

<b>4/00472/18/MOA</b>	<b>RESIDENTIAL (CLASS C3) DEVELOPMENT FOLLOWING DEMOLITION OF EXISTING BLOCK A BUILDING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS)</b>
<b>Site Address</b>	<b>LAND NORTH OF DACORUM WAY, WEST HERTS COLLEGE, DACORUM CAMPUS, MARLOWES, HEMEL HEMPSTEAD, HP1 1HD</b>
<b>Applicant</b>	<b>West Herts College, Land north of Dacorum Way</b>
<b>Case Officer</b>	<b>Intan Keen</b>
<b>Referral to Committee</b>	<b>Major proposal affecting land which the Borough Council has an interest</b>

## **1. Recommendation**

1.1 That the application is delegated with a view to approval subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the expiry of the final notification of the application, and subject to the conditions set out below.

## **2. Background and Summary**

2.1 This outline application is to be considered alongside a separate concurrent application on an adjacent parcel of land to the east, both of which are in the ownership and grounds of West Herts College (Dacorum Campus). This application seeking outline planning permission for a residential development would enable funding for the delivery of the second phase of the further education building at West Herts College (sought under a current full application for planning permission). As such, an enabling development argument has been put forward by the applicant which considers a waiver of affordable housing provision so that sufficient funds from the sale of the land can be obtained to deliver the further education building. As there is strong policy support and encouragement for a replacement further education facility in this particular location, it is considered in this instance that the shortfall of affordable housing would be outweighed by planning benefits to social and community infrastructure which in turn would contribute to the vitality of the town centre.

2.2 The proposal for residential development is acceptable in principle noting the site forms part of Proposal MU/1 which is a strategic site identified under the Site Allocations 2006-2031 (Written Statement adopted July 2017) allocated for a mix of uses including residential. This strategic site forms part of the Gade Zone character area under the Dacorum Core Strategy 2013 (Policy CS33) and the Hemel Hempstead Town Centre Masterplan 2011-2021, both of which seek to provide residential development on the application site and wider area. The proposed access arrangements serving the development would be suitable, and the site area would be sufficient in order to accommodate up to 110 residential units with an appropriate level of parking and landscaping. A sufficient separation distance would be obtained from the River Gade to the west and the proposed education building to the east of the site. The proposal would be acceptable with respect to the setting of nearby heritage assets. Ecology and flood risk matters have been adequately addressed through the application submission.

2.3 The proposal is therefore in accordance with the aims of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS23, CS27, CS29, CS31, CS32, CS33 and

CS35 of the Dacorum Core Strategy 2013, saved Policies 10, 18, 21, 51, 54, 58, 99, 111, 119 and 120 of the Dacorum Borough Local Plan 1991-2011, Site Allocations Written Statement (2017), Hemel Hempstead Town Centre Masterplan 2011-2021, and Gade Zone Planning Statement (2012).

### **3. Site Description**

3.1 The application site comprises an irregularly-shaped parcel of land within the grounds of West Herts College (Dacorum Campus). The site benefits from an established vehicle access via the unadopted road of Dacorum Way running parallel with the site's southern boundary. The application site is flanked by the River Gade to the west which provides an open aspect towards the site from as far as Leighton Buzzard Road, beyond which lies the residential area starting from Bury Road rising up the western Gade valley slope up to Lockers Park School. Surrounding grounds of the College lie to the north and east of the site including the recently completed College building (Phase 1). The wider College site is bounded to the north by Queensway, beyond which lie Gadebridge Park and the southern end of the Hemel Hempstead Old Town Conservation Area including the Grade II\* listed building at The Bury. Further east is the College's frontage to Marlowes, on the opposite side of which lies the Grade II listed building at Marlowes Methodist Church and retail and residential uses. To the south is the currently unoccupied Civic Centre and associated open parking area. Levels across the site fall in an east-west direction towards the River Gade down Dacorum Way.

3.2 In terms of its wider context, the application site and the wider College campus, together with the Civic Centre and relatively new public service quarter have a strategic location between Hemel Hempstead Old Town and the busier, pedestrianised Marlowes town centre. Visually, the West Herts College campus represents a gateway site on the approach to Hemel Hempstead from the main arterial of Leighton Buzzard Road from the north and has a prominence along this road due to the open landscaped setting surrounding the River Gade.

3.3 Due to its siting adjacent to the River Gade the site is constrained by Flood Zones 2 and 3 as well as Source Protection Zone 1 as a result of its proximity to two Affinity Water boreholes which supply water to most of Hemel Hempstead. Trees protected by a Tree Preservation Order are located within the southern portion of the site. There is a flood relief culvert with a 12m wide easement also running through the site (like the River Gade it runs in a general north-south direction).

### **4. Proposal**

4.1 Outline planning permission is sought to develop the site for residential (Class C3) comprising up to 110 units. All matters are reserved except for access, which is proposed off Dacorum Way which runs east-west to the south of the site and intersects with Marlowes to the east of the site. The submitted parameter plan provides an indication of where the proposed residential building would be placed on the site, and up to seven storeys in height. An area for parking would accommodate 102 spaces on the site.

### **5. Relevant Planning History**

5.1 As noted above, the application shall be determined within the timeframe of the

separate concurrent application 4/00473/18/MFA on the adjacent site within West Herts College for development of an educational building, with associated landscaping, boundary treatments, parking and access arrangements. Both current applications have been subject to screening opinions dated December 2017 where it was determined that an Environmental Impact Assessment was not required for either of the two proposals.

5.2 Both current applications follow the recently completed and now occupied (as of May 2017) first phase of the new replacement education building, where planning permission was granted under 4/02013/15/MFA on 6 August 2015 (for construction of two educational buildings with associated landscaping, disabled parking and servicing area); subject to non-material amendment 4/02173/16/NMA granted on 13 September 2016.

