

**4/02601/17/MFA - DEMOLITION OF ALL EXISTING BUILDINGS AND CONSTRUCTION OF TWO BUILDINGS COMPRISING 184 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE AND LANDSCAPING.
LAND AT FROGMORE ROAD, FROGMORE ROAD, HEMEL HEMPSTEAD, HP3 9RW.
APPLICANT: BELLWAY HOMES (NORTH LONDON).**

[Case Officer - Jason Seed]

Summary

The application proposes 184 units of residential accommodation with associated parking and amenity space on a site which is currently in commercial use, but which is allocated for residential use within the Site Allocations Development Plan Document (adopted July 2017).

Sufficient on-site car parking is provided and the proposals are considered acceptable with regards to highways impact, subject to conditions and the financial contributions which will be secured / provided through legal agreements.

In addition to providing a valuable contribution towards the Borough's housing stock (including 35 percent affordable housing to be provided on site), a substantial Community Infrastructure Levy (CIL) would be liable following approval which will fund / part-fund infrastructure projects within the Borough.

It is considered that, subject to the aforementioned agreements, the securing of other relevant contributions and the conditions which are recommended at the foot of this report, the proposals will comply with national and local planning policy and as such, are recommended for delegation to the Group Manager with a view to approve, subject to the signing of the relevant Section 106 Agreement including the following Heads of Terms:

- Affordable housing at 35%;
- The provision of fire hydrants;
- A contribution of £80,000 towards towpath improvements, and ;
- Highways contributions/Highway Improvements (TBA)
- Travel Plan

Site Description

The application site is located on the northernmost side of Frogmore Road, Hemel Hempstead and comprises a number of commercial units and associated curtilage / parking which fronts the roadside. It is noted that a large number of the units on the site are now vacant.

The surrounding area comprises a variety of uses including a bathroom showroom located to the north-west of the application site, the Grand Union Canal and residential properties of Ebbens Road present to the north / east, commercial properties to the east and south-east, Frogmore Paper Mill to the south and Durrants Hill Road to the west. Further residential properties are located beyond the Paper Mill to the south.

The site is subject to the following relevant designations: CIL3, Grand Unions (North and South Bank) 25m Buffer, General Employment Area, Flood Zone 2/3, Former Land Use.

Proposal

The application seeks full planning permission for the demolition of all of the existing buildings and construction of two buildings comprising 184 residential units and associated access, parking, amenity space and landscaping.

Referral to Committee

The Chairman of the Development Management Committee has exercised their power to call-in the application in an email to the Group Manager for Planning (email dated 15/10/2018).

Relevant Planning History

4/02580/17/SCE CONSTRUCTION OF 184 ONE, TWO AND THREE BED DWELLINGS
WITH CAR AND CYCLE PARKING (SCREENING OPINION)
Raise no objection
28/11/2017

Procedure - Environmental Impact Assessment

Prior to the determination of this application, a request for an Environmental Impact Assessment Screening Opinion under Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted to the Local Planning Authority.

Following consultation with the relevant parties, it was concluded that whilst the proposals constituted Schedule 2 development and exceeded the threshold for Screening, it was considered that they would not adversely affect any 'sensitive areas' or result in significant effects on the environment with reference to the selection criteria provided within Schedule 3. As such, it was considered that an Environmental Statement was not required.

The proposals which are being considered under this planning application are consistent with those which accompanied the Screening Opinion request. The Regulations have not changed since the Screening Opinion was issued and as such, the opinion remains relevant and valid in respect of this planning application.

Summary of Responses (Technical Consultees)

- Affinity Water – No objection. Informative provided.
- Conservation and Design - The design of the proposals appear to be acceptable and in keeping with the wider canal environment. Materials condition recommended.
- Design Out Crime Officer - I am content with the layout as it provides active edges. I would look for stair cores, communal entrances and ground floor windows to be to the Secured by Design standard (BS PAS 24), which also meets the standards of Part Q of Building Regulation.
- Environment Agency – No objection, subject to conditions and informatives.
- Environmental Health – No objection, subject to conditions in relation to noise, vibration, air quality, lighting and piling. Advisories also provided.
- Hertfordshire Ecology – No objection, subject to conditions in respect of dusk emergence / dawn re-entry surveys for bats.
- Hertfordshire Fire and Rescue – Provision of fire hydrants required by S106.
- Spatial Planning & Economy Unit Minerals and Waste Team – Condition for the submission and approval of a Site Waste Management Plan.
- Historic England - We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- Historic Environment Advisor – No objection, subject to conditions.
- Herts and Middlesex Wildlife Trust - On the basis of the information provided, HMWT are happy to withdraw their initial objection provided that the outline mitigation strategy is conditioned in the planning decision.
- Lead Local Flood Authority - No objection, subject to conditions.
- Natural England – Stated that they have no comments to make on this application.

- Strategic Housing - To meet the affordable housing policy requirements, 35% of the dwellings should be agreed for affordable housing. Therefore, 64 units should be provided for affordable housing. We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership in line with our Affordable housing SPD. Having already reviewed the application form details, we are happy with the proposals suggested.
- Thames Water - No objection, subject to conditions.
- Trees and Woodlands – There is nothing in this application that warrants an objection. Condition recommended in respect of tree species / planting size / planting specification / maintenance.
- Strategic Planning - Adoption of the Site Allocations document, including the H/13 proposal for housing at Frogmore Road, means that housing development is acceptable in principle.
- Canals and Rivers Trust - On the basis of the information available our advice is that suitably worded conditions and a legal agreement are necessary.
- Highway Authority - Hertfordshire County Council (HCC) as Highway Authority wish does not wish to object to the proposed application, subject to planning conditions and legal agreements.

Summary of Representations (Local Community)

A total of 23 representations have been received in response to the community consultation which was undertaken.

The issues raised can be summarised as follows:

- Adequacy of car parking;
- Increase in congestion;
- Overlooking (Ebbens Road);
- Overshadowing (Ebbens Road);
- Overbearingness (Ebbens Road);
- Increased noise;
- Density;
- Flooding;
- Impact upon wildlife;
- Wind impact;
- Increase in pollution;
- Design out of keeping with surrounding area;
- Loss of views (Ebbens Road);
- Ground stability;
- Impact upon archaeology and local history;
- Insufficient local infrastructure.

In addition to these representations, 3 letters were received from Sir Mike Penning MP, expressing concerns regarding air quality and requesting that constituent's comments be taken into consideration during the determination of the application.

Each of the matters raised are addressed within the relevant sections of this report.

Considerations

Policy and Principle

Policy CS1 of the Core Strategy states that Hemel Hempstead will be the focus for new homes.

