



**DEVELOPMENT CONTROL COMMITTEE**  
**THURSDAY 27 NOVEMBER 2014 AT 7.00 PM**

**ADDENDUM SHEET**

**5.1**

**4/02320/14/MOA – CONSTRUCTION OF 16-STOREY AND FOUR BASEMENT LEVEL BUILDING COMPRISING OF UP TO 208 FLATS, OFFICES, RETAIL, LEISURE SPACE AND 228 CAR PARKING SPACES FOLLOWING DEMOLITION OF EXISTING OFFICE (CLASS B1) BUILDING (ALL MATTERS RESERVED) SYMBIO HOUSE, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH**

For clarification it is noted that the application submitted is for outline planning permission with all matters reserved. As such, the application seeks to establish the principle of development in this particular location. The committee report therefore does not give detailed considerations to matters associated with access, layout, scale, appearance or landscaping.

The proposal description has changed to include the wording 'up to 208 flats' and was agreed with the agent on 20 November 2014.

**Amended information**

Correspondence from the agent was received stating the following changes to the originally submitted Design and Access Statement:

- Vertical Solar Farm – the scheme now has a vertical solar farm, generating 414,796kWh per annum;
- Removal of CHP per flat and the introduction of a ground source district heating system; this allows for an increased energy balance of the site as it removes the dependency of natural gas for the development;
- Leaflet circulated during the site visit could include some additional quantifiable evidence but no further amendments.

**Additional comments**

Conservation and Design

The existing building occupies a prominent location in Two Waters and is currently a four storeys high office building. This area is on rising ground leading up from water meadows of the River Gade. Much of the surrounding development is of two storey low profile scale and includes a mix of residential and commercial uses. In summary the proposal is a high density and large-scale redevelopment on what is a relatively tight plot in a prominent and sensitive location.

In principle, there is much to commend the scheme for since it seeks to deliver a mixed commercial and residential development with potentially high sustainability credentials on previously developed land. It has the potential to regenerate part of a key gateway location which could be a catalyst for further schemes in the location.

From an urban design point of view the relevant policies are Saved Local Plan Policy 111 and Policies CS10, 11 and 12. I would also like to refer to CABI and English Heritage guidance on Tall Buildings (July 2007).

Saved Policy 111 normally expects high rise buildings in a town centre setting; high rise buildings elsewhere may be permitted provided there is no harm to the character of the area and the site's surroundings, the open character of land, views of open land countryside and skylines and the appearance and setting of conservation areas and listed buildings. Such high rise buildings will be expected to make a positive contribution to the townscape of their area.

Policy CS10 expects development proposals to respect the landscape character surrounding towns, promote higher densities in and around town centres, protect and enhance significant views into and out of towns, and deliver landmark buildings at movement and pedestrian gateways.

Policy CS11 expects development proposals to respect the typical density intended in an area and enhance spaces between buildings, protect or enhance significant views within character areas, incorporate natural surveillance to deter crime and the fear of crime, and avoid large areas dominated by car parking.

Policy CS12 expects development proposals to avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties, integrate with the streetscape character, and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials, landscaping and amenity space.

CABI and English Heritage guidance considers that LPAs should identify locations where tall buildings are suitable and that such buildings should be properly planned as part of an exercise in place-making informed by a clear long-term vision rather than an ad-hoc, reactive, piecemeal manner. The guidance considers that the existence of a tall building in a particular location will not in itself justify its replacement with a new tall building on the same site or in the same area. Both CABI and English Heritage consider that outline planning applications for tall building proposals are appropriate only in exceptional cases where the applicant is seeking to establish the principle of a tall building as an important element within a robust and credible masterplan for an area to be developed over a long period of time. The guidance by CABI and English Heritage considers that there are 11 criteria relevant to buildings which are taller than their neighbours: relationship to context, effect on the historic context, effect on world heritage sites, relationship to transport infrastructure, architectural quality of the building, sustainable design and construction, credibility of the design, contribution to public space and facilities, effect on the local environment, contribution made to the permeability and provision of a well-designed environment.

