MOUNTBATTEN (with access from Jarman Fields)
COMPLETE COPY FOR 4/1483/90 CC

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From the Regional Controller
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The County Secretary
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E1/A1910/2/4/01
09 OCT 1991

Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
APPLICATION FOR PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT AND ACCESS ROAD ON THE MOUNTBATTEN SCHOOL SITE AND JARMAN FIELDS, HEMEL HEMPSTEAD, HERTFORDSHIRE
APPLICATION NUMBER: 4/1483/90

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 FRTPI FIAS MBIM, who held a local inquiry into Hertfordshire County Council's application for outline planning permission for residential development on the Mountbatten School site, off Redwood Drive and Old Crabtree Lane and for an access road on Jarman Fields, St Albans Road, Hemel Hempstead, Hertfordshire. The Secretary of State directed in pursuance of section 77 of the Town and Country Planning Act 1990 that the application be referred to him for decision instead of being dealt with by the local planning authority. At the same inquiry the Inspector also heard evidence about an alternative application made by Hertfordshire County Council for development of the Mountbatten School site, with access only via Redwood Drive and Old Crabtree Lane, 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 4/1483/90 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 two of the 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 that these improvements could be the subject of conditions attached to any permission granted. With regard to the main access across Jarman Fields, he agrees with the Inspector's conclusion that there would be no impediment to the proposed route

from the access roundabout, proposed as part of the application made by Ladbroke Group Properties Limited, were permission to be granted for both applications. 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 and for an access road on Jarman Fields, St Albans Road, Hemel Hempstead, Hertfordshire in accordance with application number 4/1483/90, subject to the conditions set out below.

9. In respect of condition No 2 the Secretary of State does not 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. The Secretary of State has had regard to the desirability of controlling the bringing into use of the proposed access across Jarman Fields by a condition attached to this permission. As the access across Jarman Fields is to be shared by both developments, the Secretary of State takes the view that it would be appropriate to prevent access from new residential development on the site of Mountbatten School until the new roundabout on the St Albans Road to serve Jarman Fields has been completed since to do so before there has been commitment to the development of Jarman Fields itself would be inappropriate in the context of the present use of the Fields as open space. For this reason condition (11) has been included in the conditions set out below.

(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:

(i) the expiration of a period of 5 years commencing on the date of this permission.

(ii) 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 safeguarding 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) the access to and from the development to be provided under condition (14) shall not be brought into use until the proposed roundabout on the St Albans Road to serve the development of Jarman Fields (described in application 4/0625/89) has been completed;

(12) the details submitted in accordance with condition (1) hereof shall include the reservation, provision and details of a footway link between Redwood Drive and either Old Crabtree Lane or some other point on the northern or north-eastern boundaries of the site, and of a footway link between the south-eastern boundary of the site and the A414;

(13) no part of the development hereby permitted shall be occupied until the footway link referred to in condition (12) hereof shall have been provided in accordance with the approved details;

(14) access to and from the development shall be provided via the Jarman Fields development and no traffic except emergency service vehicles associated with the construction and use of the development hereby approved shall be permitted to have access via Old Crabtree Lane, unless the junction of the A414 St Albans Road with Old Crabtree Lane has been improved to the satisfaction of the local planning authority.

10. 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.

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

12. 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

CONCLUSIONS

15.1 From the foregoing evidence and the representations received, I have come to the following conclusions. The inquiry relates to 3 applications called in for determination by Secretary of State. The application for leisure development, hotel and superstore on the recreation ground at Jarman Fields has been in preparation for a long time, is supported on balance by Dacorum Borough Council as landowners, opposed by some local people and by the County Council as strategic planning authority. The other two applications were submitted recently, when the County Council decided to close an adjacent secondary school, and saw the opportunity to develop their site as a housing estate. One of their schemes could be developed in isolation, with access from the main road A414. The alternative scheme, which everyone prefers, would gain access from the proposed development at Jarman Fields. Dacorum Council lead the opposition to both those applications, mainly because they want more of the site conserved as open space. The County Council avoided any ambivalence in their position by presenting different cases on behalf of their estates and highways/planning departments, through two Counsel. At the inquiry there was complete agreement that the Jarman Fields and Mountbatten School projects do not depend on each other, nor preclude each other, and ought to be considered separately. I therefore separate my conclusions, making recommendations at the end of my report. [1.1 1.3 3.1 4.1 5.1 9.1 10.1 9.41 12.1 10.2]

JARMAN FIELDS

Structure Plan policies relating to high density recreation and leisure

15.2 Current statutory policy is founded on the Hertfordshire County Structure Plan first approved in 1979, altered in 1984, reviewed in 1986 and approved in 1988. The current Local Plan was adopted in 1984 while the Structure Plan was being altered. Both the statutory Development Plans are said to be outdated. The Structure Plan is being rolled forward to 2001, by means of alterations submitted to the Secretary of State in January 1991. A new Local Plan is emerging in draft, but the County have objected to certain of its proposals. The Development Plan is therefore in a process of evolution and there is no consensus about the weight to be given to each relevant policy. [3.6 4.7 4.11 4.12 5.28 11.18]

15.3 Structure Plan Policy 16 normally permits high intensity leisure development with good accessibility where this would strengthen the role of town centres. The policy was modified when the Plan was approved, so that it does not preclude such development on sites which do not fall within the criteria (where it would otherwise be acceptable). [4.13 3.7 5.4]

