

## **ITEM 5.1**

### **4/00994/13/MFA - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO FORM 48 ONE AND TWO BED SHELTERED APARTMENTS FOR THE ELDERLY INCLUDING COMMUNAL FACILITIES (CATEGORY II TYPE ACCOMMODATION), ACCESS, CAR PARKING AND LANDSCAPING**

**380 - 392, HIGH STREET, BERKHAMSTED, HP4 1HU**

**APPLICANT: CHURCHILL RETIREMENT LIVING LTD**

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[Case Officer - Joan Reid]

[Grid Ref - **SP 98550 08186**]

#### **Summary**

The application is recommended for approval. The principle of development is considered acceptable in accordance with policy 33 of the local plan. There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would not adversely impact the character of the area and would enhance the character and setting of the neighbouring conservation area. Adequate provision is made for private amenity space and parking to serve this form of development and provision for storage of waste is satisfactory. The proposals therefore accord with the NPPF, policies 2, 10, 11, 33 and 58 of the local plan and policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS19, CS29, CS31 and CS35 of the emerging Core Strategy.

#### **Site Description**

The application site is located to the northern edge of the High Street and is currently occupied by single and two storey buildings which are predominately in commercial use (car workshop/ garage, laundry) with the exception of 390 High Street, which is a three bedroom dwelling and a pre-school. The site extends to 0.39ha and the topography of the site follows the natural fall across the town from south to north falling from some 2.5m to 3.5m from south to north. The site falls just outside the designated conservation area and straddles Stag Lane development to the west and two storey residential dwellings to the north (Tweed Close). The southern boundary is comprised of the High Street Road, and opposite lies the sheltered accommodation Pegasus Court and a petrol filling station. To the east of the site, there is a mix of restaurant and residential units.

#### **Proposal**

The application proposes to demolish the existing buildings and redevelop the site at 380-392 High Street, Berkhamsted with a single building accommodating 48 sheltered apartments for the elderly (category II type accommodation) incorporating communal facilities, access, car parking and landscaping over 2/3 floors. Category II accommodation is a purpose built development for older people with communal facilities and a scheme manager. The development comprises a mix of 31 one bedroom and 17 two bedroom apartments which is specifically designed to meet the needs of independent retired people, and provides self-contained apartments for

sale.

The development also comprises the following:

- lodge manager office - employed by management company to provide assistance and security for the owners and in charge of day to day maintenance of the development including gardens.
- owners lounge - for use by all the residents and their guests. Lounge contains kitchen.
- A treatment room - for use by residents for treatments such as hairdressing, physiotherapy, medical examinations.
- A communal lift which is fitted with emergency call system and seat.
- A communal landscaped garden which is maintained by management company.
- A guest suite - for use of relatives of owners who wish to stay overnight. Contains twin beds, shower room and tea/coffee making facilities. This can also be used by other residents living on other Churchill accommodation who may wish to take a holiday.
- Communal toilets;
- A communal bin store - accessible by residents through a set of doors adjacent to the underpass, with both sets of external doors remaining locked at all times. The Lodge Manager is responsible for taking bins to the pavement for weekly collection.
- A communal car park for residents comprising 19 parking spaces. Visitors or staff are not encouraged to park on site.
- Store and recharging facility for mobility buggies.

The apartments are sold with a lease containing an age restriction which ensures that only people of 60 years or older can live in the development.

The form of the building is roughly an "H" shaped building which presents a continuous road frontage and extends from a central point in to the rear of the site with a return leg. Access to the building is being provided via a rear courtyard area of the driveway entrance and car parking area to the rear.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council. Berkhamsted Town Council have removed their objection to the design but maintain their objection on parking grounds.

### **Site and Planning History**

The first identified buildings on the site was in 1938 which comprised a single building identified as a Laundry occupying the north of the site and a small unidentified building in the western part. Little change occurred up until the 1970s when the Laundry buildings had extended to encompass a greater proportion of the site. There was little change to the layout of the site by 2012 since the 1970s

however new uses were introduced including the car workshops, nursery, garages etc.

## **Policies**

### National Policy Guidance

NPPF

### Dacorum Borough Local Plan

Policies 1, 2, 10, 11, 12, 13, 14, 17, 20, 21, 33, 40, 58, 99, 111,122, 123, 124 and 129

Appendices 1, 3, 5

### Dacorum Pre-Submission Core Strategy (Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013))

Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS19, CS29, CS31 and CS35.

### Supplementary Planning Guidance

Environmental Guidelines (Sections 1, 3, 9 and 12)

Accessibility Zones for the Application of Parking Standards

## **Representations**

### Berkhamsted Town Council

It was resolved to suspend Standing Orders to allow Ellie Smith, representing the applicant, to speak for the application.

Ms Smith highlighted the consultation that had taken place on the application, including:

- pre application discussion with Dacorum Borough Council in August 2012;
- a public exhibition in Berkhamsted in November 2012
- further consultation in Berkhamsted in April 2013, after additional land had been acquired for the development
- a pre-application meeting with Berkhamsted Town Council in May 2013, to explain the application for 48 one- and two-bedroomed sheltered apartments.

Ms Smith said that Churchill Retirement Living Ltd would retain the freehold of the development and ensure that the fabric and quality of the building was always maintained.

## **Object.**

We have no objection to the development per se. However we consider the design of the proposed development represents a missed opportunity which could be

improved substantially if it is to make a positive contribution to the local character and distinctiveness of this important part of Berkhamsted adjoining the Conservation Area.

For example:

- Whereas we would welcome a series of convincing architectural buildings to make up the street scene, the range of architectural elements chosen produces a rather confusing mish-mash of unrelated elements which fail to produce a cohesive design.
- The proposed painted brickwork is out of character with the local area and we would have expected to see a more traditional approach consisting of high-quality detailing.
- Viewed from the High Street, the mass of the building is overpowering. It would benefit from being set back from the High Street and there being some spacing between the buildings.
- The roofscape is top heavy and we object to the excessive use of oversized dormers on the northern elevation.
- The proposal provides for inadequate parking for residents, visitors and the warden, given the recognised shortage of both public parking provision and on-street parking in Berkhamsted and the immediate vicinity.
- We consider the quality of this proposal to be contrary to Local Plan Policy 11 and CS 12, as well as the principles which underpin the National Planning Policy Framework with respect to building design and the quality of development.

#### *Further comments to amended scheme*

It was resolved to suspend Standing Orders to allow Mr Lemberg to speak for the application on behalf of the applicant.