In assessing this proposal I have significant concerns at the principle of a 16 storey building in this location for the following:

- An outline planning application is not acceptable for a tall building since full details of any such proposal need to be properly assessed. The requirement for a full planning application (if an area is lacking a development brief) is set out in CABE Guidance for tall buildings.
- A detailed urban design study is lacking with this application in order to identify constraints and opportunities for a tall building in this location. In addition a character appraisal of the immediate context is also lacking with this application so therefore elements that create local character and other important features have not been clearly identified by the applicant (this includes topography, urban grain, significant views, skylines, scale and height, streetscape, landmark buildings and their settings, and important local views and panoramas). The requirement for a detailed urban design appraisal is set out in CABE Guidance for tall buildings.
- The height, bulk and mediocre design of the existing building does not in itself justify a new tall building which is out of context.
- High buildings are normally associated with town centre sites and this is not a town centre location. This location is an out of town centre site and is not identified for tall buildings, this location would compete with the skyline and commercial role of the town centre of Hemel Hempstead. There are large retail units nearby and in Apsley such as Sainsbury's, Dunelm Mill, Pets and Home etc, these are notable all two storey buildings.
- Although a previous appeal regarding the neighbouring Aldi site (which is two storey) identified this as a gateway location, nevertheless a gateway location does not indicate a building of disproportionate height on this neighbouring site.
- This development would be ad hoc, reactive and piecemeal. This area requires a development brief to ensure that future development is planned as part of an exercise in place-making informed by a clear long-term vision.
- The building would be excessive in height and would be significantly higher than any buildings in the area; it would also be highly visible from Boxmoor common (which is open public land) and within its setting. The existing context whilst including buildings with fairly substantial footprints also has domestic dwelling houses. The physical overshadowing caused by a building of this height would be marked due to its dominance dwarfing all local buildings. Whilst a slight increase in height for a building on this site, for instance 7 storeys, would not represent such an alien feature amongst the surrounding built environment.
- The building would not allow an orderly transition from the low rise context to the proposal. The 3D model submitted by the applicant clearly shows the

impact and alien nature that a structure of this height would have on the immediate locality as well as longer views.

- The height of the proposed development combined with the rising levels of the land would produce a building of unacceptable bulk. The existing topography against which this building would be viewed would result in a development which would appear as a standalone structure out of context with its surrounding and with no graduation of storey heights.
- The fact that this is set back from the Two Waters junction does not ameliorate the fact that the building would be situated on land rising from the junction. It needs to be reiterated that a gateway building does not necessarily mean a tall building rather one of exceptional design quality having a presence through its own character and appearance. It is considered that the bulk and mass of the current proposal needs to be broken down to provide lower staggered sections and a reduction in height in order to produce an acceptable scheme – this could have a 3-4 storey element which relates to the street scene with rising elements to 6-7 storeys.

In conclusion, in the absence of a design brief / framework for this area, an outline planning application for this development is not considered appropriate since it does not provide a detailed level of information in order to make a proper assessment of this proposal. Whilst a taller building than the existing may be possible to be accommodated on this site this needs detailed urban design analysis and contextual appraisal. This is clearly stated in CABE's Guidance for Tall Buildings. As such this current proposal has not been sufficiently justified.

### Contaminated Land

I write further to my memo of 24 September 2014.

The Environmental Health Division is in receipt of the following report submitted in respect of the above:

- Desk Study Assessment Report; Report Reference: JMC/C2454/4881; Brownfield Solutions Ltd; November 2014

The report has been amended to reflect the current application. The preliminary conceptual site model has identified potential significant contaminant linkages in relation to the site; however, these have all been assessed as low risk, with the exception of the potential for inhalation of ground gas from on-site made ground.

The report discusses the potential incorporation of a cover system and the necessary tanking of the basement as mitigation measures should contamination and/or ground gas be present on-site. In terms of further works a 'preliminary contamination assessment' has been recommended. I am in agreement that further investigation should be undertaken. A Phase II intrusive investigation is required in order to establish actual contaminant concentrations in the soil and groundwater (if relevant) as well as the on-site gassing regime. The resulting information can then be used to ascertain whether remedial works are required and the exact nature of

these works (e.g. depth of the cover system etc.) The Phase II intrusive investigation and associated sampling strategy must be designed to fully test all potential contaminant linkages identified within the preliminary conceptual site model. As further investigative works are required to characterise the site, I recommend that the standard contamination condition be applied, should planning permission be granted.

