



# **Dacorum Borough Council**

## **Local Planning Framework**

### **DACORUM CORE STRATEGY EXAMINATION IN PUBLIC**

**Planning Statement by Dacorum Borough Council**

**Local Allocation LA2, Old Town, Hemel Hempstead**

**September 2012**

## **Purpose of this statement**

The purpose of this statement is to inform the Inspector and other parties about the Council's position regarding Local Allocation LA2, Old Town, Hemel Hempstead.

The land is owned by the Council, so there is no need for a Statement of Common Ground. However, this statement serves a similar purpose to the Statements of Common Ground prepared by the Council and the landowner interests in respect of the other local allocations.

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## **1.0 Introduction**

- 1.1 This statement refers to the land called Local Allocation LA2 (Old Town, Hemel Hempstead) in the Core Strategy. LA2 is located immediately to the north of Hemel Hempstead's Old Town. The precise location of the site can be seen from the maps in Appendix 1. The land is owned by the Council and is currently in open space use, although it is not formally designated for this use. Around 80 homes are proposed on the site and the Core Strategy contains planning principles to guide the site's development (see page 178 of the Pre-Submission Core Strategy).
- 1.2 Policy CS3: Managing Selected Development Sites states that local allocations will be held in reserve and managed as countryside until needed. The housing trajectory (Core Strategy, Table 2.1 in Appendix 2) indicates that new greenfield sites (i.e. the local allocations) are unlikely to be needed until 2021/22.

## **2.0 Why was Local allocation LA2 included in the Core Strategy?**

- 2.1 During the preparation of the Core Strategy, the Council has been through a lengthy and detailed process of deciding what the Borough's housing target should be and which sites should be proposed for housing development. This process has been made more difficult by the uncertainty over the East of England Plan and changes to the planning system.
- 2.2 The Council has concluded that the Core Strategy should include a housing target of 430 homes a year between 2006 and 2031, with development concentrated in the towns, particularly Hemel Hempstead. Some limited releases of Green Belt land are required to meet the housing target. The sites proposed for release from the Green Belt are called 'local allocations'. There are six local allocations and they are listed in Table 9 of the Core Strategy. A total of 1,550 homes are proposed on the local allocations, including 80 at Old Town, Hemel Hempstead (i.e. LA2).
- 2.3 The justification for the Council's decisions on the housing target and which sites should be proposed for housing development is contained in the evidence base for the Core Strategy. Further analysis can be found in the Council's responses to the issues raised by the Inspector for examination at the public hearing. In particular, reference should be made to the Council's response to the following issues:
  - Issue 1: Basis for the overall Strategy
  - Issue 2: The Distribution of Development (Settlement Hierarchy) and the Green Belt
  - Issue 6: Providing Homes

- 2.5 The Council's papers in response to Issue 10 (Hemel Hempstead), 11 (Berkhamsted), 12 (Tring) and 14 (Bovingdon) include justification for the selection of each of the local allocations.
- 2.6 Paragraphs 10.1.14- 10.1.21 in the Council's response to Issue 10 addressed the question: *'Have all reasonable alternative sites been assessed?'* These paragraphs show that the Council has carried out a detailed assessment of alternative sites in and around Hemel Hempstead during the preparation of the Core Strategy. This process has covered all the reasonable sites. With regard to LA2, the 'Assessment of Potential Land Allocations and Strategic Sites' (Examination Document HG15) is particularly relevant.
- 2.7 LA2 and a larger area of land on the other side of Fletcher Way are assessed on pages 31-35 of the Assessment of Potential Local Allocations and Strategic Sites. It is concluded on page 188 of this document that the Old Town site (i.e. LA2, but not the land across Fletcher Way) should be the second Green Belt release in Hemel Hempstead, after Marchmont Farm (LA1).
- 2.8 Section 10.3 in the Council's response to Issue 10 included consideration of whether the local allocations (particularly LA1 and LA2) are justified. Paragraph 10.3.1 in the response concludes that this is indeed the case. This conclusion reflects the overall process that the Council has been through to select the local allocations, as explained in paragraphs 10.1.14-10.1.21 of the response.
- 2.9 Further justification for the selection of LA2 comes from paragraphs 10.3.9 and 10.3.10 of the Council's response to Issue 10:
- "10.3.9 In the Sustainability Appraisal Report (Examination Document SUB3), the findings on LA2 are summarised in section 6.7.1 and the full assessment is in Appendix F. It is concluded that housing development would have a number of positive and adverse effects, but no very adverse effects. Positive effects include the proximity to local facilities and the town centre.*
- 10.3.10 LA2 is a Council owned site. At present, the site is used as public open space. However, it is a steeply sloping site, so there are no facilities on the site such as a children's playground or sports pitches. Gadebridge Park, Hemel Hempstead's main public park, is located immediately to the west, whilst Randall Park lies a short distance to the east. It is concluded that there is no need to retain the site as public open space."*
- 2.10 The Council's decision to select LA2 also takes account of the public consultation carried out during the preparation of the Core Strategy. Section 10.4 in the Council's response to Issue 10 addressed the questions: *'What public consultation has been undertaken with regard to LA2? Have the requirements of the Council's Statement of*

