P Ludlow
3387	Mr D Restall	4657*	Mr C J Baughan
3393	Joanne Mason	5007L	Mr P Campbell
3399	Mr D Whitehead	5038L	Terry Johnson
3405	Mrs J Miles	5044L	Eugene Cheshire

### Counter Objections

To pre-inquiry change 251

5555PC	CPRE - The Hertfordshire Society	5771PC	Felden Park Farms Ltd
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### Supports

1158	Herts & Middlesex Wildlife Trust	2556	Mr B Moggs
1921	Jo Richards		

## Key Issues

- (a) Whether Proposal TWA25 for retention of woodland and environmental improvements should be retained in the Schedule of Two Waters and Apsley Inset Proposals Sites. (820, 826, 832, 838, 844, 850, 856, 862, 868, 874, 880, 886, 892, 898, 904, 910, 916, 922, 930, 936, 942, 948, 954, 967, 975, 994, 1027, 1034, 1043, 1168, 1921, 1933, 2556, 2575, 2582, 3253, 3259, 3265, 3271, 3277, 3283, 3289, 3294, 3300, 3306, 3312, 3318, 3324, 3328, 3334, 3340, 3345, 3351, 3357, 3363, 3369, 3375, 3381, 3387, 3393, 3399, 3405, 3411, 3417, 3424, 3431, 3438, 3445, 3452, 3459, 3466, 3472, 3479, 3486, 3493, 3500, 3507, 3514, 3521, 3528, 3535, 3542, 3549, 3556,

3563, 3570, 3577, 3584, 3591, 3598, 3605, 3612, 3619, 3626, 3633, 3640, 3647, 3654, 3661, 3668, 3675, 3682, 3689, 3696, 4344, 4351, 4357, 4364, 4371, 4378, 4386, 4394, 4402, 4407, 4416, 4424, 4606, 4617, 4645, 4657, 5007L, 5038L, 5044L, 5555PC, 5771PC)

- (b) Would the open space and other facilities of Proposal TWA25 be appropriately located in relation to the Manor Estate. (4617, 4657)
- (c) Should the planning requirements for Proposal TWA25 refer to Home Wood as a Wildlife Site. (1495, 3647)

## Inspector’s Conclusions

### (a) *Retention of Proposal TWA25*

17.40.1. This is another instance in which the substantial numbers of objectors who oppose the expansion of the Manor Estate have also objected to the associated developments. As with Proposal TWA24, there are few references to Home Wood in these objections, and there is no specific opposition to the retention of Home Wood and the associated environmental improvements. No compelling reason is advanced for the retention of Proposal TWA25 without the housing development, so the scheme is wholly reliant on Proposals TWA6 and TWA7.

17.40.2. I address the need for the inclusion of Home Wood West as part of the leisure space provision in the preceding section, where I conclude that it contributes to the quantum of open space that is needed to meet an existing deficiency. As a consequence of my earlier recommendation that Proposals TWA6 and TWA7 should remain in the Plan, TWA25 should also be retained. I recommend that PIC251 should not be adopted.

### (b) *Appropriateness of location of leisure space*

17.40.3. The objectors raise similar concerns about the location of this leisure space as they do to Proposals TWA22 and TWA24. However in the case of Home Wood I do not accept that it would be better if it was located within a buffer between the existing and new housing, for it is an ancient woodland of ecological importance that could not be recreated elsewhere. I recommend no change in response to these objections.

### (c) *Reference to Wildlife Site*

17.40.4. This is identical to the objection to Proposal TWA24, and my conclusion is the same (see paragraph 17.39.8). As the reference to the Wildlife Site status of Home Wood need only appear once in the Plan, it is unnecessary to make a similar recommendation in response to this objection.

## **Recommendation**

17.40.5. **PIC251 be not adopted.**

**17.41. TWA INSET: SUGGESTED NEW PROPOSAL SITE****Counter Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
To pre-inquiry change 252			
5336PC	Wilcon Development Group Ltd	5634PC	The Directors of Shendish Manor Estate
5347PC	Lattice Property	5652PC	Apsley Developments Ltd
5377PC	Linden Homes South-East Ltd	5772PC	Felden Park Farms Ltd