In the Dacorum Borough Local Plan 1991-2011, the site was located in the Frogmore General Employment Area (GEA) and was allocated for industry, storage and distribution in Policy 31. However, the Site Allocations Development Plan Document (adopted July 2017) reallocated the Frogmore GEA, except Frogmore Mill, for housing development – Site H/13 in the Schedule of Housing Proposals and Sites. H/13 covers an area of 3.0 hectares, and consists of the current application site, the Ebbens kitchen and bathroom showroom adjacent to Durrants Hill Road and the industrial buildings at the eastern end of Frogmore Road.

A net housing capacity of 100-150 homes is proposed on H/13 in the Site Allocations. The planning requirements for the site in the Plan are as follows:

“Access from Durrants Hill Road. Retain access/servicing to Frogmore Paper Mill. Improvements to London Road and Lawn Lane junctions may be required. High density housing is acceptable. Building design and layout must respect the canal frontage. Flood risk assessment required. Development can be brought forward in phases based on landownership, but design, layout and parking must be coordinated with each other. Maintain and enhance footpath link across site to canal footbridge. Lock Keepers Cottage to be retained. Early liaison required with Thames Water to develop a Drainage Strategy to identify any infrastructure upgrades required in order to ensure that sufficient sewage and sewerage treatment capacity is available to support the timely delivery of this site.”

Paragraph 51 of the National Planning Policy Framework (NPPF) states that local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (the application site comprises buildings in the B Use Classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Furthermore, Paragraph 111 states that decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Taking the above into consideration with regards to the site’s particulars and allocation status, it is considered that the principle of the development is acceptable, subject to the satisfactory addressing of other planning considerations.

Summary of Design

Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 further states that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

Saved Appendix 3 of the Dacorum Borough Local Plan (DBLP) states that there is a need for variety and imagination in the layout and design of housing so as to avoid residential developments which lack character and identity.

Prior to the submission of the application, substantial pre-application discussions were undertaken between the applicant, their representatives, Planning Officers and the Council's Conservation and Design Officer. The proposals which have been submitted reflect the discussions and the comments which were provided by LPA's Officers.

The development is formed of two blocks (which for the purposes of this report are identifiable as Blocks A and B) with variations in height and angle to the parapet. When viewed from the canal this provides a strong vertical character formed of appropriate, traditional materials seen in many industrial canal developments. The fenestration arrangements are considered to add to this general character and appear neat and well-balanced.

Block A is situated to the north-west of the site (close to the site entrance) and Block B is located behind to the south-east and they are divided by a new public realm area which links the area beyond the new site frontage to the tow path. The blocks are broken down further into 4 slender wings, with shorter blocks and courtyards in between. The blocks vary in height from 2 to 4 storeys facing the Grand Union Canal side and 1 to 5 storeys facing Frogmore Road.

234 parking spaces are provided on the ground floor and the majority of these will be contained within the two internal car parking areas below the podiums and accessed via roller shutter doors on the east side of each block. Secure refuse, plant and bike storage locations adjacent to cores are proposed inside the car parks at ground floor. Secure bike storage for 184 cycles is provided.

The Council's Conservation and Design Officer has been formally consulted on the design of the proposals and has confirmed that they are found to be acceptable. They further stated that they would welcome the (proposed) landscaping enhancements which would provide a beneficial space for the residents and add to the setting of the lock keepers cottage and bridge over the canal. Finally, they stated that it would be beneficial to ensure that the canal tow path links in with the new access points and any new surfacing should be appropriate to the character of the canal. Ideally the bridge over the canal should be restored and enhanced as part of any proposals.

Density

Policy CS10 of the Core Strategy states that at broad settlement level, development should promote higher densities in and around town centres.

Saved Policy 21 of the DBLP states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available.

The policy further states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. Higher densities will generally be encouraged in urban areas at locations where services and / or workplaces can be reached without the need for motorised travel or which are served well by passenger transport, for example at town and local centres.

The application proposes 184 homes on a 1.32 hectare site, giving a density of 139 dwellings per hectare. If this density is repeated across H/13, it would result in well over 400 homes, far higher than the 100-150 units proposed in the Site Allocations.

However, the Strategic Planning Team has confirmed that when the Site Allocations document was prepared, it was uncertain what type of housing would be proposed on H/13. The estimate of 100-150 homes reflects the likely density that would be achieved with a scheme for townhouses. As the application proposes flats, this has resulted in a much higher density.

It should be noted that Paragraph 6.21 of the Site Allocations document states that:

“The net capacity figures specified provide an estimate of expected capacity and should not be treated as maxima. Final dwelling capacities will be tested through the planning application process, where detailed schemes will be expected to demonstrate compliance with specified planning requirements and other relevant policies and guidance.”

Therefore, the Strategic Planning Team has confirmed that it has no objection in principle with the density proposed. It is considered that the proposals make the most efficient use of land in accordance with Saved Policy 21 and will assist the Council in meeting the average of 430 net additional dwellings which it aims to provide each year (between 2006 and 2031) as specified by Policy CS17 of the Core Strategy.

It should be noted that the recently-announced draft revised NPPF provides further support and emphasis on housing delivery and also promotes the use of brownfield land and developing at densities which optimise site potential.

Dwelling Mix

Policy CS18 of the Core Strategy states that new housing development will provide a choice of homes. This will comprise a range of housing types, sizes and tenure, housing for those with special needs and affordable housing in accordance with Policy CS19.

Saved Policy 18 of the DBLP states that the development of a range of dwellings (size and type) will be encouraged. Regard will be paid to the need to provide accommodation for new, small households and the floor area of individual buildings. Units for small households needing 1 or 2 bedrooms will be sought by requiring the provision of some 1 and 2 bedroom units on large housing sites (i.e. sites over 2 hectares in area and/or capable of accommodating at least 50 dwellings) and those sites specifically identified in the Schedule of Housing Proposal Sites.

The proposals are comprised as details below:

184 dwellings

50 x 1b2p flats
37 x 2b3p flats
85 x 2b4p flats
8 x 3b5p flats
4 x 3b6p flats

Open market housing: 120 dwellings (65%) as:

30 x 1b2p flats
23 x 2b3p flats
62 x 2b4p flats
3 x 3b5p flats
2 x 3b6p flats

Affordable housing: 64 dwellings (35%) as:

Social Rent (48) (75%) total)

13 x 1b2p flats
7 x 2b3p flats
21 x 2b4p flats
5 x 3b5p flats
2 x 3b6p flats

Shared Ownership (16) (25%) total)

7 x 1b2p flats
5 x 2b3p flats
4 x 2b4p flats
0 x 3b5p flats
0 x 3b6p flats

It is considered that the above mix strikes an appropriate balance between providing a variety of unit sizes and an appropriate level of affordable housing which meets with the Council's relevant policy as discussed below.

