

4/01415/11/MFA - THIRTEEN RESIDENTIAL UNITS (TWELVE 3-BEDROOM AND ONE 2-BEDROOM) WITH ASSOCIATED ANCILLARY DEVELOPMENT AND LANDSCAPING. (BLOCK H) LAND AT JUNCTION OF COTTERELLS AND, STATION ROAD, HEMEL HEMPSTEAD.

APPLICANT: SPECTRUM (HEMEL HEMPSTEAD) LIMITED.

[Case Officer - Andrew Parrish]

[Grid Ref - TL 05373 06288]

Summary

The application is recommended for approval. The application is justified in terms of Policy 29 for a change of use to residential on the grounds of a demonstrative lack of demand for office floorspace. The proposal is considered acceptable in layout and access terms and will not have any adverse impact on adjoining residential occupiers. The proposal would have an acceptable appearance in street scene terms and would provide 13 general needs private housing units. It would be designed to exceed Code level 3 and would have Secured by Design certification. The proposal would not impact on any significant trees and would be landscaped to a high standard with a net increase in trees on the site. The application is accompanied by a signed s106 unilateral undertaking.

Site Description

The application site (Block H) relates to a triangular area extending to 0.25 ha which is bounded by Station Road to the east, Cotterells to west and by Block E of the existing Kodak redevelopment (KD tower) to the north. The site is part of a larger site that was granted planning permission for redevelopment in December 2006 (4/02790/06/MFA), this part of which still has an extant permission for a 4 storey office development with associated parking and landscaping.

The site is currently vacant, albeit being used as a temporary car park with a number of mature trees and grassed open space at its southern end.

To the west of the site are two storey Edwardian terraced houses and later infill. The recently refurbished KD tower to the north extends to 21 stories. There are 5 further residential blocks further to the north which were developed as part of the same development, comprising in total 450 dwellings, new retail and commercial floorspace with significant public realm improvements including a bridge and public square. To the east and south, is public open space in the form of Heath Park that forms part of the overall land parcel associated with Boxmoor Trust land.

The site falls within the town centre.

Proposal

Full permission is sought for the erection of 13 dwellings (12 x 3 bed houses and 1 x 2 bed apartment). The development would be in 3 main blocks of 4 x three-storey town houses together with a fourth block comprising one apartment on the first floor above parking bays. The proposal would include landscaping, private gardens and 19 off-street parking bays in total.

| | Standard/Guideline | Proposal |
|----------------|---|--------------------------|
| Density | 30-50 dwellings per hectare | 52 dwellings per hectare |
| Parking | 19 spaces total 1.5 spaces per 3 bed 1 space per 2 bed dwelling | 19 spaces overall |

| | | |
|---------------|--------------------------------------|--|
| Garden | A rear garden depth over 11.5 metres | 8-10 metres plus balconies to some units |
|---------------|--------------------------------------|--|

Referral to Committee

The application is referred to the Development Control Committee because it involves proposals that effectively amend an application previously considered and approved by the Committee.

Planning History

4/01148/10/VAR VARIATION OF SECTION 106 AGREEMENT

Granted
07/06/2011

4/01234/08/RO VARIATION OF CONDITION 5 (THE STAND ALONE OFFICE BUILDING IDENTIFIED AS BLOCK H SHALL BE COMPLETED (SHELL AND CORE) PRIOR TO THE OCCUPATION OF 90% OF THE PRIVATE RESIDENTIAL UNITS) OF PLANNING PERMISSION 4/02790/06 (PART CONVERSION, PART REDEVELOPMENT TO PROVIDE 6983sqm OF OFFICE (CLASS B1), 1631sqm OF RETAIL ACCOMMODATION (CLASSES A1, A2, A3) AND 434 RESIDENTIAL UNITS WITH TWO LEVELS OF CAR PARKING, CONVERSION OF UPPER FLOORS OF EXISTING TOWER TO RESIDENTIAL AND CREATION OF SIX NEW BUILDINGS WITH PUBLIC SQUARE AND ADDITIONAL LANDSCAPING, REMOVAL OF EXISTING FLYOVER AND CONSTRUCTION OF NEW PEDESTRIAN BRIDGE (AMENDED SCHEME)

