

MOUNTBATTEN (with access from Redwood and Old Crabtree)



From the Regional Controller
(Planning)

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E1/M1900/2/5/01

09 OCT 1991

Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
APPLICATION FOR DEEMED PERMISSION FOR RESIDENTIAL DEVELOPMENT ON
THE MOUNTBATTEN SCHOOL SITE, HEMEL HEMPSTEAD, HERTFORDSHIRE
APPLICATION NUMBER: 4/1482/90CC.

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr N.J. Hammans FRPI FIAS MBIM, who held a local inquiry into Hertfordshire County Council's application for outline permission for residential development on the Mountbatten School site, off Redwood Drive and Old Crabtree Lane, Hemel Hempstead, Hertfordshire. The Secretary of State directed in pursuance of section 77 of the Town and Country Planning Act 1990 that an application, to be made in accordance with regulation 7(1) of the Town and Country Planning General Regulations 1976, should be referred to him instead of being determined by the County Council. At the same inquiry the Inspector also heard evidence about an alternative application made by Hertfordshire County Council for development of the same site, incorporating access across part of the adjacent site known as Jarman Fields, and about an application made by Ladbroke Group Properties Limited for development of Jarman Fields. These applications are the subjects of the enclosed letters.

2. A copy of the Inspector's report is enclosed and a copy of his conclusions is annexed to this letter. He recommended that in respect of application 4/1482/90CC outline planning permission be granted subject to conditions.

3. The Secretary of State has given careful consideration to all of the arguments for and against the proposals, to the Inspector's report and to all the other representations received. In particular, he has had regard to policies contained in the approved Structure Plan, in the submitted alterations to that plan, and to those in the adopted Local Plan for Dacorum and the consultation draft of the Dacorum Borough Local Plan Review relating to the conservation and enhancement of the pattern of open spaces, the location of housing development within towns and to the development of open land and the location of proposed residential development in Hemel Hempstead. He has also had

regard to the effects of the development on the highway network and in particular the impact of any increased traffic flows; and to the relationship between this development and the proposed development on the adjacent Jarman Fields site. The Secretary of State notes that since the inquiry was held the Dacorum Borough Local Plan Review has been placed on deposit; he has had due regard to this fact in his consideration of the proposals, prior to reaching a final decision.

4. The Secretary of State notes that the closure of Mountbatten Secondary School has been a known fact since May 1990 and he accepts the uncontested views that the site is physically suitable for residential development. He notes the Inspector's finding that there is no open space designation for this site in the adopted local plan. He therefore agrees with him that in consequence policies 57 and 71 in the structure plan, which deal with the re-use of land in towns, operate to favour residential development. He has had regard, on the other hand, to the emerging review of the local plan, now deposited, that designates the majority of the site as open space with some housing, but he agrees with the Inspector that only limited weight can be given to what are still emerging policies. He notes the Borough Council's objection to the proposals on the grounds that there is already sufficient land for housing available in the Borough and accepts their statement that the figures for housing requirements as shown in policy 60 of the approved Structure Plan have been exceeded. He therefore agrees with the Inspector that if the site were developed as proposed it would constitute a major windfall addition to the supply of housing land. However, he has also had regard to the County Council's view that the housing requirements in the approved Structure Plan are indicative and not to be regarded as a maximum. He therefore agrees with the Inspector's conclusion that, despite the emerging local plan which proposes restraint on some aspects of land for housing until 1996, there is insufficient ground to refuse some development for housing on grounds of prematurity.

5. The Secretary of State has gone on to consider the question of the proportion of the site that should be reserved for open space. As already stated he has had regard to the policies in the now deposited review of the local plan but agrees with the Inspector that limited weight can be given to the plan in this respect. He has therefore taken considerable account of the Inspector's views on the contribution of the site as landscape and scenery, on its potential in terms of the need for open space in that part of Hemel Hempstead, and on its role in the pattern of space within the town, including its contribution to a green chain of open land. He has come to a view that he should endorse the Inspector's conclusion that these considerations, though material, do not justify reserving land for use as open space over and above what would be an appropriate contribution to the integral needs of the site. He agrees with the Inspector that residential development of the site would require the reservation of about one hectare of open space to meet these integral needs.

6. Turning to traffic matters, the Secretary of State notes that the highway authority's statement was uncontested at the inquiry and he therefore accepts that there are no major objections to

the scheme on these grounds. He also notes that the two proposed points of access, via Old Crabtree Lane and the junction of Redwood Drive, both require improvement if the proposals are to be implemented. However, he is satisfied these improvements could be the subject of conditions attached to any permission granted. Although the County Council as highway authority objected to the proposals for development on the adjacent Jarman Fields site on the grounds of the effect on congestion in St Albans Road, they went on to make the point, which the Inspector and the Secretary of State accept, that Mountbatten School could be redeveloped for purposes having similar traffic impact as residential redevelopment. He also agrees with the Inspector's conclusion that in traffic terms both the Mountbatten School site and Jarman Fields could be developed independently of each other.