Affordable Housing

Policy CS19 of the Core Strategy states that affordable homes will be provided on sites of 10 dwellings (and larger) in Hemel Hempstead. 35% of the new dwellings should be affordable homes.

The proposals provide 48 units of social rented housing and 16 units of intermediate housing (shared ownership), a total of 64 units which represents 35 percent of the total provision. Both the Strategic Housing and Strategic Planning teams have confirmed that the level of provision is acceptable and will be secured through the Section 106 Agreement.

Impact upon Neighbouring Properties

Policy CS12 states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties and respect adjoining properties.

With regards to visual intrusion, consideration of this matter relates primarily to the impacts experienced by the receptors of Durrants Hill Road to the west, the rear amenity areas / elevations of the properties within Ebberns Road to the north / north-east, Frogmore Road itself which is situated to the immediate south of the proposals and the canal side environment which is also situated to the north / north-east of the site. The consideration of the impacts upon each of these receptors takes account of the fact that planning does not concern itself with or allow for any right to a view.

Durrants Hill Road is situated approx. 50m from the proposed north-west elevation. Existing views from this receptor via the Frogmore Road access are of the existing bathroom centre to the north, with the westernmost end of the current two-storey commercial buildings visually evident within longer range views.

The proposals, given their distance from this receptor and modest four-storey height (with a fifth floor of the rear of Block A evident in the distance), whilst visible, are not considered to be visually intrusive.

Separation distances between the southernmost elevations of the properties in Ebberns Road and the northernmost elevations of the proposed units increases from approx. 30m at the north-west of the site, increasing in distance to approx. 67m between the relevant elevations at the south-eastern end. Views of the proposals from these receptors are of 2, 3 and 4 storey blocks which, when viewed from the aforementioned distances, are not considered to result in a visually intrusive form of development.

With regards to the consideration of visual intrusion along Frogmore Road, it is considered that the site will be significantly enhanced by the replacement of the existing unattractive

commercial buildings with a well-landscaped, high quality development which does not impose itself upon the street scene and as such, the proposals would not be visually intrusive from this receptor. The relationship between the proposals and the bathroom store to the north-west of the site will remain similar to the existing relationship between this building and the current structures, albeit the proposals are of a greater height. In the case of the Lockkeeper's Cottage located to the south / east of the proposal site, a greater separation between this structure and the neighbouring structures will be provided than at present.

Impacts of the proposals upon the canal side environment are considered later in the report.

In terms of wind impact, it is considered that the scale of the proposals are not so significant/substantial that wind impacts and/or microclimate would create an unacceptable environment for occupiers of the new units or the surrounding area.

In respect of impacts upon sunlight and daylight, Saved Appendix 3 of the DBLP states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing dwellings. Significant overshadowing should be avoided.

Given the height of the proposals and the aforementioned separation distances between the proposed buildings and the residential properties within Ebbens Road, it is considered that no loss of sunlight / daylight and overshadowing would result.

The application is accompanied by a Daylight and Sunlight Assessment which has been prepared using methodology and criteria provided by the Building Research Establishments guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the British Standard document BS8206 Pt2. Each of the surrounding residential properties with windows serving habitable rooms overlooking the site has been included within the assessment.

The result of the Vertical Sky Component (VSC) assessment shows no material reduction to any windows relevant for assessment with all windows retaining VSC levels in excess of 0.8 times their former value. Overall retained amenity is excellent with the majority of VSC levels also exceeding the absolute target of 27% 6.4. In addition, the results of the No Sky Line Contour (NSC) analysis indicates that all rooms relevant for assessment would experience no noticeable change to the No Sky Line. As such, the proposed scheme remains fully in line with the BRE guidelines.

The windows of the properties facing the proposal are within 90 degrees of due south and are therefore potentially relevant for APSH sunlight assessment. Whilst not all windows are likely to serve main habitable living rooms they have been assessed for completeness.

The results of the assessment demonstrate that all windows retain excellent sunlight levels exceeding the BRE target 25% APSH with at least 5% enjoyed during the winter months. The effects of the proposal are therefore fully in line with the BRE targets.

In respect of loss of privacy, Saved Appendix 3 of the DBLP states that the minimum distances of 23m 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, levels and other factors.

The nearest residential properties to the proposal site are those which are located to on Ebbens Road. The rear elevations and garden areas face southwards towards the application site and the proposals would result in a 'back to back' relationship with these properties.

The proposals would result in the rear build line of the site moving closer to the Ebbens Road

properties than the existing structures, provide balconies at all levels and the height of the proposals would also be greater than the existing structures.

However, taking account of the aforementioned separation distances between the proposal's canal side elevations and the rear elevations of the properties in Ebbens Road, it is considered that with regards to the Council's standards prescribed by Saved Appendix 3 of the DBLP, this separation is considered acceptable and will ensure that no unacceptable loss of privacy will result from the proposals.

Impact on the Character of the Area

Policy CS12 of the Core Strategy states that on each site, development should integrate with streetscape character. It is noted that the site is not situated within any of the character areas as defined by the Area Based Policies Supplementary Planning Guidance.

It is considered that the proposals will be visible from two key visual receptors; Durrants Hill Road to the west and the canal side environment and rear elevation windows of the properties located to the north in Ebbens Road.

With regards to the former, views of the north-west elevation will be those which are readily evident from this receptor where the view is comprised of a four storey development with fifth storey elements visible in the backdrop. The primary corner has an articulated parapet to create a focal point corner when entering the site giving a sense of direction. The overall storey height of the building at the site entrance is reduced to minimise impact on arrival. The entrance will also be shaped by a new tree lined avenue. A high degree of visual interest is evident and the use of a mix of material pallets makes a valuable contribution in this respect.

The long ribbon elevations facing north and south have interrupted facades, with cladding is brickwork throughout and two brick colours are introduced to express a primary and secondary tier.

Although the massing has been broken into smaller blocks, the architects have stated that it was important that the scheme should still be read as a single harmonious 'family' of elements, rather than a disparate group of blocks. The architects have further considered that a common architectural style was required that would connect the different scaled blocks whilst providing enough scope of variation. To achieve this, unity comes from the fenestration and balcony design that links the elements and reinforces verticality in the smaller parts i.e by grouping windows with balconies which gives the appearance of voids and so further breaks the elevations. The brick helps to link this contemporary proposal with the existing traditional materials of the local area.

On the canal side the fragmented form and scale of the proposed buildings respects the domestic grain of the existing surrounding houses and intimate scale of the tow path. The height is reduced in places to reduce overshadowing and to allow views across the site from the opposite side of the canal. The shorter 2 storey blocks which sit between taller wings lessen the building mass creating a non-oppressive form for passers-by on the tow path.