Granted
22/08/2008

4/00407/08/RO VARIATION OF CONDITION 5 (THE STAND ALONE OFFICE BUILDING IDENTIFIED AS BLOCK H ON THE APPROVED PLANS SHALL BE COMPLETED (SHELL AND CORE) WITHIN 16 MONTHS OF 75% OF ALL PRIVATE RESIDENTIAL UNITS BEING OCCUPIED, UNLESS OTHERWISE AGREED IN WRITING BY THE LOCAL PLANNING AUTHORITY) OF PLANNING PERMISSION 4/02790/06 (PART CONVERSION, PART REDEVELOPMENT TO PROVIDE 6983sqm OF OFFICE (CLASS B1), 1631sqm OF RETAIL ACCOMMODATION (CLASSES A1, A2, A3) AND 434 RESIDENTIAL UNITS WITH TWO LEVELS OF CAR PARKING, CONVERSION OF UPPER FLOORS OF EXISTING TOWER TO RESIDENTIAL AND CREATION OF SIX NEW BUILDINGS WITH PUBLIC SQUARE AND ADDITIONAL LANDSCAPING, REMOVAL OF EXISTING FLYOVER AND CONSTRUCTION OF NEW PEDESTRIAN BRIDGE (AMENDED SCHEME)

Refused
16/04/2008

4/02790/06/MFA PART CONVERSION, PART REDEVELOPMENT TO PROVIDE 6983sqm OF OFFICE (CLASS B1), 1631sqm OF RETAIL ACCOMMODATION (CLASSES A1, A2, A3) AND 434 RESIDENTIAL UNITS WITH TWO LEVELS OF CAR PARKING, CONVERSION OF UPPER FLOORS OF EXISTING TOWER TO RESIDENTIAL AND CREATION OF SIX NEW BUILDINGS WITH PUBLIC SQUARE AND

ADDITIONAL LANDSCAPING, REMOVAL OF EXISTING FLYOVER AND
CONSTRUCTION OF NEW PEDESTRIAN BRIDGE (AMENDED
SCHEME)
Granted
29/06/2007

4/01232/06/FUL REFURBISHMENT OF MAIN KODAK TOWER AND REDEVELOPMENT
OF SITE TO PROVIDE OFFICE, RETAIL/RESTAURANT (CLASS A1, A2
AND/OR A3), GYM (CLASS D2) USES, AND 470 RESIDENTIAL UNITS
WITH TWO LEVELS OF CAR PARKING, PROVISION OF A PUBLIC
SQUARE, REMOVAL OF EXISTING FLYOVER AND CONSTRUCTION
OF NEW PEDESTRIAN FOOTBRIDGE
Refused
27/11/2006

Policies

National Policy Guidance

PPS1, PPS3, PPS9, PPG13

Circular 11/95, 1/2006, 05/2005

Draft National Planning Policy Framework (NPPF): Note: Existing PPG's and PPS's remain in
force until formally superseded by the NPPF

East of England Plan

Policies SS1, ENV6, ENV7, ENG1

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 18, 20, 21, 29, 58, 61, 62, 63, 99, 100, 111, 122, 124, 129
Appendices 1, 3, 5, 6

Emerging Core Strategy

CS1, 4, 5, 7, 8, 9, 10, 11, 12, 13, 19, 25, 26, 27, 28, 29, 30, 31

Supplementary Planning Guidance

Environmental Guidelines

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Sustainable Development Advice Note

Representations

Spatial Planning and Regeneration (in summary)

For an exception to adopted policy, need to be satisfied that there is clear evidence to support
this, particularly demand for offices. In its report, CBRE has concluded that there is a lack of
demand for office land. It is clear that the site has been on the market unsuccessfully for the
past 3 years for a variety of reasons, particularly current problems bringing forward a
speculative design and build scheme. Furthermore, they have pointed to the weakness of the

Hemel Hempstead office market, the attractiveness of other locations (Watford and St Albans), and the current surplus of floorspace. Overall, it does appear the applicant has undertaken a genuine and thorough marketing exercise.

While an office use would be preferred in policy terms and its lack of provision is a disappointment, the site lies adjacent to the existing Image housing development and housing on the Cotterells. Therefore, it would complement existing residential uses.

The land forms part of the "gateway" into the town centre and justifies a high quality development. This is an opportunity to create a landmark scheme in such a key location.

The houses will front the Cotterells and Station Road. It is important they provide active frontages to each road frontage.

Welcomes the retention of open land at the apex of the site and its use as amenity land, which helps soften the appearance of the development and protects existing trees. There is concern over the garden depths of the properties. However, a larger communal amenity area is to be provided along with balconies, and the houses are located reasonably close to the open space around Heath Park / cricket ground / Boxmoor.

The applicant is seeking to meet Code for Sustainable Homes level 4 which is welcomed.

The parking proposed (19 spaces) accords with standards for this central location.

Clearly the proposal does not accord with the original vision for the development and wider employment approach in the Local Plan. However, the application of adopted (and emerging) policy needs to be balanced against wider corporate regeneration aims, viability and current market conditions, short and long terms employment needs, and the general suitability of the site for housing.

