

7 Implementation and Planning Application Procedure

Delivery Management

- 7.1 In order to achieve the principles set out in this document and establish for example the quantum of development, a series of delivery mechanisms must be established which include:
- Detailed masterplan and phasing plan indicating how the development of the whole area can take place over time so that clear self-contained development parcels can be achieved that can be linked in a seamless manner. As part of this masterplan the following should be included;
 - 1) Detailed design guidance or codes
 - 2) Design review procedures – which could include South East Design Review Panel and Commission for Architecture and the Built Environment (CABE) and BEAMS (Hertfordshire’s Built Environment Management Service);
 - 3) Sustainability appraisal
- 7.2 Public and private sector partner and other stakeholders should be included as part of the masterplanning process.
- 7.3 In order to ensure comprehensive redevelopment, the Council will consider using CPO powers to bring forward the development proposals.

Masterplan

- 7.3 In order to achieve comprehensive redevelopment, the Council is looking to appoint a Developer Partner who will be responsible for facilitating a masterplanning exercise with full engagement from key public and private sector partners, the community and other stakeholders in order to prepare a masterplan for the DBA. The masterplan will establish a more detailed land use and phasing pattern of the area and will be prepared in light of the guidance in this document. This will ensure that elements, which are essential to the SPD proposals (such as public realm and cultural facilities), are delivered.
- 7.4 When working up the masterplan proposals the Council will seek to ensure that they accord with the urban design principles established.
- 7.5 The Council will resist piecemeal development proposals, which do not accord with the principles established in the brief and until such time as the masterplan is finalised / adopted. The masterplan will be used to clarify how, amongst other things, the following should be dealt with:
- Density
 - Frontages
 - Landscaping
 - Land uses
 - Permeability
 - Enabling infrastructure
 - The Civic Zone partners

- The landowners

Phasing

- 7.6 Due to the number of landowner interests within the DBA, it is unlikely that development within the area will come forward in one phase. As such, the Council will expect development with the DBA to come forward in a phased and coherent fashion.
- 7.7 As it is unlikely that the DBA will be redeveloped in one stage, it is important that each stage of the development does not prejudice future development within the DBA and the key objectives. In this regard, planning applications coming forward for areas within the DBA will be determined within the wider objectives and context of the DBA.

Planning Framework and Planning Applications

- 7.8 All relevant planning applications will be required to be accompanied by the following:-
- A Masterplan – Showing how the application proposal relates to the wider area of the SPD
 - Screening opinion for an Environmental Impact Assessment (if required)
 - An Environmental Impact Assessment (if required)
 - A Design Statement
 - Completed Sustainability Checklist
 - Accessibility Statement
 - Transport Impact Assessments / Transport Plan
 - Flood Risk Assessment / Drainage Impact Assessment
 - Retail Impact Assessment (as appropriate)
 - Remediation Statement (as appropriate)
 - Tree Survey (as appropriate)
 - Archaeology Study (as appropriate) to include a desk based assessment and an historic building appraisal
 - Landscape / Ecology Survey (as appropriate)
- 7.9 Applications which are premature or jeopardise the beneficial development of the whole area will be refused.

Planning Contributions / Obligations

- 7.10 Planning conditions and planning obligations as set out in Policy 13 of the Local Plan, will be used where necessary to mitigate the adverse effects of development proposals, provide essential infrastructure and help the Council achieve its regeneration vision (see appendix 5) for the town centre including those relating to:
- the form and mix of development;
 - its timing and satisfactory completion of essential elements;
 - the occupation of the completed development;
 - permitted development rights; and

- the contribution the development should reasonably make to the environment and to the social and physical infrastructure of the area (whether on the development site itself or nearby).

7.11 Planning obligations should meet the guidance set out in Office of the Deputy Prime Minister Circular 2/2005 (or its successor). In particular obligations should be used to:

- Prescribe the nature of the development;
- Compensate for loss or damage created by the development; or
- Mitigate the development's impact

7.12 When considering planning obligations, the Council's approach is that it must be certain that what is required:

- (a) is needed to allow the development to go ahead; or
- (b) will contribute to the cost of providing the necessary facilities; or
- (c) is so directly related to the proposed development and the use of land afterwards that permission ought to be refused without it; or
- (d) is designed to secure an acceptable balance of uses; or
- (e) will secure the implementation of local plan policies for a particular area; or
- (f) is intended to offset the loss of a particular resource on the site (or offset the damage to the resource).

7.13 Through the progression of development within the DBA, the Council will seek to secure appropriate planning contributions / obligations through Section 106 Agreements. The most common instances where planning obligations will be used include the following:

- (i) to secure off-site roadworks including traffic calming and traffic reduction measures;
- (ii) to seek contributions towards the provision of new highways;
- (iii) to control the provision and subsequent management of car parking;
- (iv) to enable the provision or improvement of cycle routes, footpaths and associated facilities including links to other areas within and adjacent to the Town Centre such as The Marlowes pedestrianised area, Gadebridge Park and Hemel Old Town;
- (v) to secure the provision or improvement of passenger transport facilities and services;
- (vi) to secure the provision and/ or enhancement and subsequent management of parks, playing fields, amenity open space and other public space;
- (vii) to secure a Percent for Art;
- (viii) to secure provision and/or improvement of social, educational, recreational, sporting or other community facilities;
- (ix) to secure the provision of affordable housing and to control its subsequent occupation; and
- (x) to secure town centre enhancements.

7.14 Financial contributions may be accepted instead of works in circumstances where:

- (i) public authorities can reasonably accommodate the infrastructure works within their own work programmes, budget commitments and future plans; or
- (ii) funding is offered for future infrastructure or facilities which are not scheme specific; or
- (iii) the developer offers a suitable alternative approach.

7.15 It is recognised by the Council that, as part of the comprehensive approach, development will come forward in a number of phases. In line with this comprehensive approach and in order to deliver the required infrastructure (e.g. environmental and social) the Council will consider a pooling arrangement in order to deal with planning obligations for particular schemes.