15.4 Some aspects of the scheme are not controversial. Dacorum Athletic Club are looking for a site for an all-weather sports ground and running track. Their plans to build it at Jarman Fields in 1978 came to naught, despite the willingness of Dacorum as landowners. The proposed athletics ground is regarded now as the prime benefit of the current application, but it would be subsidised by a range of commercial proposals, which some people think excessive. It is necessary to examine them in turn. The athletics ground and existing ski centre are not regarded as high-intensity recreation so they do not fall foul of policy 16. No strategic policy issues arise from the proposed restaurant or petrol filling station. [5.11 7.9 4.13]

15.5 The 1991 version of the Plan introduces new and exceptional criteria by which Local Plans may identify sites outside town centres, but only if there is a proven need; other criteria relate to restoration of damaged land, detriment to the highway network, or loss of amenity. Dacorum Council think those criteria are too restrictive, but nevertheless they consider Jarman Fields is an appropriate site for intense leisure uses, and designate it accordingly in their emergent Local Plan. In support

of the new criteria the County Council challenge the need for development, point by point. These differences between the two Planning Authorities must affect the weight to be given to both their non-statutory Plans. [3.7 3.9 4.14 4.15 5.13 5.5]

15.6 'High intensity activity' explicitly includes the proposed skating rink, 28 lane 10-pin bowling, 7 rinks of indoor bowling, sports centre, 7 screen cinema, and the hotel. Having regard to the intensity of use at the proposed leisure pool, I have no doubt that the policy would apply to that too. I do not seriously believe that Jarman Fields is in or adjacent to the Town Centre, simply because the real Town Centre is more than 1 km away in the valley. Therefore the proposed development is not generally permitted by Policy 16. [3.8 5.4 2.10 3.7 4.13 4.22]

15.7 The policy is not prohibitive, and one should consider what harm would be done if development is allowed. The objective of this policy is to strengthen the role of town centres; and the apparent harm is that the development would fail to serve that objective. Dacorum and the applicants regard it as one single magnificent package which would strengthen the role of the entire town. However, for the purposes of this policy the County suggest there is no need for all of it to be located in the same place, and no proven need for most of it in Hemel Hempstead at all. [3.8 5.4 5.2 4.20 4.3]

15.8 No specific alternative site is proposed for the entire leisure centre, in Hemel Hempstead or anywhere else. No-one currently proposes to build a leisure centre in the town centre, and there is no evidence that a site would be suitable or available for the purpose. There is already a swimming pool and sports centre not far from the Centre, and I accept the uncontested evidence of Dacorum that these would continue to serve local sportsmen after a leisure centre is allowed on Jarman Fields. Obviously if the whole new attraction could be accommodated in the town centre, it would strengthen the role which the centre serves, but I see no realistic prospect of that. [5.9 4.58 3.21 3.19 2.11]

15.9 Looking at the leisure centre piecemeal, there is an acknowledged need for an ice rink, but no alternative site has been identified in town, or in Watford where the County Council think it might go. Written representations support the need for indoor bowls but no site has been suggested within the town centre or elsewhere. The alternative to building a ten-pin bowling alley or leisure pool on the application site is simply to do without, for the forseeable future. I realise that such facilities are not essential in any society, but I doubt if the objectives of this policy would be served by refusing outline planning permission on the only site which is currently available and which the developers regard as optimum. As the policy is not prohibitive, and no specific project would be harmed in the breach, I do not think the lack of absolute need justifies refusal. [5.6 5.7 5.8 4.56 4.63 4.59]

15.10 The proposed hotel is a separate project, which is said to be a necessary part of the package to subsidise the sports facilities, although no financial evidence was produced to prove it. To a limited extent, the hotel and leisure centre might complement one another. They are controlled by the same policy 16, and similar issues arise. There is an acknowledged need for an hotel in terms of structure plan policy, and evidence of local demand, but no relevant planning strategy has yet been devised. Some promising alternative locations have been found for an hotel to be built separate from the leisure centre, in other neighbourhoods; but the purpose of Policy 16 relates to the town centre. The only pertinent site raised at the inquiry is called The Lakeside, a building site at the south end of the main shopping street, where currently an appeal about offices remains undetermined. On the evidence of the widespread search already carried out by the applicants, it does not seem to commend itself to a leisure centre or hotel developer. Therefore even if a new hotel might contribute to the vitality of Hemel Hempstead centre, I think that is only an aspiration at present, and not a reason for refusal. [3.29 5.12 3.27 4.14 4.28 4.25 4.23 5.13]

15.11 If the statutory policy 16 does not justify refusal, then the new, non-statutory policies would not alter that decision and I need not anticipate the final outcome of the development plan process by deciding how closely the emergent Local Plan proposals for Jarman Fields fit the 4 new criteria in the submitted 1991 Structure Plan. [4.14 5.5 5.10]

Retail development outside town centres

15.12 The proposed Tesco Superstore is intended to subsidise the sports facilities. Its inclusion in the package raises quantitative and qualitative shopping issues, but by common consent there is no objection to the trading impact on the viability of the town centre as a whole. Indeed the applicants say that it would assist the trading position of the town, by retaining trade which escapes to surrounding towns and competing stores at present, and the County do not deny it. There seems little doubt that the supermarkets in the town centre would continue to trade. It would inevitably have some effect on 2 nearby neighbourhood shopping centres, but they both appear to be trading vigorously at present and there is no substantive evidence to suggest that they would cease to serve their customers' everyday needs after the initial impact of Tesco has been absorbed. [3.41 3.43 4.34 5.21 6.11 3.26 4.30]

