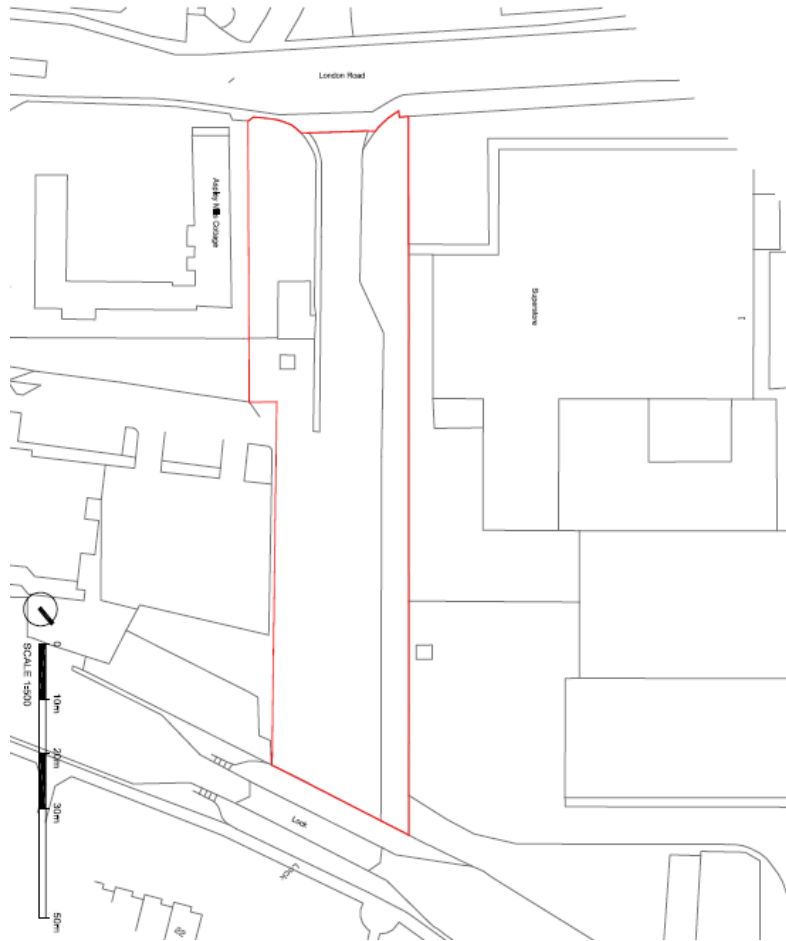
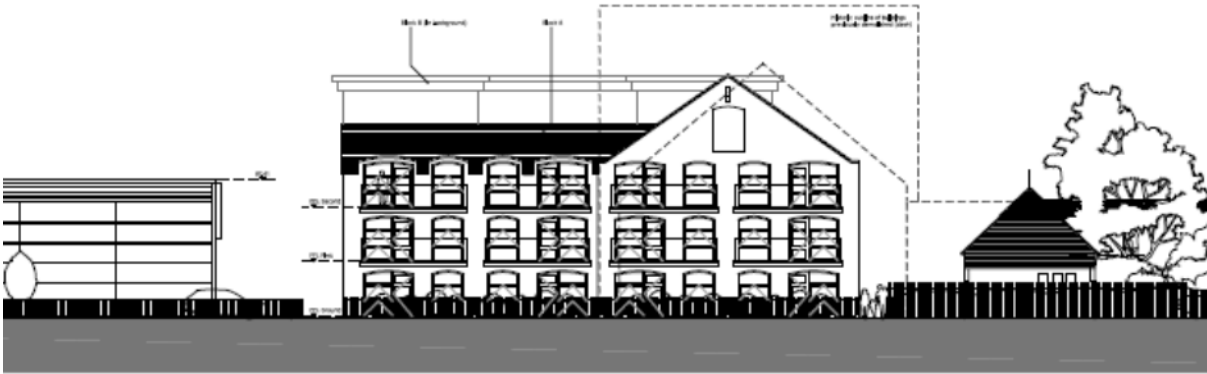


**ITEM 5.02**

**4/03584/14/MOA - OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS.  
LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD**



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**4/03584/14/MOA - OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS.  
LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD  
APPLICANT: MR. NEVILLE SPIERS**

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[Case Officer - Joan Reid]

## **Background**

This application was brought to the Development Control Committee for consideration on 29th April 2015. The Committee resolved to defer making a decision on the application due to an outstanding objection from the Environment Agency. It was not resolved at that meeting in April that the two other issues (design and impact to listed building and privacy distances) were found to be acceptable by the members and as such the three reasons for refusal are still to be considered in full together with the other merits of the scheme.

Members should therefore consider the updated information below together with the committee report which was reported to the Development Control committee on 29th April which is also set out below.

## **Case officers Comments in response to information submitted following writing of committee report**

Flood Risk and deculverting - Following on from the latest objection from the Environment Agency, the applicant has produced further modelling in association with the Flood Risk Assessment. The environment agency are reviewing the latest information and their comments will be available before the committee meeting. Until such time that the environment agency remove their objection, the reason for refusal remains relating to flood risk and deculverting of the site.

Privacy distances - the agent has produced a number of examples whereby he believes that lessened privacy distances of 23m have been allowed on other schemes in the Borough. This information has been taken into account however this does not overcome the reason for refusal relating to insufficient distance between the residential flats to allow for adequate privacy. It remains the view of the case officer that the distances provided between the blocks is inadequate to ensure sufficient privacy is maintained and indeed it is noted that on one such flat, a bedroom has no window. Also having adequate distance between the blocks of flats would ensure sufficient light levels to be achieved and a good quality layout. Whilst, it is appreciated that the scheme is outline with detailed design to be dealt with at reserved matters stage, it is still considered that the scheme fails to achieve adequate privacy for the future occupiers.

Impact to listed building - The information that has been submitted by the agent and architect has been taken into account by both the case officer and the conservation and design officer and the recommended reason for refusal remains. It is appreciated that the site previously contained bulky industrial buildings associated with the John Dickinson site and that the listed building once stood adjacent to large buildings, however, it is considered by the conservation officer that the context of the

listed building has changed. It is considered that the scale, height and bulk of the proposed building fronting onto the London Road would detract from the setting of the listed building.

**Letter from agent dated 26th April 2015 - reported to members on 29th April at DCC.**

I am writing to you after your telephone discussion with Neville Spiers last week, and in relation to matters as set out in your email to me of 21st April and also in the officer's report to the Development Control Committee this coming week. I have also spoken at length again to Natasha Smith at the Environment Agency (EA) in recent days.

Firstly, can I wish you a speedy recovery and I hope that the pressures that you and others in the Department are under are lifted in the near future. I am grateful that you have confirmed to Neville that we are able to submit to the Council further information and rebuttals which you have agreed will be put to the Development Control Committee on the 29th April for members to take into account in their decision on this outlined application. This flexibility is very important to use and we wish to offer you some further thoughts on the concerns you still have which we would wish you to put to the Committee for their consideration.