It is therefore considered that the proposals respond positively to surrounding streetscapes and are therefore in accordance with Policy CS12 of the Core Strategy.

Amenity Provision

Saved Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Residential development designed for multiple occupancy will be required to provide a private communal amenity area to the rear of the building at least equal to the footprint of the building

for two storey developments, and increasing with building height.

Two podium courtyards are located on the 1st floor, creating communal amenity, and private gardens. They will be landscaped to provide a balance of hard and soft areas with seating areas, informal play space and routes connecting to circulation cores and exits. They will have visual interest such as raised planters that are incorporated with natural ventilation grilles to assist airflow from the lower ground car park. Private amenity is also provided via gardens on the ground floor, with roof terraces on the 3rd floor and further amenity areas provided via balconies.

In addition to the on-site provision detailed above, the site is located immediately adjacent to the adjacent towpath which provides recreational opportunities. A financial contribution would be made by the developer to Canals and Rivers Trust to be spent on improvements to the towpath.

The canal and surrounding area (including the park to the immediate west of Durrant Hill Road) provide substantial public amenity space, and the site's location in relation to Hemel Hempstead Town Centre and its close proximity to Apsley also ensure that sufficient opportunities for recreation are within walking distance of the site.

It is therefore considered that the on-site provision detailed above, coupled with the publically accessible amenity areas close to the site ensures that sufficient amenity and recreation opportunities for occupiers of the new units is provided / available.

Trees and Landscaping

Policy CS12 of the Core Strategy states that on each site, development should retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges

In its current condition, the site is covered mainly with hard standing. Substantial trees are located outside of the site boundary on the western side of Frogmore Road and within the Frogmore Paper Mill site; this is a prominent group of birch trees. The only tree of significance within the site is a Weeping Willow that is apparent when the entering from Durrants Hill Road. A Silver Birch is situated within close proximity to this tree.

The Willow Tree is proposed to be removed although all off-site trees will be protected during construction as confirmed by the submitted Tree Protection Plan which forms Appendix B1 of the submitted Tree Survey and Arboriculture Implications Assessment.

The application is accompanied by Landscape General Arrangement Plan which provides initial / indicative details in respect of paving, soft landscaping, fencing / edging and furniture.

The Trees and Woodlands Officer has been consulted on the proposals and has stated that they have no objection to the proposals and has recommended that further details in respect of tree species / planting size / planting specification and landscaping maintenance.

It is therefore considered that, subject to conditions, the proposal complies with Policy CS12 of the Core Strategy.

Pedestrian Access and Movement

Policy CS12 of the Core Strategy states that on each site, development should provide a safe and satisfactory means of access for all users.

Currently there is limited green public link from Frogmore Road to the canal tow path as the

route to the tow path is relatively subservient i.e steps located next to the former Lock Keepers cottage. The proposals provide an opportunity resolve current poor connectivity.

To achieve this the proposal provides a tree-lined central public realm, a permeable link for foot and cycle traffic and visual link through the site from Frogmore Road to the tow path with potential for 'visual' connection beyond to the River Bulbourne.

It is considered that the proposals form a transitional space from Frogmore Road to the canal creating activity with a tree lined avenue, soft landscaping, pedestrian friendly shared surface public route and street furniture. This is the main pedestrian thoroughfare to the residential entrances of each block. The central vista will be strengthened with an avenue of trees.

Gradients of ramps, door openings widths and internal corridors will be sized according to Part B and Part M4 (1) of the Building Regulations. Two Part M compliant lifts per block are proposed to give access to all floors which in turn gives access to all apartments and communal amenity on the 1st floor.

The buildings are designed to comply with the latest Part B Building Regulations allowing for evacuation of all occupants from the buildings in case of an emergency via the four stair cores located in each block. There is space for manoeuvring of emergency vehicles at the western and eastern parking courts allowing for ease of access to stair cores by fire fighters in the event of a fire.

Towpath / Canal Side Environment

Saved Policy 106 of the DBLP states that development adjoining the Grand Union Canal will be expected to make a positive contribution to the canal side environment. As such, the design, scale and materials of new developments and canal side facilities must be appropriate to the environmental and historic character of the canal and have no adverse impact on its nature conservation interest. Encouragement will be given to proposals to improve pedestrian access to the canal.

It is noted that both the canal and the towpath are covered by the Open Land designation. Saved Policy 116 of the DBLP states that Open Land forming part of the urban structure will be protected from building and other inappropriate development, and measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

The Canal and Rivers Trust has been consulted on the application and during the course of the application, requested further details with regards to the car park grilles which front the canal, and the landscaping for the strip of land between the existing boundary and the ground floor balcony / top of car park podium, both of which CRT considers to be acceptable.

A 1.5m wide transitional planting zone will be provided between the car park area and the towpath, with the existing native hedge row trimmed and topped to 1.8m high to allow views from 1st floor balconies. A 1100mm high metal railing is proposed to replace the existing timber close boarded fence. The edges are to be supplemented with new double staggered row native whips. The improved access to the canal via the proposed new link is also considered desirable.

As stated previously, an £80,000 financial contribution is to be made to CRT to provide for upgrades to the towpath. It is considered that the replacement of the existing unattractive buildings / boundary treatment with the proposals detailed above will significantly enhance the canal side environment (and access to it) which accords with the relevant planning policy environment.

Highways

Paragraph 32 is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy CS9 of the Core Strategy states that the traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments.

Furthermore, Saved Policy 51 of the DBLP states that development must be compatible in locational and general highway planning, design and capacity terms with the current and future operation of the defined road hierarchy and road improvement strategy.

With regards to site access, it is proposed that the new development will be served by the existing access direct from Durrants Hill Road which HCC considers to be acceptable.

In respect of impact upon the highway, HCC as Highway Authority has reviewed the submitted Transport Assessment and have stated that it does not wish to object to the proposed application, subject to conditions and legal agreements requiring the following improvements:-

- Box junction on bridge.
- TRO for keep clear markings in front of Frogmore Road on Durrants Hill Road.
- Box junction at Durrants Hill Road and London Road junction.
- Improvements to London Road junction with Durrants Hill Road.
- Improvements to Lawn Lane junction with Durrants Hill Road.
- TRO for Frogmore Road to enforce no parking by Heavy Goods Vehicles and/or possible weight restrictions set for Frogmore Road.

A copy of the Highway Authority's response is provided to Members within its entirety as Appendix 1 of this report.

Parking

Policy CS12 of the Core Strategy states that on each site development should provide sufficient parking and sufficient space for servicing.