15.13 The quantitative objection stems from policy 66 of the Structure Plan which is the basis for distributing new retail floorspace in each district between 1981 and 1996. Existing commitments already exceed the allocation for Dacorum. As this policy has so nearly run its course, it seems sensible to take account of the next succeeding policy in the roll-forward plan of 1991, which indicates likewise that almost all the allocation for 1996-2001 is already committed. Unless the proposed superstore is deferred until after 1996, it will traverse these guidelines, whether the Lakeside site is used for shopping or not. [5.15 5.16 3.16 6.10 5.20]

15.14 These guidelines indicate a lack of quantitative justification for more shopping of any kind anywhere in Dacorum, but they do not differentiate between durable and convenience floorspace, and are not intended to set an absolute maximum to development. [5.16 6.10 3.16 5.15 4.29]

15.15 In the absence of any general policy requirement for more shopping, the crux of the shopping strategy is policy 68 which encourages retail development to locate in and adjacent to existing centres. This strategy seems to have borne fruit, in the impressive new Marlowes Centre in the main street, and the new Gateway store close at hand. [5.18 5.19 4.31 4.29 3.37]

15.16 Policy 68 only applies if the relevant retail development would be consistent with the role and character of the town centre. I found that Hemel Hempstead is the local stronghold of durable shopping, although convenience trading has some sturdy representatives. The proposed Tesco store of 6500 sq m is intended to trade in convenience goods, on one floor, amid extensive surface car parking. That would conform with the company's current style of trading, and Dacorum agree that this would be the appropriate way to trade. On that understanding, a superstore of the type specified by Tesco could not be accommodated in the town centre. Moreover it would take up a very large site, which would be inconsistent with the well-developed character of the centre, and might displace trading in durable goods. Consequently it should be considered outside policy 68. [3.37 4.32 3.32 3.33 5.24 3.41 4.31 5.20]

15.17 That puts the proposed superstore in the context of Policies 80 and 81, which apply to retail development outside town centres. The rationale of these policies is to encourage new forms of retailing, such as superstores, which are difficult to accommodate in town centres. Having said that the chosen type of development cannot be accommodated in the town centre, and would not affect the viability of the centre, I consider that Policy 80 would fit the case. It is moreover suggested that such a superstore would overload the roads and car parks of the town centre; and that would satisfy another criterion of policy 80, notwithstanding any precedent set by the

Lakeside scheme. The architectural character of the town centre is not at issue; and neither is the size of the superstore, but evidently compliance with just one of the criteria of policy 80 confers compliance with the policy as a whole. [5.22 3.37 4.32 5.21 5.20 3.15]

15.18 Policy 81 goes on to specify what kind of sites are acceptable in such circumstances: Jarman Fields answers to the criteria of accessibility, and avoidance of sites needed for employment or housing, so even if the redevelopment of this recreation ground would be no help to urban regeneration (which is the third and last criterion of policy 81), I conclude that the superstore would not conflict with Structure Plan shopping policy. [4.38 5.23 3.15]

15.19 In the absence of a general overall need for more shopping in Dacorum, perhaps the proposed development might reduce the stimulus to improve some of the older shops in the town centre at some future date. However, that appears to be the worst harm which could arise in terms of shopping strategy in the Structure Plan, and I do not think it warrants refusal. [5.22]

Conservation and enhancement of the pattern of open space in towns

15.20 Structure Plan Policy 48 defines the proper objective of District Councils to conserve and enhance the pattern of open space; and it refers to the supporting role of the County Council. This policy is not clearly focused on development control. The District Council advocated approval while the County took pains to confine their evidence to strategic matters. The local objectors had no such inhibitions and so environmental issues were fully ventilated. [5.25 5.1 6.26 4.40 4.43]

15.21 In terms of Structure plan policy 48 there can be little doubt that a recreation ground the size of Jarman Fields makes a significant contribution to the pattern of open space in Hemel Hempstead, even though there is plenty of open space elsewhere in the town. The Statutory Local Plan does not attempt to identify which areas of open space are important, although the emergent Plan is intended to rectify that. For the time being Dacorum consider the recreation ground is no more than a local amenity, and the loss to local residents would be outweighed by the leisure enjoyment of lots more people. That has to be weighed in the balance. Plainly, the proposed development would not leave much green space remaining in Jarman Fields except for a small landscaped park, play area, landscaping, and the peripheral grassland around the balancing pond. It plainly would not conserve or enhance the pattern of open space, and although the policy is not simply intended to maintain the status quo, there is a conflict here. Policy 77 of the statutory Local plan is comparatively explicit: planning permission is not normally granted for any development which would result in the loss of public open space. The Local Plan makes no provision for the current proposals. Nor does it reflect the 1979 permission for an ice rink, sports hall and athletics track which were current when it was prepared. [4.40 5.25 3.15 3.12 3.13 4.43 5.26 3.53 4.10 4.25 4.47 6.8]

15.22 Hemel Hempstead is a new town with a great deal of open space. I regard that as an inherent part of the character of the place, and not as a reason to develop open land. However, the outcome of this application depends to some extent on value judgements which have not previously been faced. [6.26 3.47 3.48 5.25 5.26]

