



Dacorum Borough Council

Local Planning Framework

DACORUM SITE ALLOCATIONS DPD EXAMINATION IN PUBLIC

Statement by Dacorum Borough Council

Matter 8: Policy LA2: Old Town, Hemel Hempstead

September 2016

Purpose of this statement

The purpose of this statement is to summarise the Council's position regarding the following matters, issues and questions raised by the Inspector in advance of their discussion at the public hearing sessions.

To avoid repetition this statement includes cross references to appropriate technical work and includes relevant extracts as appendices.

Matters raised by Inspector and the Council's response

1. Should the policy be more restrictive in terms of setting building heights?

- 1.1 This question relates to Key Development Principle 5 in Policy LA2 (Old Town, Hemel Hempstead). In the September 2014 Pre-Submission Site Allocations document (Examination Document SUB17), this principle stated:
- “Limit housing to two storeys, except where a higher element would create interest and focal points in the street scene.”*
- 1.2 The initial LA2 draft master plan (Examination Document LA20) was also issued in September 2014. Page 25 in this document that:
- “There are some parts of the site where it is felt that taller built elements of up to three storeys would be appropriate and add positively to the street scene and character of the site. Generally these locations are at key junctions within the site and at gateway spaces such as the main access point.”*
- 1.3 Historic England objected to the Pre-Submission document. They expressed concern that the LA2 development would harm the historic character of the Old Town Conservation Area, although they considered that the key development principles and LA2 draft master plan went some way to addressing this concern and mitigating the impact of the development (e.g. by retaining trees and some open space at the southern end of the site).
- 1.4 The following particular concerns were raised by Historic England:
- a) The view of the listed church spire from Fletcher Way near the junction with Piccotts End Road should be retained.
 - b) The steepness of the slope may warrant complex split-level forms in some areas, so guidance should be given on overall height to ridge and eaves from ground level.
 - c) Not convinced there should be any buildings over two storeys, except perhaps at the top of the hill on the south side of the site. Townscape variations can be delivered by subtle variations in the architectural treatment of the elevations.
 - d) Principle 5 should be extended to read *“and not be harmful to the historic environment”*.
- 1.5 Advice on these particular concerns was obtained from the Council's Assistant Team Leader (Design and Conservation). The Council's response, which reflected the Assistant Team Leader's advice, was set out in the Site Allocations Report of Representations Part 2 (Examination Document SUB12) and is reproduced below:

Point 1: No change. Key Development Principle already provides sufficient guidance. However, it is proposed to amend the LA2 Draft Master Plan to refer to the need to retain this view of the church spire.

Point 2: No change, but amend the LA2 Draft Master Plan to refer to the possibility of split-level homes and provide guidance on maximum eaves and ridge heights.

Point 3: Change required. Amend Principle 5 as proposed in the representation (see point 4 below). Also, amend the Draft Master Plan as proposed in point 2 above and to state that taller buildings would need to demonstrate that no harm would be caused to the setting of designated heritage assets in the Old Town.

Point 4: Change required. Amend Principle 5 as proposed in the representation.

- 1.6 Given the above, Minor Change MC21 in the Site Allocations Pre-Submission Focused Changes Consultation Document (Examination Document SUB9) proposed to amend Key Development Principle 5 to state:

“Limit housing to two storeys, except where a higher element would create interest and focal points in the street scene, and would not be harmful to the historic environment.”

- 1.7 Historic England responded to the Focused Changes document by supporting and welcoming Minor Change MC21. However, a member of the public objected on the basis that houses should be limited to two storeys.

- 1.8 The Council’s response to this objection can be found in the Site Allocations Report of Representations Part 2 Addendum – Focused Changes (Examination Document SUB4). The response read as follows:

“Change required. It is proposed to further amend key development principle 4¹ to state ‘Limit housing to two storeys, except where two and a half storey housing would create interest and focal points in the street scene.’ The change adds an additional clause to the end of this sentence adding that it should not be harmful to the historic environment.’ The text, with Focused Change MC21 and the further change now proposed, is considered to provide clear and appropriate advice regarding building heights for this site.”

- 1.9 This change has been incorporated into the submitted Site Allocations document (Examination Document SUB1), where it is still shown as Minor Change MC21.

- 1.10 In addition to the changes to Policy LA2, some amendments were made to the associated site master plan (Examination Document LA19) to ensure the concerns of Historic England were fully addressed: Whilst this document is not

¹ Note: This response should have referred to Key Development Principle 5, not Principle 4.

before the Inspector for examination, it is relevant to note these changes as evidence of the Council seeking to fully address the concerns raised:

- Design principle 1 in the draft master plan now seeks the retention of views of St Mary's church spire (see page 22).
- The guidance on taller buildings has been expanded and amended and now also includes guidance on eaves and ridge heights (see page 25). The revised guidance states that:

“There are some parts of the site where it is felt that taller built elements of up to two and a half storeys would be appropriate and add positively to the street scene and character of the site. Generally these locations are at key junctions within the site and at gateway spaces such as the main access point. Taller buildings would need to demonstrate that no harm would be caused to the setting of designated heritage assets in the Old Town. As a guide, it is expected that eaves heights of the new housing will be about 5 metres above ground level, whilst ridge heights will be around 8 metres for two storey and 9 metres for two and a half storey homes.”