The site is situated within Zone 3 as defined by the Council's Accessibility Zones SPG. Within Zone 3, the following maximum standards are application for residential development:

- 1 bedroom dwellings = 1.25 spaces
- 2 bedroom dwellings = 1.5 spaces
- 3 bedroom dwellings = 2.25 spaces

50 x 1 bedroom dwellings x 1.25 = 62.5 spaces

122 x 2 bedroom dwellings x 1.5 = 183 spaces

12 x 3 bedroom dwellings x 2.25 = 27

Total maximum parking requirement = 272.5 spaces

The application proposes a total of 234 parking spaces, a deficit of 38.5 spaces beneath maximum. As the standards are maximum and the site is within close proximity to the amenities of both Apsley and Hemel Hempstead, the proposed level of provision is considered acceptable.

Furthermore, a recent appeal decision (reference: APP/A1910/W/17/3173690 – 02/10/2017) which overturned refusal of planning permission for a proposal on the basis of a lack of parking in the Borough stated as follows:

'The National Planning Policy Framework 2012 (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the levels of car ownership. Subsequently, the Government issued a Written Ministerial Statement (WMS) on 25 March 2015, which highlights that any local parking standard should only be imposed where there is clear and compelling justification'.

With their decision, the Inspector stated that in the absence of a detailed evidence of a clear parking problem (within the area), it had not been demonstrated that the proposal would materially harm highway safety. They further stated that as the site lay in a sustainable location, where development using alternative means of transport should be encouraged, the proposed development would not cause harm to the surrounding road network, congestion and highway safety. The proposed development was therefore broadly in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 57 and 58 and Appendix 5 of the DBLP. It would also meet the aims of the Framework and WMS outlined above.

The proposals are therefore considered to comply with the parking requirements of Policy CS12 of the Core Strategy and Saved Appendix 5 of the DBLP.

Ecology

Policy CS26 of the Core Strategy states that development will contribute towards the conservation of habitats and species.

Whilst the site itself is not designated, it is situated within the Impact Risk Zone of Roughdown Common SSSI. The submitted Ecological Constraints Report highlights the value of the adjacent canal and associated vegetation to foraging bats and recommends that a lighting plan be prepared to prevent spill and so ensure that there is no adverse effect on foraging behaviour.

An Outline Bat Mitigation Strategy (OBMS) has also been provided which recorded the emergence of Three Common pipistrelle bats from one of the existing buildings during the single bat emergence survey, which took place outside of the maternity period in mid-September.

Hertfordshire Ecology (HE) has been consulted on the proposals and has advised that the development proposals will result in the loss of a known bat roost, currently assumed to be an occasional Pipistrelle roost of low conservation significance. Suitable outline mitigation has now been provided to safeguard bats and ensure their conservation status is maintained. With these mitigation measures in place, HE considers that the OBMS provides enough information to enable the LPA to fully consider the impact of the proposal on bats, i.e. to satisfy and discharge their obligations under the Conservation of Habitats and Species Regulations 2017 prior to determination. As such, a condition is recommended in addition to the aforementioned pertaining to lighting details.

It should be noted that Natural England were consulted on the application and stated that they had no comment to make.

Impact on Built Heritage Assets

There is statutory duty to pay special regard to the desirability of preserving the setting of nearby Listed Buildings / heritage assets under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The advice in Paragraph 132 of the NPPF that any harm or loss to the value that a Listed Building has by virtue of a development within its setting requires clear and convincing justification as “great weight” should be given to the asset’s conservation since it is irreplaceable.

The applicants have submitted a Built Heritage Statement assessing the impact of the development on both the fabric of any Listed Buildings / heritage assets and their settings.

The harm to the setting of Mill building is judged to be less than substantial and this assessment is accepted by the Council’s Conservation Officer. Nevertheless any adverse impact should be given great weight in assessing the proposal (see assessment below). This notwithstanding, it is noted that the proposal site is already allocated for housing.

Policy CS27 of the Core Strategy states that all development will favour the conservation of heritage assets. Furthermore, Saved Policy 119 of the DBLP states that there is a general presumption in favour of the preservation of listed buildings of special architectural or historic interest.

The site is situated adjacent to the Grand Union Canal, lock, bridge and lock keepers cottage. These structures date from the early 19th century. All of these structures have been constructed in brick and both the cottage and the bridge have been painted white. The bridge has much graffiti, inappropriate railings and landscaping and is not in an ideal condition. The Conservation and Design Officer has confirmed that the aforementioned features would be considered to be non-designated heritage assets.

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Conservation and Design Officer has stated that the impact on the setting of the above structures would have a minimal impact on their significance. As such the harm would be at the low level of less than substantial when considered in the balancing exercises of the Framework.

The Grade II Listed paper mill is situated approximately 30 metres to the southwest of the application site. The Listed office block is 19th century constructed of brick and of 2 storeys. It is surrounded by brick built industrial buildings mainly roofed in sheeting.

The Conservation and Design Officer has confirmed that that the mills significance is in principle in relation to its physical fabric and historical interest rather than planned views. However the connection to the river and the canal is important as this provides the reason for the mills location but unlike other mill complexes there are no designed views over this site towards the canal.

The site provides some significance through its location but we the Officer does not consider that demolishing the existing industrial buildings will harm the Listed Building’s significance and agrees with the heritage statement that the proposed new buildings in themselves would cause less than substantial harm to the significance of the Listed Building. There would be some impact on the significance due to the change in character from an industrial site to residential but given that this was the case in the past and that housing (although at a much lower density) was found at this location any harm would be of a low level. Some views through to the canal would be retained and the historic structure of the canal and layout of the land, waterways and their forms would remain unaltered. Therefore the Officer considers that that any harm would be to a low level on the scale of less than substantial harm.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that the benefits of utilising the existing brownfield site for housing (including 35 percent affordable provision on site) and the improved towpath connectivity are both public benefits which outweigh this low level of harm.

Archaeological Impact

Core Strategy Policy CS27 states that all development will favour the conservation of heritage assets. Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

Furthermore, Saved Policy 118 of the DBLP states that where advice indicates that a proposed development will affect remains of archaeological significance or areas of archaeological potential, developers will be expected to provide the results of an archaeological evaluation as part of their planning application.

The proposed development is located at Frogmore End in Hemel Hempstead, in the valley of the River Gade. It lies circa 800m to the north of Area of Archaeological Significance no. 52, as identified in the Local Plan, which is concerned with an area of known prehistoric settlement overlooking the river valley.

Due to its position within the flood plain there is potential for the recovery of palaeo-environmental and archaeological data at this location. A Geological Assessment, submitted with the application, noted that the site is underlain by layers of alluvium, with possible pockets or layers of peat. These surviving alluvium and peat bands have the potential to contain significant archaeo-environmental remains (dating to between c.9000 – 2000 B.C.). Residual prehistoric flints were found during an archaeological evaluation at Frogmore Mills, adjacent to the proposed development area to the south (Historic Environment Record no. 11961).