Herts Highways (in summary)

Does not wish to object to the grant of planning permission.

The proposal seeks to replace a commercial building that was originally designed for the site and granted consent.

The permitted scheme comprised a 4 storey office development with new parking provision and landscaping. The new proposal will provide 13 residential units together with 19 parking spaces and cycle spaces. The proposal will not lead to a significant increase in traffic compared with the previously agreed office development. The access arrangement remains the same as previously agreed and the parking allocated to the residents is understood to be in line with DBC parking standards. Therefore, the highway authority does not wish to object to this proposal.

Head of Conservation and Design (in summary)

No objections subject to protection of the trees which are a particular feature of this prominent corner site.

The design has been through development negotiation and is happy with this subject to conditions:

- Tree protection measures
- All materials to be submitted and approved
- Brick sample panel to be constructed on site to agree bricks, brick bond, colour of mortar

- Render colour, texture and finish to be agreed
- Detailed drawing to show recess and details of window and doors to be submitted and approved. Unless otherwise agreed windows to be powder coated aluminium
- Details of railing and balconies to be submitted and approved
- Details of window side panels to be submitted and approved
- Hard and soft landscaping, including lighting
- Details of screen walls

HCC Planning Obligations Officer (in summary)

Requests financial contributions (figures in accordance with the HCC Toolkit) for the following:

Primary Education £30,444

Childcare £1,713

Youth £613

Libraries £2,505

Also requests fire hydrant provision.

Lead Officer Housing Development

The 13 residential units proposed is below the 15 dwellings threshold and under the current Supplementary Planning Document, there is no affordable housing requirement.

Contaminated Land Officer

Agrees with the recommendations from CLG to Dandara Ltd dated 22nd June 2011. In addition, the presence of an underground storage tank within the southwest corner of the site should be removed and associated validation undertaken in line with the recommendations in the June 2007 report from CGL. Recommends the standard contaminated land condition be applied.

Environmental Health

Notes the submitted Noise Mitigation Report. Recommends informatives and a condition to ensure that all mitigation measures in the report are implemented and comply with BS8233:1999.

Crime Prevention Design Advisor In summary)

Welcomes Secured by Design standards. Raises comments as follows:

- DDA is mentioned in the documentation and that has now been superseded by The Equalities Act 2010.
- Recommends welcome lights be included outside each residential unit, perhaps Green Lighting or something similar.
- The DAS mentions the area will be covered by CCTV but there is no indication on the plans of the camera locations, or whether it is monitored. Assumes the CCTV is to the latest British Standards with digital images being stored for a minimum of 31 days with easy access for police in the event of an incident in the area.

Awaits completed Secured By Design application.

Thames Water (in summary)

No objection with regards to sewerage infrastructure. Informative with regards to surface water drainage.

Environment Agency (in summary)

Notes that the proposed development is within Flood Zone 1. Refers to Standing Advice. The main flood risk issue is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. Recommends surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.

Trees and Woodlands (in summary)

The proposed soft landscape scheme is satisfactory. Recommends that the Root Protection Area (RPA) of the six remaining TPO trees on site should be protected with secure fencing in accordance with the recommendations of the BS 5837:2005. The RPA is a radius of 6 metres from the base of the trees in all directions. The RPAs of T2, T7 and T8 appear to be too close to a proposed footpath and may be breached. If parts of the footpath have to encroach on the RPA, Recommends that a no-dig system of construction using granular materials and Cellular Confinement systems are used to avoid serious damage to the tree roots.

HCC Minerals and Waste Team (in summary)

Recommends the imposition of condition(s) to deal with the sustainable management of waste and advises that a Site Waste Management Plan (SWMP) is required by law for all projects worth more than £300,000.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement (in summary):

22 KD Tower - Supports proposals.

26 KD Tower - Objects on grounds of loss of privacy and loss of view from balcony on the 5th floor which overlooks the development.

188 KD Tower - Welcome benefit. Houses will have less impact than offices. Not viable for offices given over 1 million sq ft vacant office floorspace in Hemel Hempstead

Resident apartment at Heath Park House - Objects:

- No need for further residential development when there are so many empty apartments
- Will lead to a longer property recovery
- More congestion
- Not enough space for more apartments

Considerations

Policy and Principle

The site is located within the town centre of Hemel Hempstead wherein, under Policies 2 and 9 of the Local Plan and CS1 and CS4 of the emerging Core Strategy, residential development is acceptable in principle subject to complying with all other relevant policy criteria.