**Support for pre-inquiry changes**

For pre-inquiry change 252  
5556PC CPRE - The Hertfordshire Society

**Key Issues**

- (a) Whether New Housing Proposal TWA8 (for land at the Gas Board site and to the rear, London Road) should be included in the Schedule of Two Waters and Apsley Inset Proposal Sites. (5336PC, 5377PC, 5634PC, 5652PC, 5772PC)
- (b) Should the net capacity of the New Housing Proposal TWA8 (land at the Gas Board site and to the rear, London Road) be increased to 190. (5347PC)
- (c) Is the requirement for 25% of the units to be provided as affordable housing reasonable or should it be deleted. (5347PC)
- (d) Should the reference to park and ride facilities being provided on the land be omitted. (5347PC)
- (e) Are the other planning requirements reasonable. (5347 PC)

**Inspector’s Conclusions*****(a) Inclusion of new housing proposal TWA8***

- 17.41.1. Although the site would clearly be suitable for employment purposes, in the light of my conclusions in Chapters 7 & 8, I am not satisfied that its retention for this purpose would be essential to ensure the long term economic prosperity of the Borough. In view of the substantial need to find additional housing land I consider that it would be more appropriate for the land to be allocated for housing, particularly as this would reduce the amount of greenfield land that would be required for this purpose. In my view such an approach would directly accord with the aims of PPG3, especially as the site is in a sustainable location within easy reach of the town centre, the local railway station and a principal bus route.
- 17.41.2. I have noted the concerns raised about the site suitability as a location for housing in view of the level of contamination of the site and the presence of significant infrastructure. However, I am not persuaded that either the existing contamination or the presence of the gasholder and mains would render the site unsuitable for residential development. I consider that its reuse for housing would not only be more likely to result in successful decontamination of the land but it would also improve the environment for adjoining residents, particularly those living in Stratford Way. I conclude therefore that the Council’s proposed change is appropriate. Accordingly, I recommend that the Plan should be modified in accordance with PIC252, subject to the amendments set out below. (*See also sections 7.50 and 17.24 of the report*),

**(b) Capacity of the site**

- 17.41.3. In the light of my conclusions in Chapter 7, I consider that it would be reasonable for the capacity of the site to be increased. However, while it might be possible for the site to accommodate as many as 190 units, in my view, this would be dependent on the removal of the gasholder. Since it appears that at present Transco have no proposals for rationalisation of its storage facilities in the Hemel Hempstead area there can be no certainty of this occurring. I am not satisfied therefore that it would be appropriate at this stage to increase the capacity to 190 units.
- 17.41.4. Moreover I am concerned that setting the capacity figure too high at this stage could ultimately lead to a damaging loss of important trees on the site and make it more difficult for the development to blend in with the character of the adjoining area. In the circumstances, I consider that it would be more appropriate to set the figure at 150 units in accordance with my recommendation in paragraph 7.50.10. This would not prevent a higher figure being agreed if the Council were satisfied that this could be achieved without causing harm to the character of the area or the amenity of adjoining residents. I, therefore recommend that PIC252 be amended by altering the net capacity of the site to 150 units.

**(c) Affordable housing**

- 17.41.5. Concern is raised by the objector regarding the viability of the scheme to support the provision of 25% of the units as affordable housing. The Council contends that this level of provision would be appropriate for this site.
- 17.41.6. There is no doubt that the costs of reclamation of this site are likely to be significant. However, I am not persuaded on the basis of the limited evidence available that the level of provision proposed in the requirements would necessarily render the scheme unviable. Clearly if the subsequent detailed costing for the scheme indicated that a 25% level of provision would have a substantial impact on its viability Policy 21 would allow for the percentage to be reduced accordingly. Bearing in mind the significant need for affordable housing, the sustainable location of the site and the recommendation that the requirement for the park and ride site be deleted, I do not consider that the omission or reduction of the requirement for affordable housing would be justified at this stage.
- 17.41.7. However, to be consistent with the changes I have suggested in respect of other housing proposal sites I consider that the word “around” should be inserted before the figure to make clear that it is an indicative target rather than an absolute requirement. I recommend that the wording of PIC252 should be modified accordingly.

**(d) Park and ride facilities**

- 17.41.8. The suitability of Site TWA8 as a location for park and ride has already addressed earlier in the report. I consider the arguments for and against the proposal in my consideration of Transport Proposal Site Txiv in Chapter 10 (*see section 10.35*), where I question the practicality and viability of the scheme, and raise doubts about the suitability of the location. I conclude that the references to a park and ride facility at this site should be removed from the Plan. Consequently, I recommend that the sixth

paragraph and the reference to the maximum area available for housing should be omitted from PIC252.