The County's Historic Environment Advisor has been consulted on the application and has stated that it is considered that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and conditions are recommended in this respect. Such conditions will ensure that the proposals do not conflict with the relevant planning policies with regards to impact upon archaeological interests.

It is considered that the aforementioned conditions are required and recommended to be attached to the decision notice should permission be granted.

Air Quality

Policy CS32 of the Core Strategy states that Development will be required to help support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area. Any development proposals which would cause harm from a significant increase in pollution into the air by virtue of the emissions of fumes, particles, or noxious substances, will not be permitted.

Whilst not designated an Air Quality Management Area (AQMA) itself, the site is within close proximity to two AQMAs; Lawn Lane which is situated approx. 120m to the north / north-east, and Apsley which is situated approx. 135m to the south-west.

The application is accompanied by the submission of an Air Quality Assessment which has been prepared by RSK Environment Limited.

The assessment acknowledges that construction phase impacts may have the potential to

occur, due to dust and particulate matter emissions during the period of construction. The risk of dust impacts was assessed in accordance with the IAQM 2014 guidance and was predicted to be a maximum of 'medium risk' during the construction phase. The report recommends mitigations measures to reduce the risk for general site activities and construction activity-specific activities, in accordance with this guidance. If appropriate mitigation (such as that identified within Section 7 of the report) is implemented, the residual impact of construction phase air quality impacts is likely to be 'not significant'.

Operational phase air quality impacts were assessed using detailed dispersion modelling to predict the impact of existing sources of relevant air pollutants in the local area on receptors to be introduced at the proposed development site, and the impacts of changes in road traffic attributable to the development on local air quality.

The following three scenarios were assessed:

- S1: 'Base case' scenario representing the 'existing' air quality situation in 2016;
- S2: 'Without development' scenario; and,
- S3: 'With development' scenario.

The results of the modelling indicated that exceedances of the annual mean PM10 and PM2.5, the hourly mean NO2, and daily mean PM10, AQSs, are not predicted at any of the modelled receptor locations, in any of the modelled scenarios.

The results of the modelling indicate that exceedances of the annual mean PM10 and PM2.5, the hourly mean NO2, and daily mean PM10, AQSs, are not predicted at any of the modelled receptor locations, in any of the modelled scenarios.

The development is predicted to expose one additional receptor to annual mean NO2 concentrations exceeding the AQS (albeit very marginally) which was not predicted to exceed without the development in place, although this is located within the existing Lawn Lane AQMA.

As per the EPUK-IAQM guidance, the impact of the development on annual mean NO2 concentrations at existing sensitive receptor locations was assessed as 'negligible' at 18 of the 19 locations, and 'moderate adverse' at one location.

Therefore, the overall impact of the development on local air quality has been assessed as 'slight adverse'.

Mitigation measures are recommended in Section 7.2 of the report document as follows:

- Selection of 'ultra low' NOx boilers throughout the development. The EPUK-IAQM indicates that gas boilers installed in domestic buildings should achieve a NOx rating 40mg NOx/kWh;
- Provision of on-site 'rapid charge' electric vehicle charging points, which should be maintained in good condition. As a guide, it is recommended that at least one is installed per 10 residential dwellings; and,
- Implementation of measures facilitating modal shift, discouraging the use of driving and encouraging walking, cycling, public transport and/or car sharing. Such measures may include the promotion of car share schemes and provision of up-to-date public transport information (i.e. timetables, bus maps and routes, etc.) to residents; the development of a designated car sharing scheme, cycle bank scheme; subsidised cycling proficiency testing; subsidised discounted cycling equipment; and the provision of on-site cycle parking.

By implementing an appropriate selection of mitigation measures to reduce the impacts of the development on local air quality, the residual impacts of the scheme are likely to have

reduced.

Whilst formal consultation comments from the Council's Environmental Health Officer were not available at the time of this report being completed, the Air Quality Assessment and its conclusions have been provided by qualified professionals and it is therefore considered to be sufficient for the purposes of the planning assessment.

It is anticipated that the EHO's comments will be provided within the Addendum to this report.

Flood Risk and Drainage

The application site is situated within both Flood Zones 2 and 3.

Policy CS31 of the Core Strategy states that water will be retained in the natural environment as far as possible. Measures to restore natural flows in the river systems and the water environment will be supported. Supply to the Grand Union Canal will be maintained.

Development will be required to avoid Flood Zones 2 and 3 unless it is for a compatible use. Flood Risk Assessments must accompany planning applications for development in these areas, explaining how the sequential approach to development has been taken into account and outlining appropriate mitigation measures. However, it is noted that the application site is already allocated for housing as previously discussed.

The submitted flood risk assessment (FRA) 'Bellway Homes North London: Frogmore Road, Hemel Hempstead: Flood Risk Assessment & Surface Water Drainage Strategy' prepared by RSK LDE Ltd (project number: 132917-R1(01) - FRA), and associated plans demonstrate that finished floor levels and flood resilience measures shall be set no lower than 79.00m AOD.

In the event of a flood, safe access and egress from the site will be via the proposed pedestrian access to the canal tow path at the rear of the site. A number of the ground floor dwellings front onto Frogmore Road; to ensure that these users can access the canal tow path, there will also be rear access to the car park area. Additionally there will be internal access to higher floors, and the northern and western areas of the site are located in Flood Zone 1. A flood management plan should be implemented to ensure site users are aware of flood risk.

The Environment Agency has been consulted on the application and has stated that they have no objections to the proposed development on flood risk safety grounds. They recommend that finished floor levels for the proposed development are set as high as is practically possible, ideally 300mm above the 1 in 100 year 35% flood level, or, where this is not practical, flood resilience/resistance measures are incorporated up to 300mm above the 1 in 100 year 35% flood level. This is to protect the proposed development from flooding.

Furthermore, the Lead Local Flood Authority has also been consulted on the application and has confirmed that has no objection on flood risk grounds and advises the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The drainage strategy is based upon attenuation and discharge into Thames surface water sewer network. The SuDS strategy has been design to cater for all rainfall events up to and including 1 in 100 plus 40% for climate change and surface water flows will be restricted to 28.8 l/s.

Thames Water has raised no objection to the proposals, subject to conditions.

Land Contamination

Policy CS32 of the Core Strategy states that any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

Comments from the EHO are anticipated to be provided at Development Management Committee.

Refuse Collection

Saved Policy 129 of the DBLP states that developers will be expected to provide adequate space and facilities for the separation, storage, collection and recycling of waste within developments of 100 or more dwellings.

The proposed refuse strategy has been designed to comply with Dacorum's Refuse Storage Guidance Note February 2015.