5.3 The wider site at West Herts College has been subject to two previous applications for redevelopment as follows:

- Application 4/01228/13/MFA for hybrid application for the demolition of existing buildings and structures for a comprehensive redevelopment of the site comprising a replacement further education college (Use Class D1), food superstore (Use Class A1), petrol filling station (Sui Generis), parking and service space, new access and vehicle bridge across the River Gade, partial diversion of the River Gade, hard and soft landscaping and other associated works (in full) and further future expansion of the college (Use Class D1) and parking and services space (outline with all matters reserved except access) was withdrawn on 24 March 2014.
- Application 4/02114/10/MFA for demolition of existing buildings and redevelopment for new college with outline proposal for 130 dwellings, access and one retail unit was withdrawn on 11 July 2014.

5.4 Lastly, of relevance is application 4/03624/14/MOA relating to land to the north of Combe Street (also forming part of Proposal MU/1 site and the Gade Zone) which granted planning permission (dated 29 June 2015) for residential development (up to 207 units) and ancillary retail unit (up to 375sqm) which was an outline application with all matters reserved except for the strategic access onto Combe Street. An application for reserved matters has not been submitted.

## **6. Policies**

### **6.1 National Policy Guidance**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **6.2 Dacorum Core Strategy 2013**

Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS27, CS29, CS31, CS32, CS33, CS35

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

Policies 10, 13, 18, 21, 51, 54, 58, 69, 99, 111, 119, 120.

## 6.4 Supplementary Planning Guidance / Documents

- Site Allocations Written Statement 2006-2031 (2017)
- Environmental Guidelines (May 2004)
- Hemel Hempstead Town Centre Masterplan 2006-2021
- Gade Zone Planning Statement (2012)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Planning Obligations (April 2011)
- Affordable Housing (Jan 2013)

## 7. **Constraints**

- Town Centre
- Flood Zones 2 and 3
- Source Protection Zone 1 (Affinity Water boreholes)
- Tree Preservation Order
- Former land use
- CIL Zone 3
- 45.7m air direction limit

## 8. **Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 None received at the time of writing this report.

## 9. **Considerations**

### Main issues

9.1 The main issues of relevance to the consideration of this application are as follows:

- Policy and principle
- Mix of housing, layout and density considerations
- Traffic, access and parking
- Impact on street scene and surrounding area
- Impact on heritage assets
- Impact on trees
- Ecology
- Contaminated land
- Flood risk and drainage
- Residential amenity
- Impact on neighbouring properties
- Section 106 and planning obligations

### Policy and principle

9.2 This application which proposes a residential development on the site should be considered in the context of the neighbouring development proposal for the further education building (3,600m<sup>2</sup>) at West Herts College as part of the its redevelopment plans (considered under 4/00473/18/MFA). The policy context for consideration and assessment of the principle of the application is set out below.

#### *Site policy designation and allocation*

9.3 The site forms part of the town centre and is identified as such under Policy CS33 of the Core Strategy as well as the Hemel Hempstead Town Centre Masterplan.

9.4 Importantly, the site forms part of Proposal MU/1, which is an area of 6 hectares allocated for mixed use including residential providing between 500 to 600 homes. The location of Proposal MU/1 includes land within West Herts College and Civic Zone, bounded by Queensway, Marlowes, Combe Street (north) and Leighton Buzzard Road.

9.5 Under the Site Allocations the strategic proposal site MU/1 includes a replacement college which has been delivered in part (please see above planning history), the second phase of which is sought under the separate concurrent application. Further, the Gade Zone Planning Statement is also of relevance, acknowledging that proposals which involve the consolidation of the College site would be considered favourably (section 8.27). Based on the above, the demolition of Block A and redevelopment of this part of the College site for residential would not raise any policy objections.

9.6 The Gade Zone Planning Statement goes on to state (section 8.28) that should the consolidation of the College site result in any surplus land becoming available for redevelopment, the preference would be that this comes forward for residential. Specifically, residential development is supported within the northern part of the Gade Zone where the application site lies, in order to support and strengthen the economy and retail function of the Old Town.

9.7 The proposal is therefore acceptable in principle meeting the aims of Policies CS1, CS4 and CS33 of the Core Strategy, the Site Allocations and the Hemel Hempstead Town Centre Masterplan.

#### *Affordable housing*

9.8 Affordable housing is a key consideration in assessing the principle of the development as this application proposes up to 110 residential units which would be an all-private residential scheme. Under Policy CS19 of the Core Strategy, the development should provide 39 affordable units on site which would represent 35% of the total number of dwellings.

9.9 The proposal would represent a departure from Policy CS19 as the residential scheme does not allow for provision of affordable housing whether on-site or through a commuted sum. The reason for an all-private residential scheme is that the sale of this parcel of land with outline planning permission (if granted) would assist in funding the new education building also currently proposed (under 4/00473/18/MFA).

9.10 As such, an enabling development argument to fund the second phase of the replacement college has been submitted on behalf of the applicant, supported by a

Financial Viability Appraisal and an addendum to the Planning Statement. The Financial Viability Appraisal has been subject to review by the Council's appointed consultants, BPS Surveyors. Their findings are summarised in Appendix A.

9.11 It can be seen from BPS' advice below that their assessment of the land value generated by the application site would result in an overall project deficit. As such, it has been accepted the enabling development argument that would indicate the scheme could not viably deliver affordable housing. In fact, in addition to an allocated amount of cash funding the College would have to dip further into their reserves to fund the project based on a current analysis.

#### *Delivery of further education building*

9.12 It has been set out under the committee report for the education building (under 4/00473/18/MFA) that the delivery of the replacement West Herts College building is a key component of the vision for modernising the town centre as sought under the Hemel Hempstead Town Centre Masterplan.