Community Involvement been met?’ The Council’s response to these questions reads as follows:

“10.4.1 There has been extensive public consultation on the Core Strategy and this is set out in detail within the Report of Consultation (Examination Document SUB6). The key stages of consultation are listed below and are illustrated in Figure 2: Core Strategy Preparation Stages (in section 2 of the Pre-Submission Core Strategy):

<b>Core Strategy preparation stages</b>	<b>Examination Document ref.</b>	<b>Date</b>
<i>Issues and Options</i>	CS3	May 2006
<i>Supplementary Issues and Options Paper – Growth at Hemel Hempstead</i>	CS5	November 2006
<i>Emerging Core Strategy</i>	CS8	June 2009
<i>Draft Core Strategy</i>	CS16	November 2010
<i>Pre-Submission Core Strategy</i>	SUB1	October 2011

10.4.2 Before the proposed development at LA2 was included in the Pre-Submission Core Strategy, possible housing development at this location was included in two of the previous consultation documents:

- Page 30 of the Supplementary Issues and Options Paper – Growth at Hemel Hempstead (Examination Document CS5 - see paragraph 10.1.15 above) included the ‘Old Town’ as possible dwelling site 8. This site consisted of LA2 and a larger area to the north of Fletcher Way.
- In the Draft Core Strategy (Examination Document CS16), the Hemel Hempstead Place Strategy (chapter 21) proposed around 80 homes at LA2 under Housing Option 2 (but not with Option 1).

10.4.3 This consultation accords with the Council’s Statement of Community Involvement (Examination Document OT2) (as summarised in Volume 7 of the Report of Consultation – Examination Document SUB6). There was also an opportunity to comment on the Sustainability Appraisal documents that accompanied all the above consultation stages of the consultation (Examination Documents CS4, 6, 9 and 17 and SUB3).

10.4.4 In addition, there has also been consultation on sites through the Site Allocations Development Plan Document (DPD). Page 77 of the Site Allocations Issues and Options consultation document in 2006 (Examination Document SA1) included the ‘Old Town’ as site H/h49 in a list of possible development sites.

*Further information about the potential sites was included in the 'Schedule of Site Appraisals' document (part of Examination Document SA1). From page 36 in this document and the maps in Appendix 1, it can be seen that Hh/49 related to LA2 and the larger area of land north of Fletcher Way. The consultation response on the Site Allocations consultation documents is summarised in a separate Report of Consultation (Examination Document SA9).*

*10.4 5 There has been no specific consultation on LA2. Indeed, a separate consultation on LA2 was unnecessary and to have undertaken such a consultation would have been inappropriate. It is essential that the Council treats all the local allocations consistently – there is nothing to warrant LA2 being treated differently. There will, however, be further public consultation regarding the site through the Site Allocations DPD, which will include a detailed masterplan.”*

2.11 From the above, it is concluded that the Council has been through a lengthy and detailed process of technical work and consultation, which shows that the inclusion of LA2 in the Core Strategy is justified.