This letter effectively forms a rebuttal statement for the remaining issues raised in your email and the three reasons for refusal as set out in the Committee report. I shall deal firstly with the EA and their remaining objection which forms the basis of reason for refusal no.1 Natasha Smith has reassured me that they are doing all they can to respond to you by the 28th April but that it is unlikely that their external consultants will have had the time to review and report back on the modelling files from Waterco by that date. This is extremely regrettable since I am sure that the outcome of that review of the modelling files would be that the EA's objection would ultimately be withdrawn, in conjunction with a range of planning conditions being required to be implemented by the EA, which the Trust has no objection to and some of which I have already discussed with Natasha Smith.

If the EA is not in a position to withdraw their objection by the 29th April, then can I suggest that if all other matters are satisfactory to the Committee on that night, members have the legal power to resolve to approve the application, subject to the EA confirming that have no objection in writing, and subject to a number of conditions they are also likely to seek being taken on board and implemented.

Then the decision notice of approval could be issued under the officer's delegated powers as soon as possible after the Committee meeting. The Trust would accept all reasonable planning conditions which the LPA and EA are likely to impose.

- These are 1 number bedroom flats in a high density urban context, not suburban detached houses with private rear gardens where a 23m separation distance might be needed to protect privacy between first floor windows and to avoid direct overlooking of private rear garden amenity/patio spaces opposite;
- The areas that the balconies of the flats in question look down on are a communal spaces, no private gardens;

- The screening on the balconies in question together with the use of the obscured glazing panels would completely avoid any overlooking of the balconies or flats opposite in practice. A diagram attached, demonstrates that conclusively and also shows the distances between windows in the most affected flats is 21m as scaled – only 2m below Your guideline separation distance standard.
- If you wanted to even preclude the possibility of bedrooms being 21m apart in two blocks concerned, then a planning condition could be imposed at this stage requiring the internal layout of those flats to be revised before any work commenced on the development.;
- The number of flats affected by a reduced separation distance (12no) are a significant minority of the units;
- The separation distance between the relevant flats' windows is actually 21m and not 18m. This is better than the separation distance of 20m from first floor window to window that other LPAs accept elsewhere for housing layouts;
- The JDEC building is an employment and small business centre. It has no residential units and the flank wall windows are not in residential or habitable room use. The Centre is not in use in the evenings or overnight;

This is an outline application and such a matter would, reasonably in any case, be considered to be a part of the reserved matters applications.

Finally, I would ask you to note that the standard you are seeking to impose is set out in an Appendix to the 'saved' Local Plan and does not form part of any Policy in the Local Plan. This is an important point that should not be overlooked.

The Trust not ignoring the separation distance and guidelines standard of 23m separation distance between the windows you normally try to secure, but we would ask the Committee agree that in the circumstance of the high density and urban nature of the site and the nature of these proposals, together with the mitigation measures proposed, and the terms of Appendix 3 that flexibility should be acceptable and this reason for refusal not be accepted.

I have to say in conclusion that I am very disappointed in the recommendation and feel that the officers have not applied the sort of flexibility and balancing of the issues that they do normally and which could be applied lawfully to this outline application. This is very surprising and concerning given the potential serious outcome for the Trust should the recommendation or refusal be accepted by the Committee.

Please think again, and resolve to approve the application should the EA's objection be withdrawn, subject to conditions.

**RECOMMENDATION** - That planning permission be **REFUSED** for the reasons referred to above and for the following reasons:-

- 1 **The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. It is considered the detail submitted do not demonstrate that the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework are met . The proposal does not therefore accord with policy CS31 of the Core Strategy or the NPPF in terms of flood risk and impact.**

- 2 **In accordance with policy CS12 and CS27 of the adopted Core Strategy and policy 119 of the local plan, the scheme fails to demonstrate an acceptable relationship can be achieved in the built form that would not harm the character and setting of the adjacent listed building.**
  
- 3 **The scheme fails to demonstrate that an acceptable relationship in terms of adequate privacy can be achieved for future occupiers in accordance with policy CS12 of the adopted Core Strategy and saved Appendix 3 of the saved DBLP 1991-2011.**

**Report written for deferred Development Control Committee on 29th April 2015**

## **Summary**

The application is recommended for refusal. The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. As such the Environment Agency has raised objection to the scheme until such a time that it is demonstrated that the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework and policy CS31 of the adopted Core Strategy are satisfied. Also in accordance with policy CS12 and CS27 of the adopted Core Strategy and policy 119 of the saved local plan, the scheme fails to demonstrate an acceptable relationship can be achieved in the built form that would not harm the character and setting of the adjacent listed building. Finally, the scheme fails to demonstrate that an acceptable relationship in terms of adequate privacy can be achieved for future occupiers in accordance with policy CS12 of the adopted Core Strategy.

## **Site Description**

The application site comprises a long strip of land extending from the London Road to the canal, adjacent Home Base and the Apsley Paper Mill Pub. The site lies adjacent to a Grade II listed building and is located within Flood Risk Zones 2 and 3 and contains due to culverts which have been filled in. The site formerly contained large warehouse buildings forming part of the John Dickinson Site and has remained undeveloped for some time.

## **Proposal**

The application seeks planning permission for outline planning permission for 50 one bedroom residential units together with 67 parking spaces and landscaping. The development comprises three separate blocks extending to a height of 4 storeys and 3 storeys fronting onto the London Road. The proposal is to be served with access off an existing vehicular access running alongside the Paper Mill Public House. The proposal is for outline permission with all matters reserved except access.

## **Referral to Committee**

The application is referred to the Development Control Committee as the land is owned by Dacorum Borough Council.

## **Planning History**

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

#### Adopted Core Strategy

CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS14 - Economic Development  
CS17 - New Housing  
CS19 - Affordable Housing  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS35 - Infrastructure and Developer Contributions

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 21, 31, 33, 58, 106, 111, 119, 129  
Appendices 3, 5 and 6

#### Supplementary Planning Guidance / Documents

Affordable Housing (Jan 2013)

## **Summary of Representations**

### **Environment Agency**

Awaiting further comments from EA on acceptability of additional information to Environmental Agency. To be reported in an addendum.

## Response from EA dated 29/04/2015

Unfortunately, we have a number of issues with the submitted flood modelling which means it is not fit for purpose (see attached model review). Therefore, we cannot rely on the results of the Flood Risk Assessment (FRA) or be confident that flood risk will not be increased as a result of the development. We also do not believe that the applicant has provided adequate justification for failing to open up the culvert. In the absence of an acceptable FRA or adequate justification regarding the deculverting we have the following **two objections**.

### **Objection 1 – Inadequate FRA**

**Reason** The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance or your policy CS31. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Include an approved flood risk related hydrological model.
2. Adequately assess the flood risk implications of a breach adjacent to the development.
3. Assess the flood risk protection level to the basement car parking.
4. Adequately address the implications of opening up the culvert.
5. Address the implications of the culvert being in poor condition.

