

5 Planning policy context

5.1 Introduction

5.1.1 This chapter provides an overview of the relevant planning policy framework that applies to this project.

5.1.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004):

“When making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

5.1.3 For the purpose of section 38 (6) of the Planning and Compulsory Purchase Act, the Development Plan for the site comprises the following:

- Core Strategy, adopted September 2013;
- Site Allocations DPD, adopted July 2017; and,
- Saved policies of the adopted Local Plan 1991-2011, adopted April 2004.

5.1.4 Other material considerations include the National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG) and local supplementary planning guidance.

5.2 The Development Plan

Core Strategy 2013

5.2.1 The Core Strategy sets out the overarching planning policies applicable to the Borough, providing a framework for development to 2031. Relevant environmental policies are outlined below.

POLICY NP1: SUPPORTING DEVELOPMENT

5.2.2 Core Strategy Policy NP1 sets out the Council’s approach to considering development proposals, establishing the presumption in favour of sustainable development. The Policy confirms that the Council will proactively seek solutions to issues, and will approve applications which accord with the development plan unless material considerations indicate otherwise.

POLICY CS1: DISTRIBUTION OF DEVELOPMENT

5.2.3 This Policy aims to focus new homes, jobs and strategic services towards Hemel Hempstead, whilst allowing for commensurate development in other locations.

POLICY CS8: SUSTAINABLE TRANSPORT

5.2.4 Under this Policy, new developments are required to give priority to pedestrians, cyclists and passenger transport ahead of other motor vehicles. Additionally, development proposals are encouraged to contribute to sustainable transport through the creation of safer and continuous

footpath and cycle networks, and improve road safety and air quality.

POLICY CS9: MANAGEMENT OF ROADS

- 5.2.5 Policy CS9 requires development proposals to be accessed via appropriate existing roads based on their nature and scale. The Policy specifically requires traffic generated from new development to be compatible with the location, design and capacity of the current and future operation of the road network, taking into account any planned improvements and cumulative effects of incremental developments.

POLICY CS10: QUALITY OF SETTLEMENT DESIGN

- 5.2.6 The overall design approach to be considered in new developments is set out in this Policy, which states:

At the broad settlement level, development should:

(a) respect defined countryside borders and the landscape character surrounding the town or village;

(b) reinforce the topography of natural landscapes and the existing soft edges of towns and villages;

(c) promote higher densities in and around town centres and local centres;

(d) protect and enhance significant views into and out of towns and villages;

(e) deliver landmark buildings at movement and pedestrian gateways and enhance focal points with high quality architecture;

(f) preserve and enhance green gateways; and

(g) protect and enhance wildlife corridors.

POLICY CS23: SOCIAL INFRASTRUCTURE

- 5.2.7 This Policy requires new social infrastructure to be located to aid accessibility and be designed to accommodate a variety of uses and activities. All new developments are expected to contribute towards the provision of social infrastructure under this Policy.

POLICY CS24: THE CHILTERNNS AREA OF OUTSTANDING NATURAL BEAUTY

- 5.2.8 The special qualities of the Chiltern AONB are offered protection under this Policy, which also requires development proposals to have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan.

POLICY CS25: LANDSCAPE CHARACTER

- 5.2.9 The natural and historic landscape of Dacorum is considered under this Policy which requires development proposals to be assessed for their impact on landscape features, and to ensure that relevant Landscape Character Assessments are taken account of to conserve or improve

landscape quality.

POLICY CS26: GREEN INFRASTRUCTURE

5.2.10 Policy CS26 aims to protect and enhance the green infrastructure network. Development proposals are expected to contribute towards:

- the conservation and restoration of habitats and species;
- the strengthening of biodiversity corridors;
- the creation of better public access and links through green space; and
- a greater range of uses in urban green spaces.

POLICY CS27: QUALITY OF THE HISTORIC ENVIRONMENT

5.2.11 Under this Policy, the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Furthermore, all development is expected to favour the conservation of heritage assets.