Mr Lemberg explained that amendments had been made in response to comments on the previous application and from meetings with the Planning and Conservation Officers.

Changes included:

- the front elevation has been moved back by 1m;
- car parking layout revised to provide 19 spaces, two more than the previous application;
- re-design to depict a terrace of 5 buildings in traditional materials;
- chimneys added to the frontage that are locally distinctive;
- the eastern elevation has a distinct chimney feature and a bay window at the second gable;
- the roof height has been reduced on the northern elevation, 3 dormers removed and those remaining have been reduced in size.

#### **Object.**

The design changes are welcomed. However, the proposal provides inadequate car parking spaces - for residents and their buggies, visitors, health workers and the warden - given the recognised shortage of public parking provision and on-street

parking in Berkhamsted and the immediate vicinity. Contrary to Local Plan Policy Appendix 5.

## Conservation and Design

### *Original Comments*

I have no objection in principle to the redevelopment of this site subject to a design which positively contributes to the sense of place and responds to local character and identity.

Unfortunately the current proposal fails to take the opportunity for improving the character and quality of the area and would be a missed opportunity in this regard. The proposal instead has an 'anywhere' appearance and seeks to emulate two pastiche developments in the immediate locality, rather than reflecting the identity of local character and distinctiveness.

#### i) Layout:

The building is closely sited to the front boundary of the site, particularly the left gable end, and would benefit from being slightly set back further in order to better integrate with the neighbouring existing buildings. The double pile buildings and H plan form would be out of keeping with the locality which has single depth linear buildings.

The layout would be better served by having a series of villa buildings of traditional plan form, thereby breaking down the over dominant H plan form and providing greater space around the building form.

#### ii) Scale, Massing and Architectural Detailing:

The scale and massing of the building form has an excessive range of two and a half storey and three storey elements and is emphasised by the terrace form of the proposed development. This form has an unduly deep roof form which is cluttered by oversized dormers which would be very dominant. The roof therefore has a top heavy appearance and indicates that the overall height of the building needs to be reduced. In addition, the roof form has no vertical emphasis, articulation or visual interest which is normally provided by the use of chimneys. The scale and height of the ground storey also does not provide an effective base to the building, the reduced height of the ground storey creates a mean appearance in comparison with traditional buildings in the locality.

Overall the design rationale to provide a series of building elements to knit back the streetscene is the right approach. However the current proposal does not convey a series of convincing building forms, rather it has a series of buildings with a varied 'pick and mix' of pastiche architectural elements and features which collectively don't provide a sense of local identity or make reference to the local distinctiveness.

The design of the south elevation facing High Street frontage is critical and at the current time this is not a composition of convincing architectural styles or building

forms. The left hand gable is unduly wide and not reflective of the span of traditional gables; the two smaller projecting gables are not a form found in the locality. The use of false framing within the gable apex's and the contrasting brick arches features are not a local building detail. The frontage also suffers from a lack of elevation hierarchy and a lack of variety; it should be possible to vary the size of the windows to create modulation and articulation to the façade and introduce greater complexity and variety. The bays appear squat and would normally be associated with Victorian houses which doesn't relate to the appearance of the building. Whilst painted brick work is acceptable per se, you would not expect this to have contrasting red brick banding etc. The front doors don't appear as front entrances in that they are not treated with canopies, door surroundings etc.; this fails to provide a focal point for the façade and visual interest for passers-by at street level.

East elevation, the building at the entrance does not effectively turn the corner in an effective manner. This would benefit from a projecting bay to provide an architectural feature and natural surveillance. The link element appears as though the window fenestration is squeezed. The second gable end has no visual interest and is a blank facade.

North elevation, the roof is unduly deep and is cluttered by oversized dormers. The roof is top heavy appearance and indicates that the overall height of the building should be reduced. In addition, the roof has no articulation or visual interest.

In conclusion, this development opportunity is an exercise which requires good place making and high quality design. Unfortunately the current scheme is lacking in this regard and in my view is not good enough to approve in light of NPPF, in particular Para 58 which states that it should be the aim of new developments to "respond to local character and history and reflect the identity of local surroundings and materials". Given the level of design concerns, I recommend refusal of this scheme unless the applicant is prepared to withdraw this application and work with us to achieve a more acceptable design solution.

### Comments on amended plans

The design of this scheme has significantly improved and will greatly enhance the streetscene making a positive statement at the gateway to the conservation area. This will significantly improve the existing situation which has a negative impact on the character and appearance of the locality.

My only concerns relate to:

- The set forward of the middle unit facing High Street since the parapet wall will be unduly dominating in the streetscene. It would assist the scheme if this set forward could be reduced by half.
- The boundary treatment would benefit from having a low dwarf wall/plinth and gates between the piers up to the front doors.

Apart from this one change I consider that this scheme is acceptable in design subject to conditions relating to:

- All materials
- Colours of areas of painted brickwork and render

- Details of all windows, entrance doors and door cases (including section showing profile, glazing bars, trickle vents etc)
- Roof lights (NB conservation roof lights have been requested due to the flush fitting nature and the subdivision with the vertical bar)
- Details showing windows heads and bay window details
- Details showing of boundary treatment
- Hard and soft landscaping including lighting

### Environment Agency

No objection subject to the imposition of conditions to cover, contamination, remediation, long-term monitoring and maintenance, prevention of penetrative methods for foundations, and prevention of infiltration of surface water drainage into the ground.

### Refuse Department

For 48 residencies we would require 8 x 1100ltr euro bins for a once weekly collection and a further 3 or 4 for recycling. Space for 12 euro bins should be provided with no steps between the storage area and collection vehicle which is a 26 ton rigid freighter and consideration should be given to its size and manoeuvrability.

### Housing

Strategic Housing have held protracted discussions with the agent over the provision of affordable housing at this proposed development. It was initially agreed that (due to the very high service charge and ground rent proposed) that any form of social/affordable rent and shared ownership would be prohibitively expensive for future occupants.

Officers then proposed the inclusion of shared equity housing within the development. The agent challenged the feasibility of the provision of shared equity on the development as it was not a product with which they were familiar, and proposed a commuted sum of just over £600k. Whilst shared equity housing has been provided on alternative sheltered housing schemes of a similar nature to this proposed development, the agent's reluctance to include shared equity in this development would have almost certainly led to a break-down in negotiations and subsequent planning appeal.