**Resolution** The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection.

**Note:** *An updated flood model will need to accompany the updated FRA. This should cover the points identified in the attached model review.*

### **Objection 2 – Opportunity missed for watercourse restoration**

#### **Reason**

Culverted river channels are one of the most severe examples of the destruction of ecologically valuable habitat. We seek to restore and enhance watercourses to a more natural channel wherever possible. This stance is supported by your policies CS26, CS31 and CS32.

Paragraph 109 of the National Planning Policy Framework (NPPF) requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. As the River Gade is currently at moderate ecological potential it is essential that improvements are made.

#### **Resolution**

It may be possible to overcome this objection if a scheme is submitted by the applicant demonstrating how the watercourse will be restored and enhanced to a



more natural state and maintained as such thereafter. If this is not possible we would expect to see adequate justification for why this is. We would also require a Section 106 agreement for works offsite

### Original comments from the Environment Agency

Thank you for consulting us on the above planning application. I spoke to Chris at Maze Planning on the 19th about the plans being unclear in relation to the deculverting and was told that further information would follow. As we also have concerns with the submitted Flood Risk Assessment (FRA) I thought it best to raise our **objection** now so that the applicant has time to address both.

**Objection** The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework or your policy CS31. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the FRA fails to:

1. Adequately assess the impact of Flood Zones 3b, 3a and 2 on the development as it is incorrectly assumed that the site is all effectively in Flood Zone 1 (Section 4.9).
2. Assess the implication of a breach failure of the Canal wall.
3. Assess the impact of loss of flood storage.
4. Assess the impact of flooding in the Lower Ground Floor car parking area.
5. Demonstrate whether the section of culvert crossing the site near to the Canal will be opened up.
6. Adequately consider the range of options for sustainable drainage on site.

**Resolution** The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

### Conservation and Design

This prominent site is located on a main route into the town and is located adjacent to a Grade II Listed Building. As such the design quality of any scheme is a significant factor in assessing the suitability of a proposal within the setting of this designated heritage asset.

Given the pre-application advice that has been provided for this site I am surprised at the design approach that has been adopted since the scale, bulk and massing of this proposal is out of context with the heritage asset and would cause significant harm to the setting of the listed building.

Whilst historically the site may have supported larger scale building forms in this locality, these were demolished prior to the listing of the building and these demolished structures do not provide the today's context. I therefore dispute they hold any relevance.

In principle I support the townscape concept of three blocks of development - one providing frontage onto London Road, one onto the canal and one to terminate the access into the development, it is the scale, bulk and massing of the blocks which

cause me concern. Although the warehouse block occupied by Homebase is neighbouring the site and detracts from much of the recent development in the area, I can see no reason to justify the height of the current proposal and/or the unrelieved facades.

I am particularly concerned about the design approach for the block onto London Road, both in scale bulk and massing as well as the architectural treatment. The proposed building would be unduly dominate the listed building and would swamp its modest scale. The size of the gable end of the proposed scheme is very assertive and dominant and the odd roof dormers and window design are an inappropriate pastiche design for a 'warehouse' building.

I would need convincing as to the visual impact of the use of 'tables' to elevate the buildings above the ground height of surrounding development/built forms.

Further comments from conservation and design following comments from agent

Disagree with comments put forward and retain objection

### Strategic Planning

This site has been subject to early pre-app discussions and we refer you to these in terms of policy background as these remain relevant. However, some elements of the policy have moved on since then. The site has now been formally identified as a housing allocation (Proposal H/10) in the Pre-Submission Site Allocations DPD (September 2014). The site is seen as delivering between 25-35 units and the planning requirements refer to:

“High density housing acceptable. Access from London Road. Careful design and landscaping required to ensure a satisfactory relationship with adjoining commercial uses. Flood risk assessment required.”

Given the above, the broad principle of delivering housing through a proposal on this site is now supported. We acknowledge that this would deliver a high density development and that flood risk is being considered as part of the application.

While the principle is supported, the current proposal does run contrary to the H/10 allocation in terms of its indicative capacity. The capacity reflected the early discussions on the allocation with the Strategic Housing team who are ultimately seeking to deliver an affordable housing scheme on the site as part of the Council's New Build housing programme. We accept that the indicative capacity could be exceeded, but this would need to be fully justified in terms of design, layout, general amenities, and parking, etc. We would therefore need to be satisfied that the quantum of development could be satisfactorily accommodated on the site. This is an important issue given the constrained and elongate nature of the site and its location close to bulky, large footprint retail units.

We have previously raised concerns over the higher density of development proposed and these issues are well documented in the earlier comments we have made to you. We continue to raise this issue given the indicative bulk and height of

buildings (4/5 storeys with basement parking), the extent of development across the site, the limited availability of amenity space/landscaping, and the proximity of buildings to the nearby retail warehouses. You will need to assess whether these factors provide for a satisfactory residential environment for the new residents and quality of site design (Policy CS12).

In terms of affordable housing, Policy CS19 would apply and therefore we would be seeking a 35% on-site contribution. This would be a lower contribution than that proposed to be delivered through the New Build programme. Please contact the Strategic Housing team for their views on the appropriate tenure mix and size of the properties.

We are unclear as to the potential size of the apartments, but saved Appendix 5 of the DBLP will provide you with appropriate car parking standards against which to assess the proposal. The normal expectation would be 1.25 spaces for a 1-bed unit and 1.5 spaces for a 2-bed unit. The views of the local Highway Authority should be sought on this issue.

### Hertfordshire Highways

#### Initial Comments

A colleague has reviewed this outline application and they have come back to me with the following requests for further information and clarification. As you will see there are four points that require justification but I do not see any of them being show stoppers but none the less they do need to be answered.

- A multi-modal assessment – in a sustainable location I do not think this development will have a significant impact but they need to provide this assessment for completeness and to ensure contributions are not required;
- Junction Modelling – the 2024 base plus development scenario sees a decrease, I spoke to our in-house LINSIG Modeller and whilst it is likely to be due to the optimisation they did think it was strange that the same scenario did not occur in the 2014 base plus development scenario. Therefore, further justification is sought;
- Personal Injury Accident Data – this has not been included, whilst I have quickly looked on crashmap and there isn't anything majorly worrying an assessment ought to be included; and
- Finally, the displacement of parking – the site is currently used for car parking but there is no explanation as to where this will be relocated to. I think we just need to ensure that this can be accommodated elsewhere.

#### Further comments

Looks suitable in principle – the right-turn lane dimensioning will need some work. Site would not be considered for adoption'

'The tactile paving arrangements are wrong but they can be sorted as part of the detail design.'

Can the new traffic island be positioned as close to the access without it creating an obstruction for traffic turning from the development. The closer it is, the more likely it is to be used by pedestrians travelling to and from the development.

Overall we ( the HA) are happy in principle with the changes.

## Trees and Woodlands

None

## Canal and River Trust

After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development, **subject to** the imposition of suitably worded **conditions** and, if necessary after further discussions, a **legal agreement**.