The site is located close to the London Road, Apsley Air Quality Management Area. Due to the scale of the development, I would request that an Air Quality Assessment is undertaken to ascertain whether the development (including the construction phase) will have a negative impact on the air quality within the area. This can also be addressed via condition.

### Environmental Health

With respect to issues relating to noise, the following additional comments were received:

The [Acoustic] report was loaded onto the planning portal when I first looked, so can we now deal with this by condition.

### Crime Prevention Design

I thank the applicants for further submitting a "Crime Prevention Report". My further comments to my previously submitted comments of 4th September are:

#### 1. Secured by Design part 2 physical security:

The applicants Crime prevention Report, gives additional information for which I am grateful, and although this is only an outline application, I mention the below items for future reference of the applicants for if this application is successful :

- The additional plans do not show doors from the underground parking to the stair cores, which only residents should be able to access.
- Under surveillance on page 6 of the Crime Prevention Report, it says: "Ground floor windows ... are triple glazed and resistant to forced entry and ground floor flats will have burglar alarms fitted as standard." The resistant to forced entry standard is BS PAS 24:2012 or LPS 1175 SR1, which isn't mentioned, but all the plans submitted don't show any flats at ground floor level?
- I am pleased that under 'Surveillance on page 6 it says: "Add to this access to floors is restricted via key cards allowing residents access only to their floors." If this means via the lift and the stair cores I am content.
- Under 'Apartment flat entrance doors' on page 7, I am pleased it says these doors will be to BS Pas 24:2012.
- Under 'External Doors' on page 7, I am pleased it says these doors will be to BS Pas 24:2012 or STS 202 BR2.
- I am pleased the report says that for the underground parking area, there will be CCTV, suitable lighting and the walls, ceilings and pillars will be painted white, and that the vehicle access and egress will be secure with a full shutter.

- I am pleased the report says that postal delivery will be accessed by the Post office being given an access fob.

## 2. Roof:

On page 7 of the Crime Prevention report under 'Ownership' it says about the roof garden being there for people to meet but no mention as to how the parapet will be designed (perhaps weldmesh on top of any parapet?) so as to deter anyone endeavouring to throw themselves off, or youths behaving stupidly around the parapet and accidents occurring.

## 3. Windows of flats onto communal walkways:

There are still bedroom windows which are onto the communal walkways, shown on the additional plans of the various levels. In spite of the windows as described on page 7 of the Crime Prevention report which says under Internal Windows " ...to be toughened triple glazed obscured unit with one way viewing tint to keep privacy levels and security high.." There is no defensible space in front of these windows; they cannot be opened as they will block walkways / cause a danger to people walking past; and anyone walking past the window will be able to bang against the window to the annoyance of residents.

## **Additional comments to report and other considerations**

### Building height

The CBE and English Heritage guidance on tall buildings is relevant to the application which proposes a tall building in an area for which a formal masterplan has not been prepared. It is noted that significant weight is given to the site's location at a gateway into the town of Hemel Hempstead which would justify a building of taller and different form to those of neighbouring properties.

The design and appearance of the building would be essential to achieving a satisfactory form of development on this prominent gateway site. As such, these elements shall be controlled through the reserved matters process, and detailed conditions have been included in the recommendation to grant outline planning permission which shall secure appropriate design details in order to meet the objectives of the National Planning Policy Framework and Policies CS10, CS11 and CS12 of the Core Strategy.

It is noted that considerations relating to bulk when viewing the indicative front elevation and perspectives are not strictly relevant in the determination of this outline application. Specifically, such issues would relate to reserved matters when details concerning layout, scale, appearance and landscaping are considerations.

With respect to the shadows that would be cast on existing surrounding buildings by a development of this height, it is noted that none of the surrounding buildings are particularly important, noting that there are no listed buildings, and no nearby features of special architectural or historical interest whose setting would be compromised by the proposed development. Although the adjacent Chancerygate Business Centre immediately west of the application site is considered to represent a

high quality development, it is not considered to be a significant feature in the area that would require protection from shadowing by taller buildings. It follows that a proposal of this height would not compromise the appearance or setting of any visually important buildings or structures. Therefore it is not considered a refusal could be sustained on the grounds of overshadowing of other neighbouring buildings.