- A bullet point on the possibility of split level housing has been added to the 'working with the topography' section (see page 28).

- 1.11 The Council concludes that the amended wording of Key Development Principle 5 in Policy LA2 provides appropriate guidance on building heights. This policy is supplemented by revised more detailed guidance in the LA2 draft master plan. The guidance in Policy LA2 and the draft master plan will ensure the LA2 development will not harm the historic character of the Old Town Conservation Area and, in particular, appropriately addresses concerns over building heights.

2. Will drainage issues be likely to affect the delivery of the site?

- 2.1 Bullet points 6 and 7 in the 'delivery and phasing' section of Policy LA2 in the September 2014 Pre-Submission Site Allocations document (Examination Document SUB17) dealt with drainage as follows:

“Early liaison required with Thames Water required to ensure sufficient sewerage and sewage treatment capacity is available to support delivery of the site.”

“Early liaison required with the SuDS Approval Body (SAB) to ensure appropriate sustainable drainage is planned for at the early design stage.”

- 2.2 The initial version of the LA2 draft master plan (Examination Document LA20) was also issued in September 2014. The Draft Master Plan contained the following references to drainage:

- Section 3.4 (flood risk and drainage): appropriate sustainable drainage systems (SuDS) will be implemented within any new development where technically feasible.
- Section 3.8 (planning application requirements): a drainage strategy may be required at the planning application stage.
- Section 5: page 22 included three development principles on utilities and infrastructure.
- Section 7 (Delivery): the text on planning obligations referred to the need for early liaison with Thames Water and the SAB.

2.3 Thames Water did not object to the Pre-Submission Site Allocations document, but expressed concerns about the capacity of the waste water infrastructure to accommodate new development at the proposed site allocations. Also, the Environment Agency (EA) submitted a late representation on the grounds that there is a lack of evidence to demonstrate that the proposed allocations can be served by the waste water network without detriment to the water environment. No site specific concerns about LA2 were raised by Thames Water or the EA.

2.4 In view of these general concerns, the Site Allocations Pre-Submission Focused Changes document (Examination Document SUB9) proposed a Minor Change to bullet point 6 in the delivery and phasing section of Policy LA2. This change (Minor Change MC 22) proposed that bullet 6 should say:
“Early liaison required with Thames Water to develop a drainage strategy to identify any infrastructure upgrades required in order to ensure that sufficient sewerage and sewage treatment capacity is available to support the timely delivery of this site.”

2.5 A short Advice Note entitled ‘Planning Requirements for Waste Water Infrastructure Issues in Dacorum’ (Examination Document OT4) has also been prepared. This advises developers of the requirement for key sites including LA2, sets out what a Drainage Strategy should cover and provides contact details should further advice be required from Thames Water.

2.6 Since publishing the Pre-Submission Site Allocations document the Government has confirmed a change in approach to how SuDS issues will be considered at the planning application stage. These issues will now be dealt with through conditions on planning permissions, following liaison between the local planning authority and the SAB. The Council has prepared a ‘Sustainable Drainage Advice Note’ to explain how the new system will operate (Examination Document OT2).

2.7 To reflect the changed SuDS regime, the Focused Changes document proposed a Minor Change to bullet point 7 in the delivery and phasing section of Policy LA2. This change (Minor Change MC 23) proposed to amend bullet 7 as follows:

“Early liaison required with the local planning authority to ensure appropriate sustainable drainage is designed into the development scheme at the early design stage.”

- 2.8 The only objections submitted to MC22 and MC23 during the Focused Changes consultation period did not actually relate to the wording of the amended text. These changes have therefore been incorporated into the submitted plan.
- 2.9 Although not before the Inspector for examination, it is relevant to note that the revised LA2 draft master plan (Examination Document LA19) includes the following changes to address the points raised by Thames Water and the EA:
- Section 3.4 (flood risk and drainage): this section has been expanded.
 - Section 3.8 (planning application requirements): the text now states that a flood risk assessment as well as a drainage strategy may be required at the planning application stage.
- 2.10 For further evidence on the general concerns raised by Thames Water and the EA, reference should be made to:
- The Council’s statement on Matter 2, Questions 9 and 19.
 - The Statement of Common Ground between the Council, Thames Water and the EA (Examination Document SCG1).