The applicant revisited the commuted sum, and was able to offer an increased figure of £764,000 in lieu of affordable housing, which would allow the developer to start works on site in January 2014. This revised commuted sum is enough to provide the equivalent amount of affordable housing elsewhere, and will mean that this development (which provides a type of housing in high demand) can commence quickly.

The Strategic Housing scheme therefore supports this application with the provision of £764,000 as an off-site contribution in lieu of affordable housing.

## Hertfordshire Highways

No objection subject to conditions relating to site access construction, materials and equipment to be used during the construction stored within the site, details of the disposal of surface water from the new access and parking areas to be provided, on-site parking provided for the use of all contractors, sub contractors, visitors and delivery vehicles, wheel washing, details of materials for hard surfaced areas, and areas for delivery of materials associated with the construction provided within the site.

This application is for full planning permission to demolish the existing buildings and redevelop the site to form 48 one- and two-bed sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.

The site is 380-392, High Street Berkhamsted. It lies on the north of the A4251 High Street to the west of the centre of the town and outside the conservation area. The nearest side road is Stag Lane which is separated from the western edge of the development site by the modern Dell Court flatted development.

The nearest bus stops are correctly identified in the Transport Statement. There is a westbound stop opposite the site, and an eastbound one approx 180m from the site. There is also a stop in Cross Oak Road approximately 115m from the site (served by the 30/31 and 32 routes). None of these stops have either easy-access kerbing or passenger shelters.

Details of services are as follows: 30/31/32 H. Hempstead/Berkhamsted/Aldbury Mon-Fri x4/day, Sat x3/day, no Sun 500/501 Aylesbury-Watford Mon-Sat half hrly, Sun hrly 502/532 Northchurch-H. Hempstead Mon-Sat x6/day, no Sun 550 Watford-Hemel Hempstead/ Tring Mon-Fri x1 to Tring The site is approximately 0.6 miles from Berkhamsted railway station. Trains are run by London Midland and Southern. London Midland services into London Euston are 4 per hour; Southern trains are hourly into London. The journey time into London is approx 36 minutes on a limited stop service. If developer contributions are being sought, these could be used towards upgrading the nearest bus stops on the High St as neither has easy access kerbing or shelters. The westbound stop would cost approx £11,000 to upgrade with easy access kerbing due to the likely need to move the lamp column and pole. The eastbound stop would cost approx £8000.

The site is relatively well-served by pedestrian routes however access by bicycle is less easy. Paragraph 3.4 of the Transport Statement says that 'There are likely to be very few cyclists among residents of the proposed development given their age and thus access by cycle to the site is not considered a particular issue.' However the employer should seek to encourage staff to cycle and there will need to be a Travel Plan to encourage this as well as access by non-car modes to residents and visitors. The response to the first part of question 6 in the application form indicates that new vehicle and pedestrian access points would be created were this development to be implemented. This is contradicted by the statement in paragraph 5.1 of the Transport Statement which says: 'The existing vehicular access is from the High Street. This

will remain the vehicular access point for the proposed development, as illustrated in Figure 2.2. As there is no change in the access position and there will be a reduction in the number of vehicle movements, the vehicle access arrangements are considered to be suitable.' This should be clarified. If alterations are required to the access the developer will need to engage with HCC Highways to enter into a Section 278 agreement.

The response to the third part of question 6 in the application form indicates that no new public highway would be created were this development to be implemented. The management of parking within the site would therefore fall to the site manager to ensure that it does not spill on to the adjacent highway and cause problems for safety and movement.

Planning obligations It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. In accordance with paragraph 11.7 of the Toolkit I recommend that a 'first strand' contribution towards specific measures in the vicinity of the site of £19,000 toward provision of easy-access kerbing at the 2 nearest bus stops is sought. As regards the pooled 'second strand' contribution it is acknowledged that car use will be lower than usual for a residential development.

The response to the third part of question 10 in the application form indicates that the development would offer 17 car parking spaces. The suitable transport contribution should therefore be £8,500 (17 parking spaces @ £500 as per Toolkit para 11.14). This element can be reduced by the amount of any TravelSmart contribution sought by the local planning authority. Planning obligations so derived would be used on schemes and measures identified in the emerging Tring, Northchurch and Berkhamsted Urban Transport Plan.

### HCC Planning Obligations Officer (Summarised)

#### *Original comments*

Based on the information to date for the sheltered housing development for the elderly comprising 31 x 1 bedroom and 17 x two bedroom apartments we would seek the following financial contributions and provision, as set out within HCC's Planning Obligations Toolkit.

#### Financial Contributions:

- Libraries £4,580
- Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

#### *Additional Comments*

Thank you for confirming that the existing 3 bedroom property 390 High Street, Berkhamsted is still within residential usage and currently occupied. I have now taken this into consideration and have reduced the Library contribution figure accordingly and confirm that the figure now sought is £4,382.

## Trees and Woodlands

No objection - support additional planting

## Hertfordshire Biological Records Centre

Awaiting comments.

## Contaminated Land Officer

The Preliminary Geo-environmental and geotechnical assessment provides a satisfactory preliminary risk assessment (Phase I Desk Study) and Phase II intrusive investigation of the site (384 High Street). The intrusive investigation identified concentrations of Lead, Asbestos and a number of PAH compounds within the Made Ground across the site. Visual and olfactory evidence of hydrocarbon contamination was identified at depth (4.8 – 6mbgl) in WS7. Corresponding soil samples taken from 5 and 5.8mbgl did not identify any exceedances of the adopted generic assessment criteria for hydrocarbons; although hydrocarbon contamination was identified in the groundwater sample taken from this location. An elevated concentration of Total Cyanide was also noted in the groundwater at BH2. All soil samples taken from the site revealed Total Cyanide concentrations below the laboratory detection limit of 1mg/kg, therefore indicating that the exceedance reported is likely to be from an off-site source. Further groundwater monitoring has been recommended to further assess this.

I am in agreement with the findings and recommendations made in terms of human health as follows; where the areas with exceedances reported are to be overlain by the building footprint or hardstanding, no formal remedial measures are considered necessary. Where areas of soft landscaping are proposed the risks should be mitigated by use of a cover system.

In reference to the cover system, the required depth will be dependant upon the type and concentration of contaminant(s) that remain in-situ, and the proposed future use of the site. Verification that the required depth of cover has been achieved is required. Details of the supplier and confirmation of the source(s) and total quantity of imported soil material must also be stated in the verification report.