### **3.0 Are the Council's proposals for around 80 homes on LA2 deliverable and viable?**

3.1 The 'Old Town Hemel Hempstead Deliverability Study' has been produced by Tibbalds Planning & Urban Design and Campbell Reith (consulting engineers) on behalf of the Council. A copy of the Deliverability Study can be found at Appendix 1.

3.2 This study was undertaken to consider in detail the deliverability of the LA2 site. Representations have been received by the Council in regard to the allocation of LA2 for housing and the report aims to address some of the concerns raised and demonstrate that it is possible to achieve residential development on the site.

3.3 The Deliverability Study outlines the following factors affecting development:

- typography;
- trees and vegetation;
- access and movement; and
- a composite constraints plan, which takes into account a range of issues, including footpaths, utilities, proximity to the Old Town Conservation Area and landscape impact on the Gade Valley.

3.4 Analysis of the above mentioned factors was carried out and this resulted in the two framework drawings in the Deliverability Study. The framework drawings demonstrate how 80 homes can be achieved on the site.

3.5 The Council's Strategic Housing Team has produced a 'Viability Assessment Report' for LA2 (see Appendix 2). This report meets the requirements of paragraph 173 in the National Planning Policy Framework (NPPF), by assessing whether development of the site would be viable and deliverable.

3.6 The Viability Assessment Report does not test the absolute viability of LA2, but does assess the broad viability of the site at a strategic level. In the report, it is assumed that 80 homes are built on the site including 40% affordable housing, as proposed in the Core Strategy. The report concludes that:

*"... the positive residual value of £2,262,254 on this site is sufficient for this site to be developed with the provision of all sought planning obligations. This residual value is not intended to be an accurate RICS valuation, but does provide an indicative strategic indicator that development at LA2: Old Town is viable."*

3.7 Another issue concerning the deliverability of LA2 is addressed in paragraphs 10.3.11 and 10.3.12 of the Council's response to Issue 10:

*"10.3.11 In its capacity as the Commons Registration Authority for Hertfordshire, Hertfordshire County Council has informed Dacorum Borough Council that it has received an application to register LA2 as a town or village green (application reference VGR048). The County Council will in due course process the application, but it is not known when it will commence as there are other town or village green applications to be processed prior to VGR048. The County Council informed Dacorum Borough Council in August 2012 that although it is difficult to predict how long it will take to reach a decision, the case is likely to be processed within 18 months.*

*10.3.12 On receipt of the formal Notice of Application for VGR048 from Hertfordshire County Council, Dacorum Borough Council will resist the application. Even if the application is successful, this may not in itself prevent housing development as the Council may consider the possibility of making an application to the Secretary of State under sections 16 and 17 of the Commons Act 2006 to de-register the site and provide replacement land as required by the Act. Therefore, the Council concludes that LA2 should remain in the Core Strategy in spite of the application to register the land."*

3.8 In the light of the above, the Council considers that the proposals in the Core Strategy for around 80 homes on LA2 are deliverable and viable.



#### **4.0 Are the Core Strategy's planning principles for the development of LA2 sound?**

4.1 Paragraph 10.3.14 of the Council's response to Issue 10 provides the following information regarding the Core Strategy's planning principles for LA2:

*"Principle 1: two storey housing including around 40% affordable housing. The framework diagrams in the Deliverability Study are based on accommodating 80 two storey homes. The Viability Assessment Report concludes that a housing development including 40% affordable housing would be viable.*

*Principle 2: contributions towards educational and community facilities. This is a standard requirement and is justified on the basis of Core Strategy Policy CS35 (infrastructure and developer contributions).*

*Principle 3: layout, design, density and landscaping in keeping with Old Town. The site adjoins the Old Town Conservation Area and the Deliverability Study includes framework diagrams which show how a development of around 80 homes can be delivered in a way which complies with this principle.*

*Principle 4: impact on local road network and promotion of sustainable travel options. Campbell Reith considered access and movement issues in the Deliverability Study and liaised on these issues with Hertfordshire County Council as highway authority. Page 6 of the Deliverability Study states that traffic generation from the site should be minimal and the County Council has confirmed that it does not propose to analyse the impact of the site in their traffic models. This page also indicates that the site is well located in respect of bus routes, footpaths and cycleways and that there is scope for improvements to pedestrian and cycle routes."*

4.2 The analysis above leads the Council to conclude that the planning principles in the Core Strategy for the development of LA2 are sound.