However, the site forms part of the wider redevelopment of the Kodak site (4/02790/06/FUL) and was specifically set aside for office development (C 7,000 sq m). The latter was part of the justification under Policy 29 for the loss of significant amounts of office floorspace through the

conversion of the Kodak tower to residential. Policy 29 seeks to retain office floorspace in town centres and the former would have contributed towards (in part) offsetting the loss.

Policy 10 states that "general building development should be designed to achieve the maximum density consistent with the character of the area, surrounding land uses and other environmental policies in the plan. PPS3 refers to residential development and encourages the efficient and effective use of urban land that is compatible with the character of the area.

In addition, the recent statement from the CLG highlighting amendments to PPS3 should be noted:

- the national indicative minimum density of 30 dwellings per hectare is deleted from paragraph 47.

Consequently, it is considered that Policy 11 / CS5 and other policies and guidance within the Borough Plan hold greater material weight when assessing proposals. The land forms part of the gateway into the town centre and warrants a high quality development that reinforces that role.

The key issues in the assessment of this application relate to the acceptability of evidence submitted to justify an exception to Policy 29, the acceptability of the proposal in terms of its general layout, the street scene and the character of the area, the effect on existing trees and landscaping, the impact on highway and pedestrian safety and the impact on adjoining residential amenities.

Exception to Policy 29

In 2006, planning permission was granted for the part conversion, part redevelopment of the Kodak tower to provide 434 residential units, 6,983 sq m office floorspace, 1,631 sq m retail floorspace together with new public square, landscaping, removal of existing flyover and new pedestrian bridge.

Policy 29 seeks to resist the loss of employment floorspace in town centres. The provision of 6,983 sq m office floorspace on the site at Block H was part of the justification under Policy 29 for the loss of a significant amount of office floorspace (50%) to residential.

As a precursor to the current application, it should be noted that an ROC application in 2008 to vary Condition 5 was granted in order to give the applicants greater flexibility in the provision of the office block (Block H). This was granted in the light of the worsening economic climate, property market particularly the office market, and associated financial constraints related to funding. In addition, in 2010, a Deed of Variation to the s106 agreement was granted inter alia, to allow reduced contributions in respect of highways, controlled parking zone and Heath Park open space in the light of the costs of the pedestrian bridge being over double initial estimates, and to enable the change to residential for the office floorspace on the second floor of the tower (Block E) to take place sooner in the light of the lack of interest from prospective tenants.

In support of the current application, the applicants have produced a report setting out the history of marketing and its outcome. The applicants' agent (CBRE) has concluded that there is a lack of demand for office land. It is clear that the site has been on the market unsuccessfully for the past 3 years for a variety of reasons, particularly current problems bringing forward a speculative design and build scheme, but also lack of parking for staff and existing landlords offering competitive rates to tenants expressing a wish to leave their current offices. Furthermore, CBRE have pointed to the weakness of the Hemel Hempstead office market, the attractiveness of other locations (Watford and St Albans), and the current surplus of floorspace. Overall, it does appear the applicant has undertaken a genuine and thorough

marketing exercise. An exception to Policy 29 is therefore reluctantly agreed.

Whilst an office use would be preferred in policy terms and its lack of provision is a disappointment, the site lies adjacent to the existing Image housing development and housing on the Cotterells. Therefore, housing would in principle complement existing residential uses.

Land Optimisation and Density

Policy 10 requires a coordinated and comprehensive approach to development by ensuring that opportunities for development in the immediate area are not missed. It also seeks to secure the optimum use of land in the long-term by requiring, inter alia, that general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan and, in particular, building development should make optimum use of the land available, whether in terms of site coverage or height.

The site is a stand alone area that is isolated from potential adjoining development sites by roads. It is not therefore considered that the development of this site in the form proposed would result in any clear missed opportunity for accessing and developing other nearby land.

The number of dwellings units is set down in the description as 13. Policy 21 of the Local Plan states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare although higher densities will generally be encouraged in accessible locations within town centres. The national indicative minimum density of 30 dwellings per hectare has been deleted from paragraph 47 of PPS3. Therefore, there is no requirement to ensure that developments meet minimum density threshold as stipulated under Policy 21. However, given the town centre location densities at the upper end of the threshold are considered acceptable and appropriate. The density proposed of 52 dph would accord with Policy.

Affordable Housing

Under Policy 20 the threshold is 25 dwellings or 0.5 hectares. In terms of PPS3 the requirement is a minimum threshold of 15 dwellings. The proposal, at 13 dwellings, falls under the threshold and therefore would not require affordable housing as part of the mix. Whilst the proposal can be considered to be part of a larger site where affordable housing would normally have been required and negotiated, regard has been had to the financial and viability aspects of the development when considered with the larger site, together with the corporate regeneration aims. Therefore affordable housing has not been sought in this case.