**(e) *The other planning requirements***

***Comprehensive development and access requirements***

- 17.41.9. The objector argues that there is no need for the site to be developed comprehensively as there is no reason why the land to the rear could not be accessed off Stratford Way. Since the development would be for residential purposes it is contended that this would not have an unacceptable impact on the amenities of the existing residents. The owner of the land to the rear (the Depvale site) has made a similar objection (999) in respect of the original TWA8 proposal (*see section 17.24 of the report*).
- 17.41.10. Although I consider that a comprehensive approach would have been appropriate if the site were redeveloped for employment purposes, I am less convinced that it is necessary for the development of the two parts of the site to be directly linked if the site is allocated for housing. I consider, therefore, that the requirements should be modified to allow greater flexibility in this regard.
- 17.41.11. The Council concedes this and proposes under FC103 to amend the requirements included in PIC252 to refer to planning for the proposal site being co-ordinated. However, the amended text would still include reference to comprehensive development and a development brief being preferred. I do not consider it is unreasonable for the Council to require the planning of the development to be co-ordinated or to indicate that they would prefer to see this achieved through the preparation of a development brief. In my view this would allow the relationship of any development on the two parts of the site to be properly considered in accordance with good planning practice. I do not consider it would prevent the actual development of the two parts of the site occurring separately once a development brief had been agreed. However, I see no need for the reference to a comprehensive approach to be retained as in my view this merely creates unnecessary ambiguity.
- 17.41.12. The Council’s proposed change, however, does not address the concerns that have been raised about the requirement for the principal vehicular access to be taken from London Road. In the light of the high embankment between the two sites and the important trees growing on it, many of which are protected by a Tree Preservation Order, I accept that it may be more sensible to access the land to the rear from Stratford Way. This would avoid the need to cut through the embankment, which could be both costly and potentially environmentally damaging. I accept, however, the advantages would have to be balanced against the impact such an access would have on the trees on the strip of land adjoining Stratford Way.
- 17.41.13. I do not consider that a small amount of additional residential traffic on Stratford Way would have a significant impact on the amenities of existing residents. I recommend, therefore, that the reference in PIC252 to the principal access to the site being from London Road should be amended to allow for the possibility of access also being taken from Stratford Way to serve part of the development. However, the revised wording should qualify that permission for such an access would be dependant on the number of units it would serve and the impact on the existing trees on the site.

**Other matters**

- 17.41.14. I also consider that the reference to TWA Diagram 5 should be deleted since I find that it and the other diagrams included in this section add an unnecessary degree of detail to the Plan. I have therefore recommended in paragraph 17.42.4 that all these diagrams should be omitted from the Plan.
- 17.41.15. Concerns were raised at the Inquiry regarding the requirement to remove all contaminated land and restore it to a residential standard. In response the Council conceded that such a requirement could be unnecessarily onerous. Initially they proposed solely to remove the reference to the residential standard as part of FC103. Subsequently, however, they proposed a further change under FC114, which would instead require the site to be decontaminated and restored. Since it may be possible to restore the land to an acceptable standard for housing by burying or treating the contaminated material on site, I consider that the wording proposed in FC114 would be more reasonable. However, as the revised wording refers to “the site” being decontaminated and “the sites” restored I am concerned that it could lead to confusion as to which areas each element of the requirement was intended to refer to. In my view it would be clearer if the reference to “the sites” was omitted.
- 17.41.16. In the light of the advice in PPG3 regarding making the best use of the land and my recommendation that the capacity of the site should be increased to 150 units I would question whether the requirement that the housing should be generally two storeyed is appropriate. In my view this could impose an unnecessary degree of constraint on any subsequent scheme. I consider that the reference to the development respecting the adjoining residential area and semi-rural character of Boxmoor should be sufficient to ensure that the scheme blends in with its surroundings.
- 17.41.17. I note the Council’s intention under FC115 to amend the last paragraph of the requirements to refer to the valuable plant “community” on the fly ash waste rather than the plant “family”. Since it would seem that more than one family of plants might be present on site I agree that the alternative wording would be more appropriate. I therefore endorse FC115. Finally I would suggest the reference to British Gas should be omitted as this name has been superseded. I, therefore, recommend that the Plan should be modified to allocate TWA8 as a housing site in accordance with PIC252 and FCs 103, 114 and 115, subject to the further amendments I have recommended above.