The soil should be free from asbestos, metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils and otherwise comply with the requirements of BS 3882:2007 – Specification for topsoil and requirements for use. Sampling and analysis will be required to demonstrate the chemical suitability of imported soils. Please note that analytical certificates submitted by the supplier of the soil material will not be acceptable; i.e. independent sampling and analysis must be carried out.

The samples shall be analysed at an independent accredited laboratory for an analytical suite which should include as a minimum Metals, PAH (speciated), TPH fractions (speciated), soil organic matter content, and pH.

A sampling frequency of 1 sample per 40 m<sup>3</sup> is required where the soils are from a

natural source. A minimum of 3 samples are required. For larger amounts of soil from a single source the sampling frequency can be reduced by agreement with Dacorum Borough Council. For recycled or manufactured topsoil, or where the source of the soil is unknown, a sampling frequency of 1 sample per 20 m<sup>3</sup> is required. Again a minimum of 3 samples are required.

The analytical results should be compared to Soil Guideline Values (SGV) published by the Environment Agency where available. Where no suitable SGV is available the results should be compared to relevant Generic Assessment Criteria (GAC), or to levels which have been previously agreed in the remediation strategy.

To date only 1no. round of ground gas monitoring has been undertaken, further monitoring rounds are required in accordance with CIRIA C665 to confirm the current findings.

Further information is also sought in reference to the fate of an underground fuel storage tank identified in the previous 2008 investigation undertaken by STATS.

The Geo-environmental Desk Study provides a satisfactory preliminary risk assessment of the site (390 – 392 High Street); an additional area of land, proposed for incorporation into the redevelopment of the adjacent site. An intrusive investigation (to incorporate 4no. window sample boreholes and 2no. boreholes for gas and groundwater monitoring purposes) has been proposed based on the findings of the preliminary risk assessment (former use as a vehicle maintenance and servicing garage). I am in agreement with these proposals for an intrusive investigation.

In summary, as further investigative works are required, I recommend that a contamination condition be applied to this development should permission be granted to ensure these are undertaken.

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

##### *Objections*

We already have enough retirement homes in the town, most of which are NOT fully subscribed. It will continue to erode the old town atmosphere of Berko. that people cherish. There are a mass of new developments in this area of town already. There seems to be a continual destroying of old buildings.

The church of the Sacred Heart is continuing to be “walled in by newbuilds. The construction of 3 newbuild houses was passed only 2 years ago. We are now overlooked on all sides. We already have a sewage problem, the Victorian pipes cannot cope at the moment. We have regular manhole explosions on our grounds because the pipes to Park street are not able to cope. I hope you will take their points into consideration when you come to make your final decision

*12 Dell Court*

I object to these particular plans due to the fact that the proposal now has additional flats that would directly overlook my apartment. The previous plans that went to

consultation had no second floor flats overlooking Dell Court (just a corridor) but these plans have now changed. Dell Court is built on a slight hill and the height decreases down the hill, so although my flat is on the second floor it is lower down than the second floor flats (9 & 10 Dell Court) that are on the high street. Upon looking at the western elevation drawings for the proposed development the second floor flats opposite Dell Court appear to be the same height as those sitting directly on the High Street, therefore causing them to be higher than Dell Court. There are two flats on the second floor that would have windows directly facing my flat and would actually be looking down into my living room, kitchen and private balcony, where previously there were no buildings of this height. I believe this will have an impact on our privacy.

### *328 High Street*

I object to this application purely on the grounds of parking.

It is proposed to build 48 sheltered apartments for people aged 60+ but to only have 17 car parking spaces. The argument that the majority of people living here will either not own a car or "will relinquish the burden of car ownership" is ridiculous. There are not enough spaces for the owners and/or their visitors and Berkhamsted has no capacity for any more on street parking especially as the Metric development for Marks and Spencer's was given planning permission with so few parking places. A larger number of off street parking places will need to be factored in to this development. The addition of more kamikaze mobility scooters using the pavements in Berkhamsted High Street is another serious concern.

## **Considerations**

### Policy and Principle

The application site is located within the urban area of Berkhamsted on previously developed land and currently accommodates a mixture of commercial, community and residential uses. It is considered the existing buildings do not make a positive contribution to the area in terms of visual amenity or to the conservation area which is adjacent. The site is situated within the urban area of Berkhamsted wherein the principle of residential development is acceptable under Policies 2 and 9

The adopted local plan (Policy 33) designates the site for conversion of employment land to housing and other uses and identifies Gossoms End (East) as a site for high density housing and flats. Policy 33 specifies that a high standard of design of development on the corner of High Street and Stag Lane should be provided. Despite the land being identified for redevelopment to high density residential in the local plan, no comprehensive plans have come forward until this time. The corner of the land indented has been developed as housing now known as Dell Court.

The key issues in the assessment of this proposal concern the extent to which it optimises the use of land, the likely impact on the street scene and on the character of the area, the impact, if any, on the amenities of neighbouring residential occupiers, and the acceptability of the proposal in highway terms.

Policy CS18 deals with Mix of housing and states that new housing will provide a

choice of homes. This will comprise: a) a range of housing types, sizes and tenures; b) housing for those with special needs; and c) affordable housing in accordance with policy CS19.

Policy CS19 states that affordable homes will be provided outside of Hemel Hempstead, on sites of a minimum size of 0.16ha or 5 dwellings (and larger). 35% of new dwellings should be affordable. A minimum of 75% of the affordable housing units provided should be for rent.

Policy CS29 states that development will comply with the highest standards of sustainable design and construction possible.

### Public Consultation

The applicant undertook a public consultation exercise prior to submission of the application whereby a public exhibition was held with members of the Town Council and local residents invited. An online consultation exercise was also undertaken and the applicant met with the town council. The developer also engaged in pre-application meetings with Dacorum Borough Council prior to submission as well as meetings have also been held between the planning and conservation teams with the applicant to amend the scheme during the negotiation of the application.

### Need for Sheltered Housing for the Elderly

A report has been submitted with the application which provides evidence of the need for private sheltered housing in Dacorum Borough to support the proposal. The report has been produced by DCA who are leading specialists in Housing and Planning Strategies and who were involved in producing the 2003 Housing Needs survey for Dacorum and an 2012 update. The supporting report identifies that 86.6% of the borough's sheltered housing supply is provided by registered providers in the social rented and shared ownership sector. 13.4% of all sheltered housing stock are available in the private sector for outright purchase, to meet the needs of owner-occupier households (owner-occupier households make up 64.8% of all local households). Therefore, the report indicates that the number of owner-occupier households is nearly three times the number of social housing tenants, but the level of supply of private sheltered accommodation is six times lower in supply in comparison.