General Layout and Impact on Street Scene and Character of Area

The land forms part of the “gateway” into the town centre and justifies a high quality development. It is on a prominent site with frontages on two sides visible from a wide area across Heath Park. This is an opportunity therefore to create a landmark scheme in a key location to complement that which has already occurred on the adjoining Image site.

The scheme, which follows pre-application negotiation, is based around four separate blocks of contemporary styled town houses in a crescent layout. The layout follows the road frontages of Cotterells and Station Road incorporating public fronts and private backs and complying with best practice in terms of a perimeter block layout. Private gardens would face into the site with parking areas screened from the street by the blocks.

Gaps between the blocks would help break up the massing, whilst also providing opportunities for soft landscaping to complement the development. The layout with front entrances, balconies and bay windows to the street would appropriately address the public realm whilst providing interest and activity at street level. The retention of the open land at the corner with

its mature trees would further complement the setting whilst providing a suitable visual and noise buffer to the busy Station Road.

Whilst the garden depths are on the short side, particularly in respect of Block H4, there is good provision for landscaping throughout which is important given the prominence of the site. Furthermore, balconies are provided to many of the dwellings whilst the dwellings will have access to communal open space to the south and will be located in close proximity to open space around Heath Park / cricket ground / Boxmoor Trust land. In addition, contributions have been agreed in accordance with the Council's SPD on Planning Obligations towards public open space.

The proposed 3 storey height would provide a transition between the existing traditional 2 storey development on the western side of Cotterells and the recent 4 storey Image development on the eastern side. Although the development is three storey, the second floor is recessed such that the visual impact from street level is reduced. Furthermore, there will be no material impact on properties in Cotterells given that the apartment building here here will be two storeys.

In detailed design terms, whilst the development is contemporary in approach with a flat roof form, the overall size, scale and massing would respect that of the more traditional dwellings in Cotterells whilst also reflecting the geometric form of the Image development nearby. The development incorporates protruding and recessed facades that helps create shadow relief and interest. Corner units employ a greater level of design that provides active frontage to help turn the corner. Means of enclosure would comprise low brick walls and railings to the frontages together with screen walls and piers to the private gardens at the rear. Facing materials would comprise brick and painted render in keeping with the existing Image development in Cotterells as set out in the Design and Access Statement .

Given the prominence of the site from the surrounding area and street scene, including from the KD Tower, and the importance of achieving a high quality appearance to the development on this gateway site, there are justifiable concerns that uncontrolled extensions or additions could compromise the architectural appearance of the development and its setting. It is therefore recommended that permitted development rights are withdrawn for extensions, outbuildings and roof additions.

Subject to approval of the aspects sought by the Assistant Team Leader Conservation and Design, the development would accord with Policy 11 / CS5 etc of the Borough Plan.

Impact on Trees and Landscaping

There are a number of existing mature trees the subject of a TPO (No. 325/1998) to the frontage which will be retained. These comprise Noway Maple and Horse Chestnut. Originally there were many more preserved trees on the site; however, the removal of these was agreed as part of the main Kodak development. The current development will be sited in close proximity of a number of these trees and the Trees and Woodlands Officer has recommended that if parts of the footpath have to encroach on the root protection area (RPA), a no-dig system of construction using granular materials and Cellular Confinement systems are used to avoid serious damage to the tree roots. It is recommended that this be dealt with by condition. It is also recommended that tree protection be put in place for these trees.

In terms of landscaping, there is good opportunity for further tree planting and this will continue the character created by the existing trees. Various types of planting regime are proposed, which is shown indicatively on the plans and Design and Access Statement. Hard landscaping will include a contrast between the parking bays and the tarmac access road. However the details will need to be the subject of a landscaping condition.

The proposals would accord with Policies 11, 99 and 100 of the Dacorum Borough Local Plan / CS5 of the Core Strategy.

Impact on highway and pedestrian safety

The development would utilise the existing vehicular access from Cotterells which currently serves the Kodak tower (Block E). No changes are proposed to this. The highway authority has raised no objections to the proposal. Given that the access is as existing and serves a large, albeit temporary, car park which is in regular use, and also serving the Kodak tower, it is not considered that the proposed residential use in lieu of the car park or the extant office scheme will result in any material intensification that would be harmful to highway safety.