## Design and layout

The proposal is located adjacent to the listed lock but the illustrative layout drawings show the erection of a high boundary wall to act as a flood barrier. Not only will this prevent many of the future occupiers taking advantage of the waterside location but will present an unsatisfactory backdrop to the listed lock structure.

We would therefore request that a lower wall is provided to replace the existing boundary wall, allowing views into and out of the site. However, the lock landing adjacent to the site should remain inaccessible to occupiers however to prevent the lock gates being used as a shortcut from the site onto the towpath. The Trust do not encourage lock gates crossings to be used by the general public for safety reasons and these are only provided to allow operation of the lock gates by boaters.

## Structural stability

The applicants should discuss the proposal with the Trust prior to submitted detailed layout plans to ensure that the scheme and any associated landscaping does not result in structural instability of the canal or any related infrastructure.

## Drainage

The flood risk assessment states: "Surface water discharge should be directed into the GUC via the 900mm pipe/culvert which crosses through the site" this will need further with the Canal & River Trust and will be subject to a commercial agreement.

## Accessibility

The site is located adjacent to the Grand Union Canal, with the nearest towpath access point approximately 100 metres away. The canal towpath provides a sustainable transport link between the site and other facilities within the town as well as proving a quiet and safe off road walking and cycling route for recreational purposes. The towpath is a recognised Sustrans cycle route.

The value of the towpath in improving the connectivity and accessibility in the area has been recognised by Dacorum Council. The Canal & River Trust support the Hemel Hempstead Urban Transport Plan which has identified the need for wide ranging improvements such as improved signage and seating, and improvements particularly for cyclists such as widening the towpath and providing access points at certain locations.

The nearest access point to the towpath is close to the site where an iconic bridge provides access onto the towpath to the east of the site.

The Trust feels that the provision of housing on this site will result the possible increased usage of the canal towpath as a sustainable transport route. Without suitable mitigation measures this could result in increased degradation of the towpath surface, not just in the immediate location of the site but also elsewhere in Hemel Hempstead. General canal towpath improvements such as widening and resurfacing are needed to cope with additional usage and to ensure that the Councils aspirations for u improving cycling throughout the town are met.

The Trust can provide numerous examples of similar situations where developers have made accessibility improvements as a form of mitigation to offset additional usage of the towpath to either reach a site, or to link from a site to other facilities as a sustainable, traffic-free green transport route. The council have recently sought S106 money elsewhere in Hemel to help fund accessibility improvements.

The Trust is currently working with both Dacorum and Hertfordshire County Council to seek the upgrading of the towpath and the County Council have recently made a bid to the Herts LEP to upgrade the towpath from Hemel Railway Station eastward to Apsley Basin.

The section between Durrants Hill Road and the Marina is currently one of the worst stretches of towpath on the Canal and we would wish to ultimately see this upgraded to a bound surface.

We therefore request that the proposal makes a contribution towards the upgrading of the Grand Union Canal Towpath as it runs through Hemel Hempstead.

### **Justification for the request**

With reference to the approach to developer contributions contained in the Community Infrastructure Levy Regulations 2010 (CIL), we consider that a case can be made that a contribution is both necessary and directly related to the proposed development. The nature of the works to be covered by the contribution is improvements to allow safer, more sustainable access to the site for the additional users likely to be attracted by the proposal, and therefore we believe it is appropriate in kind.

### **Policy Support for our request**

#### **National Policy**

Paragraphs 29 to 41 of the National Planning Policy Framework (NPPF) is committed to promoting sustainable transport and states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice as to how they wish to travel. TCPA Policy Advice Note: 'Unlocking the potential and securing the future of the Inland Waterways through the Planning System' (2009) not only supports the use of the towpath in this way but estimates

that 100 tonnes of carbon dioxide are saved per kilometre of towpath upgraded. The Design and Access Statement assumes that residents will use the canal towpath as a sustainable travel route but has not considered how residents will safely reach the towpath or the additional costs of maintenance as a result of the increase in usage.

#### Local Policy

The Council are supportive of requirements to improve accessibility by sustainable transport means and has adopted an SPD requiring S106 contributions to that effect.

The canal towpath can offer a sustainable, traffic-free route for pedestrians and cyclists to reach the site for formal leisure or shopping purposes or for residents to access other parts of the town or the open countryside for more informal leisure purposes. Policy CS8 of the adopted Core Strategy requires the creation of a safer and continuous footpath and cycle link, particularly in towns such as Hemel Hempstead. The Grand Union Canal Towpath already provides a good pedestrian link but it is recognised that improvements to width and surfacing are needed to improve it as a cycling route. The Canal & River Trust believe that a request for a financial contribution is in line with the aims of this policy.

The canal is recognised in the adopted Core Strategy as Key Green Infrastructure. Core Strategy Policy CS26 requires that development create better public access and links through green space. Again, the Trust believes that our request for a financial contribution to improve the towpath and access to it is in line with this policy.

We are aware that the County Council may require S106 contributions under their Planning Obligations Guidance- toolkit for Hertfordshire. This document requires contributions to be made for direct impact of development, and for more cumulative impacts such the mitigation of increased usage of the towpath as a result of residential development within the town. The County Council may request a contribution to be spent on implementing sustainable transport measures identified in the Hemel Hempstead Urban Transport Plan.

The Canal & River Trust are aware of the particular constraints of this site and the desire to provide as great a proportion of affordable housing as possible. We recognise that this proposal is unlikely to be able to provide a contribution to towpath upgrading to solely fund a particular project or stretch of improvement.

However it is acknowledged that the Council aim to pool contributions to allow a meaningful improvement to be carried out. The Canal & River Trust therefore fully support this method and wish to request that a suitable sum is identified as provided for a towpath improvement project as identified within the UTP if, given the particular constraints of this site, the council wish to seek contributions. We would wish to discuss this matter further with the council to identify a suitable level of contribution if necessary, and the details of a suitable recipient project.

#### **Conclusion**

In conclusion the Canal & River Trust would request that a contribution is provided to create accessibility and connectivity improvements along the towpath of the Grand Union Canal in the vicinity of the site and we would welcome the opportunity to discuss this further.

If the council are minded to grant permission we would request that the following conditions and informative are imposed.

### Conditions

1. Prior to the first occupation of the dwellings, details of the proposed boundary treatment (showing height, specification and materials and/or planting) shall first have been submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To ensure that the external appearance of the development is satisfactory. The boundaries adjacent waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived. The construction of foundations for walling or fencing has the potential to impact on the integrity of the waterway therefore development approved should prevent damage to the waterway structure and protect users on the towpath.*

2. If surface/ground water run-off is proposed to drain into the waterway or to a soakaway, full details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 120 of the National Planning Policy Framework and given the proposed use there is the potential for pollution of the waterway and the Canal & River Trust will need reassurance that only clean surface water run-off will be allowed to discharge into the waterway, and, if necessary, that interceptors and other measures will be included to prevent pollution.*

3. Details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 120 of the National Planning Policy framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal and to assess the impact on the integrity of the waterway infrastructure.*

4. prior to the commencement of development details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 125 of the National planning policy Framework as lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect*

### Informative

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

“The applicant/developer is advised to contact Osi Ivowi on 01908 301 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

## Secure By Design

### Comments

I note at this stage that the application only concerns access, with layout, landscaping appearance and scale to be dealt with at reserved matters stage. I make the following comments which concern access but also will be for future consideration if this application is successful.