**Recommendation**

- 17.41.18. **The Plan be modified in accordance with PIC252 and FCs 103, 114, and 115 subject to the wording of TWA8 being amended as follows:-**

<i>Site Reference</i>	<b>TWA8</b>
<i>Address</i>	<b>Gas Board site and land to the rear, London Road</b>
<i>Area</i>	<b>3.79</b>
<i>Net Capacity</i>	<b>150</b>
<i>Planning requirements</i>	<b>Planning for the proposal site should be co-ordinated. A development brief should preferably be prepared for the whole site.</b>

The layout should be designed with the main access from London Road. However, access may be acceptable from Stratford Way for the rear part of the site depending on the number of units proposed and the impact on the existing trees. The existing footpath should be retained and enhanced (ref. Proposal TWA21).

The site should be decontaminated and restored.

Detailed aspects of the layout will be affected by Transco’s plans for the existing plant and gas storage facilities. Development may be constrained by the storage of a notifiable hazardous substance (i.e. gas): a 30 m consultation zone applies (see Policy 119). Should Transco decide to reduce gas storage capacity at Hemel Hempstead, the removal of the holder on this site is recommended first.

The development should comprise a mixed scheme of houses and flats, respecting the adjoining residential area and semi-rural character of Boxmoor. Around 25% of the units should be affordable housing. Residential development to be sited and designed to take account of the impact of railway noise and vibration.

The retention of trees is encouraged insofar as possible, most particularly as a screen between the housing and the railway. The development should be designed and landscaped to safeguard the amenities of adjoining residents. The valuable plant community on the fly ash waste should be removed to another site.

*Progress*

**P**

## 17.42. TWA DIAGRAM 3: MANOR ESTATE

### Counter Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
To pre-inquiry change 254			
5557PC	CPRE - The Hertfordshire Society	5573PC	Felden Park Farms Ltd
5651PC	Apsley Developments Ltd		

### **Key Issues**

- (a) Should TWA Diagram 3 for the Manor Estate be retained. (5557PC, 5651PC, 5773PC)

### **Inspector’s Conclusions**

- 17.42.1. The objectors’ opposition to the proposed deletion of TWA Diagram 3 by PIC254 is part of their case that the housing expansion at the Manor Estate should be re-instated in the Plan. The Council indicates that the Diagram is wholly dependent on the decision on Housing Sites TWA6 and TWA7, and should only be included if these are retained. I have concluded that the land around the Manor Estate is one of the more



sustainable large housing sites, and therefore should remain in the Plan. It is reasonable to assume that, as a consequence, the Council would wish to see the Diagram also retained.

- 17.42.2. However, I consider that Diagram 3, like all the other TWA Diagrams, introduces a level of detail that is inappropriate for a local plan. The ‘planning requirements’ elements of the proposals already set out in substantial detail the principles that shape the development of the two sites. The extra guidance provided in the Diagram adds little of critical importance, and in my view is the type of illustration that is more appropriate in a planning brief. Indeed, I believe that there are disadvantages to the inclusion of a Diagram such as this, as the degree of prescription means that otherwise acceptable variations that may arise at the detailed planning stage could potentially be contrary to the Plan. I recommend that TWA Diagram 3 be deleted in accordance with PIC254, though for entirely different reasons to the Council.

### **Recommendation**

17.42.3. **The Plan be modified in accordance with PIC254.**

17.42.4. **The other TWA Diagrams also be deleted from the Plan.**

## **17.43. TWA DIAGRAM 5: TWO WATERS GENERAL EMPLOYMENT AREA**

### **Counter Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
To pre-inquiry change 255			
5337PC	Wilcon Development Group Ltd	5650PC	Apsley Developments Ltd
5348PC	Lattice Property	5774PC	Felden Park Farms Ltd

### **Key Issues**

- (a) Should TWA Diagram 5 indicate the new housing proposal on the Gas Board site and land adjoining (TWA8), which is proposed by PIC255. (5337PC, 5650PC, 5774PC)
- (b) Whether TWA Diagram 5 should refer to park and ride facilities at the Gas Board site and land Adjoining as proposed in PIC255. (5348PC)

### **Inspector’s Conclusions**

#### ***(a) Inclusion of new housing proposal on the Gas Board site***

- 17.43.1. The same principles apply to this objection as I consider in the preceding section under TWA Diagram 3. Because I am recommending that Housing Site TWA8 should be retained in the Plan, it follows that it should be shown on Diagram 5 in accordance with PIC255. However, the level of detail provided by the Diagram is both unnecessary and unduly prescriptive, in my view, for the reasons I set out in paragraph 17.42.2. I therefore recommend that the TWA Diagram 5 be deleted from the Plan.