#### Impact on access, parking, traffic and highway safety

##### *Parking*

It is noted on page 26 of the report that the site does not benefit from a location close to the town centre, or the nearest railway station, which are located approximately 950m and over 1km respectively.

Whilst these destinations are not particularly close to the application site, it would not be unreasonable to walk to these destinations. The walk to Hemel Hempstead Railway Station at approximately 1.1km from the application site would involve a limited number of crossings over residential roads and with a footpath for the whole journey.

The nearest bus stop is located on Two Waters Road approximately 250m north of the application site, with five routes serving this stop.

The walk to Hemel Hempstead town centre would involve a three-part crossing over London Road at the intersection with Two Waters Road however this route also has footpaths all the way to the town centre with a subway crossing to avoid the Plough Roundabout.

The application site is located adjacent to a supermarket (Aldi) however the nearest identified local centre is on London Road, Apsley, which is also within walking distance of the application site, approximately 500m to the east.

Saved Policy 58 of the Local Plan addresses private parking provision and states that for residential development, car free residential development may be considered in high accessibility locations. The policy goes on to state that parking provision may also be omitted or reduced on the basis of the type and location of the development (e.g. special needs / affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport).

Based on the locational factors above, a reduced parking rate could be applied to the residential component of the development.

However, it would be reasonable to attach a condition requiring the submission of car parking management plan to ensure that the basement car park is managed effectively with the aim of preventing on-street car parking.

Hertfordshire Highways comments have been based on parking figures stated in the submitted Transport Statement, which state the maximum number of permitted spaces would be between 259 and 365. As mentioned in the officer report, when applying the reductions under the Accessibility Zones for the Application of Car

Parking Standards Supplementary Planning Guidance, the maximum car parking provision would be between 361 and 378 spaces.

The difference between maximum parking figures in the Transport Statement and the report is limited and on this basis Hertfordshire Highways does not consider the proposal would result in significant harm to the surrounding road network.

It is noted that Hertfordshire Highways did not see the proposed parking provision to be likely to cause significant or indeed 'severe' harm. The effects of the parking provision would be in the efficacy of the travel plan and supporting measures (including electric vehicles, cycle hire, and car pool and club).

On this basis it is not considered a refusal could be substantiated on the grounds of lack of car parking as significant harm to the surrounding highway network cannot be demonstrated.

#### Contaminated land and air quality

It is noted that the standard contaminated land conditions have been included in the recommendation which is in line with advice from the Contaminated Land officer.

With respect to air quality, an assessment and mitigation measures as requested would be sought by the imposition of an additional condition.

#### Noise

It is noted that a condition has been included in the recommendation requiring the submission of an Acoustic Survey to address potential issues between the proposed commercial and residential units and the impact on surrounding uses which is in line with advice from the Environmental Health officer.

#### Proximity to hazardous substances

The application site is located proximate to existing gas holders and is within an area designated as the 'outer zone' of these gas holders. The Health and Safety Executive directs all consultation responses to its PADHI (planning advice for developments near hazardous installations) decision matrix.

PADHI Guidance states that for multiple-use developments (such as a mix of housing, indoor use by the public and a workplace), the separate parts of the proposal must be identified according to the development types. All facilities of the same development type and the sensitivity level must be determined for each component.

The various components of the proposal would fall into the following categories identified by the PADHI Guidance:

- DT1.1 – Workplaces, which includes offices. DT1.1 x1 – Workplaces (predominantly non-retail) providing for 100 or more occupants in any building or 3 or more occupied stories in height is Level 2. The justification for this



classification is a substantial increase in numbers at risk with no direct benefit from exposure to the risk.

- DT2.1 – Housing including flats. DT2.1 x 3 – Any developments (for more than 2 dwelling units) at a density of more than 40 dwelling units per hectare is Level 3. The justification for this classification is high-density developments.
- DT2.4 – Indoor use by public including food and drink (café), retail (financial and professional services to the public) and assembly and leisure (gym). Developments for use by the general public where the total floor space is from 250m<sup>2</sup> to 5000m<sup>2</sup> is Level 2. The justification for this classification is developments where members of the public will be present (but not resident). Emergency action may be difficult to co-ordinate.

It is noted that no component of the proposed development falls within the category for 'very large and sensitive developments' which are classified as the highest, Level 4 development under PADHI Guidance.