The report estimates that 17,458 households in the Borough have no mortgage which is mainly an older group of people and this group alone is nearly 1.5 times the total public sector households of all ages. The report identifies a significant growth in the levels of older population and in particular indicates that there will be over 12,000 people over the age of 75 in the Borough by 2016. The 2003 HNS for Dacorum identifies that 58.5% of older person households (aged 60+) live in a 4 bedroom property and 57.7% in 5 bedroom properties. This amounts to 3,223 older person households who are in owner occupation and live in 4 and 5 bedroom properties. It is likely that a significant proportion of these properties are under-occupied and this situation is likely to worsen over the next ten years as the proportion of older owners in the borough increases. The displacement of the older population from under-occupied properties to smaller sheltered accommodation would in return free up

family sized homes which are particularly in demand within the borough.

The updated housing need survey identifies a need within the Borough for older persons accommodation which is in accordance with the data reported in the DCA report above and it is also noted that a report which is due to be reported to Cabinet in September further emphasises the need for sheltered accommodation to provide homes for the older population in the Borough.

The NPPF identifies that housing choice is important across all ages and tenures and in particular Paragraph 50 notes that LPAs should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as but not limited to families with children, older people, people with disabilities). This is further backed up by policy CS18 of the core strategy and no objection is therefore raised to the development on this basis that it would cater for accommodation for an increasing older population providing quality homes and facilities to meet their needs in a sustainable location, but also providing an opportunity for larger family homes to come into circulation.

Based on the evidence provided together with Dacorum's own studies, the principle of accommodating high quality residential accommodation for elderly population is supported.

#### Loss of community facilities

It is noted that there is a pre-school located on site which would be demolished. Permission was granted for the change of use of this building from employment to nursery in 2011 however consideration was given at the time as to whether the principle of allowing a community facility onto the site would compromise the future development. Permission was granted on the basis that the nursery only had a short term lease of two years and would be vacated by the time this development would be going forward. Therefore, it is considered that the planning department only allowed the nursery on this site on the basis that it was a short term provision and no objection therefore is raised to the loss of the community facility.

#### General layout

The design and access statement submitted with the application provides an overview of the design rationale for the scheme however it is noted that since the submission of the application, the scheme was changed significantly in design terms which is discussed below.

The layout of the development arises from looking at the character of the surrounding area: the local context comprises a variety of built form, styles and details and no single style dominates throughout. The site sits amongst modern contemporary residential development to the west and smaller terrace buildings to the east which buildings ranging in height from 2 storeys to 4 storeys. There is a distinct building line on the northern side of the High Street with properties abutting the highway and this has been continued further along the High Street by the large residential building on the adjacent Dell Site. The building line of course is broken along the frontage of the application site by the existing entrance to the commercial

buildings and grassed area. To the rear of the site, there is a residential development (Tweed Court) which comprises two storey detached properties and beyond that there are larger bulkier buildings. Directly, opposite the site is the petrol garage which has not distinct form or design.

The design and layout of the scheme has been driven as a result of careful consideration of the adjoining neighbouring properties, highway and parking requirements, amenity provision and indeed to the scale, height and mass of the development given the topography of the site and its surroundings. Therefore it is considered that the H form was been derived in order to maximise density of the site in accordance with the objectives of policy 33 but also respecting the amenities of neighbouring flats at Dell Court, and retaining sufficient distance from the residential properties to the north. Further to that, the frontage along the High Street maintains the established building line and strengthens the high street by introducing quality buildings and an active frontage and also integrating the smaller more traditional buildings along the high street with the more contemporary taller building at the corner of Stag Lane. It is considered that the form of the development is acceptable as it is not a departure from the surrounding character due to the significant variation and it respects the important frontages along the high street, whilst also achieving a satisfactory development which maintains neighbouring amenities.

### Design

Following pre-application discussions and a meeting during the negotiation of this application amended plans have been submitted in response to comments from the conservation and design officer. It is noted that the site itself is not located within the conservation area however, the adjacent buildings to the west are and the development would bridge the conservation area with the more contemporary buildings to the west.

The alterations to the scheme following discussions between the planning department and the agents are as follows:

- the front elevation has been moved back by 1m
- car parking layout revised to provide 19 spaces, two more than the previous application
- re-design to depict a terrace of 5 buildings in traditional materials
- chimneys added to the frontage that are locally distinctive
- the eastern elevation has a distinct chimney feature and a bay window at the second gable
- the roof height has been reduced on the northern elevation, 3 dormers removed and those remaining have been reduced in size.

The frontage now comprises an appearance of 5 distinct buildings forming the terrace which have been designed to capture other important buildings within the Berkhamsted Conservation area. It is considered that the design of the development is good quality which will enhance the character of the adjacent conservation area and respects the surrounding areas. The proposal accords with policy 11 of the local plan and policy CS11 of the pre-adopted Core Strategy. The conservation officer is now relatively satisfied with the design subject to conditions requiring the submission of detailed materials, colours, windows etc. It is considered that a condition requiring

these specific details meets the tests of circular 11/95 as they are necessary to ensure that the development is of good quality in particular the elevation fronting the High Street, which will impact on the character of the adjacent conservation area. The amended plans are considered to address earlier concerns which requested that the development related better to local distinctiveness. Other concerns have been address in particular reducing the heavy roofscape by altering and lessen the dormer windows both front and back and adding chimneys to the roof slopes.

Two points of concern however remain from the conservation officer which are the projection of the parapet wall along the frontage and the boundary treatment. A condition is imposed requiring details of the boundary treatment and the detail of this can be agreed at that stage. In terms of the parapet wall, a small reduction in the projection of the parapet wall has been discussed with the agent and he has indicated that the applicant would be prepared to reduce this projection in order to satisfy the concerns of the conservation officer. Amended plans would be submitted in advance of the committee to address this design concern and this will be updated in the addendum report.

### Parking and Highways

The development provides 19 car parking spaces (as per amended plans). The development proposal is supported by a Transport Statement (TS) which concludes that the assessment of the proposed development that there would be around a total of 70 daily vehicle trips for the size and type of development. This is compared to the potential trips associated with the current uses on the site and concludes that there would be a difference of some 45 less vehicle movements per day. The Highway Authority has raised no objection to the proposals and there would be no significant impact on the surrounding highway network from the traffic generated from the proposed development. The site is in a good location of accessibility in terms of access to a range of services in the town centre and public transport.