9.13 In order to meet the required remaining funding level for the second phase of the new College, the financial analysis demonstrates that there would not be a surplus to contribute to affordable housing either on-site (assessment based on market housing prices) or contribution for off-site provision. The financial report submitted on behalf of the applicant has been scrutinised by the Council's consultants, BPS Surveyors, who has found in support of the argument that the residential scheme would enable development of the College building.

9.14 It has been set out in the report for the proposed education building (under 4/00472/18/MOA), also to be considered by members, that there is strong policy justification for the replacement College. For reference it is noted that provision of a replacement College would receive considerable support under the following:

- Site Allocations Development Plan Document under Proposal Site MU/1;
- Hemel Hempstead Town Centre Masterplan 2011-2021 and vision for the Gade Zone;
- Policies CS1, CS4, CS23 of the Dacorum Core Strategy 2013;
- Paragraphs 23, 69, 70 and 72 of the National Planning Policy Framework; and
- Saved Policy 69 of the Dacorum Borough Local Plan 1991-2011.

9.15 The benefits of provision of the second phase of the replacement College are summarised below:

- High quality education offer within a sustainable location;
- Contributing to the vitality of the town centre with an active college at its core;
- Strengthening the retail function of the Old Town;
- Assist in providing an alternative active use within the town centre to avoid a dominance of residential;
- Increases in courses to meet local demand;
- Improvements to Marlowes frontage both visually and in terms of interaction at pedestrian level.

9.16 In weighing up the above considerations, given the benefits of the scheme in

providing a high quality further education offer within the Borough's largest town and the site's strategically important location as a gateway site and in linking the Old and New Towns of Hemel Hempstead, it is considered that the lack of affordable housing in this particular instance would be outweighed by the social and community benefits of delivering the second phase of the replacement College.

#### Mix of housing, layout and density considerations

9.17 Reference should be made to the policy support for housing outlined above, both in general terms as well as on this strategically allocated site. Regard should also be given to the provisions of saved Policy 10 of the Local Plan which states that vacant or underused land and buildings should be brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. Importantly, the saved policy goes on to state (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan. In particular, building development will be permitted if it makes optimum use of the land available, whether in terms of site coverage or height.

9.18 The provision of a mix of one and two-bedroom units would be acceptable under Policy CS18 of the Core Strategy. Smaller units are encouraged under saved Policy 18 of the Local Plan particularly on large housing sites.

9.19 Proposal MU/1 stipulates an upper limit of 600 homes on an area of 6 hectares under the adopted Site Allocations (2017). This equates to a density of 100 dwellings per hectare however actual residential density would be expected to be higher as the vision for the whole allocated site includes the replacement College as well as the public service quarter and a retail element. The current proposal would achieve a density of 164 dwellings per hectare which would be acceptable noting the policy support for smaller units within accessible locations. It is not considered the development would conflict with the aims of saved Policy 21 of the Local Plan with respect to density.

9.20 Although layout is a reserved matter it is essential to assess whether the site is appropriate for the quantum of development sought. Whilst the site is heavily constrained it is noted that development is most likely to be dictated by the 8m buffer from the top of the river bank, the 12m wide culvert easement, the 50m borehole radius and TPO trees. The submitted parameter plan demonstrates that the proposed residential building could be sited within the northern portion where it would fall outside all of the above. The building would still lie within Flood Zones 2 and 3 and Source Protection Zone 1 however neither the Environment Agency or Hertfordshire Lead Local Flood Authority have raised any concerns on the basis of the submitted plan.

9.21 It is unfortunate that a large portion of the site would likely be allocated for open parking to serve the development, however due to the presence of two Affinity Water boreholes at the southern edge of the application site this represents a significant constraint with respect to provision of a building in this location. As such, the proposal site is considered to satisfactorily balance the quantum of development and the requirement to provide the majority of parking on the site and in a convenient location relative to the residential building.

9.22 Affinity Water has raised no concerns with respect to the car parking area shown within the 50m radius of their boreholes.

9.23 The development would therefore be acceptable under Policies CS11, CS12 and CS18 of the Core Strategy and saved Policies 10, 18 and 21 of the Local Plan.

#### Traffic, access and parking

9.24 With respect to proposed access arrangements and the traffic generated by the development, the highway authority (Hertfordshire County Council) has not raised any objection subject to the imposition of conditions relating to provision of a Construction Traffic Management Plan, details of car and cycle parking, swept path assessments to demonstrate manoeuvrability and implementation of a Travel Plan.

9.25 In terms of car parking, the submitted indicative layout plan demonstrates that up to 102 spaces could be accommodated on site. This is considered acceptable noting the site's location within walking distance of both centres at the Old and New Town and public transport facilities along Marlowes. The development would achieve a parking ratio of 0.93 spaces per dwelling also acknowledging that the highway authority has required the preparation of a Travel Plan.

9.26 Notwithstanding this, the Gade Zone Planning Statement expects large-scale uses to accommodate the majority of their parking demand on site. It is considered that the proposal would meet this objective and therefore would not raise any concerns with respect to the level of parking provision.

9.27 The proposal would therefore accord with the aims of Policies CS8 and CS12 of the Core Strategy and saved Policies 51, 54 and 58 of the Local Plan.

#### Impact on street scene and surrounding area

9.28 From the street scene of Marlowes, the application site is some 2m on lower ground as levels fall towards the River Gade. The proposed building of up to seven storeys would be acceptable in this context, noting its siting away from this road frontage behind the proposed education building at West Herts College. The eastern side of Marlowes is diverse with buildings rising up from footpath level and the proposal would not appear unduly out of context also noting its allocation for higher density residential development.

9.29 Views of the proposed building would also be obtained from Leighton Buzzard Road (to its east) beyond the open parkland setting between the River Gade and the footpath, particularly on the approach to the Plough Roundabout entering Hemel Hempstead from the north. The site's allocation as part of the wider Gade Zone is expected to see higher densities achieving between 500 and 600 homes and as such a building of this scale would not raise concerns in this location.