The guidance continues to state that for 'multiple-use developments', if all outcomes of the individual land use components from the matrix is 'Don't advise against development', that is the final HSE advice.

As mentioned above, the site is located in the outer zone. The level of sensitivity of the proposal falls under Levels 2 and 3 according to the PADHI Guidance. Based on these factors, the PADHI decision matrix for all uses does not advise against development.

It follows that the proposal would not have any adverse implications with respect to their proximity to the existing gas holders.

## **Conditions**

It is recommended to insert three new conditions relating to requirements for a car parking management plan (Condition 6 below), submission of an air quality report and mitigation measures (Condition 15), and for the proposed gym and function room uses (Condition 20) to be restricted to use by residents and occupiers of the building only.

All other conditions would be renumbered. The full list of conditions has been provided below, and includes amendments to conditions with errors and which link to other conditions in accordance with the renumbering.

The approved plans condition (Condition 21 below) has been amended to only include the site location plan, as the application is outline with all matters reserved.

The Article 31 statement and informatives shall remain as noted on the agenda (on pages 37 to 41 inclusive).

**1. Approval of the details of the site layout as well as the siting, scale, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be**

**obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

**2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

**3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

**4. 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. The schedule of materials shall be supported by a statement explaining what factors have been taken into account during the selection of materials, and how they would age and appear over time. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a development of high quality architecture and appearance in this prominent gateway location in accordance with the National Planning Policy Framework and Policies CS10 and CS12 of the Dacorum Core Strategy (September 2013).

**5. 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;**
- **car parking layouts and other vehicle and pedestrian access and circulation**

- areas;
- details of disposal of surface water within the site;
- any ecological enhancements which could include planting of locally native species.

**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 to minimise water run off onto the road and outside of the site in accordance with Policies CS12 and CS31 of the Dacorum Core Strategy (September 2013).

**6. Prior to the first occupation of the development hereby permitted, a Car and Cycle Parking Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the following:**

- details of car parking allocation and distribution;
- details of the car club regarding the operation, management and implementation of the scheme;
- methods to minimise on-street car parking; and
- a scheme for the provision and parking of cycles

**The Car and Cycle Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, or in accordance with a timeframe agreed by the local planning authority, and thereafter retained for this purpose.**

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 57 and 58 of the Dacorum Borough Local Plan 1991-2011.

**7. Prior to the commencement of the development hereby permitted, full details (in the form of metrically scaled plans and / or written specifications) shall be submitted to and approved in writing by the local planning authority to illustrate the following:**

- access arrangements for vehicles expected to access the development including a swept path analysis;
- visibility splays in both directions of the vehicle accesses;
- details of the headroom clearance for the car park;
- all roads, footways, cycleways and pedestrian links to be provided;
- the location and provision of cycle parking in accordance with adopted standard;
- servicing areas and bin storage including loading and turning areas for service vehicles.

Reason: To ensure sufficient access arrangements to, from and within the proposed development and to confirm proposed car parking and cycle parking arrangements in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

**8. Prior to the first occupation of the development hereby permitted the proposed access, on-site car and cycle parking, shall be demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 58 of the Dacorum Borough Local Plan 1991-2011.

**9. No works shall commence on site until a scheme for the provision and parking of cycles has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy CS8 of the Dacorum Core Strategy (September 2013).

**10. Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development would best meet Code Level 4 (or equivalent) and meet the objectives of Policies CS28, CS29 and CS31 of the Dacorum Core Strategy (September 2013) shall be submitted to and approved in writing by the local planning authority.**

**Within three (3) months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified assessor) to demonstrate full compliance with the approved Energy Statement.**

Reason: To ensure the sustainable development of the site in accordance with Policies CS28, CS29 and CS31 of the Dacorum Core Strategy (September 2013).

**11. 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 11 to 14 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 14 has been complied with in relation to that contamination.**

**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;**

**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'.**

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 CS32 of the Dacorum Core Strategy (September 2013).

## **12. 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.**

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 CS32 of the Dacorum Core Strategy (September 2013).

### **13. 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.**

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 CS32 of the Dacorum Core Strategy (September 2013).

### **14. 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 11 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12, 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 13.**

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 CS32 of the Dacorum Core Strategy (September 2013).