The requirements for waste storage for flatted developments are:

- a 1100ltr mixed recycling blue lid container which will be provided by the borough and emptied weekly. One container is shared between 5 residences.
- a 1100ltr non recycling green lid container which will be provided by the borough and emptied weekly. One container is shared between 5 residences.
- For food waste, 240ltr wheeled bins are provided shared by up to 10 flats.
- Each euro bin is to be separated by a minimum 150mm gap around it.

Refuse stores are designated for Block A and B at Ground Floor and are placed for maximum accessibility adjacent to the circulation cores (lift & stairs), of no more than 30m (horizontally) from any residential unit they serve.

The capacity of each storage area for each location is in proportion to the total number of units per tenure. These store rooms will be indicated with clear signage and level access, in compliance with accessibility requirements, with the furthest euro bin being within 25m travelling distance from the kerb side as required by refuse collection operatives.

Fire Safety

Hertfordshire fire and Rescue have been consulted on the application and has stated that based on the information provided to date they would seek the provision of fire hydrant(s) as all developments must be adequately served by fire hydrants in the event of fire.

Such provision is contained within the Heads of Terms of the S106.

Sustainable Construction and Design

Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible including the recycling and reduction of construction waste which may otherwise go to landfill.

The County Spatial Planning & Economy Unit Minerals and Waste Team has been consulted on the application and has stated that they would like to ensure that a Site Waste Management Plan (SWMP) is submitted prior to the commencement of the demolition phase to set out how waste will be managed and if possible, how it can be re-used in the construction.

Large quantities of inert waste and made ground will be produced from the demolition and

when extracting material for the foundations. It is therefore considered that given the scale of the development and the potential for wastes arising, it is appropriate to impose a condition on the planning permission requiring the submission of a SWMP prior to commencement to ensure the proposals comply with National waste policy and Core Strategy Policy CS29.

It is considered that the scale of the proposal and potential for large quantities of wastes arising confirm that such a condition is appropriate in this instance.

With regards to energy efficiency, the application is accompanied by an Energy Demand Statement which states that renewable and low carbon technologies have been considered and discounted for justifiable reasons and therefore the developer has elected for a fabric only approach to meet the necessary energy efficiency and CO2 targets as required by planning policy.

Emphasis has been placed on the attention to detail around non-repeating thermal bridges to ensure that heat loss is further reduced and that an airtight dwelling is achieved. An efficient mechanical ventilation system is proposed that will introduce fresh air to the building to ensure that the internal comfort of the building is maintained.

The available options for delivery of energy have been appraised and highly efficient individual condensing gas boilers are the optimal method of supplying the homeowners with efficient, cost effective space heating and hot water. The heating design will be enhanced by specifying full zone and optimum start controls to ensure that the homeowners have an effective, easy to control system. A high percentage of internal lights will be low energy which will reduce energy and CO2 emissions further. CO2 has been reduced on the scheme through a fabric only approach.

Developer Contributions

Policy CS35 of the Core Strategy states that all development will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development. This may be provided in-kind or through financial contributions.

A Draft S106 Agreement has been prepared which secures the following:

- Affordable housing at 35% as discussed elsewhere within this report;
- The provision of fire hydrants;
- A contribution of £80,000 towards towpath improvements, and ;
- Highways contributions/Highway Improvements (TBA)
- Travel Plan

In addition to those matters secured by the S106 Agreement, the proposals will be liable to payments arising under the Council's Community Infrastructure Levy Charging Schedule which came into effect on 1st July 2015.

The site is situated within CIL Zone 3 and as such, is liable to a charge of £100 per square metre.

The total CIL liable will be advised at Development Management Committee.

Under Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) the Council is expected to publish a list of infrastructure projects that may benefit from CIL funding. The purpose of the list is to differentiate between those types of infrastructure that the authority intends to fund through CIL and those areas where a planning obligation under S.106 of the Town and Country Planning Act 1990 (as amended) or another source of funding

may be pursued to deliver the relevant infrastructure item.

Summary and Conclusion

The proposals would provide 184 units to the Borough's housing stock without resulting in unacceptably adverse impacts in respect of air quality, highway safety, residential amenity, heritage assets or the adjacent canal-side environment.

Additionally, the proposals provide a full, policy-compliant affordable housing provision of 35 percent, a financial contribution towards towpath improvements, and wider infrastructure improvements through a sizeable CIL liability.

As such, the proposals are considered to comply with the relevant national and local planning policy environment and are therefore recommended for delegation to the Group Manager with a view to approve, subject to the signing of the relevant Section 106 Agreement.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning, subject to the completion of a S106 agreement securing the following Heads of Terms

- Affordable housing at 35% as discussed elsewhere within this report;
- The provision of fire hydrants;
- A contribution of £80,000 towards towpath improvements, and ;
- Highways contributions/Highway Improvements (TBA)
- Travel Plan

And subject to the following suggested conditions:-

- 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 carried out in accordance with the following approved plans/documents:**

TBC

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

- 3 Notwithstanding the details provided within the application, no development (excluding demolition and groundworks) shall take place until details of the materials to be used in the construction of the external surfaces (including brick bond and mortar, joinery details and finish) of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development in accordance

with Policy CS12 of the Core Strategy.

4 Notwithstanding the information submitted with this application, no development (excluding demolition and groundworks) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse 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);**
- **retained historic landscape features and proposals for restoration, where relevant.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.

5 The development shall be constructed in accordance with the details contained within the submitted flood risk assessment 'Bellway Homes North London: Frogmore Road, Hemel Hempstead: Flood Risk Assessment & Surface Water Drainage Strategy' prepared by RSK LDE Ltd (project number: 132917-R1(01) - FRA), and associated plans.

Reason: To ensure that matters pertaining to flood risk are suitably mitigated in accordance with Policy CS31 of the Core Strategy.

6 Prior to first occupation of the development hereby approved, a Flood Evacuation Plan will be submitted to and approved in writing by the Local Planning Authority. Following approval, the measures contained within the Plan will be adhered to in full.

Reason: To ensure that sufficient escape arrangements for all occupants in the event of flooding are secured in accordance with Policy CS31 of the Core Strategy.

7 Before the use commences a noise assessment should be carried out in accordance with BS4142 to establish whether the (plant/machinery) that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive

premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the (plant/machinery) does not, at any time, increase the ambient equivalent continuous noise level.

Reason: To protect the amenities of adjoining development in accordance with Policy CS12 of the Core Strategy.

- 8 **Before any plant and / or machinery specify is used on the premises it shall be enclosed with sound insulating materials and installed / mounted using appropriate anti vibration mountings in a way that minimises the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority**

Reason: To prevent detriment to the amenity from the transmission of structure borne vibration in accordance with Policy CS12 of the Core Strategy.