15.23 The history of the site is merely the background to its importance in the environment. It was once the site of a sewage works, and then a tip, which was managed so that it could eventually be reclaimed as open space. The huge existing ski slope sets the scene for further development. The Fields have been regarded for many years as a potential site for sports or leisure facilities although the relevant concepts have changed from time to time, and none of the earlier schemes envisaged the development of so much of the site. None of the early history represents a commitment to development of the sort which is now proposed, and local residents understandably

strive to thwart it. A formal notice of the intended disposal of the Fields in 1988 provoked a significant reaction from those who want it to be conserved. [4.8 6.8 7.11 4.4 3.92 2.1]

15.24 Jarman Fields offers a broad and liberating vista from the A414, and from adjoining residential areas across to distant hilltops. I do not underestimate the pleasure which local people get from it, despite the lack of features, sparse trees and planting. If it is retained as open space it could be made into a beautiful local park. However, apart from limited use for soccer, it does not seem to be used much at present. I saw that the sports pitches are rough. Apparently the field is used largely for walking dogs. [2.4 3.45 6.21 6.26 4.64 4.46 2.2]

15.25 The Local Plan adopts the familiar standards of the National Playing Fields Association. There would still be enough open space and informal playspace in town to meet the adopted standards if Jarman Fields is developed. These standard open spaces are supplemented by woodlands, old canal and railway routes. There are not enough equipped playgrounds in town to meet the adopted standard, but the proposed development would not make that deficiency any worse. [4.48 4.50 4.52 4.53 3.51]

15.26 In answer to the constraints of statutory policies, Dacorum refer insistently to the emergent Local Plan, first published in draft for public consultation in April 1990. It is said to be particularly germane to this case because it specifies the very proposals in the application. That does not imply a foregone conclusion, because those proposals in the Plan are subject to the ordinary process of objection and Public Local Inquiry. In terms of circular 22/80, it has reached stage (a), which is an early stage of preparation, so it carries only limited weight. The emergent Plan continues to make progress, and there seems no reason to doubt that it will be certified in conformity with the Structure Plan in due course, but it still has a long way to go. [4.12 4.20 3.13 4.47 5.28]

15.27 One of the emergent policies specifies a standard walking distance within 400m from houses to leisure space. By those standards a small area of housing would be too far from the residual area of open space left among the proposed development. I do not think that is a crucial issue in the context of this application, though it arises again in the context of public access at Mountbatten School, and the proposed development there. [3.46 3.49 6.18 6.25 15.67]

15.28 The emergent Local Plan places more emphasis on the protection of the environment, in step with the forthcoming Structure Plan and recent government publications. It is intended to assess the contribution which every open space makes to the local environment. Surveys were produced for the inquiry but the necessary value judgements have not been made yet, so at this stage in the evolution of the Local Plan I consider it is best to concentrate on the actual use and appearance of Jarman Fields in the context of current statutory policy. The development would patently conflict with the policy. The harm ought to be balanced against the benefits. [3.13 5.25 3.46-50 3.100 9.29 11.18 4.45]

Effect on the Highway Network

15.29 Although the Highway Authority recommended 5 reasons for refusing outline planning permission for the proposed development, the sticking point at the end of the inquiry was the size of the cash contribution towards mitigating the adverse effects of the development. Such a contribution is part of the proffered package. The pursuit of contributions from developers is part of the policy background to this application: each development is expected to contribute at least enough to meet the consequences, and to pay for a localised improvement which caters for the predicted design flow. The developers do not apparently cavil at the principles involved; throughout the inquiry, helpful and constructive compromises were offered and accepted, but evidence about the sum and purpose of the contribution was neither given nor sought. [5.30 5.34 3.87 5.53 3.88]

15.30 Development Plan policies, implemented by the TPP, establish a hierarchy of roads, according to which the east-west orbital A414 is an important route upon which traffic should be canalised. The main issue is congestion and delay at the junctions although the A414 operates within its design capacity. The County are anxious to maintain a good level of service, and a minimum of congestion on the route, even at peak hours. Nevertheless, they indicated in 1988 that the proposed development could be permitted if there is a satisfactory package of highway improvements. [5.32 5.33 5.36 3.60 5.35 5.29 4.65 4.69.]

15.31 Traffic flows and assignments were helpfully agreed, and are not in contention. My own subjective impression of peak hour traffic supports the finding that the route is not seriously congested at present. Congestion could well get worse in future, if only because of the planned growth of the area, so roads should be improved or else delay is inevitable. All the parties face that prospect with concern, and are anxious to mitigate it. However, there is very little hard evidence to show what should be done. The Highway Authority suggest a Reference Flow/Capacity Ratio (RFC) of 0.85 would be an indicator of 'acceptable delay' but there is no policy to that effect; and RFC is expected to exceed 1.0 in many places anyway by 1994, so I do not think it is a conclusive standard on which I can rely. The best available predictions of future delays, based on ARCADY analysis, proved extremely unreliable - even as a reflection of existing circumstances. [3.62, 3.63 4.75 5.31 5.44 2.15 2.18 3.59 5.33 5.41 3.59 3.73]

15.32 Although a very detailed analysis of traffic assessments has been compiled before the inquiry, the applicants introduced a fresh interpretation based on recent academic research. They have a different perception of the effect the superstore might have on traffic patterns at a distance from the site; and there may be comparable but unquantified differences to the traffic visiting other developments on the site. The premise of this theory, set out in the deposited documents, is that the traffic at a new superstore is not all new traffic: much of it is diverted or transferred from other stores, whereby the network is relieved. However, I do not think that makes much difference to the outcome of this application, because it is a corollary of the applicant's case that a successful development on Jarman Fields is bound to claw back traffic to the A414 in so far as it claws back business to the town, though there may be some easement of traffic on routes further away. Although the differences between the two interpretations are material, I do not think the conclusions which can be drawn from them are very useful and, as the County Council suggests, the overall delays would be about the same even if they occur in different times or places. Besides, the County Council indicate a preference for development in the Town Centre, and that would surely contribute to congestion there. [3.63 3.65 3.66 3.69. 5.44 5.37]