1. Undercroft Parking: This is described at part 5.9 of the Transport Statement as a ‘private undercroft parking area...’ yet it is shown as open and if it were to remain open, I would wish to formally object, as security for the development would be compromised, and customers of the nearby public house may use it and cause annoyance to the residents. Undercroft / basement car parking will be problematic if not adequately secured and users will feel vulnerable. Any incident of crime, damage or anti-social behaviour in hidden parking will quickly result in residents avoiding the facility.
- A barrier arm would not be sufficient and the entrance exit should be controlled by a visually permeable roller shutter or similar. The bottom metre of the shutter could be solid laths to prevent litter and leaves being blown into the parking area, whilst above this it could be visually permeable. The shutters should start to close within 5 seconds of vehicles leaving or entering the parking area, so as to prevent unauthorised persons tailgating into the parking area or on foot sneaking into the parking area when a vehicle leaves. The sensor that detects motion to close the gate should also be mounted on the inside of the gates to prevent tampering by offenders.
  - I note that there is an area where it is unclear what any boundary / enclosure treatment is on the Lower Ground Floor Plan 0634\_PL\_031, in the area which says ‘No Build Culvert Zone’. This area is parking bays 46 to 51. This appears as an open area. If it is a no build area then it could still be secured with Weldmesh fencing panels, to help secure the parking area?
  - Painting the walls and ceiling white of the underground car parking area can greatly aid the use of CCTV and provide good even lighting which reduces the fear of crime. Lighting levels should be to the appropriate British Standard.
  - Because of the lack of natural surveillance of the parking area, the underground parking should be covered by CCTV. This CCTV must be recorded in case of any incidents, so as to assist with any police investigation, post incident. If not monitored it could be linked through to the residents so they can check on a



- spare channel of their TV if the car parking area is OK (if they so wished).
- Stair cores from the parking area to the residential blocks should be secure with doors to BS Pas 24:2012 with access control so only residents can use these doors to gain access. This is to prevent offenders forcing open these doors if they are able to tailgate their way into the undercoft parking area, and then breaking into flats whilst residents are at work.
  - There is an open stairway between the ground floor amenity area (between the blocks of flats), and the lower ground floor parking area. This if left as it is would provide open access to the undercoft parking area and if it needs to be kept must be secured with appropriate access control.
2. Open staircase in North East Corner: What is the function of this staircase? It appears to give open access from the open culvert side of the development at lower ground floor level, up to the ground floor open amenity area. Is this a fire exit and is it needed?
  3. Secured by Design part 2 physical security: To alleviate my concerns regarding security for the proposed development, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. This would involve all exterior doors to have been tested to BS PAS 24:2012 or STS 202 BR2  
As regards individual front doors to flats these should be to BS Pas 24:2012, (this is entry level security of the Secured by Design standard). Reason: To prevent visitors or other residents breaking into other residents flats.  
Ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows to include laminated glass as one of the panes of glass. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.
  4. Entry Control: Part 8.7 of the Design and Access Statement (DAS) says this will be “entry phones and bells...”. Where there are 10 or more flats served off a communal access door then it should also include visual verification.  
Communal door entry systems prevent casual intrusion by offenders into the block, where they can break into unoccupied flats during the day without being seen, and act as a line of defence against bogus callers.
  5. Cycle storage: I am pleased that in the ‘Transport Statement’ it says that the two cycle stores will be secure and lit. Hopefully to the Secured by Design standard?
  6. Bin store:
    - There are shown two bin stores on site accessed from within the undercoft private parking area? How will the waste collection be done if the lower ground parking area is secure? Will the waste collection services have an access fob to gain access?
    - One of the bin stores is shown as having a storeroom at the side accessed off

the bin store. Yet the store room door is blocked by the waste bins?

7. Postal access: Because the Post Office have amended the hours to which they require access to deliver mail (7am to 2pm winter and summer), a Tradesman's Button would not be acceptable. Postal delivery needs to be planned for: with external post boxes either free standing outside blocks (with good surveillance over from the residents it serves); or in the external walls near the main entry; or an airlock system where the internal door has electronic access only so as to deter distraction burglaries or unauthorised entry in to the block. The local post office may accept having an access fob to allow them entry to deliver the mail? This needs to be planned for.
8. Lighting: Part 8.10 of the DAS says about lighting being designed for wayfinding. This causes me some concern, in that wayfinding is generally done by bollard lighting, and if not supplemented with additional lighting can cause a fear of crime. Bollard lighting is not compliant with BS5489:2013, because it does not project sufficient light at the right height to aid facial recognition and reduce fear of crime. Hopefully lighting for the public areas will be consistent and even?

#### Hertfordshire Biological Records Centre

We do not have any known biological (habitats or species) records for the application site.

We have no reason to disagree with the findings of the Ecological Survey carried out by Phillip Irving, dated June 2014. We do not consider further ecological surveys to be required. Therefore, the application can be determined accordingly.

The following Informatives should be added to any permission granted:

"Demolition of the buildings should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: [www.hmbg.org.uk](http://www.hmbg.org.uk) "

"Site clearance should be undertaken outside the bird nesting season, typically March to September inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made by a suitably experienced ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished." "If any lighting of the development is required, this should be directed away from the adjacent watercourse to eliminate any potential disturbance to species using this feature (such as foraging and commuting bats)".

#### Thames Water

##### Waste Comments

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 [wwgriskmanagement@thameswater.co.uk](mailto:wwgriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://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.

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) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Contaminated Land Officer

Awaiting Comments

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

#### Belswains Lane Residents Association

I am a director of the BLRA (Apsley Lock Residents Association) and am writing on their behalf. We object most strongly to the new proposals. From the plans we have seen, the design is totally out of keeping with the area, unlike the first plans we saw for Dacorums proposal. We are also concerned that the high density of 1 bedroom flats will add congestion to the area potentially allowing 50 more cars in an already busy road. We are also concerned about the current residents loss of privacy by being overlooked. The new proposal seems to be a 4 floor building with a flat roof, this is not in keeping with the listed building next door unlike the original plan, plus it is 1 story higher.

#### Letter from Education Manager, Apsley Paper Trail

'What a WONDERFUL day we all had and every child came away the richer for sure.'- Berkhamsted Preparatory School November 2014

As a resident of Nash Mills and the Education Manager at Frogmore Paper Mill, I wish to express my concern at the potential closure of our charity as a consequence only of delayed planning permission. To lose a site of not just local or national

importance, but international scientific, cultural and historical importance seems alarming. Paper is easily ignored, easily taken for granted but with a 2000 year history, 200 years in mechanised form commencing at Frogmore Mill in 1803; it is surely the cultural jewel in the crown of Hemel Hempstead, frequently dismissed as just a New Town.