9.30 Due to the site's prominence from a key entrance to the town along Leighton Buzzard Road it is considered to be a gateway site where a high quality development would be expected. As such, if planning permission is granted it would be reasonable to attach conditions requiring submission of further details with respect to external materials and landscaping.

9.31 The proposal would be acceptable having regard to the aims of Policies CS10, CS11 and CS12 of the Core Strategy and saved Policy 111 of the Local Plan.

### Impact on heritage assets

9.32 The assessment of the proposal in this regard requires development to positively conserve and enhance heritage assets as set out under Policy CS27 of the Core Strategy and the NPPF.

9.33 There are three heritage assets of note within proximity of the proposed development. These include Hemel Hempstead Old Town Conservation Area, Grade II\* listed building at The Bury and Grade II listed building at Marlowes Methodist Church.

9.34 The development would not compromise any significant views towards the Old Town Conservation Area or the Grade II\* listed building at The Bury, both of which lie some 80m to the north of the application site.

9.35 Views from Leighton Buzzard Road down Dacorum Way to the Methodist Church would be maintained (this largely falls outside of the application site), also noting that the listed church is already dominated by immediately surrounding buildings on the Marlowes and rising land levels further east.

9.36 As such, the development would appropriately conserve nearby heritage assets and in considering the proposal it is important to note the planning benefits of the scheme which have been outlined above, as well as the site's allocated status under Proposal MU/1.

9.37 The proposal would also be acceptable with respect to the impact on archaeological remains noting comments from the County Archaeologist below.

9.38 It follows the development would satisfy the aims of Policies CS27 of the Core Strategy and saved Policies 118, 119 and 120 of the Local Plan.

### Impact on trees

9.39 The submitted application form states that development would not impact upon TPO trees on site, confirmed in the tree protection plan attached to the Arboricultural Report submitted under the separate application (4/00473/18/MFA). It is noted that layout is not a consideration under the outline application (both layout and landscaping are reserved matters to be determined at a later stage if outline planning permission is granted) and as such a condition shall be placed on any permission requiring adequate protection of the trees during construction. The proposal would comply with the objectives of Policy CS12 of the Core Strategy and saved Policy 99 of the Local Plan.

### Ecology

9.40 It is firstly noted that the Environment Agency and Hertfordshire Environmental Records Centre are the relevant authorities and have not raised objections on the grounds of ecology, including development shadowing the River Gade. Conditions have been suggested and shall be attached to any planning permission.

9.41 The submitted Preliminary Ecological Appraisal noted a negligible likelihood of occurrence for bats, great crested newts, otters and water voles. There was a low likelihood of occurrence for reptiles and breeding birds was assessed to have a high

level of presence. There is a moderate level of presence of invasive species.

9.42 This report goes on to make recommendations including the provision of bird and bat boxes. A condition shall be included requiring details of the positioning of boxes to support bird and bat roosting and development shall be carried out in accordance with the Preliminary Ecological Appraisal in accordance with Policy CS29 of the Core Strategy.

#### Contaminated land and air quality

9.43 Comments have been received from the Council's Environmental and Community Protection team as well as the Environment Agency which have raised no objections to the proposal on the basis of contaminated land matters. Conditions have been suggested particularly noting the site's location within SPZ1 if planning permission is granted, relating to submission of a remediation scheme as well as management of boreholes and buffer zone to the River Gade. A condition requiring details to address air quality matters shall also be included on any permission due to the scale of the development and its proximity to a designated Air Quality Management Area. These conditions are considered reasonable and necessary to make the development acceptable under Policies CS31 and CS32 of the Core Strategy.

#### Flood risk and drainage

9.45 As noted above, the Environment Agency and Hertfordshire Lead Local Flood Authority have commented on the proposals and raised no objections subject to the inclusion of conditions requiring details of the final drainage scheme and management in order for the proposal to satisfy Policies CS31 and CS32 of the Core Strategy.

#### Residential amenity

9.46 The application has been subject to consultation to the Council's Environmental and Community Protection team who has reviewed the submitted Environmental Noise Survey and External Lighting report to assess the impact of the proposed new education building on residents of the proposed development.

9.47 The proposed education building on the adjacent site would be fitted with high-level windows to prevent any overlooking in the instance that windows within the building are facing directly eastwards towards the new College.

9.48 As the application has been submitted in outline form, details of private amenity space have not been submitted. The site's central location and proximity to the River Gade and Gadebridge Park to the north offer sufficient recreational space and opportunities such that the development would be acceptable with respect to amenity space serving the proposed units.

9.49 It follows the proposal would accord with Policy CS12 of the Core Strategy in this regard.

#### Impact on neighbouring properties

9.50 The site is bordered by West Herts College buildings and grounds to the north and east. The vacant Civic Centre lies to the south. Immediately west is the River

Gade and associated open space within the ownership of the College. Beyond the river is the footpath and road reserve of Leighton Buzzard Road, then land levels rise steeply westwards featuring predominantly two-storey dwellings fronting Cotterells.

9.51 Directly east is the proposed second phase of the new College comprising a two-storey building fronting Marlowes.

9.52 To the south of the site is the Civic Centre which is also allocated for residential development under the Gade Zone. As the site is vacant and subject to a prior approval for demolition, this does not represent a sensitive interface and the proposal would be acceptable.

9.53 The development would not compromise residential amenity of the nearest properties on Bury Road to the west noting their long-distance relationship which not raise concerns with respect to visual intrusion, loss of light or overlooking.

9.54 The proposal would accord with Policy CS12 of the Core Strategy.

#### CIL, Section 106 and planning obligations

9.55 The application site falls within CIL charging zone 3 and as such the proposal shall be subject to a CIL rate liability of £100 per square metre noting that an exemption would apply with the demolition of building Block A on the site. Based on submitted working figures for the residential development a CIL figure has been factored into the financial viability assessments referred to above and within BPS' comments below.