17.43.2. The Council is also proposing another amendment to the Diagram, FC105, which recognises the possibility that the land to the rear of the Gas Board land could be developed separately for residential development, and makes reference to the tree belt between the two parcels. If the Council decides not to delete the Diagram, I support this further change.

**(b) Reference to Park and Ride facilities**

17.43.3. I consider the objections to the provision of a park and ride facility as part of Site TWA8 in chapter 10, under Proposal Site Txiv, where I conclude that it should be deleted from the Plan. Consequently, even if the Council does not agree that the TWA Diagrams should be deleted, this element of PIC255 should not be adopted.

**Recommendation**

17.43.4. **Should the Council not accept the recommendation that TWA Diagram 5 be deleted, the Plan be modified in accordance with PIC255 and FC105, subject to the reference to the park and ride facility being removed from the Diagram.**

## 17.44. TWA DIAGRAM 6: CENTRAL APSLEY

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
4683	J Sainsbury’s Developments	4771	Prudential Assurance Company Ltd

### Counter Objections

To pre-inquiry change 256			
5649PC	Apsley Developments Ltd	5775PC	Felden Park Farms Ltd

### Support

1003	The Boxmoor Trust
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### Key Issues

- (a) Should the reference in TWA Diagram 6 to highway improvement proposals TWA16 and TWA17 be retained. (5649PC, 5775PC)
- (b) Whether TWA diagram 6 should be amended to remove the proposed new link road. Alternatively should it be referred to for illustrative purposes only. (4683, 4771)
- (c) Should TWA Diagram 6 be amended to include a similar retail warehousing designation to that shown in TWA Diagram 5. (4771)

### Inspector’s Conclusions

**(a) Retention of highway improvement proposals TWA16 and TWA17**

17.44.1. These counter-objections are part of the overall opposition to the deletion in the Composite Plan of the expansion originally proposed for the Manor Estate. I conclude earlier in this chapter that the housing sites should remain in the Plan, and that the highway improvements are an essential part of the infrastructure needed to accommodate the traffic generated by the expansion. The references to TWA16 and

TWA17 are therefore an appropriate part of Diagram 6. Consequently, should the Council decide not to accept my recommendation that Diagram 6 be deleted from the Plan, PIC256 should not be adopted.

**(b) *Status of new link road***

- 17.44.2. These objections are part of the opposition to the proposed road link from Durrants Hill Road to London Road crossing Site TWA9. I consider this matter earlier in the chapter, where I conclude that the road link should only remain in the Plan if there is a realistic prospect of it being implemented during the Plan period. If it does not remain a firm proposal, I suggest that the Council might wish to include it as a long-term proposal in Part II of the Schedule of Transport Proposal sites (see paragraphs 17.25.5 to 17.25.7). Consequently, if the Council decides not to accept my recommendation to delete Diagram 6, the treatment of the road link depends on these other decisions.

**(c) *Inclusion of retail warehousing designation***

- 17.44.3. The objector believes that the whole of Site TWA9 should be denoted with a retail warehouse designation, similar to that shown on TWA Diagram 5, rather than just the London Road frontage. It is reasonable, in my view, that retail warehousing should remain one of the acceptable uses if the site were to be redeveloped. There is no evidence of an over-provision of retail warehouse floorspace, it is unlikely that the need for such floorspace has diminished, and the loss of a large unit could lead to pressure for alternative provision in a less appropriate location. In addition, given the high land values that are associated with retailing, it is possible that the best prospect of securing the desired road link through the site depends upon an acknowledgement that redevelopment of the site in its existing use would be acceptable.
- 17.44.4. Notwithstanding these views, I remain of the opinion that Diagram 6 is overly detailed and unduly prescriptive, and should be deleted from the Plan. Should the Council not accept this recommendation, then the Diagram should indicate that non-food retail warehousing is one of the acceptable uses upon redevelopment.

**Recommendation**

- 17.44.5. **Should the Council not accept the recommendation that TWA Diagram 6 be deleted:**
- (i) PIC256 be not adopted;**
  - (ii) The south-eastern end of the proposed link road be shown in a manner that is consistent with the decision made about Site TWA9;**
  - (iii) Diagram 6 be amended to indicate that non-food retail warehousing is one of the acceptable uses for Site TWA9 upon redevelopment.**

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END OF CHAPTER 17