- 9 **Details of any external lighting proposed in connection with the development shall be submitted to and approved by the Local Planning Authority prior to installation, and no external lighting shall be provided without written consent.**

Reason: In the interest of the visual amenities of the area in accordance with Policy CS12 of the Core Strategy.

- 10 **Prior to demolition of Building 2 (Units 7-13), two dusk emergence / dawn re-entry surveys should be undertaken during May – August inclusive to determine with confidence what type of bat roost is present, and the outline mitigation strategy should be modified as appropriate based on the results and submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with these approved details, subject to any licensing requirements.**

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with National Planning Policy Framework.

- 11 **Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:**

a) identify those areas/features on site where artificial light is likely to cause disturbance to bats in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning

Authority.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance in accordance with National Planning Policy Framework.

- 12 **No development shall take place until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that construction waste is minimised in accordance with Policy CS29 of the Core Strategy. It is necessary for the condition to be pre-commencement in this instance as the demolition works will require the removal of waste to avoid environmental / health hazards associated with retaining such wastes on site.

- 13 **No demolition / development shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and it is therefore considered that further pre-commencement investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

- 14 **Demolition / development shall take place in accordance with the Written Scheme of Investigation approved under Condition (13). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition (13) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and it is therefore considered that further investigation measures are secured in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

- 15 **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RSK reference 132917-R1(01)-FRA dated October 2017, the following mitigation measures detailed within the FRA:**

- 1. Limiting the surface water run-off to a maximum of 28.8 l/s with discharge into the Thames Water Sewer.**
- 2. Providing a minimum of 834m³ attenuation volume (or such storage volume agreed with the LLFA) to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
- 3. Undertake drainage strategy to include to the use permeable paving, attenuation tanks and oversized pipes as indicated on drainage strategy drawing no.10-00.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 31 of the Core Strategy and the National Planning Policy Framework.

- 16 **No development (excluding demolition) shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include; The scheme shall also include:**

- 1. Detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.**
- 2. Detailed surface water calculations for all rainfall events up to and including the 1 in 100 year + 40% climate change event supported by a clearly labelled drainage layout plan showing pipe networks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.**

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Core Strategy and the National Planning Policy Framework.

- 17 **No 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. 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 and as such, the above is required to enable the proposals to comply with Policy CS32 of the Core Strategy and the National Planning Policy Framework.

- 18 **Prior to the commencement of the development (excluding demolition) hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

- i. Roads, footways, foul and on-site water drainage.**
- ii. Existing and proposed access arrangements including visibility splays.**
- iii. Parking provision in accordance with adopted standard.**
- iv. Cycle parking provision in accordance with adopted standard.**
- v. Servicing areas, loading areas and turning areas for all vehicles.**

The drawings should incorporate the necessary amendments to the access geometries, set out as follows (Note, accesses numbered from left to right on drawing reference 02-02-01 Rev P01):

- Access 1: road width between the junction and start of parking area to be confirmed;
- Access 1: left-hand radius should be increased owing to dominant flow, plus non-perpendicular access alignment (any footway link may be better served on the opposite side to avoid constant overrun);
- Access 2: would be better served by a traditional kerbed bell-mouth type junction owing to the number of vehicles proposed, complete with internal footway link and appropriate junction visibility;
- Access 2: vegetation proximity to be reviewed;
- Internal access ramps and gradients served from Access 2 should be sensitive to the needs of the site and necessary internal visibility;
- Access 3: internal access widths to be confirmed;
- Access 3: left-hand radius should be increased to minimum of 6.0m (dominant flow direction); and,
- Accesses 4 & 5: appear suitable for simple vehicular access construction.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 19 **Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan. The nature of the activity at the site is such that this condition is required to be pre-commencement.

- 20 **Prior to first occupation of the development, a Car and Cycle Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include the information prescribed in the TA and the following:**

- Details of car parking allocation and distribution;
- Methods to minimise on-street car parking;
- A scheme for the provision and parking of cycles; and,
- Monitoring required of the Car Parking Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the local planning authority.

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

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy CS12 of the Core Strategy and Saved Appendix 5 of the Dacorum Borough Local Plan.

- 21 **Prior to first occupation of the development hereby permitted, a Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery plan shall incorporate the servicing arrangements for the use and adequate provision for the storage of delivery vehicles within the site.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 22 **The gradient of the vehicular access to the car park shall not exceed 1:20 for the first 5 meters metres into the site as measured from the near channel edge of the adjacent carriageway.**

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant through the pre-application advice process and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES

Affinity Water

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Hunton Bridge Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water

pollution from construction - guidance for consultants and contractors".

Design Out Crime Officer

Basement / undercroft car parking:

This will need to be secure to prevent cars being broken into, stair cores being broken into and youths gathering causing damage and Anti-Social Behaviour (ASB). Such security will need access control and full height gates or roller shutters, decent lighting with white painted ceiling. The white ceiling and walls will help reflect light, so there can be less lighting units, as well as helping users see others using the car park and thus feel safe. Any exit button for residents on bikes exiting should be nearby the exit, but around a corner and with a protective cover over to stop persons on the outside activating the push button from outside with some sort of tool or stick.

Safety and Security:

Stair cores, communal entrances and ground floor windows should be to Secured by Design standard (BS PAS 24), which also meets the standards of Part Q of Building Regulation.

Environment Agency

Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed permanent or enabling works or structures, in, under, over or within 8 metres of the top of the River Bulbourne, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Please contact us at PSO-Thames@environment-agency.gov.uk for further information. The applicant will need to demonstrate:

- That access to the watercourse is not restricted for future maintenance or improvement works.
- That works will not obstruct flood flows thereby increasing the risk of flooding to other properties within the locality of the site.
- That works will not adversely affect the stability of the river bank.
- That all the conditions/requirements of the Flood Risk Activity Permit are met.

Environmental Health Officer

Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Construction hours of working – plant & machinery

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1800hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

Contaminated Land

If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

Dust

Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, Produced in partnership by the Greater London Authority and London Councils.

Asbestos

Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Highway works

You are advised to contact the Hertfordshire Highways at The Rotunda, Old London Road, Hertford, SG13 7XP, tel: 01992 526900, with regard to the carrying out of any works on footway, carriageway, verge or other land forming part of the highway.

Thames Water

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality□

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

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.

Supplementary Comments

A significant assets run beneath the site. We would seek protection of these assets and may require several wayleaves / easements.

To the south, there are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. On the Map yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Waters Developer Services team. Their contact details are as follows:

Thames Water Developer Services
Reading Mail Room
Rose Kiln Court
Rose Kiln Lane
Reading
RG2 0BY
Tel: 0800 009 3921
Email: developer.services@thameswater.co.uk

Highway Authority

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant would need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.