The charity offers immense value for money and educational enrichment to schools across the county and beyond. School visits by primary and secondary students exceeded 1,300 in the calendar year 2014, supporting learning outside the classroom with a range of curriculum linked workshops and school Eco Clubs. Specialist graduate and postgraduate students such as those from The Courtauld Institute in London and groups from America and Canada visit annually. Both our adult arts (calligraphy, drawing, genealogy, textiles) and IT courses, and family learning offering, aid community cohesion, family life, improve wellbeing and job prospects. Jobseekers are referred to us by JobCentrePlus with whom we have a strong relationship.

We host revered Royal Institution Engineering Masterclasses assisting the government initiative to increase the number of young people taking up STEM careers. Our industrial training courses seek to redress the dwindling paper industry skills gap, giving paper machine men a hands-on opportunity unique in this country. Closure would mean the loss of the living history of paper manufacture in the area, (our own Paper Valley), our papermakers unique expertise, the production of specialists paper stocks not possible elsewhere, loss of an extensive historical record of the many hundreds of paper makers, their families and their employment with one the largest local 'greats' of the industrial revolution, a local history and sense of local identity, a community centre-piece for a regenerating Apsley, employer of 11 staff, apprenticeship training and extensive volunteering opportunities; in short the loss of a national treasure.

On a personal level and as someone who has faced economic difficulty, I cannot express loudly enough the need for increased housing. A look at the Moving with Dacorum website highlights the demand for social housing and the need for smaller properties for those wishing to join the housing ladder is well documented.

Jacky Bennett FRSA, Chair of Trustees, Apsley Paper Trail

I am writing in support of The Paper Trail's planning application for the land, recently purchased by Dacorum BC. I was pleased to hear that the charity's development land had been sold to Dacorum Borough Council for much needed housing. It is particularly good to see this sensible use of brown field land which will give such a good opportunity for the Council to provide social housing and if the application is granted, enable the charity to continue its great work.

I have worked with this wonderful organisation over several years to deliver many training and learning sessions for beneficiaries both locally and outside the Borough. They are a valuable charity to the voluntary and community sector and their facilities, quality of services provided and welfare of the service users is of a high standard. It gives me great pleasure to endorse their application.

Comments from Agent on mix of the development

Firstly, it seems to me that the relevant local policy context is in the main, Policy 10 and 18 from the 'saved' Local Plan and Policy CS18 in the 2013 Core Strategy. They all deal to one degree or another with the optimisation and mix of a residential development.

I have reviewed all three and would make the following points:

Firstly, Policy 10 of the Local Plan explicitly requires that each site's development is optimised to the full, taking environmental and other constraints into account. It is our view that 50no 1 bed units represents that optimised capacity for this site, without any harm being caused to any interest or to the amenity of other existing residential developments or to the good running and servicing of adjacent and nearby employment sites and businesses. It is telling that there have been no objections from any businesses or residents to these proposals.

Secondly, Policy 18 of the Local Plan does not specify what the mix of a residential development such as this should be. It leaves it to being based upon what needs and priorities have been evidenced through Housing Needs Surveys; Strategic Housing Market Assessments and/or Housing Needs Assessments. However Policy 18 actually encourages explicitly the provision of units for small households by requiring the provision of some 1 and 2 bedroom units. That is what we are proposing. It is left however to the discretion of the developer as to what proportion should be 1 or 2 bedroomed.

The Council might like to see a mix of 1, 2 and 3 bed flats here, but I cannot see in practice how Policy 18 actually requires that mix, or what that mix should be. Part of the Policy advises that there should be the provision of some 1 and 2 bedroom units, but it does not preclude the provision of residential development made up of one unit size only.

Policy CS18 in the Core Strategy advises that new housing development will provide a choice of homes which will comprise a range of housing types and sizes and tenure.

It also advises that decisions on the appropriate type of mix of homes within developments will be guided by strategic housing market assessments and housing needs surveys etc etc.

I am of the view that our mix can also be justified in the above context. Firstly, this is a strategic policy and one can see the Apsley Mills site in that strategic context as part of the Council's drive to increase significantly, the density and scale of residential development in Apsley itself, in order to help meet the Borough's wider housing needs and provide priority housing and affordable housing for young people, singles, the elderly, and homeless etc etc.

If one places the site here in that context one can see that the provision of 50no 1 bed flats would not unbalance the mix of units in the wider Apsley, area especially in relation those developments approved already on London Road in particular, but would actually help to re-dress the balance.

As evidence of this, I have researched other recent major residential planning permissions on London Road in Apsley, and have found that out of the 4 major planning permissions for residential developments here, all were for flats and they totalled 157 units, of which only 57 were 1 bed roomed. The majority of those flats were 2 bed roomed.

If one adds the 50 units here to that total, then 207 flats would result, of which 107 would be 1 bed units, still only 50% or so of the total no of flats which would have been approved.

The latest 2012 Housing Needs and Market Assessment Update advises in para 7.9.3 that the requirement to address priority household need, means that there is a need for smaller properties. 1 bed flats are a key form of provision which can help meet that expressed priority household need.

Para 5.1.10 also advises that the waiting list for 1 bed units contains many younger households who are not in priority need and who are unlikely to be offered a property by the Council. Therefore if these units were for market housing and not for social rent then they would also be meeting an identified need in a different way. This paragraph also advises that a similar context and requirement arises for older households who have also registered for homes with the Council but whose needs are not immediate but longer term. They could also trade down to this small 1 bed unit in the future as well, thus relieving the Council of having to try to find accommodation for them, until they really need it.

Para 5.1 12 advises that there is a demand for 2 bed units, as opposed to need, and advises that in order to meet the growth in households provision should be mainly 2 bedroom units. I would say however that that demand for 2 bed units is already being met through the approval of the other developments in Apsley and elsewhere in the Borough where 2 bed units predominate, and that our 50no 1 bed units would be able to provide instead for the needs of those who have registered with the Council and who are a priority to accommodate, or who would want to buy a small flat here to get onto the housing ladder (ie the younger households who are identified above in para 5.1.10).

It is my view that these paragraphs are not conflicting.

In conclusion, I consider that on the above basis it would be entirely in order for you to be able to recommend approval to the proposed mix, and that this could be seen as being in compliance with your local policies, redress the balance locally in terms of the mix of wider developments overall in Apsley, and show that an identified need is being addressed, as well as being able to meet the need for priority households.

#### Comments from Strategic Planning on mix of units

My views are as follows, but have you taken advice from Strategic Housing, as they are the experts on local need that we turn to for advice such as this? ( I have cc'd Sarah Pickering in to this email).