A total of 19 parking spaces are proposed for the use of residents which vehicular access taken from the High Street. Appendix 5 of the local plan sets out maximum car parking standards for sheltered dwelling which are warden controlled (Category 2). This is indicated to be 0.75 spaces per unit including 0.25 visitor space. However as the site enjoys a good location in terms of access to a range of services and public transport and it is noted that appendix 5 allows the standard to be reduced or indeed car free (as set out in the Accessibility Zones SPG for the stag lane area and policy 58 of the local plan) the provision proposed is considered adequate. It should be noted public spaces are available on the High Street, or at St Johns Well off street car park which is approximately 300m from the site which can be used for visitor's parking.

The TS has assessed 8 other Churchill developments in terms of total traffic movement and levels of parking provision. The 2012 surveys shows the average parking demand across the eight sites surveyed to be lower than the proposed parking provision proposed. Average across the 8 sites is 0.28 spaces per residential unit whereas this scheme provides a ratio of 0.39 spaces per unit.

The applicant has indicated that the ages of a resident is normally over 70 who

already lives locally and now wishes to live independently. It is understood that the average age of residents across all their currently occupied sheltered housing facilities is 79 and 30% are over 80 years of age. It is noted that often due to the age of the residents there is a shift in car ownership which often is one of the main reasons for occupying the sheltered accommodation and in particular due to the location of the site close to amenities, car usership is likely to be low amongst the residents.

A resident has raised concern in relation to mobility scooters using the public footpath. The highway officer has raised no objection on this basis and there is no evidence to suggest that mobility buggies would cause a highway concern.

The submitted TS looks at existing transport facilities and identifies that there are 5 bus stops within the immediate vicinity of the site (two of which are located on the High Street, and three other bus stops within 400m boundary). Those buses stopping close to the site are considered to provide a good frequency of service and the location of the stops are highly accessible for residents, shoppers and visitors. The nearest train station is approximately 1km or 15mins walk away with bus services running from the site to the station. The station operates services to London, Watford, Northampton, Birmingham, Clapham and various other stops between. The TS also addresses pedestrian and cycle connections to the site and states that the site is located within a 30mph area with adequate street lighting. Along the site frontage on the Highway there are footways on both sides allowing good accessibility and safety for pedestrians. Pedestrian crossings are also in close proximity to the site, 60m to the west and 160m to the east.

The TS indicates that it is unlikely that there would be many cyclists among residents of the development given their age however for visitors, in the same way as pedestrian access, it is considered that there is safe and convenient cycle access to the site.

The applicants have also brought to attention a recent appeal decision for a similar development in Bromley where the Inspector concluded that the provision of parking at a ratio of 1:3 was acceptable. The scheme at 76 High Street, Bromley proposed 50 sheltered apartments and 16 parking spaces. The inspector concluded that there was ample evidence to demonstrate that 16 spaces would be adequate to serve the needs of the scheme, and that any need for parking visitors' cars can be readily met at all times by on-street parking and car parks in the near vicinity without placing undue pressure on those available spaces. The inspector found that the committee which suggested that provision of 30 spaces was a more suitable amount was not backed up by any substantial evidence or argument and was instead a rather general and inconclusive reference to LB Bromley's levels of car ownership. The Inspector found that Bromley Council acted in an unreasonable manner and that Council members had no reasonable basis for suggesting that the parking spaces should be increased to 30, and no professional advice to that effect. He found that Bromley Council had failed to substantiate its claims over the level of on-site parking required and in general, it had shown a lack of understanding of the nature of category II sheltered housing. The Inspector therefore requested the Bromley Council pay full costs of the appeal.

As parking provision is reduced due to the nature of the development for sheltered accommodation for the elderly, it is considered necessary to impose a condition restricting the age of the occupants of the development to over 60.

Taking into account that the proposal does not exceed the maximum parking provision of the DBLP, that the development is sited in an accessible/sustainable location, the specific type of development proposed and recent case law regarding acceptable provision for this category of development it is considered grounds for refusal relating to lack of parking provision could not be sustained.

HCC Highways have raised no objection subject to contributions to sustainable transport provision and improvements to the public transport by specific measures in the vicinity of the site for easy-access kerbing at the two nearest bus stops. It is considered that this provision meets the tests of policy 13 of the local plan and policy CS35 of the emerging core strategy as it is directly related to infrastructure required to support the development. Highways have also asked for a number of conditions including storage of construction materials and parking for construction vehicles to be provided for on site and off the public Highway. It is considered that these conditions are reasonable in accordance with policy CS8 which seeks to improve road safety. Unless parking and storage is provided on-site, there is little capacity on the adjacent highway to accommodate construction vehicles and materials during construction and as a result overflow from the site onto the highway could have an impact to highway safety. Due to the layout of the development, it is reasonable to provide construction storage and parking on the areas allocated for resident parking until occupation of the development.

### Noise

A noise Impact Assessment has been prepared to support the application which assesses the current environmental noise impact on the site in accordance with the NPPF and the local plan. An automated noise monitoring survey of the existing daytime ambient noise level was undertaken on the site. The noise reports indicates that the surrounding noise would not exceed Environmental Health legislation.

### Affordable Housing

Policy CS19 states that affordable homes will be provided outside of Hemel Hempstead, on sites of a minimum size of 0.16ha or 5 dwellings (and larger). 35% of new dwellings should be affordable. A minimum of 75% of the affordable housing units provided should be for rent. Policy CS19 goes on to say that judgements about the level and mix of affordable homes will have regard to:

- (a) the Council's Housing Strategy and other evidence (see Policy CS18);
- (b) the potential to enlarge the site;
- (c) the overall viability of the scheme and any abnormal costs; and
- (d) more detailed guidance in the Affordable Housing Supplementary Planning Document.

Considerable discussions has taken place between the housing team and the applicants in respect of the affordable housing provision whereby it was first

requested that the scheme provides for 35% shared equity accommodation on site. The applicants were not keen on providing this due to the type of tenure provided together with the costs and management of the development and argued on site shared equity scheme would not be feasible. This argument has been taken on board by the housing team and it is noted that Inspectors considering similar developments for sheltered accommodation have always accepted off site commuted sums in lieu of affordable housing provision on site due to the nature of the development.