The proposal would be well connected to existing pedestrian routes and would include a new pedestrian footpath to serve Blocks H2 and H3. The site is in close proximity to town centre shops and services which reduces the need for private car usage. Secure cycle stores would be provided within each garden and the site is close to existing public transport, both by rail and bus.

19 parking spaces would be provided to serve the development, arranged in parking courts with appropriate manoeuvring space. The provision would accord with the Council's standards set down in Appendix 5.

The details would accord with Policies 11, 51, 54 and 58 of the Borough Plan / CS5 of the Core Strategy.

Impact on residential amenities

The site is contained by roads on two sides and on the third by the Kodak tower. Therefore the direct impact on neighbouring residential properties will be limited. Although the back to back facing distance between the new dwellings and the Kodak tower would be less than the minimum 23 metres in respect of Plot 14, there is an oblique outlook only and furthermore, the Kodak tower contains office floorspace or service areas on the first 4 storeys, therefore there would be no material loss of privacy. A letter of objection has been received from one of the occupants of the apartments on the 5th floor. However, given the low height of the development and the set back of the 5th storey and above, a distance of 26 metres in this case would not result in any material loss of privacy. Indeed, it is more likely to be the other way around.

The loss of view is noted, however, loss of view is not a material planning consideration but in any event Kodak tower apartments will still enjoy panoramic views of the surroundings given the low height of the development. In terms of visual amenities, the impact of the development is considered to be satisfactory in this respect, even from above.

The proposals are considered to have an acceptable relationship with neighbouring properties and would comply with Policy 11 / CS5 of the Core Strategy and Appendix 7 of the Borough Plan

S106 Planning Obligation

Hertfordshire County Council has indicated a requirement for contributions towards primary education, childcare, youth and libraries, together with provision of fire hydrants. These will need to be secured through a s106 legal agreement.

In terms of the Council's own adopted Planning Obligations SPD, there will also be a requirement for contributions towards allotments, outdoor pitches, cycles, child play space, natural green space and travel smart.

A monitoring and administration contribution of 6% is also required.

The following heads of terms have been agreed and a draft agreement drawn up.

- Financial contributions for primary education of £30,444
- Financial contributions for childcare of £1,713
- Financial contributions for youth of £613
- Financial contributions for libraries of £2,505
- Financial contributions for allotments of £804
- Financial contributions for outdoor pitches of £5,857
- Financial contributions for cycles of £868
- Financial contributions for child play space of £20,416
- Financial contributions for natural green space of £319
- Financial contributions for travel smart of £325
- Monitoring and Administration Contribution of 6%.
- Fire hydrant provision

Sustainability

A Sustainability Statement has been submitted as part of the Planning Statement and within the D&A Statement which indicates the use of renewables to enable the development to potentially meet Code for Sustainable Homes Level 4 using solar PV and solar thermal. Code Level 4 for energy would meet the requirements as set out within the Advice Note given the location within a District Heating Opportunity Area.

However, within the subsequent online C-Plan Energy and Sustainability Statements it has been advised that the development will only seek to target Code Level 3 plus 13% reduction in CO2 emissions beyond Level 3 through mechanical vent and heat recovery (MVHR) on the grounds that solar panels would have a significant visual impact which would be to the detriment of the appearance of the scheme, and due to overshadowing from large trees to the south.

It is agreed that solar panels on the flat roof of this scheme would significantly compromise the appearance of the development on this prominent site. MVHR is internal and hence visually unobtrusive, and will not be overshadowed by the TPO trees that are to the south of the development. In the applicants' view this is a better way of reducing CO2 emissions. The applicants' initial intention was to explore ways to reach Level 4 on the energy side of CfSH and they have been able to get mid-way between the two by the introduction of the MVHR systems. Although the Council's Advice Note seeks Level 4 in District Heating Opportunity Areas, as here, given that there is no district heating network in place in the town centre for the development to link into, which might allow Level 4 to be achieved, the achievement of mid way between L3 and L4 is considered satisfactory in 2012.

It is recommended that the development be required to be carried out in accordance with the submitted statements together with a requirement to certify before occupation compliance with Code Level 3 plus the additional 13% reduction in CO2 on the energy side, and the remaining aspects of CfSH to Code Level 3.

Other Material Planning Considerations

A Crime Prevention and Safer Places statement has been submitted within the D&A Statement and the Crime Prevention Officer welcomes the Secured by Design standards that are sought and is satisfied with the details. The perimeter block layout would comply with recognised good practice urban design in terms of limiting opportunities for crime by ensuring public areas are well overlooked and private areas are secure and not easily breached by

following the principle of public fronts and private backs.