7. Therefore, in summary, he agrees with the Inspector that the proposed development, if allowed to proceed, would have no serious conflict with any statutory policy or any other policy which carries sufficient weight to justify refusal.

8. For the reasons given above, the Secretary of State accepts the Inspector's conclusions and agrees with his recommendation and, accordingly, he hereby grants outline planning permission for residential development on the Mountbatten School site, off Redwood Drive and Old Crabtree Lane, Hemel Hempstead, Hertfordshire in accordance with application number 4/1482/90CC, subject to the conditions set out below. In respect of condition no 2 The Secretary of State does not however agree with the Inspector that the statutory time limits imposed on this outline permission should be extended so that housing could be phased in conformity with Development Plan targets. He takes the view that such an extension would be inappropriate as it would cover the time period of plans which have not yet been approved or adopted in accordance with statutory requirements. He has therefore framed condition no 2 to include the normal time limits.

(1) The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, design, landscaping and external appearance of the buildings, and means of access thereto (hereinafter called "the reserved matters") which shall have been submitted to and approved by the local planning authority;

(2) (a) application for approval in respect of all reserved matters referred to in Condition (1) hereof shall be made to the local planning authority within a period of 3 years from the date of this permission;

(b) the development hereby permitted shall be begun by not later than whichever is the later of the following dates:

(1) the expiration of a period of 5 years commencing on the date of this permission;

(11) the expiration of a period of 2 years commencing on the date upon which final approval of reserved matters is given by the local planning authority, or by the Secretary of State or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the local planning authority or by the Secretary of State;

(3) not more than a total of 50 dwellings shall be served from Redwood Drive;

(4) the landscaping details submitted in accordance with condition (1) hereof shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development;

(5) all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation;

(6) development shall not commence until details of a drainage strategy including on and off-site works shall have been submitted to and approved by the local planning authority and the development shall be carried out in accordance with the details as so approved. No works which result in the discharge of foul or surface water from the site shall be commenced until the off-site drainage works referred to herein shall have been completed;

(7) no work shall be started on any part or parts of the development hereby permitted until either:

(a) there has been submitted to the local planning authority in respect of that part or parts of the development evidence that:

(i) there is no contamination of the land or ground water or presence of landfill gas in the land comprising that part or parts to be developed; and

(ii) there is no likelihood that such contamination will occur of the land comprising that part or parts of the development as a result of development of other part or parts of the land the subject of this permission; and the local planning authority have confirmed in writing that such evidence as submitted is acceptable; or

(b) a scheme has been submitted to and approved by the local planning authority indicating the extent of

contamination of the land and/or ground water and/or presence of landfill gas in the land comprising the part or parts of the development and the means by which such contamination and/or gases are to be controlled or removed;

and those part or parts of the said development shall be carried out in accordance with the details as so approved;

(8) the scheme submitted in accordance with Condition (7) (b) hereof shall include:

(a) measures for the control of gas or gases and contamination within the land the subject of, the part or parts of the development the subject of this permission; and

(b) proposals for strengthening buildings and other structures erected on the said land, and buildings, structures and other works (including the adjacent ski-slopes and mound) situated on land outside that the subject of this permission; and

(c) proposals for long-term monitoring of contaminants and gases;

(9) not less than 1 hectare of the site the subject of this permission shall be reserved for public open space purposes;

(10) no work shall commence on any part of the development hereby permitted served from Redwood Drive until details of alterations to the junction of Redwood Drive/Wood Crescent/Crabtree Lane shall have been submitted to and approved by the local planning authority and no part of the said development shall be occupied until that junction shall have been constructed in accordance with the approved details;

(11) means of vehicular access to the development hereby permitted shall be from Redwood Drive and/or Old Crabtree Lane only;

(12) no work shall commence on any part of the development hereby permitted served from Old Crabtree Lane until details of alterations to the junction of St Albans Road/Old Crabtree Lane and widening of Old Crabtree Lane shall have been submitted to and approved by the local planning authority and no part of the said development shall be commenced until that junction and road widening works shall have been constructed in accordance with the approved details;

(13) the details submitted in accordance with condition (1) hereof shall include the reservation, provision and details of a footway link between Old Crabtree Lane and Redwood Drive;

(14) no part of the development hereby permitted shall be occupied until the footway link referred to in condition (13) hereof shall have been provided in accordance with the approved details.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw or Regulation other than Section 57 of the Town and Country Planning Act, 1990.

10. Copies of this letter have been sent to all the parties appearing at the inquiry.

11. A separate note is attached setting out the circumstances in which validity of the Secretary of State's decision may be challenged in the High Court.

I am Sir
Your obedient Servant

R.A. Bird

R A BIRD
Authorised by the Secretary of State
for the Environment to sign in that behalf.