An agreement was reached whereby a commuted sum would be paid through a S106 agreement to provide affordable housing off site which would be used for affordable housing for any age to meet Dacorum's need. This stance is considered to be acceptable in accordance with policy CS19 above in particular allowing for judgements to be made in respect of viability of the scheme and the Affordable housing SPD. A commuted sum of £764, 000 will be paid in lieu of affordable housing provision which allows flexibility for the housing team to utilise the contribution elsewhere.

### Impact on Trees and Landscaping

An arboricultural impact appraisal has been submitted in support of the application and indicates that a small number of trees will be lost however these are all low category because of their poor condition, small size or limited sustainability. The scheme includes provision for the planting of additional trees to both allowing screening to the development and the neighbouring properties as well as in the interests of visual amenity. A full plan showing details of landscaping and tree planting will be imposed. The existing line of conifers which are to be retained would not be worthy of protecting however as they do offer significant privacy and screening for the properties along Tweed Close, a condition will be imposed requesting that these trees be retained and together with the additional planting, a condition will be imposed requesting that any trees that fail, within a period of 5 years from the date of occupation, replacement trees should be provided.

### Impact on Neighbours

The impact of the proposal on the adjacent residential amenities has been taken into account in particular to the residents of Dell Court to the north west and Tweed Close to the north.

The residential properties within Dell Court have windows and balconies which face onto the eastern side of the development. In terms of privacy, the distance between these windows at Dell Court and the windows proposed within the sheltered apartment is in excess of 30m which is well above the minimum distance of 23m set out in appendix 3 of the local plan. On this basis, the distance between the windows of Dell Court and the proposed development is that there would not be a reason for refusal on this basis. The building is set in where it is parallel to Dell Court in order to ensure that sufficient distance is achieved between the windows to avoid overlooking, where the building extends outwards into the "H" form, there are no windows located on the flank elevations. It is noted that particular importance was placed when planning Dell Court that it would not compromise future development of

the adjacent site.

In terms of impact to the properties to the north of the site, Tweed Court, due to the variation of the building line along the properties of Tweed Court there is a variation in the distance between the rear elevation of properties along Tweed Court and the proposed building as below:

No.22 Tweed Court- 23.1m

No.21 Tweed Court - 21m

No.20 Tweed Court - 25.6m

No.19- 23.8m and 22.3m

No.18 - 21.7m

Some of the distances above are slightly below the 23m distance set out in appendix 3 and therefore it is necessary to consider what screening would be provided to ensure privacy is not significantly harmed for both residents along Tweed Close but also to the residents at the new development. Along the northern boundary there are significant trees which extend to a significant height. These trees are shown to be retained and these obscure any direct views from the rear windows on the development to the properties along Tweed Close. A condition will be imposed requiring these trees to be retained and supplemented with further planting.

Due to the sloping site, the building nearest the northern boundary has been sunk to reduce the impact on the properties along Tweed Close. From Tweed Close the nearest built form will present as a two storey building utilising the roof space which will then increase in height as the building nears the High Street, thus reducing the impact overall from the properties along Tweed Close. It is considered that the development would result in an improvement for the residents of Tweed Court, as the buildings are now set of the boundary and additional tree planting will be provided to mitigate the impact of the development. This is an improvement from the existing relationship whereby large commercial buildings are located right up to the boundary and are much closer to the rear gardens of Tweed Court than this proposal.

In terms of Dell Court, where the development is in close proximity to the boundary with Dell Court, the built form is either single storey or is not adjacent to any habitable rooms. On this basis, it is considered that the new development would not significantly reduce sunlight or daylight to the apartments at Dell Court, or appear significantly overbearing.

#### Contaminated Land

The contaminated land officer has considered the application and supporting documents however has requested that the standard contamination condition be applied to deal with additional survey work. This condition will be imposed.

#### Refuse

The provision for waste and refuse within a communal store near to the site entrance is considered acceptable.

## Amenities for Future Occupiers

The scheme provides for ample communal space for the residents of the development. In terms of privacy due to the layout of the development, there would not be any significant overlooking from within the residential development itself. Due to the 'H' layout, four of the internal elevations face onto each other with less than 23m separating them however where this occurs, there are no habitable windows facing one another and the development has been carefully laid out to provide hallways and non-habitable windows facing onto habitable rooms to avoid overlooking.

## Flood Risk Assessment

The Environment Agency's Flood map identifies the site within Flood Zone 1 which is defined as having a "low probability of flooding". The report also identifies that the site is not at risk from fluvial flooding from both the River Bulbourne and the Grand Union Canal (low). The report also finds that the existing risk from groundwater flood is low and the existing risk from flooding due to sewer incapacity or drainage infrastructure failure is also low. The Environment Agency have responded to the application and have raised no objection however have requested that a number of conditions be imposed as without the conditions, the EA indicate that the proposed development on the site poses an unacceptable risk to groundwater. All conditions suggested shall be imposed.

## Ecology

An ecology report has been prepared in support of the application which evaluates the existing habitats and vegetation on site and potential for bats. Due to the existing uses and hardstanding on the site, there is little vegetation present with the exception of an area of amenity type grassland towards the south of the site. Also a patch of ruderal herb species is present at the northern boundary. It is considered however that majority of the habitats present in the survey area that are to be lost are widespread and commonplace and these therefore are considered to have a low botanical value.

5 of the buildings to be demolished were also surveyed for evidence of bats and no evidence was found however buildings F-H were not surveyed. The report also assessed all trees on site for their potential to support bats. The trees were considered to provide negligible potential and no objection is raised therefore. Nevertheless as not all the site was surveyed and the ecological report suggests that building inspections are updated when the remainder of the site is surveyed. A condition will be imposed therefore requesting a full bat survey on the buildings not yet surveyed.

The report also considers birds as all vegetation above 50cm in height and the buildings have potential for nesting birds. The report recommends therefore that clearance of the trees or scrub above 50cm in height is done outside bird nesting season or if these works are carried out inside nesting season, that a trained ecologist is supervising.

As not all of the buildings on site were surveyed, despite there being a small chance of bats, further ecological surveys are required by condition which is in accordance with policy CS26 of the emerging core strategy.