POLICY CS28: CARBON EMISSION REDUCTIONS

5.2.12 Building design which enables a reduction in carbon emissions is advocated in Policy CS28. Policies CS29 and CS8 specifically address carbon reduction measures relating to design and construction and transport respectively.

POLICY CS29: SUSTAINABLE DESIGN AND CONSTRUCTION

5.2.13 Policy CS29 sets out the principles which new developments should adhere to. These are:

- (a) Use building materials and timber from verified sustainable sources;*
- (b) Minimise water consumption during construction;*
- (c) Recycle and reduce construction waste which may otherwise go to landfill;*
- (d) Provide an adequate means of water supply, surface water and foul drainage;*
- (e) Plan to limit residential indoor water consumption to 105 litres per person per day until national statutory guidance supersedes this advice;*
- (f) Plan to minimise carbon dioxide emissions;*
- (g) Maximise the energy efficiency performance of the building fabric, in accordance with the energy hierarchy set out in Figure 16;*
- (h) Incorporate at least one new tree per dwelling/per 100sqm (for non-residential developments) on-site;*
- (i) Minimise impacts on biodiversity and incorporate positive measures to support wildlife;*

(j) Minimise impermeable surfaces around the curtilage of buildings and in new street design;

(k) Incorporate permeable and lighter coloured surfaces within urban areas; and

(l) Provide on-site recycling facilities for waste.

Buildings will be designed to have a long life and adaptable internal layout. Applicants will therefore need to explain how:

(i) they have considered the whole life cycle of the building and how the materials could be recycled at the end of the building's life; and

(ii) their design has been 'future proofed' to enable retrofitting to meet tighter energy efficiency standards and connection to decentralised community heating systems.

POLICY CS31: WATER MANAGEMENT

5.2.14 This Policy aims to maintain the water environment and ensure that development proposals avoid areas of higher flood risk, minimise water runoff, reduce the cause and impact of flooding as appropriate, and avoid damage to groundwater source protection zones. Measures implemented to comply with this Policy should also secure opportunities to conserve and enhance biodiversity.

POLICY CS32: AIR, SOIL AND WATER QUALITY

5.2.15 Under Policy CS32, development is required to support improvements in identified AQMAs as appropriate and maintain air quality standards throughout the Borough. Additionally, soil quality standards should be maintained under this Policy and contaminated land remediated as necessary. The Policy aims to ensure that new development would not result in significant increases in pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances.

Site Allocations DPD

5.2.16 The site allocations DPD was adopted by DBC in July 2017.

5.2.17 Policy SA1 requires identified development sites to be delivered in accordance with requirements set out within relevant schedules, and Policy SA8 specifically relates to local allocations which must be brought forward in accordance with their relevant policies.

POLICY LA3: WEST HEMEL HEMPSTEAD

5.2.18 The proposed development Site is specifically allocated under Policy LA3 to deliver:

- approximately 900 new homes;
- shop, doctors surgery, and additional social and community provision, including a new primary school;
- a traveller site of 7 pitches;
- new open space/playing fields;

- extension of Shrubhill Common Nature Reserve and the creation of wider green infrastructure links.

5.2.19 The Policy sets out the principles which must be applied to planning applications, as required by this Policy and policies SA1 and SA8. These principles are:

(a) Homes

- *Include a significant proportion of affordable homes (40%).*
- *Include family homes within a range of provision.*

(b) Community Focus

- *Provide public spaces in different parts of the development.*
- *Provide a central focus with a “community square”, hall, shop and other commercial spaces, linked to a bus service.*
- *Locate the new 2 form entry primary school at the centre*