15.33 St Albans Hill would only be used as an emergency access, which would not normally create a hazard. The problems are said to arise at the junctions of A414, and it is more helpful to look at them one by one, starting with the complicated ring of mini-roundabouts which serves the Town Centre at the Plough. There is no serious problem there at present, it works well, and is not getting noticeably worse. The TPP looks forward to a major grade separated improvement there in due course. The Highway Authority regards the prospect of future congestion there as a reason to refuse outline planning permission on the strength of their estimation that the proposed development would increase traffic there by 5.7%. The applicants, applying their different interpretation, maintain that the increase would be more like 3.7%. This development, because of its size, would be specially significant and I think the Highway Authority are right to be wary of the cumulative effect, because the best figures available indicate a slight increase in traffic would produce a magnified effect on delays. The applicants equate that to about 2-3 years of normal growth. I do believe that would be harmful. However, I do not believe it is serious enough to justify refusing planning permission; because it reflects a widespread but tolerable burden on the network as a whole, because the evidence indicates that the traffic

would be able to adjust and respond by rerouting or peak spreading until major improvements take place, and because the Plough is not too badly congested at the moment. [5.39 5.40 3.71 3.61 3.76 3.42 5.42 3.75 3.72 3.73 5.38 5.41]

15.34 The site access is not at issue. The design of a new roundabout has been agreed, subject to minor amendments which the parties are ready to resolve at the detailed stage. Local people point out the new roundabout would introduce a new hazard on the main road, but the Highway Authority confirm that it could be made safe. [3.55 4.75 5.29 3.77 5.49 6.28 5.49]

15.35 Bennetts End Roundabout is within the application site. It causes some delays at present, particularly on the minor roads at peak hours, and the proposed development would increase the peak hour flow by some 15% in 1994. The developers have agreed to improve it, so that the congestion would get no worse pending a major grade-separated improvement. [3.78 3.81 5.36 3.82]

15.36 Maylands Roundabout causes the worst problems on the route at present. A 4% increase of traffic, attributed to the development, could exacerbate the delays, but the cash contributions negotiated between the applicants and County are intended to cover the whole cost of an impending improvement, and more besides. [3.83 5.45 3.84]

15.37 Breakspear Roundabout is also overloaded, and susceptible to increased delays 3% extra traffic arises from the proposed development. The A414 junction with Leverstock Green Road does not appear to be overloaded yet, but a 5.8% increment from the proposed development would represent about 3 years traffic growth. However, neither of these junctions were cited as a particular reason for refusing outline planning permission and the developers consider their cash contributions will alleviate any harm within the network as a whole. [5.46 5.47 3.57 3.87]

15.38 Turning to the first of the specific reasons for refusal recommended by the Highway Authority, the particular reference to congestion at the Plough was not substantiated at the inquiry, and the reference to the rest of the A414 has already been considered junction-by-junction. As to the second reason, the County concedes that the development has no special propensity to cause accidents. Pedestrians and cyclists should be considered in the detailed design. The third reason relates to rat-runs of drivers diverted through the residential areas; and although the County Council did not substantiate it, the problem is very real to local people and is very relevant to the Structure Plan objective of canalising traffic on the main roads. However I consider it is a very generalised problem, and difficult to lay at the applicant's door except in the sense that drivers will be sure to find new ways around any new delays. [3.57 5.48 5.49 5.50 5.51 6.30 3.89 7.5]

15.39 A relevant transportation study has not yet been completed, so it is suggested that the application is premature. That is the basis for the last two reasons for the County's recommendation. The cash contribution is however intended to answer those objections. No-one sought to say how much is needed or how much can be afforded, so I have no basis to conclude that it is not enough. It cannot yet be said how the money should be spent, but I do not consider that it would be premature to approve development and wait until a future plan has been adopted. [5.54 3.57 4.72 5.53 3.57]

15.40 The worst effect of the proposed development in my opinion could be to use up some of the future capacity of the A414, which is just about capable of accepting the traffic from the development now. The whole thrust of the evidence is to mitigate those effects and make them acceptable. The application, with the on-site road improvements and the package of agreements, appears reasonable in physical terms. [3.87 4.78]

The scale of development, impact on residential areas and the town as a whole

15.41 Dacorum regards the proposed leisure centre as a magnificent prize for the townspeople, fulfilling many cherished hopes, on the best available site. It would be very large and would have enormous impact. The athletics track would virtually fill the large waste area beside the ski slope. No one pursued a specific objection to that. The three largest buildings would be the leisure centre, hotel and superstore. The centre of the site would be a huge expanse of car parking, relieved by some open spaces and forest trees. This application does not relate to any multi-storey or decked car parking. [4.3 4.20 6.14 7.1 2.2]

15.42 The largest building would be the leisure centre, set back from St Albans Hill with a frontage of 180 m and a height over 14 m. It would not seriously affect the sunlight and daylight reaching houses on the opposite side of St Albans Hill, but would completely change the outlook which they enjoy across the open space at present. Similarly it would obstruct the view behind houses and gardens in Bennetts End Road, overshadowing part of the back gardens. Landscaping and planning conditions could only reduce the effects on the dwellings concerned. [4.86 6.17 4.87 4.92 4.93 3.100]