- I have spoken to the agent on this matter and he is fully aware of what our policies require. I advised him to speak direct to Sarah (and her team) and that if he wished to move away from the policy position then he would need to provide clear justification based on local needs etc. I will leave Sarah to advise if his justification is robust or not. My view from a planning perspective is that he is placing too much emphasis upon maximising the use of the land, when our policies aren't just about getting the highest possible numbers of units, but ensuring these units meet the needs of the population and helping deliver mixed and balanced communities. Whilst there may well be a need for 1 bed units, is it right to have a whole development of this size?
- It is also not true that it is left to the discretion of developers to decide on the appropriate mix. Policy CS18 clearly lists the things that need to take account of when making the decision: it is a planning decision made by the Council and informed by appropriate technical and site-specific considerations.
- Re his comment re 1 bed units help redress existing unit size balance in Apsley, is it not the case that there haven't been a vast number of 1 bed units provided on other developments as they were not considered appropriate in meeting local needs? Again, Sarah may be able to advise, or perhaps check the report done for schemes such as Sally's development along the road from this site?
- A final point – are the affordable 1 bed units big enough to meet requirement of a housing association? We have had issues on a few sites previously where they haven't been. That is ok if they are 2 bed units, as they can change them to 1 bedders – but you can't reduce bedroom numbers in this instance.

I am not comfortable with what is proposed as it seems far from ideal. However, I think it would be hard to refuse the application solely on the basis of unit size unless Sarah or a colleague has provided clear guidance that this won't meet local needs.

#### Comments from Strategic Housing on Mix of Units

The affordable housing spd states:

“There should be a mix of housing sizes and type provided on site”. As mentioned in Laura's email policy CS18 states new housing development should provide a range of housing sizes.

Decisions on the appropriate type of mix of homes within development proposals will be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations. The Strategic Housing Market Assessment completed in 2012 identified a requirement for smaller properties. Due to the demand and flexibility of 2 bedroom units, small units provision could mainly be from 2 bedroom units. Therefore although there is a demand for one bedroom units in the Borough, on a site of this size a mixture of 1,2 and potentially 3 bedroom units would be desirable.

#### **Considerations**

## **Reserved Matters**

As stated above this is an outline application with all matters reserved except access. Illustrative plans have been submitted, which are detailed, however at this stage this can only be taken as an indication of the development that can be achieved on this site. Nevertheless, for the outline application to be found acceptable for 50 one bedroom units, it must be demonstrated that the density and principle is acceptable, and the scheme can be delivered meeting all policies of the adopted plans at reserved matters stage.

## **Policy and Principle**

### **Land Use**

The site falls within a general employment area as covered by Policy 31, but also within the specific proposal site TWA7. Policy 31 seeks to prevent the loss of employment floorspace within GEAs. Under site allocation TWA7, the wider site was identified for visitor centre and related development for a mix of uses creating local employment. It continues that the mix of uses could include offices, hotel, restaurant with a small number of residential units. A Masterplan was also produced (September 1999) which stated that there should be a "limited" amount of residential on the site.

Spatial planning, in its consultation response, has indicated that some elements of the policy have moved on since its allocation by Policy 31 and TWA7. The site has now been formally identified as a housing allocation (Proposal H/10) in the Pre-Submission Site Allocations DPD (September 2014). The site is seen as delivering between 25-35 units and the planning requirements refer to:

“High density housing acceptable. Access from London Road. Careful design and landscaping required to ensure a satisfactory relationship with adjoining commercial uses. Flood risk assessment required.”

Given the above, the broad principle of delivering housing through a proposal on this site is now supported.

### **Affordable Housing**

Policy CS19 of the adopted Core Strategy states that affordable homes will be provided: on sites of a minimum size 0.3ha or 10 dwellings (and larger) in Hemel Hempstead. 35% of the new dwellings should be affordable homes. Higher levels may be sought on sites which are specified by the Council in a development plan document, provided development would be viable and need is evident.

A minimum of 75% of the affordable housing units provided should be for rent. Judgements about the level, mix and tenure of affordable homes will have regard to: (a) the Council’s Housing Strategy, identified housing need and other relevant evidence (see Policy CS18); (b) the potential to enlarge the site; (c) the overall viability of the scheme and any abnormal costs; and (d) arrangements to ensure that



the benefit of all affordable housing units passes from the initial occupiers of the property to successive occupiers.

The scheme proposes 100% affordable housing provision and as such the Council is supportive of this approach. Should the Council be minded to grant planning permission, a suitably worded S106 will need to be entered into to ensure delivery of the level, and tenure of the affordable housing provision.

### Density and Layout and mix

The illustrative plans show three distinct blocks of residential units. Policy CS18 states that "New housing development will provide a choice of homes. This will comprise: (a) a range of housing types, sizes and tenure; (b) housing for those with special needs; and (c) affordable housing in accordance with Policy CS19. Decisions on the appropriate type of mix of homes within development proposals will be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations.

The scheme proposes 50 one bedroom units which equates to a density of approximately 150 units per ha. Concern has been raised regarding the mix of 50 units only comprising one bedroom units and the agent has argued that the proposed mix could be seen as being in compliance with local policies, redress the balance locally in terms of the mix of wider developments overall in Apsley, and show that an identified need is being addressed, as well as being able to meet the need for priority households. Further advice on this matter has been sought from colleagues in Strategic Planning and Housing teams who are of the opinion that providing a development of 50 one bedroom units is not ideal and they have indicated that decisions on the appropriate type of mix of homes within development proposals should be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations. Further more paragraph 50 of the NPPF states that "to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

The Strategic Housing Market Assessment completed in 2012 identified a requirement for smaller properties. Due to the demand and flexibility of 2 bedroom units, small units provision could mainly be from 2 bedroom units. Therefore although there is a demand for one bedroom units in the Borough, on a site of this size a mixture of 1,2 and potentially 3 bedroom units would be desirable.

Whilst, the scheme for only one bedroom units is considered difficult argue that it is contrary to planning policy as the Strategic Housing Market Assessments identifies a requirement for smaller properties, so too, policy CS18 seeks a mix of bedroom sizes across developments. The proposal fails to provide a mix across the development. The agent has indicated that he has researched other recent major

residential planning permissions on London Road in Apsley, and he found that out of the 4 major planning permissions for residential developments here, all were for flats and they totalled 157 units, of which only 57 were 1 bedroomed. The majority of those flats were 2 bedroomed. The agent goes on to say that "if one adds the 50 units here to that total, then 207 flats would result, of which 107 would be 1 bed units, still only 50% or so of the total no of flats which would have been approved".

Having regard to the point put across by the agent above, it is still not considered ideal that the large development comprising 50 residential units only comprises one bedroom units and the lack of two bedroom units which are still considered as small properties, lends itself to a scheme which does not cater for a choice of homes. The agent notes that the other development that he has researched comprise both one and two bedroom units which is considered a better option than a development solely comprising only one bedroom units.