9.56 The Town Centre Masterplan seeks to secure contributions from development towards provision of a river cyclepath and footbridge to increase north-south links between Gadebridge Park to the north and the Watergardens to the south. On-site provision (along the eastern side of the River Gade) would not be a suitable option due to security between the College and the proposed residential development. The Gade Zone benefits from an existing footpath to the west of the river which largely runs parallel with Leighton Buzzard Road. Due to existing north-south links within the Gade Zone it is not considered that a contribution towards provision of an additional path would be required to make the development acceptable.

9.57 Provision of affordable housing as required under Policy CS19 of the Core Strategy has been detailed earlier.

9.58 As the proposal would result in a shortfall of the standard local affordable housing provision it would be essential that the delivery of the proposed education building is secured and the two sites linked under a Section 106 agreement, as without providing funding for the education building the residential scheme would be unacceptable. This would include a restriction that the developer of the residential scheme on the application site would not be permitted to implement the planning permission until such time that the College has entered into an irrevocable construction contract for the delivery of the education building under 4/00473/18/MFA.

9.60 The College would be required to enter into an overage agreement with the residential developer / purchaser of the application site. These would be two elements to this overage agreement:

a) A planning overage agreement whereby if the developer secures a more valuable planning consent, defined by an increase in overall development in terms of floor area or unit numbers; and

b) A viability-based overage, typically requiring a further payment to West Herts College in the event that residential sales values exceed an identified level. This level would be related through a developer's appraisal to the initial purchase price.

9.61 Both provisions would look to share a proportion of the uplift in value with West Herts College.

## **10. Conclusion**

10.1 Based on the assessment above it is considered that the benefits of the development to enable the proposed education building under 4/00473/18/MFA would outweigh the lack of affordable housing provision as part of this residential development. The identified planning benefits in this particular instance include specifically the delivery of the second phase of the replacement education building at West Herts College within a modern, high quality facility, which would meet expected demand noting the projected demographics within the town of Hemel Hempstead. The replacement College building would in turn benefit the retail function of the Old Town and assist in providing the continuous active frontage along Marlowes linking both the Old and New Towns.

10.2 The proposal would therefore satisfy the objectives of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS23, CS27, CS29, CS31, CS32, CS33 and CS35 of the Dacorum Core Strategy 2013, saved Policies 10, 18, 21, 51, 54, 58, 99, 111, 119 and 120 of the Dacorum Borough Local Plan 1991-2011, Site Allocations Written Statement (2017), Hemel Hempstead Town Centre Masterplan 2006-2021, and Gade Zone Planning Statement (2012).

## **11. RECOMMENDATIONS**

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 and the expiry of the final notification period.

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

Restriction that the developer of the residential scheme on the application site would not be permitted to implement the planning permission until such time that the College has entered into an irrevocable construction contract for the delivery of the education building under 4/00473/18/MFA.

And subject to following conditions:

**1. Approval of the details of the siting, scale, design and external appearance of the building and the layout and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

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

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

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

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

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

**4. Installation of the external surfaces of the development hereby permitted shall not take place until details of the materials to be used in the construction of the external surfaces of the building 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 Dacorum Core Strategy 2013.

**5. The development hereby permitted shall not be occupied 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;**
- **boundary treatments including means of enclosure and buffers around water bodies;**
- **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;**
- **proposed finished levels or contours;**
- **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;**
- **a Landscape Management Plan to incorporate details of maintenance regimes, including any tree management objectives, details of any new habitat created**

**on site and management responsibilities.**

**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 in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

**6. No development shall commence before a plan showing trees to be retained and measures for their protection for the duration of site works and construction of the development hereby approved has been submitted for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the protection of significant landscape features in accordance with Policies CS12 and CS29 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

**8. The details to be submitted for approval in writing by the local planning authority in accordance with Condition 1 above shall include details of the proposed slab, finished floor and ridge levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land including the River Gade and Dacorum Way. The building(s) shall be constructed in accordance with the levels that have been approved in writing by the local planning authority.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

**9. No development (including demolition) shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. This shall include information on the types of waste removed from the site and the location of its disposal. The development shall be carried out in accordance with the approved details.**

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

**10. The development hereby permitted shall not commence (with the exception of enabling works required to provide full access to the site to allow for further site investigation including demolition where required), a Remediation Strategy to deal with the risks associated with contamination of the site shall be submitted for approval in writing by the local planning authority. This Strategy shall include the following components:**

**1. A preliminary risk assessment which has identified:**

- All previous uses;**
- Potential contaminants associated with those uses;**
- A conceptual model of the site indicating sources, pathways and receptors;**  
**and**
- Potentially unacceptable risks arising from contamination at the site.**

**2. A site investigation scheme, based on the preliminary risk assessment above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.**

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

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

**The scheme shall be implemented in accordance with the approved details.**

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**11. The development hereby permitted shall not commence (with the exception of enabling works required to provide full access to the site to allow for further site investigation including demolition where required), a Verification Report demonstrating the completion of works set out in the approved Remediation Strategy under Condition 10 above and the effectiveness of remediation shall be submitted for approval in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.**

Reason: To ensure that the site does not pose any further risk to human health or the water environment in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**12. In the event that contamination not previously identified is found to be present at the site during development, no further development (unless otherwise agreed**

**in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination shall be dealt with has been submitted for approval in writing by the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To ensure that the site does not pose any further risk to human health or the water environment in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**13. Piling and other deep foundations or intrusive groundworks using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the proposed use of CFA piles does not harm groundwater resources in accordance with paragraph 109 of the National Planning Policy Framework.