15.43 The area is quiet at night, despite the proximity of the main road. It would be necessary to screen out as much noise as possible, and impose a limit on the noise perceived at the boundaries of the site, but in my view restrictions on hours of opening would be onerous or ineffectual. The proposed access works would increase noise around houses on the opposite side of A414. [4.91 6.32 6.33 7.2 2.5]

15.44 The proposed hotel would be conspicuous from dwellings on the far side of St Albans Road A414, but they would be more than 100 m away, so they would not be overlooked though they would lose their view. [4.92 6.34 6.35 3.101]

15.45 The superstore would be uncomfortably close to 2 dwellings which have a panorama across the recreation ground at present. Their outlook would be completely spoiled and the effect could only be softened by landscaping and screening. [2.4 2.2 4.93]

15.46 People in adjoining streets and houses enjoy views across Jarman Fields too, but I think it fair to say the ambience extends only short distances from the boundaries of the site. The long distance views are not very striking; from a small sector of countryside and some streets on the far side of a valley, Jarman Fields can be seen unobtrusively, among other open spaces below the skyline. [3.100 4.103 2.5 2.8]

15.47 The proposals have been widely publicised by the applicants, largely in hopes of a positive response in line with their own notions and those of Dacorum. This produced a mixed reaction, and attracted the censure of the Jarman Action Group on the grounds that it was misleading. Any fears I might have that public opinion has not been fully represented are laid to rest by the valuable and independent market research carried out by Jarman Action Group. Their document speaks for itself, and shows a fairly wide range of informed opinion among people in the adjoining neighbourhoods. I am satisfied that Dacorum have been thorough and unbiased in their examination of the scheme. They now present a balanced view that unless the development is part of a package of benefits, and unless the harmful effects are ameliorated by planning conditions, the application should not be approved. [6.3-6.7 3.102 4.2 4.3 3.3 4.104]

15.48 The site is beset by technical problems, which are thoroughly explained in uncontested evidence among the deposited documents. Although the tip is still unstable, contaminated, and generates landfill gas, it would be practicable to compact it and cap the affected area with an impermeable surface in which the buildings, services and landscaping could be set. Liquor which leaches into the chalk aquifer, and gas which vents into the atmosphere, could both be monitored by Agreements which form part

of the package, and which are said, without contradiction, to represent an improvement over existing circumstances. Overall I do not consider the siteworks would have an adverse effect on amenity, except during the construction period when the tip is being disturbed and the mass is being compacted and covered over again. [3.92-98 6.31]

15.49 At the end of the inquiry the relevant Agreement was still unconcluded, but the proposed package was willingly offered and accepted by the District Planning Authority without recourse to the tests in Circular 22/83, and was weighed in the balance. The athletics ground is regarded as an unalloyed benefit, which Dacorum will not pay for. In my opinion the existing athletics facilities in Hemel Hempstead are sadly uninspiring. Indoor bowls are badly served in the town, and the proposed rinks would be a boon. The existing pool and sports centre near the town centre fulfills the needs of enthusiasts, but a commercial leisure centre would be more fun and would have a wider appeal. An ice rink and 10-pin bowling would add to the attractions of the town at large. A cinema would be a wholly commercial venture complementary to the rest of the package. There is not much entertainment in the Town at present. I look upon the pub, restaurant, nightclub, amusement centre etc. as benefits which carry much less weight in evidence than the foregoing list. [4.60 4.61 7.6 4.59 4.57 4.56 3.20 5.27]

15.50 In providing the leisure centre, the developers perceive that they are taking a risk which Dacorum cannot afford; they intend to keep the design flexible enough to respond to changing fashions, but they are willing to commit themselves to operate the pool, ice rink and indoor bowls for the long term even if it is not viable. The package would be funded by other commercial enterprises. [4.19 3.23 3.24 3.4 3.2 3.5]

15.51 Dacorum is convinced that the population actually want a leisure centre and the applicants have done their best to estimate the demand. A great deal of investment depends on the correct estimate, although forecasting appears to be an inexact science. No doubt there are rich prizes for a speculator who invests heavily and successfully, but the local authority prefers to leave that to the developers, and generally endorses their submissions about need and the justification for extra commercial elements. [4.19 3.23 6.5 6.6 6.7]

15.52 As to the remainder of the package, the hotel is apparently needed, somewhere in town, and the developers regard the site as ideal. I have no reason to doubt that it would be viable, and its inclusion appears on balance to be beneficial. [3.27 4.25]

15.53 If an application had been submitted for a superstore in isolation on Jarman Fields, I do not think it would receive planning permission, primarily because it would not justify the loss of so much public open space. I have already reported the implications for shopping policy and impact, and concluded they would not warrant refusal. If that is so, the rationale for including the superstore is to pay for more beneficial parts of the package. [3.2 4.106]

15.54 The balance is further swayed by a series of benefits included in the draft Agreement. A substantial contribution to pavilions on sports grounds in other parts of Hemel Hempstead should bring 9 more pitches into use. Subject to the consent of the New Towns Commission, a large new public open space of 36.5 ha is proposed at Bunkers Lane on the outskirts of the town, with a contribution from the developers. That would be too far away from the application site to be much benefit to people who live in the Crabtree area, but it would be an attractive and varied open space in a sector of town where open space is comparatively sparse and the countryside is not readily accessible. [4.51 3.5 3.52 6.19 2.13 3.2]