**15. Prior to commencement of the development hereby permitted, an Air Quality Report shall be submitted to and approved in writing by the local planning authority to ascertain whether the development, including the construction phases, will have a negative impact on air quality within the area**

**and proposed mitigation measures and timeframes for implementation. Development shall be carried out in accordance with the approved details.**

Reason: To reduce impacts on the surrounding area with respect to air quality in accordance with Policy CS32 of the Dacorum Core Strategy (September 2013).

**16. Prior to the commencement of development, an Acoustic Survey shall be submitted to and approved in writing by the local planning authority to address potential issues between the proposed commercial and residential units and the impact on surrounding uses.**

Reason: To safeguard the amenity of proposed dwellings and neighbouring properties in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

**17. No impact piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and a Piling Risk Assessment to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers has been submitted and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.**

Reason: To minimise impacts on underground sewerage utility infrastructure proximate to the proposed works and to minimise the risk of near-surface pollutants migrating into deeper geological formations and aquifers in accordance with the National Planning Policy Framework.

**18. The development hereby permitted shall be designed to meet *Secured by Design* standards and no development shall take place until detailed measures to design out crime shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure out crime in the interests of ensuring a secure residential environment and a sustainable development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

**19. The development hereby permitted shall be carried out in accordance with the approved Site Waste Management Plan.**

Reason: To reduce the amount of waste produced on the site in accordance with Implementation of Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012.

**20. The function room and gym within the building hereby permitted shall be restricted to use by residents and occupiers of the building only.**

Reason: To reduce impacts on the amenity of neighbouring properties and the surrounding area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

**P0.1 (site location plan).**

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

**Amendment to recommendation**

As per the published report subject to amended conditions set out above.

Heads of Terms to be amended to replace second bullet point (page 31 of the agenda) as the word 'cycles' was omitted; to read as follows:

- Financial contributions in accordance with Planning Obligations Supplementary Planning Document toolkit for the following:  
Allotments  
Outdoor pitches  
Cycles  
Child play space  
Natural green space  
TravelSmart

\*\*\*\*\*

**5.2**

**4/00925/14/MOA – RESIDENTIAL DEVELOPMENT (UP TO 43 DWELLINGS), DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, ACCESS AND PARKING, ALTERATIONS TO LEVELS, LANDSCAPING AND RELATED WORKS (OUTLINE APPLICATION – ALL MATTERS RESERVED EXCEPT ACCESS) FORMER MARTINDALE JMI SCHOOL, BOXTED ROAD, HEMEL HEMPSTEAD, HP1 2QS**

**Amendment to recommendation**

As per the published report with the exception that the reference to Police contributions should be omitted from the s106 Heads of Terms as this was erroneously included, but is not justifiable in accordance with the SPD on housing schemes below 50 dwellings.

\*\*\*\*\*



5.3

**4/03013/14/FUL – DEMOLITION OF GARAGE AND CONSTRUCTION OF THREE BEDROOM HOUSE  
13 COBB ROAD, BERKHAMSTED, HP4 3LE**

No update required.

**Recommendation**

As per the published report

\*\*\*\*\*

5.4

**4/03090/14/RET – RETENTION OF EXTENDED CONSERVATORY TO WHOLE WIDTH OF HOUSE AND 2 ROOFLIGHTS IN REAR ROOFSCAPE  
162 HIGH STREET, NORTHCHURCH, BERKHAMSTED**

No update required.

**Recommendation**

As per the published report

\*\*\*\*\*

5.5

**4/01989/14/ROC – REMOVAL OF CONDITION 18 (OPENING HOURS) AND 22 (ROOF HEIGHT / PITCH) ATTACHED TO PLANNING PERMISSION  
4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE CUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE – VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)  
BOURNE END MILLS INDUSTRIAL ESTATE, BOURNE END LANE, HEMEL HEMPSTEAD**

**Recommendation**

At the request of the applicant the Chair has agreed that this application be DEFERRED from consideration. The application will be considered together with the associated Reserved Matters application on 18<sup>th</sup> December 2014.

\*\*\*\*\*

**5.6**

**4/03035/14/FUL – REPLACEMENT BALCONIES  
165-215 LONGLANDS, HEMEL HEMPSTEAD, HP2 4EN**

**Recommendation**

As per the published report

\*\*\*\*\*