**14. Construction of the development hereby permitted 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, including all demolition works and piling shall only be carried out in accordance with the approved Plan. The Plan shall include details of:**

- a. Construction vehicle numbers, type and 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 the interests of highway safety and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

**15. The development hereby permitted shall not be occupied before further details in the form of scaled plans and written specifications are submitted for approval by the local planning authority, which shall illustrate the following:**

- Roads and footways;**
- Existing and proposed access arrangements including visibility splays;**
- Parking layout and provision of cycle parking;**
- Servicing areas, loading areas and turning areas for all vehicles;**
- Provision of fire hydrants.**

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

Reason: In the interests of maintaining highway efficiency and safety in accordance

with Policies CS8 and CS12 of the Dacorum Core Strategy 2013 and saved Policies 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011.

**16. The development hereby permitted shall not be occupied before a Travel Plan has been submitted and approved by the local planning authority. The Travel Plan shall have regard to Hertfordshire's Travel Plan Guidance and development shall be carried out in accordance with the approved details.**

Reason: To promote sustainable transport measures to the development in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

**17. The development hereby permitted shall not commence (excluding ground works) before swept path assessments have been submitted for approval by the local planning authority. These shall include details showing:**

- **A refuse vehicle can safely manoeuvre through the site access, enter the site, manoeuvre within and depart in a forward gear;**
- **A large car can safely enter and depart the proposed car parking spaces;**
- **Emergency vehicles (including fire) can safely enter, manoeuvre within and depart the site in a forward gear.**

Reason: In the interests of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policies 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011.

**18. The development hereby permitted shall not be occupied before a Car and Cycle Parking Management Plan has been submitted for approval in writing by the local planning authority, including 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.**

**The Plan shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: In the interests of highway safety and to ensure sufficient available on-site car and cycle parking and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies CS8, CS12 and CS29 of the Dacorum Core Strategy 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

**19. The development hereby permitted shall not be occupied before a Servicing and Delivery Plan has been submitted for approval in writing by the local planning authority. This Plan shall contain details of the delivery and servicing requirements (including refuse collection) for the proposed use, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12

of the Dacorum Core Strategy 2013.

**20. The development hereby approved shall be carried out in accordance with the Drainage Strategy Statement by GHD (reference 12500267-GHD-RP-C-2006 Rev P01, dated January 2018) and the following mitigation measures:**

- 1. Undertaking appropriate drainage strategy based on attenuation and discharge into River Gade at 5l/s;**
- 2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event;**
- 3. Implementing drainage strategy including green roof, permeable paving and detention basin as indicated on the Preliminary Drainage layout Plot B reference 12500267-GHD-DR-C-5602 Rev P02.**

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**21. No development (excluding ground works) shall take place until the final design of the drainage scheme has been submitted for approval in writing by the local planning authority. The surface water drainage system will be based on the submitted Drainage Strategy Statement by GHD (reference 12500267-GHD-RP-C-2006 Rev P01, dated January 2018).**

**The scheme shall also include:**

- 1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The 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.**
- 2. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.**
- 3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + climate change rainfall event.**
- 4. Sewage pipe specifications and any off-site drainage works.**

**Development shall be carried out in accordance with the approved details and no discharge of foul or surface water from the site shall be accepted into the public system before the completion of the approved drainage works.**

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants, to prevent harm to groundwater resources, and to ensure that sufficient capacity is made available to cope with the development in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**22. Upon completion of the approved drainage works under Condition 21 above, a management and maintenance plan for the SuDS features and drainage network**

**must be submitted for approval in writing by the local planning authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.**

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**23. In the event any boreholes are installed for the investigation of soils, groundwater or geotechnical purposes, a scheme for their management shall be submitted for approval in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained post-development, for monitoring purposes shall be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the development hereby approved.**

Reason: To avoid groundwater pollution or loss of water supplies in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**24. Prior to the construction of the building hereby permitted, an Air Quality Report assessing the impacts of the proposed redevelopment shall be submitted for approval in writing by the local planning authority. The Report shall have regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance. The Report shall also indicate areas where there are, or likely to be, breaches of an air quality objective noting the site's location within close proximity of an area designated as an Air Quality Management Area. If there are predicted exceedances in exposure to levels above the Air Quality objectives then a proposal for possible mitigation measures shall be included.**

Reason: To satisfactorily address air quality matters arising from the development in accordance with Policies CS8 and CS32 of the Dacorum Core Strategy 2013.

**25. The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal. Demolition of buildings shall not commence before details of the location, number and type of bird and bat boxes shall be submitted and approved by the local planning authority together with timeframes of their installation to ensure adequate compensation is available prior to commencement of works affecting roost sites. The bird and bat boxes shall be installed in accordance with the approved details and agreed timeframes.**

Reason: In the interests of biodiversity and in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

**26. There shall be no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this, the specifications, location and direction of external artificial light should be such that the lighting levels within 8 metres of the top of the bank of the watercourse are maintained at**

## **background levels (Lux level of 0-2).**

Reason: To protect the adjacent river corridor habitat in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

## **27. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

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

### Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively 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) Order 2015.

## **Appendix A**

Representations received for 4/00472/18/MOA at land to north of Dacorum Way, West Herts College

### Dacorum Strategic Planning and Regeneration

These applications follow on from the implemented 'Phase 1' development at the site (planning application number 4/02013/15/MFA).

The extent of the areas referred to throughout this response are shown in the image below: (image showing red outlines for both applications has not been copied)

One planning application relates to 'Phase 2' of the college redevelopment (4/0473/18) while the other is for an associated residential proposal (on the remaining part of the college site labelled 'Plot B' (4/0472/18)).

These two schemes require a comprehensive approach to be taken (as they are intrinsically linked proposals). This is because they are located adjacent to one another and the applicant states that *'the viability of Phase 2 college building is dependent on the sale of this surplus land (Plot B) as residential development for the funding for College'*. The applicant also documents that *'the need for Phase 2 was driven by the requirement to consolidate curriculum delivery at Kings Langley and Dacorum onto a single campus and to respond to the growth of the Construction and Engineering curriculum'*.