### S106 Matters

Policy 13 of the adopted local plan states that planning obligations will be used where necessary to control and meet the adverse effects of the development proposals. As the scheme is for sheltered housing some of the contributions commonly requested for residential development are not required in this instance such as schools and playing pitches as the occupants of the development would not place additional pressure on this type of infrastructure. The contributions sought are listed below:

- The County Council planning obligations officer has set out a requirement for the development to make contributions towards libraries and fire hydrant provision.
- The County Council Highway officer has set out a requirement for the development to make contributions of £19,000 towards provision of easy-access kerbing at the two nearest bus stops and £8,500 towards sustainable transport (including Travel Smart).
- Dacorum Borough Council request contributions in line with adopted planning obligations SPD for Outdoor pitches (£18,939) and Natural Green Space (£732). It is considered that it would not be reasonable to request further contributions such as primary schools, nursery, child playing space due to the nature of the development for the elderly population.
- Affordable Housing - £764,000 to be paid as a commuted sum for provision of affordable housing off site.

### RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.

2. That the following Heads of Terms for the planning obligation be agreed:

- £4,382 towards libraries
- fire hydrant provision.
- £19,000 towards provision of easy-access kerbing at the two nearest bus stops
- £8,500 towards sustainable transport (including Travel Smart).
- £18,939 towards outdoor pitches
- £732 towards natural green space
- £764,000 to be paid as a commuted sum for provision of affordable housing off site.
- Restriction on occupants to be over the age of 60.

3. That in the absence of a completed planning obligation securing the figures

set out in point 2 being in the Council's possession before the 16 September 2013, the Group Manager - Development Management & Planning be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

*In accordance with the Council's adopted Planning Obligations Supplementary Planning Document (SPD), The Hertfordshire County Council Planning Obligations Toolkit, and proposal TWA8 of the Borough Plan, financial contributions and other obligations should be provided in respect of a number of matters in order to mitigate the impacts of the development in this case and secure the improvements sought by TWA8. An undertaking under s106 of the Town and Country Planning Act 1990 has not been completed. In the circumstances, no legal mechanism is in place to secure the contributions and undertakings necessary in order to mitigate the impacts of the development. The proposal is therefore contrary to Policy 13 of the Dacorum Borough Local Plan 1991-2011 and its adopted SPD April 2011.*

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The residential units in the development shall only be occupied by an individual or household when the individual or one member of the household is aged 60 years of age or over as at the date of occupation.**

Reason: In accordance with local plan policies and to ensure sufficient parking and amenity space is achieved for the interests of the future occupiers and highway safety in accordance with policies 11 and 58 of the local plan and policy CS8 of the emerging core strategy.

- 3 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- All materials
- Colours of areas of painted brickwork and render
- Details of all windows, entrance doors and door cases (including section showing profile, glazing bars, trickle vents etc)
- Roof lights
- Details showing windows heads and bay window details
- Details showing of boundary treatment
- Hard and soft landscaping including lighting

**Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy 11 of the local plan and policies CS12 and CS13 of the emerging core strategy.

**4 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc).

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and in the interest of highway safety in accordance with policy 11 and 58 of the local plan and policies CS11, CS12 and CS9 of the emerging core strategy.

**5 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and in the interest of residential amenities in accordance with policy 11 of the local plan and policy CS12 of the emerging Core Strategy.

**6 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

- 1. A site investigation scheme, based on the preliminary geo-environmental and geotechnical assessment (September 2012) to provide information for a detailed assessment of the risk to all receptors**

that may be affected, including those off site.

**2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**

**3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.**

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy.

- 7 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy, the National Planning Policy Framework and the Thames River Basin Management Plan.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy, the National Planning Policy Framework and the Thames River Basin Management Plan.

- 9 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable**

**risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy, the National Planning Policy Framework and the Thames River Basin Management Plan.

- 10 **No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.**

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy, the National Planning Policy Framework and the Thames River Basin Management Plan.

- 11 **No demolition shall commence until a full bat survey of buildings F-H and mitigation strategy has been submitted to, and approved in writing by the local planning authority. Details of any subsequent measures of mitigation outlined in the strategy shall be submitted and approved in writing by the local planning authority and implemented.**

Reason: In the interests of biodiversity and in accordance with policy 102 of the local plan and CS26 of the emerging core strategy.

- 12 **The development shall not begin until details of the disposal of surface water from the new access and parking areas have been submitted to and approved in writing by the Local Planning Authority in conjunction with the highway authority. The access shall not be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users in accordance with policy CS8 of the emerging core strategy.

- 13 **Prior to the commencement of development a plan showing how all materials and equipment to be used during the construction shall be stored within the curtilage of the site shall be provided and shall also show facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development. The provision for parking and storage as agreed shall be provided for the duration of the development.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities in accordance with policy 58 of the local plan and policy and CS8 of the emerging core strategy.

- 14 **The development hereby permitted shall not be occupied until the arrangements for access, vehicle parking, circulation, and turning areas as shown on Drawing No. 40012bk-pl02 A have been provided. The vehicle parking and turning areas provided shall be permanently retained and shall be used for no other purpose at any time.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with policy CS8 of the emerging Core Strategy.

- 15 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

**(b) Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**(c) Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in

writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**(d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

16 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

40012BK-PL01  
40012BK-PL02 A  
40012BK-PL08 A  
40012BK-PL07 A  
40012BK-PL05 A  
40012BK-PL04 A  
40012BK-PL09 A  
40012BK-PL06 A  
40012BK-PL03 A  
17725 Rev 1  
1461-0002 02  
12348-BT2

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reasons and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The principle of development for sheltered accommodation is considered to be acceptable in accordance with policy 33 of the Local Plan and the form and size and design of the development is of an appropriate scale, particularly with regards to the character of the area and adjacent conservation area. The development is well designed, providing accommodation for elderly persons where is a need in the Borough. The development will be constructed to meet the Code for Sustainable Homes Level 3.

Good sized areas of practicable amenity spaces are provided to meet the needs of the occupants and in addition the scheme will see the retention of some of the best trees and supplement landscaping and planting.

The amenities of the neighbouring properties would not be adversely affected by the development and sufficient car parking is provided on site to meet the needs of the occupants.

NOTE 2:

The following policies of the development plan are relevant to this decision:

**Dacorum Borough Local Plan 1991 - 2011**

Policies 1, 2, 10, 11, 12, 13, 14, 17, 20, 21, 33, 40, 58, 68, 99, 111, 122, 123, 124 and 129  
Appendices 1, 3, 5

**Dacorum Pre-Submission Core Strategy (Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013))**

Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS19, CS29, CS31 and CS35.

**Supplementary Planning Guidance**

Affordable Housing SPD 2013  
Environmental Guidelines (Sections 1, 3, 9 and 12)  
Accessibility Zones for the Application of Parking Standards

NOTE 3:

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the consideration of the application which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.