(c) Design

- *Optimise the potential for views across the Bulbourne valley.*
- *Limit buildings to two storeys normally.*
- *Design the development to the highest sustainability standards possible.*
- *Take the character of buildings in the Chilterns area as a guide to high quality attractive design.*
- *Use traditional materials, such as red brick, clay tiles and timber boarding, where feasible.*
- *Arrange buildings and routes to achieve natural surveillance, good pedestrian access to facilities and an attractive relationship to open spaces.*
- *Design, layout and landscaping to mitigate the impacts on the archaeological, heritage and ecological assets within the site and safeguard those adjoining the development.*

(d) Open Space

- *Meet Council standards for all types of open space as a basic aim.*
- *Design and manage the open space for clear, identifiable purposes.*
- *Use open space to define different parts of the neighbourhood and help distinguish it from Chaulden.*
- *Arrange the open space to ensure a pleasant, coherent and wildlife-friendly network throughout the neighbourhood.*

- *Ensure that the layout and design of new sports provision is fit for purpose.*

(e) Access to Services

- *Plan good pedestrian and cycle access between neighbourhoods and to key services, such as bus stops and community facilities.*
- *Support the enlargement of the Parkwood doctors' surgery (either financially or within the new neighbourhood).*
- *Accommodate a bus route within the new neighbourhood.*

(f) Roads

- *Take the main vehicular access from Long Chaulden and The Avenue.*
- *Support offsite road junction improvements where appropriate.*
- *Ensure no vehicular access from Pouchen End Lane.*

(g) Utilities

- *Link utilities to existing networks.*
- *Provide extra capacity where needed to serve the development.*
- *Work with Thames Water to ensure sufficient sewerage and sewage treatment capacity.*
- *Protect groundwater from pollution.*
- *Take the opportunity to extend existing networks towards Pouchen End hamlet.*

(h) Countryside

- *Soften views of housing from the countryside by use of tree planting, by retaining appropriate tree belts and by the siting of open space carefully (particularly in views from Little Heath and Westbrook Hay).*
- *Provide a soft edge to the countryside and ensure visual and physical separation from Potten End and Winkwell.*
- *Prevent further vehicular access onto rural lanes.*
- *Provide pleasant footpath and cycle access through the site to link with Chiltern Way, Hertfordshire Way, the Grand Union Canal and the Chilterns AONB.*
- *New strategic landscaping to mitigate the impact on the Bulbourne Valley.*
- *Protect the amenities and character of Pouchen End hamlet.*
- *Retain hedgerows and trees.*

- Use native species in planting schemes.

Dacorum Local Plan 2004

5.2.20 The Local Plan was adopted in 2004 with a number of policies now replaced by those in the more recent Core Strategy and Site Allocations DPD. In addition, although a number of policies remain “saved” (until replaced by further Development Plan Documents), it should be noted that as the Local Plan is now time expired the National Planning Policy Framework has primacy. The following “saved” policies are considered relevant in the current context.

POLICY 76 LEISURE SPACE IN NEW RESIDENTIAL DEVELOPMENT

5.2.21 Minimum standards relating to the amount and type of publicly accessible leisure space provided as part of development proposals is included in this Policy.

POLICY 99 PRESERVATION OF TREES, HEDGEROWS AND WOODLANDS

5.2.22 This Policy places a priority on the retention of trees, hedgerows and woodlands as part of development proposals, and requires proposals to carefully consider proximity to such features to ensure that root areas are not adversely affected.

POLICY 100 TREE AND WOODLAND PLANTING

5.2.23 Policy 100 encourages tree woodland and hedge planting in appropriate locations. It further adds that *‘tree planting should, wherever possible, be with appropriate native broad-leaved species. The maintenance of approved development landscaping schemes will be carefully monitored and strictly enforced.’*

POLICY 102 SITE OF IMPORTANCE TO NATURE CONSERVATION

5.2.24 Development which would result in an adverse effect on SSSIs or Local Nature Reserves are resisted under Policy 102, unless there is an overriding need for the development. Local and regionally protected nature reserve sites and green corridors are listed in the Policy, and shown on the proposals map. Effects on these assets are an important consideration, and commensurate levels of protection are to be provided to nature conservation designations depending on their rarity and value.