### Design and Impact to Historic Assets

The site lies adjacent to a Grade II listed building and as such specific consideration is given to how the development impacts on its setting. Whilst the plans are indicative, and alterations can be made at reserved matters stage, it is required to ensure that the scheme for 50 units can be delivered and as such particular consideration needs to be given to the bulk, scale and mass of the development. The conservation officer has indicated that the proposal appears too bulky and of a scale which is harmful to the setting of the Grade II listed building adjacent. The agent has considered these comments and indicates that the proposal takes influence from the former warehousing buildings that have since been demolished. The applicant has put forward that the scheme has not been designed to increase density here but the design as proposed proposes scale and mass adjacent the Cottage to retain a sense of what this place once was. Indeed, it is not disputed that the site previously contained a warehouse building, however, it is still the view of the conservation officer that the proposal would swamp the setting of the listed building and would appear overly bulky and dominant in the context of the listed building. Whilst it is recognised that the application is for outline permission only, it needs to be demonstrated at outline stage that the principle and density proposed can be delivered at reserved matters stage and it is considered that the scheme has not been able to demonstrate that the block nearest the London Road would sit comfortably with the adjacent listed building. The conservation officer has considered the points put forward by the agent outlined above however, she is still of the view that the proposal would not be sympathetic to the setting of listed building.

The proposed layout is considered acceptable in design terms and the scale and height of the two buildings within the site are considered acceptable.

### Quality of Accommodation

Whilst the proposal is for outline permission with layout, design, scale to be considered at reserved matters stage, it is important to consider whether the density proposed is capable of complying with adopted policies to ensure sufficient privacy and good quality accommodation can be achieved. Indicative plans have been

submitted and these have been assessed. Policy CS12 of the adopted Core Strategy states that "On each site development should: a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space".

### Appendix 3 of the local plan - Layout and Design of Residential Areas

iii) Spacing of Dwellings - There should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes. The minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, level and other factors.

(i) Privacy - Residential development should be designed and laid out so that the privacy of existing and new residents is achieved. A good standard can be achieved by attention to detailed design, e.g. staggered building lines, careful grouping and orientation of dwellings, different sizes and positions of windows and doors and the erection of screen walls, fencing and planting. Buildings should at least maintain the distances with their neighbours given under (ii) and (iii) below. Exceptions may be possible in individual circumstances depending upon the particular topography, character of the area and nature of adjoining land uses.

It has not been demonstrated that the proposal can achieve a satisfactory level of spacing and privacy distances to ensure that the proposed new dwellings achieve sufficient levels of privacy and do not overlook each other. Appendix 3 of the local plan seeks a minimum distance of 23m between rear wall of a dwelling to another and whilst the scheme is for flatted development, these contain balconies which require adequate distances to ensure privacy therefore could be provided. Amended plans have been submitted to demonstrate that adequate privacy distances between the balconies can be achieved, however, it is considered that the amended plans still to show that there is a still a relationship of balconies located approximately 18m from each other and it is still considered that the proposal represents overdevelopment which does not satisfactorily demonstrate that adequate privacy can be achieved for future occupiers.

### Parking and Highway Implications

Provision is made for 67 car parking spaces in an undercroft car park with access through from the vehicular access off London Road. The provision of 67 car parking spaces serving 50 one bedroom units equates to a ratio of 1:1.25 spaces. Appendix 5 of the local plan sets out a maximum car parking standard of 1.25 spaces for a

one bedroom unit and as such the amount of car parking proposed is considered consistent with appendix 5 of the local plan.

Access is proposed via the existing vehicular access running alongside the Apsley Paper Mill Pub and notice has been served to Fullers (owners of the pub). Hertfordshire Highways have been consulted on the proposal and following additional information provided by the agent, raise no objection to the proposal. Full details of the layout are required at reserved matters stage.

### Flood Risk and De-culverting

The Environment Agency identified the site as being located within Flood Risk Areas 2 and 3 and as such an Flood Risk Assessment has been submitted with the scheme. As such, an objection from the EA still stands until such time that the modelling works have been considered.

The NPPF states that (para 102) "If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed: it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted. Paragraph 103 of the NPPF goes on to say that "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment<sup>20</sup> following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems

A summary of the submitted FRA sets out:

- The proposed residential development is located in Flood Zones 1, 2 and 3 as identified on the Environment Agency Flood map.
- The proposed development is considered 'more vulnerable' in accordance with NPPF.
- The principal source of potential flooding at this site is fluvial flooding from the GUC, River Gade and River Bulbourne. Hydraulic modelling undertaken by Waterco shows that the site is flood free during all events up to and including the 1% AEP + CCA event.

- Approximately 25% of the site is shown to be at flood risk during the extreme 0.1% AEP event, with flood depths ranging between 0.1m and 0.45m. The maximum water level during this event is 76.4m AOD.
- A residual risk arises during a breach event of the GUC embankment and masonry wall.
- Approximately 35% of the site is shown to be at flood risk during a breach of these structures, with flood depths ranging between 0.1m and 0.85m.
- The effect of deculverting a canal overspill structure which crosses through the north-eastern extent of the site has been investigated. The results show that opening the culvert causes flooding to the site and to neighbouring properties. Deculverting is therefore not recommended.
- A safe access/egress route is available via the site access off London Road. London Road and the western extent of the site are shown to be flood free during all events up to and including the 0.1% AEP event and during a breach of the GUC embankment and masonry wall.

The scheme seeks alternatives to deculverting which has not yet been found acceptable by the EA nor has the results of the updated FRA and as such, the LPA are not in a position to recommend approval for the scheme.

#### Impact on surrounding properties

The site abuts the boundary with Home Base and its service yard and consideration is therefore given to ensuring that the proposal for residential units in close proximity to an existing retail use would not give rise to an unsatisfactory relationship. The indicate plans show that no habitable windows would face onto the yard and a noise survey has been submitted. No objection is raised.

#### Impact on Trees and Landscaping

No objection is raised with regard to any important trees or landscaping. Should permission be granted, a condition should be imposed requiring full details of landscaping proposals.

#### Sustainability

A sustainability Checklist has been submitted as part of the supporting documents. No objection is raised.

#### Secure by Design

A number of objectives have been set out by the secure by design officer and should outline planning permission be granted for this scheme, it would be recommended that these objectives are submitted at detailed planning stage.

#### S106

The application is recommended for refusal, however should the members be mindful to recommend approval, it is advised that this is subject to the agreement of a S106 agreement. The S106 should include:

- affordable housing provision and tenure;
- contributions to highways
- contributions in accordance with the adopted planning obligations SPD and County Council toolkit to be agreed by the developers and the Council

RECOMMENDATION - That planning permission be **REFUSED** for the reasons referred to above and for the following reasons:-

- 1 **The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. It is considered the detail submitted do not demonstrate that the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework are met . The proposal does not therefore accord with policy CS31 of the Core Strategy or the NPPF in terms of flood risk and impact.**
- 2 **In accordance with policy CS12 and CS27 of the adopted Core Strategy and policy 119 of the local plan, the scheme fails to demonstrate an acceptable relationship can be achieved in the built form that would not harm the character and setting of the adjacent listed building.**
- 3 **The scheme fails to demonstrate that an acceptable relationship in terms of adequate privacy can be achieved for future occupiers in accordance with policy CS12 of the adopted Core Strategy and saved Appendix 3 of the saved DBLP 1991-2011.**