In response to the Crime Prevention Design Advisor, the applicants have confirmed that they are happy to put in place motion sensor lights outside of the properties for use during the hours of darkness and would be happy to submit further details via a condition if considered appropriate. They have also confirmed that the Image development has a number of CCTV cameras which were approved under a condition. Two of these cameras have the ability to move 360 degrees, however the one which would also cover the proposed development is currently fixed as advised by the Police. The images are stored digitally for 31 days and are available for use by the Police.

It is recommended that certification of meeting SBD standards be required by condition whilst the requirements for lighting and other physical aspects sought by the Crime Prevention Officer be required as part of the landscaping scheme.

A flood risk assessment has been submitted which concludes that the site falls within Flood Zone 1 where the chance of flooding is less than 0.1% in any given year. A surface water drainage strategy has been developed that relies on attenuation of the flow via storage tanks prior to discharge to sewer. Soakaways and permeable surfaces are precluded by the nature of the development. Full details will need to be developed for Building Regulations approval. However, it will be important to ensure that the system does not impact adversely on the landscaping of the site, therefore details will need to be the subject of approval under the landscaping condition.

A Waste Management Plan has not been submitted. It is therefore recommended that a statement be submitted as a condition.

Conclusions

The principle of residential development and the overall layout of the proposal is considered acceptable. An exception under Policy 29 (retention of office floorspace) has been justified through the submission of marketing information showing a lack of demand for the office floorspace at Block H. Access and car parking provision is satisfactory. There would be no adverse effect on trees. In design terms, the proposal would provide a high quality scheme that would be fitting to this important gateway site and make a positive contribution to the character of the area. Neighbours would not be adversely affected. Further information has been requested in terms of the sustainability aspects of the development. However, subject to this, the proposals are recommended for approval.

RECOMMENDATION

1. That the application be **DELEGATED** to the Group Manager Development Management and 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.

2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

- Financial contributions for primary education of £30,444
- Financial contributions for childcare of £1,713
- Financial contributions for youth of £613
- Financial contributions for libraries of £2,505
- Financial contributions for allotments of £804
- Financial contributions for outdoor pitches of £5,857
- Financial contributions for cycles of £868
- Financial contributions for child play space of £20,416

- Financial contributions for natural green space of £319
- Financial contributions for travel smart of £325
- Monitoring and Administration Contribution of 6%.
- Fire hydrant provision

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 development hereby permitted shall be constructed in accordance with the external materials specified on the approved drawings and in the Design and Access Statement or such other materials as may be agreed in writing by the local planning authority and, notwithstanding any details submitted, no development shall take place until 1:20 details (as appropriate) of the following have been submitted to and approved in writing by the local planning authority:

- Brick bond and colour of mortar
- Windows and doors, including a vertical cross section through window openings to demonstrate a minimum 90 mm set back to frames
- Railing and balconies
- Window infill panels
- Screen walls and railings

The development shall be carried out in accordance with the details as approved.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

3 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;
- 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, cycle or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

The approved landscape works shall be carried out prior to the first occupation of any part of the development hereby permitted. Thereafter, the trees, hedges, shrubs and grass shall be adequately maintained and any tree, hedge, shrub or other plant forming part of the approved landscaping scheme which, within a period of five years from the date of 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, hedge, shrub or plant of a species, size and maturity to be approved in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies 11 and 100 of the Dacorum Borough Local Plan 1991-2011.

- 4 Notwithstanding any details submitted, a no-dig system of construction using granular materials and Cellular Confinement systems shall be used in respect of any part of the development (including footpath and wall) that breaches the Root Protection Area (RPA) of Tree T2 as shown on Drg. No. 2368/L(2-)/010 Rev B.**

Reason: To avoid serious damage to the tree roots in accordance with Policies 11 and 99 of the Dacorum Borough Local Plan 1991-2011.

- 5 The Root Protection Area (RPA) of the six trees shown for retention on the approved Drawing No. 2368/L(2-)/010 Rev B shall be protected during the whole period of site excavation and construction by the erection of secure fencing in accordance BS 5837:2005. No materials, plant, soil or spoil shall be stored within the areas so protected. NB. The RPA is a radius of 6 metres from the base of three trees in all directions.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policies 11 and 99 of the Dacorum Borough Local Plan 1991-2011.

- 6 The development shall be carried out in accordance with the submitted C-plan Sustainability and Energy Statements and, prior to first occupation of the development, a post construction review to formally demonstrate achievement of Code for Sustainable Homes Level 3 overall plus an additional 13% reduction in CO2 on the energy side shall be submitted to and approved in writing by the local planning authority. The measures identified in these statements and within the Design and Access Statement shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure the sustainable development of the site in accordance with Policy 1 of the Dacorum Borough Local Plan 1991 - 2011.