POLICY 118 IMPORTANT ARCHAEOLOGICAL REMAINS

5.2.25 Policy 118 aims to protect scheduled monuments and other nationally important sites and monuments from either physical adverse effects, or adverse effects on their setting. With regard to archaeological remains, the Policy advocates *“physical preservation in-situ”* as the preferred approach, although allows for excavation and recoding of archaeological remains as appropriate.

5.3 Other Material Considerations

National Planning Policy Framework

- 5.3.1 The Government published a revised National Planning Policy Framework (NPPF) in July 2018. This replaced a previous iteration of the document that was adopted in March 2012. The NPPF provides an overarching framework for the production of local policy documents and the consideration of development proposals and should be considered as a material consideration by Councils in terms of decision taking. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 7). Sustainable development is defined as having three dimensions: economic, social and environmental.
- 5.3.2 Within the NPPF are a set of twelve core land-use planning principles which should underpin decision taking and which planning should achieve. In accordance with paragraph 11 of the NPPF, for decision taking, this means:
- “Approving development proposals that accord with an up-to-date development plan without delay; or
 - Where there are no relevant development plan policies, or the policies which are most important for determining the applications are out-of-date, granting planning permission unless:
 - The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefit, when assessed against the policies in this Framework taken as a whole.”
- 5.3.3 At paragraph 16, the NPPF states that plans should be prepared with the objective of contributing to the achievement of sustainable development; be prepared positively, in a way that is aspirational but deliverable; be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; be accessible through the use of digital tools to assist public involvement and policy presentation; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
- 5.3.4 Paragraph 73 of the NPPF highlights that relevant policies for the supply of housing should identify a supply of deliverable sites sufficient to provide a minimum of five years’ of housing, or where policies are more than five years old the supply should be based on local housing need (updated annually).

Planning Practice Guidance

- 5.3.5 On the 6 March 2014, the DCLG launched the PPG. The PPG replaces the majority of previous planning practice guidance, consolidating it and providing it as an easily accessible online resource. The PPG sits alongside the NPPF, supporting its aspirations and providing further guidance where necessary, including in relation to transport, health and wellbeing and ensuring the vitality of town centres.

Supplementary Planning Guidance/Documents

5.3.6 Additional guidance is provided in several supplementary documents as outlined below:

- Accessibility Zones for the Application of Car Parking Standards SPG, 2004
- Environmental guidelines SPD, 2004
- Area based policies SPG, 2004
- Energy efficiency and conservation SPD, 2005
- Water conservation SPD, 2005
- Affordable Housing SPD, 2013
- Sustainable drainage policy statement, 2015
- Sustainable Design and Construction Advice Note, 2015
- Local Allocation LA3 West Hemel Hempstead Master Plan, 2017

5.3.7 Of the above the Local Allocation LA3 West Hemel Hempstead Master Plan is most relevant. It represents a material consideration that should be afforded some weight, despite a lack of formal examination in public. In effect this Master Plan document builds and adds site specific detail to those sites identified within the Site Allocations DPD and therefore is informed by the policies therein.

5.3.8 The document provides an overview of the site context and the specific development constraints and opportunities presented. Building upon that, the Master Plan identifies certain requirements for the development of the site based on those within the Site Allocations DPD and a indicative land use and access plan at Plan 9. The Master Plan then identifies a number of principles for development relating to various matters. These are outlined below for reference:

- Green Infrastructure Principles
- Open Space Principles
- Access and Movement Strategy Principles
- Homes and Neighbourhood Structure Principles
- Social and Community Use Principles
- Design Principles
- Surface Water Drainage Principles
- Infrastructure, Services and Utilities Principles
- Green Belt Boundary, Landscape and Countryside Principles