15.55 All in all I consider the benefits outweigh the harm. The traffic issues remain in the balance because the road improvements and contributions help to compensate for the extra traffic flows. Statutory policy does not explicitly preclude high intensity leisure development or a superstore outside the town centre. The County Council's objections depend on a rigid interpretation of a policy which seems too flexible to sustain it. There are still cogent policy objections to the development

of public open space. Those policies carry the full weight of the statutory development plan. They are however undermined in this case by the unfocused Structure Plan policy, the age of the current Local Plan, its failure to address the value of open spaces, and most of all by the lack of commitment to it by Dacorum and the local community. The development at Jarman Fields presents an opportunity unforseen by any of the principal parties when the current Development Plan was prepared. The most powerful objections are subjective: Jarman Fields has the potential to be transformed into a beautiful park, but is not much used at present. I cannot identify any major project elsewhere which would be prejudiced if outline planning permission is granted. Recognising that Dacorum and the developers have negotiated the best package they can manage at present, and no better site can be found in the town centre, I do not consider the breach of policy would justify refusing outline planning permission. [15.20 6.17 3.8]

MOUNTBATTEN SCHOOL

Structure Plan policies relating to housing

15.56 The closure of Mountbatten Secondary School has been an accepted fact since May 1990, when the Jarman Fields application was already current. The County Council as owners of the site are not yet committed to any particular use for the school and its buildings after closure. If it is used temporarily as a Teachers' Centre there will be room to spare for an Education Training Centre. Otherwise no-one denies that the site and the extensive playing fields are ripe for redevelopment and physically suitable for building houses. [9.3 9.38 9.8]

15.57 Both applications are plainly matters of principle: the County Council perceive a duty under s123 of the Local Government Act 1972 (as amended), not to dispose of the land unless they know the best consideration that can reasonably be obtained. Both applications are in outline, and the figure of 300 dwellings is used by the principal parties as a convenient basis for evidence at the inquiry; I do not think any grant of outline planning permission would carry a commitment to a specific number. [9.3 9.4]

15.58 The County claims a presumption in favour of development in terms of PPG1, PPG3 and Policy 49, which concentrates housing into towns. It can reasonably be added that the redevelopment of the school would recycle urban land in terms of Policy 48. Although Dacorum objects to the applications, they readily concede that the site of the school buildings could be redeveloped. [9.11 9.16 9.12 11.18]

15.59 Dacorum's main objection to the principle of housing is that there is more than enough land already available in the District. The basis for that contention is Policy 60, the current statutory housing programme 1981-96, which has already been exceeded, with 5 years of the Plan period unexpired. The County Planning Authority are currently rolling the Plan forward to 2001, but even so, existing commitments amount to all but 376 of the dwellings needed in the next 10 years. Windfall sites are normally discovered at a rate of about 70 sites a year. In that sense Mountbatten School constitutes an enormous windfall. The County stress that the housing programme is merely indicative, and not a maximum. They say opportunities for development should be exploited in accordance with Policy 57, and if the availability of Mountbatten School had been foreseen, the programme might have been set higher. [11.7 11.8 9.6]

15.60 In terms of PPG3 the Housing Land Supply is obviously more than adequate. That simply means that there is no additional presumption in favour of housing; it does not imply refusal. Dacorum however take the issue further, saying there is no need to develop the site, in view of the impending oversupply of land. Special low-cost housing would not be objectionable in the same terms, but these housing applications do not specify low-cost dwellings. [11.8 9.30 11.13]

15.61 The adopted Local Plan adds little to the housing policy background: it has no specific proposals for Mountbatten School site and the plan period for the purpose of housing policies expires in 1991, before building can begin. Other policies in the statutory Local Plan do not derogate from the principle that the site would be suitable for housing in physical terms. [9.24 9.25]

Structure Plan Policies concerning open space

15.62 Policy 71 states that the presumption in favour of residential development does not apply where urban form requires the land to be open space. This policy is not site-specific and there is no adopted policy which says whether the application site is required to stay in open use. A reasonable balance is expected between housing and open space and Policy 48 offers support to Dacorum in conserving and enhancing the pattern of open areas. The 1991 version of the Structure Plan gives more attention to conserving open spaces in towns and is rather more explicit - but the same presumption in favour of residential development remains unless there are justified proposals for an open space in a local plan; and it offers guidance to Dacorum about the criteria for justifying open space proposals. There are no such proposals in the statutory Local Plan; but the County does not consider Mountbatten School grounds would meet the forthcoming criteria. Dacorum thinks otherwise, but the case for retaining the school playing fields as part of the pattern of open space is by no means formalised. [9.13 9.18 9.9 9.12 11.4 9.19 9.20 11.6]

15.63 The emergent Local Plan is rather a bone of contention. It has reached stage (a); is said to be on the verge of stage (b) in terms of circular 22/84, and may yet be certified in accordance with the Structure Plan. However, it is still in an early stage of preparation; the County Planning Authority has formally objected to proposals which designate the entire County Council landholding (including Mountbatten School) as Open Land, and to emergent policies 7 and 100 which would create a strong presumption against building there. [11.3 9.27 9.28]

15.64 In response to the County's objections Dacorum are ready to change the deposit draft of the emergent Local Plan so that part of Mountbatten School is allocated for housing after 1996, though a substantial area would still be shown as open land. Other important matters are at stake in the emerging Local Plan, but that was the salient issue in this case. However, when the emergent local plan policy keeps shifting under the Council's feet, I cannot place much weight on it, and I conclude that the conservation of the playing field should be considered essentially as a subjective matter. [9.29 11.18 11.12 11.6]