#### **5.0 Other issues**

5.1 Apart from the matters dealt with in sections 2-4 above, there are two other issues that need to be considered:

- Archaeology
- Ecology

As can be seen from paragraphs 5.2-5.7 below, there is no reason to reject development on the site on archaeological or ecological grounds.

- 5.2 **Archaeology:** Policy 118: Important Archaeological Remains in the Dacorum Borough Local Plan 1991-2011 (Examination Document OT1) will continue to be 'saved' after the Core Strategy is adopted. This policy provides general policy guidance on archaeology and also lists the Scheduled Ancient Monuments and Areas of Archaeological Significance within the borough. LA2 is not within any of the defined areas, but it adjoins Area of Archaeological significance 36 (High Street, Hemel Hempstead). Policy 118 is relevant, because it refers to the settings of the defined sites, as well as the sites themselves.
- 5.3 Core Strategy Policy CS27: Quality of the Historic Environment states that: *'Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.'*
- 5.4 The Hertfordshire County Archaeology Group has advised that there is no overriding archaeological constraint to development of this area, and therefore, the allocation of the site for development in the Core Strategy (see Appendix 3). However, the site does possess moderate potential for the presence of heritage assets of archaeological interest, some of which may be a constraint on the design/layout of development.
- 5.5 **Ecology:** The Hertfordshire Biological Records Centre (HBRC) has indicated that it has no ecological information on the site to suggest that there are any constraints. The site could be subject to a Phase 1 Habitat Survey to reach a firm conclusion on ecological issues. However, HBRC considers that if the site was of some intrinsic importance they would probably be aware of it by now.
- 5.6 HBRC agrees with the assessment on page 5 of the Deliverability Study (see Appendix 1) that the most historic belts of trees are locally valuable within the site, and provide a visual and ecological resource. With regard to the trees, HBRC advises that:
- "The B and C rated trees would not present any ecological constraints, although if removed they should be checked by the arboricultural contractor in respect of bat potential, and a consultant appointed if there is good likelihood or evidence of their presence. This is only likely if they are old trees with rot holes, cracks etc. which I would think is very unlikely given their relative age, but it ought to be considered for obvious reasons. Obviously if they could be retained they would already contribute to the ecological resource, although possibly less so if they were all, say, sycamore or exotic species."*
- 5.7 Turning to the issue of how ecology might be handled in a future housing development on the site, HBRC advises that:
- "Once any open areas have been identified for retention, their ecological potential is really reflected partly in what may already be there - for the trees and scrub that would be known, but not for the*

*grassland - and then in what may be created. Then it is all dictated by management. It also depends upon what use the open spaces are expected to provide - general amenity of something more interesting. The topography may limit casual football etc. so areas of longer grass - with paths through - may be more appropriate. These could be sown with a suitable wildflower mix and hopefully be maintained by mowing a few times, lifting the cut with the longest grass. This should contribute and enhance the existing ecology (if not already of some interest) as well as the development as a whole. There is relatively little space to do anything more physical, such as a Community orchard or similar.....”*

## **6.0 Conclusions**

6.1 It is concluded that:

- The Council has been through a lengthy and detailed process of technical work and consultation, which shows that the inclusion of LA2 in the Core Strategy is justified (see section 2.0 above).
- The proposals in the Core Strategy for around 80 homes on LA2 are deliverable and viable (see section 3.0).
- The planning principles in the Core Strategy for the development of LA2 are sound (see section 4.0).
- There is no reason to reject development on the site on archaeological or ecological grounds (see section 5.0).

**APPENDIX 1**

**OLD TOWN, HEMEL HEMPSTEAD**

**DELIVERABILITY STUDY**

**APPENDIX 2**

**LA2 OLD TOWN**

**VIABILITY ASSESSMENT REPORT**

## **APPENDIX 3**

### **COMMENTS ON ARCHAEOLOGICAL IMPLICATIONS**