### Summary of proposals (Phase 2 and Plot B)

Phase 2 will provide 3,600m<sup>2</sup> of educational building use over 2 floors, primarily for Engineering and Construction teaching. The applicants confirm that *'the built form will consist of a two storey educational block which will adjoin the Phase 1 building to the north.'* The submission *'estimates that construction could begin in February 2019,*

*taking approx. 12 months to reach completion*'.

For Plot B, the applicants suggest that *'up to 110 apartments can be accommodated within the illustrative residential development zone*'. This would be made up of a *'mix of one and two bedroom properties ... subject to market demands*'. A maximum height for the development is shown to be 7 storeys.

(i) Principle of Development for the site

Within the Core Strategy, Hemel Hempstead is identified as the focus for development with emphasis placed on regeneration, as many buildings and public areas in the town centre are dated (it goes on to say that this must be underpinned by growth and investment in business, homes and infrastructure).

The site is located within Hemel Hempstead Town Centre (saved Policy CS4/Policy CS33) and forms part of a River Gade character zone (in the Hemel Hempstead Town Centre Master Plan/ Hemel Hempstead Place Strategy). The vision for Hemel Hempstead Town Centre also includes reference to a new college facility.

The proposal does contribute to the regeneration of a key town centre and underutilised brownfield site and will bring forward part of the associated mixed use allocation MU/1. These points are welcomed. Policy 10 (Optimising the use of urban land) of the saved Dacorum Borough Local Plan (DBLP) is relevant in this regard, especially as it makes references to implementing individual phases across a site. Points (a) to (d), (i) and (iv) are relevant.

Phase 2:

The principle of further education use on this site has been long established. As such, this proposal is acceptable in broad planning terms (Policy CS4). It is also worth recognising that numerous teaching blocks have already been demolished to *'smooth the delivery*' of a new teaching block for the college and that proposal MU/1 of the Site Allocations DPD (which covers this broad area) includes a planning requirement for a replacement college campus on the site. Policy 69 (Education) of the DBLP is relevant in this regard, especially Points (i) to (iv).

We would generally support a move towards purpose built facilities as these are more likely to provide satisfactory accommodation for end users and local impacts can be better accommodated. Policy CS23 of the Core Strategy is supportive of new social and community provision, although this does not override normal development management considerations. This policy does go on to say *'All new development will be expected to contribute towards the provision of social infrastructure. For larger developments this may include land and/or buildings*'.

Plot B:

Proposal MU/1 envisages 500-600 homes on the West Herts College and wider Civic Zone land. We note this area covers a much larger parcel of land than this site alone (as shown in the image below). The policy does state that high density housing is acceptable within the wider site area and this position is reinforced by the aims of the applicant.

The proposal seeks to accord with the settlement hierarchy by focusing new residential

development at Hemel Hempstead (see Policy CS1 (Distribution of Development)) and by seeking to regenerate an accessible, brownfield site (see Policy CS2 (Selection of Development Sites) points A (1) and A (2)).

In addition to this, relevant planning guidance for this site is held in Policy CS33 (Hemel Hempstead Town Centre) of the Core Strategy, as well as in the Hemel Hempstead Town Centre Masterplan ([http://www.dacorum.gov.uk/docs/default-source/strategic-planning/final-masterplan---adopted-jan-13-\(low-res\).pdf?sfvrsn=4](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/final-masterplan---adopted-jan-13-(low-res).pdf?sfvrsn=4)) and Gade Zone Planning Statement (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/mp6-gade-zone-planning-statement-2012.pdf>).

Specifically, Policy CS18 (Mix of Housing) of the Core Strategy, DBLP Policy 18 (The size of new dwellings) and DBLP Policy 21 (Density of residential development) is relevant in this regard given the scale and location of the land.

(ii) Affordable housing provision on Plot B

Policy CS19 (Affordable Housing) makes clear that a scheme of this scale should normally be providing 35% affordable housing. The Affordable Housing SPD (September 2013) is also relevant in this regard. However, criterion (c) of Policy CS19 does allow for the overall viability of the scheme and any abnormal costs to be taken into account as part of the assessment process.

While this advice would be most relevant when the reserve matters application(s) (or full application) is received for Plot B, we note the concerns of the applicant over the delivery of affordable homes (the affordable housing section of the Design and Access Statement):

*‘The Viability Assessment clearly indicates the inability of the scheme to deliver affordable housing, ‘whilst providing the other benefits and allowing for a competitive return to a developer to enable the development to be delivered.’*

The applicant elaborates on this by saying that *‘the sale of the residential site will fund the delivery of a new educational building for West Herts College. Again, the delivery of this building, meets the aspirations of the local policy, which seeks the delivery of a new College building as part of the Vision for the town’*. This is a disappointing position in terms of delivering much needed affordable housing. The delivery of a new college campus should not necessarily be at the expense of other Plan policy objectives, although we recognise that ultimately a balanced judgement will need to be made taking into account other benefits of the scheme.

Given the preceding points, advice on affordable housing contributions and viability should be sought from the Strategic Housing team. We consider that the applicant’s viability argument should be tested further.

(iii) Design, use and height of buildings for Phase 2 and Plot B

The applicant states that the *‘the old town centre and the primary commercial and retail area is linked by [the] Marlowes, a key connection between old and new. The application site will have a role to play in connecting the two’*. We agree with this statement which thus places an emphasis on all parties to work together to achieve a high standard of design in this important area of transition.

Consideration should be given to the important views to/from St Mary's Church as the spire is a prominent and well recognised historic feature on the town's skyline, especially from along the Marlowes (but this is not the only important viewline). The bulk, massing and design of this scheme should avoid creating a permanent built feature which obliterates those shorter (and longer) distance views which can currently be glimpsed, especially if the building line is being brought closer to the Marlowes road edge. Consideration should be given to whether the scheme will negatively impact upon these short and longer distant views (especially from along the length of the Marlowes looking back towards St Mary's Church).