15.65 The modern town of Hemel Hempstead is a child of the post war planning system, and its continued growth and successful maturity depends upon continued planning control. There is nothing in the planning history of the Mountbatten School to show that it set out to be part of a pattern of open spaces. It is on high ground, along with Jarman Fields, but is not seen by so many people from so many public roads and places as Jarman Fields, and does not overtop the houses in a discernible ridge or skyline. At a distance, it can be more (or less) visible than Jarman Fields, depending on the viewpoint, and not at all conspicuous. In my subjective opinion, it is a pleasant place to walk around, but the only thing which might distinguish it in any pattern of open space is the putative Green Chain, which was brought to my attention by Dacorum. [9.21 9.23 2.4 2.5 2.8 12.5 11.15]

15.66 The question is whether a large proportion of the site should be reserved for open space, and if so how much. In accordance with the standards of the NPFA the County are willing to provide virtually one hectare of the site as public open space. That would comply with the standards for integral open space propounded by Dacorum in the emergent Plan policy 70, and would be convenient for local residents. The developers of Jarman Fields suggest a more generous provision, nearer 2 ha, but there is a general consensus that leisure space standards justify no more than an integral open space. [11.16 12.4 9.44]

15.67 The shape of this integral open space would be reserved for subsequent approval, but the County suggest a swathe across the site, which could serve as a route for pedestrians, playspace for the neighbourhood and a link to surrounding development including Jarman Fields. [9.46]

15.68 Dacorum ask for a much larger area: either 4.2 ha or 5.2 ha; so that less than half the application site would be available for housing. They acknowlege that this would not reasonably relate to the proposed development, pointing out that it is not intended to be functional leisure space. It is intended to be an amenity to look at - to enhance the Green Chain - but its design and layout would depend on the eventual use, and that use has not yet been determined. It might be public open space, or maybe a private sports club. The 2 applications do not relate to that kind of development, but the application site is capable of being severed, and a split decision could relate to part of the application site. [11.26 11.17 11.22 9.47 14.1]

15.69 In general terms the retention of 4-5 ha of open space would be an amenity, but I do not share Dacorum's subjective assessment of the prominence of the site, nor its position on an open ridge, and so I do not think retention would be justified by any special contribution which it would make to the landscape or scenery of Hemel Hempstead. There is a very attractive series of internal routes within the town, though not particularly coherent or easy to follow, and I found the Green Chain is rather sporadic. Some existing sections are narrow swathes of open space, or footpaths which pass between built development. The route is interrupted at present when it reaches Mountbatten School and A414. I think it could well be improved upon in future, and could be a benefit to the town. The swathe of land offered by the County would then extend and enhance the Green Chain considerably, without any necessity for more extensive open spaces to look at. Therefore I do not consider the Green Chain concept provides justification to withhold outline planning permission from any more than 1 ha of the site. [11.7 2.9 3.48 9.47 11.19]

Highway matters

15.70 The Highway Authority's statement was uncontested at the inquiry, on the premise that the site can be (and may well be) used for any purpose in Use Class D1, which might have as much impact on the highways network as housing. I agree that it would have less impact than development at Jarman Fields. [10.1 9.38 11.23 9.37 13.1]

15.71 I am satisfied that there would be no impediment to the proposed route across Jarman Fields from the proposed access roundabout, if outline planning permission is granted for development. There is a consensus that this would be the best option. [9.40 10.2]

15.72 If development on Jarman Fields is refused, Mountbatten School could be developed independently with access via Old Crabtree Lane. The Highway Authority suggest it would need improvement, which could be governed by a Grampian condition. The junction of Redwood Drive requires improvement in any case, anticipated in a draft Grampian condition. [10.2 2.4 14.1]

15.73 In my opinion the Highway Authority are on the horns of a dilemma: they are concerned about development which contributes cumulatively to congestion on the network, and they object to development at Jarman Fields on that basis. The closure of the school will reduce traffic, but no objection is made to the subsequent redevelopment or reuse of Mountbatten School, on the basis that the place could legally be put to some other use which would have a comparable impact. The County are represented separately as developers and highway authority, and do not vouchsafe whether the benefit to their estates outweighs any harm to the highway network. However, I note that the public benefit relates to the capital programme; and the programme is said to include road schemes; and the relevant priorities are a matter for the County as a corporate body: so as much money as necessary could be spent on road improvements. [9.43]

15.74 The opportunity to develop Mountbatten School was unforseen by either of the Local Planning Authorities, and is being considered while disagreement between the Authorities affects the coherence of the Development Plan. The Structure Plan is being rolled forward; the Local Plan is out of step with the Structure Plan, having been decertified by the County Planning Authority in some respects, and the new Local Plan is not yet certified. The new local plan is intended to put fresh emphasis on the environment and urban conservation, together with a new policy of housing restraint, at least until 1996. However, in terms of circular 22/84 I do not consider the emergence of these policies is a reason to refuse the applications on grounds of prematurity. [11.8 11.12 11.10 9.30 4.12]

15.75 To summarise, I do not think there is any special need for housing in terms of Land Availability, nor a special need for open space in terms of the standards of the NPFA or the pattern of the town. These 2 applications may be determined on their merits without serious conflict with any statutory policy, or any other policy which carries sufficient weight to justify refusal. As the land is suitable and available for housing with 1 ha of integral open space, planning permission may be granted.

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