From SCG1 it can be seen that Thames Water’s concerns have now been overcome.

- 2.11 The Council concludes that drainage issues will not affect the delivery of LA2.

3. Should the site come forward prior to 2021 if it is available?

- 3.1 The Council considers that the Plan housing programme does represent a significant body of housing which is likely to further improve in the future (see para. 3.5 below). The Council will continue to take steps through its planning powers and landownership, and through close working with the development industry and other bodies to ensure delivery and to boost the overall supply of housing land.
- 3.2 This issue of when the Local Allocations should be released for development was considered in some detail through the Core Strategy Examination. This took account of the context provided by the NPPF (Examination Document REG10), including its objective of boosting significantly the supply of new housing. The Core Strategy Inspector clearly supported the Council’s general approach to phasing in finding the Core Strategy (Examination Document CS4) sound, subject to a number of Main Modifications (paragraphs 16-18 of the Inspector’s Report: (Examination Document CS6)). With explicit regard to the phasing, delivery and management of development he concluded that:

“The Council’s approach has been satisfactorily justified in the context within which the plan has been prepared.” (paragraph 16)

- 3.3 The Core Strategy (paragraph 8.17) (Examination Document CS4) advises that:
“Local Allocations will be held back to encourage urban sites to come forward earlier, to retain countryside for longer and to ensure an appropriate contributions to land supply in the later part of the plan period.”

This same principle is reflected in the Site Allocations document (paragraph 6.26) (Examination Document SUB1) and in the Providing Homes and Community Services Background Issues Paper (paragraphs 2.73-2.80) (Examination Document SA4) in discussing the phasing of allocations.

- 3.4 The Council has demonstrated that it can be flexible over the phasing of local allocations when circumstances justify, and will continue to be so (see paragraph 3.7 below). Following further consideration of local housing needs and the role the Local Allocation LA5: Icknield Way, west of Tring will play in delivering other essential local infrastructure, the site has been brought forward into Part 1 of the Schedule of Housing Proposals and Sites. Whilst no specific delivery date has been set, this will follow the formal release of the site from the Green Belt i.e. after adoption of the Site Allocations DPD. The reasons for this earlier release of LA5 are set out in the Meeting Homes and Community Needs Background Issues Paper (November 2015) (Examination Document SA4).
- 3.5 The Council believes that there remain sound planning grounds for continuing to constrain the release of Local Allocations LA1-4 and LA6. These Local Allocations are included in Part 2 of the Schedule of Housing Proposals and Sites in the Site Allocations DPD (Examination Document SUB1) and are planned to bring forward completed homes from 2021 onwards. There have been no fundamental changes in circumstances since the adoption of the Core Strategy and in consulting on the Site Allocations DPD, to warrant bringing forward these allocations sooner:
- There is no overriding local justification to release them earlier;
 - The Council wants to continue to give emphasis to the supply of brownfield sites and future opportunities as sought by national policy (paras. 17 and 111 of the NPPF (Examination Document REG10)).
 - Local Allocations are still needed to boost supply in the medium to longer term, to ensure a steady delivery of housing.
 - There is no pressing need to bring forward Local Allocations to boost immediate supply. As at 1st April 2015, there is a healthy pipeline of housing and the Council can meet and modestly exceed its 5 year housing supply (see Matter 4, Table 1 and the response to Question 6).

The position on supply is only likely to improve given progress being made with sites, increasing levels of completions and on-site activity, growing levels of commitments and the potential for allocations to deliver additional homes (see response to Matter 4, Question 10).

- 3.6 Policy CS3: Managing Selected Development Sites already provides sufficient flexibility for Local Allocations to be brought forward, if required. Furthermore, paragraph 6.28 of the Site Allocations DPD makes clear that:
“.....there will be a lead in period in order to allow practical delivery from 2021. In practice, this will mean that applications will be received and determined in advance of 2021 and that site construction and works may actually take place ahead of the specified release date to enable occupation of new homes by 2021.”
- 3.7 This approach remains appropriate and will ensure that the Council can continue to demonstrate a 5 year housing land supply as required by the NPPF. It is also consistent with the wording of paragraph 8.17 of the Core Strategy. It is relevant to note that site LA2 is wholly in the ownership of Dacorum Borough Council, so its release date can be more directly controlled than for sites in private ownership.
- 3.8 The Council recognises that the recently completed SHMA and subsequent ONS population and DCLG household projections continue to point to growing housing demand. It does not accept, however, that they justify fundamental changes to the current approach to the Green Belt and allocation of sites in the Site Allocations DPD. This is a separate matter better addressed comprehensively outside of the Site Allocations DPD in taking forward work on the new Local Plan (incorporating the early partial review of the Core Strategy) (see response to Matter 2, Question 3).