- 7 No development shall take place until details of the surface water drainage system layout shall have been submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water run-off so that it does not discharge directly into the highway or foul water system. The development shall be carried out in accordance with the approved details and thereafter the approved system and measures shall**

be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies 1 and 124 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance.

- 8 **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.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 9 **No part of the development hereby permitted shall be occupied until the arrangements for vehicle parking and turning shown on Drg. No. 2368/L(2-)/010 Rev B shall have been provided, and such arrangements shall not be used thereafter otherwise than for vehicle parking and turning ancillary to the development hereby permitted.**

Reason: To ensure the provision of satisfactory car parking facilities clear of the highway to meet the needs of residents of the 13 dwellings within the development in accordance with Policy 58 of the Dacorum Borough Local Plan 1991-2011.

- 10 **The development shall be carried out in accordance with the levels shown on the approved drawings.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development and relationship to the surroundings in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

- 11 **The development shall be carried out in accordance with the submitted Crime Prevention and Safer Places Statement within the Design and access Statement and, prior to first occupation of the development, Secured by Design certification shall be submitted to and approved in writing by the local planning authority. The measures included to achieve certification shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Policy 1 of the Dacorum Borough Local Plan 1991-2011.

- 12 **During the course of construction works the wheels of all vehicles leaving the development site shall be cleaned so that they do not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: In the interests of highway safety in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 13 **The development shall be carried out in accordance with the submitted Noise Modelling and Mitigation Report.**

Reason: To ensure an acceptable living environment for residents in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

- 14 **All storage areas and 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 hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities.

- 15 **Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the local planning authority of the measures to be taken in the design, construction, operation and decommissioning of the development to: minimise the amount of waste generated; to re-use or recycle suitable waste materials generated; to minimise the pollution potential of unavoidable waste, including appropriate remediation measures for any contaminated land; to treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise**

secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.

Reason: To accord with the waste planning policies of the area and in accordance with Policy 1 of the Dacorum Borough Local Plan 1991-2011 and Policies 3, 7 and 8 of the Hertfordshire County Council Waste Local Plan 1999.

- 16 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A, B and E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

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

2368/L(2-)/000 Rev B
2368/L(2-)/001 Rev B
2368/L(2-)/010 Rev B
2368/L(2-)/011 Rev B
2368/L(2-)/012 Rev B
2368/L(2-)/013 Rev B
2368/L(2-)/020 Rev B
2368/L(2-)/021 Rev B
2368/L(2-)/022 Rev B
2368/L(2-)/023 Rev B
2368/L(2-)/024 Rev B
2368/L(2-)/030 Rev B
2368/L(2-)/035 Rev B
D1378.L.100

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 reason 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 site is located within the urban area of Hemel Hempstead wherein, under Policies 2 and 9 of the Local Plan, residential development is acceptable in principle subject to complying with relevant policy criteria. An exception under Policy 29 has been justified through the submission of marketing information showing a lack of demand for the office floorspace at Block H. The proposal is considered acceptable in layout and access terms and will not have any adverse impact on adjoining

residential occupiers. The proposal would have an acceptable appearance in street scene terms. The proposal would not impact on any significant trees and would be landscaped to a high standard. Car parking and private amenity space within the site is adequate. The proposal would comply with sustainability principles and would have Secured by Design certification. The proposals therefore accord with Policies 1 and 11 of the Borough Plan.

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 9, 10, 11, 13, 18, 20, 21, 29, 58, 61, 62, 63, 99, 100, 111, 122, 124, 129

Appendices 1, 3, 5, 6

Emerging Core Strategy

CS1, 4, 5, 7, 8, 9, 10, 11, 12, 13, 19, 25, 26, 27, 28, 29, 30, 31

Supplementary Planning Guidance

Environmental Guidelines

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Sustainable Development Advice Note

INFORMATIVES:

Drainage

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application

forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Contamination

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

Construction

During the construction phase of your development you should be mindful of the impact you have on neighbours surrounding your site. Environmental Health has produced a guide; Minimising Environmental Impacts from Building and Demolitions, There shall be no burning of any waste on site.

Construction sites working within the district are required to work regulated hours imposed by Dacorum Borough Council. These hours are:

Monday to Saturday - 07:30 to 18:30

Sundays and Bank Holiday - No noisy activities

Room Sizes

The applicant must ensure that all bedroom sizes are compliant with the requirements of the Housing Act 2004.

Full details on the information above can be found on the Council's website www.dacorum.gov.uk alternatively you can contact the environmental Health Department on 01442 228455.