The 'Design and Access Statement' recognises that the best views of the spire are provided when you look down the Marlowes, but that from the application site views are very limited (due to the built form and trees). Views to St Mary's Church spire can also be limited in places along the Marlowes generally speaking by the extent of well established trees. However, this is dependent on the season (i.e. winter will affect the extent of leaf coverage to that experienced in the summer) and how established the tree coverage is (over expansive periods of time this will vary i.e. as new trees are planted, existing trees grow or older/dangerous trees are removed).

It is imperative that the layout, design, massing and height of buildings across the site do not result in the loss of key views to St Mary's Church from across Hemel Hempstead Town Centre as a key landmark. Policy CS27 (Quality of the Historic Environment) of the Core Strategy is relevant in this regard, as it states that *'the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced'*.

Plot B: While this is an outline planning application (and everything but access is reserved) we note the applicant's suggested appearance for the residential development. These are examples alongside very urbanised, highly engineered and hard landscaped riverside settings. We would thus query how relevant they are to this site wherein the River Gade is much more rural / natural and meandering in its layout. These suggestions may not necessarily be that appropriate and responsive to the site and its setting.

We would also raise potential concern over the proximity/separation of the two new buildings and whether they will adversely affect the amenity of the new residents in any way.

Phase 2:

The applicants confirm that Phase 2 of the college will be *'constructed of a mix of brick and render, with glazing to its frontage' and that 'the elevations of dark brick and white cladding provide a striking contrast to the brown brick elevations of Phase 1'*. The applicant states that *'the design addresses the need to respect the Phase 1 building as well as to be sympathetic to the existing surrounding buildings and conservation area'* and *'has been designed to achieve BREEAM Very Good accreditation'*.

The applicant states that the new building height is aligned to a similar height of the ridge and eaves of the adjacent buildings, although it is complex to gauge what is the most appropriate approach with the potential for such significant regeneration across the extent of proposal MU/1. As the area is likely to undergo quite significant regeneration,

we need to give thought to what sort of area we wish it to be and ensure it is master planned comprehensively. It should not be automatically the case that the bulk, massing and height should be replicated from Phase 1 to Phase 2. The design will also set a context for future development of the remaining land.

We note that the application documents refer back to the '*civic buildings bounding the south of the application site*', although it is worth noting that the buildings immediately adjacent to the site have all been vacated and will in due course be demolished. So referencing this building rather than the potential changing aspects of the existing streetscape does not appear to provide a particularly useful link to what will be in this area in the future. For example, will the old Civic Centre site retain a 'large open plaza' as currently seen? Will the use change and so the bulk, density and massing of the buildings reflect this across the wider MU/1 site? How will the change across the wider site cumulatively affect the area and its character?

The applicant states in the Design and Access Statement (para 3.49) that '*the location of the recently constructed new college building increases enclosure across the street, reinforcing the significance of Marlowes and the High Street as important urban streets. This reinforcement should be extended to the second phase*'. We have concerns over the height/enclosure experienced by Phase 1 and whether this is an approach that should be continued into Phase 2. It is certain that the College's Phase 1 development creates a very dominant form which encloses the streets (especially on the junction of the Marlowes and Queensway). Phase 1 provides a very 'hard frontage' (having lost the softer tree planting/vegetation) and it has not been designed to soften its impact. How will Phase 1 + 2 buildings affect the street enclosure? Should Phase 2 necessarily follow the same street line as Phase 1?

We would also direct you to saved Policy 111 (Height of Buildings) as this remains relevant to proposal. In particular, it states that higher buildings will be permitted provided there is no harm:

- to the character of the area, its surrounding or open land,
- views of open land, countryside and skylines and
- appearance and setting of conservation areas and listed buildings.

It goes on to say that the higher buildings must make a positive contribution to the townscape of the area.

Policies CS11 (Quality of Neighbourhood Design), CS12 (Quality of Site design) and CS13 (Quality of the Public Realm) of the Core Strategy are of critical importance in this regard.

The applicant should also give consideration to any amenity issues this raises in terms of hours of operation and noise impacts (Policy CS12c)).

The views of the Design and Conservation team should be sought on the above matters, particularly the relationship between the two phases and their wider cumulative impact.

#### (iv) Easement and Groundwater Source Protection Zone

We recognise that there are 'hard' site constraints which affect this site and inevitably

influence the site's layout. This includes the River Gade Easement (where the Environment Agency requires an 8m buffer zone to be provided from river bank to minimise the impact to biodiversity along the river).

Although the applicant states that the main site constraint is the 50m borehole radius (which affects the south of the site). The site is located within an Environment Agency Groundwater Source Protection Zone 1. This is imposed as ground works in this area can pose a risk to drinking water abstraction undertaken by Affinity Water. The 50m zone (shown on the plan below) is considered to be the most vulnerable zone (where new development could have a negative impact on the groundwater, for example, through contamination or foundation works).

Policy CS31 (Water Management) and CS32 (Air, Soil and Water Quality) of the Core Strategy is relevant in this regard. Both the views of the Environment Agency and Affinity Water should be sought where relevant.

(v) Historic Environment, Biodiversity and Green Infrastructure

Due to the proposal's proximity to the heritage assets (including Hemel Hempstead Old Town Conservation Area and St Mary's Church, The Bury and Carey (not Marlowes) Baptist Church) and the inclusion of a Heritage Statement, the views of the Design and Conservation Team should be sought. Policy CS27 (Quality of the Historic Environment) of the Core Strategy is relevant in this regard.

The applicant acknowledges there are TPO trees along Dacorum Way and that there are anticipated impacts on ecology (through the potential for the site to be used by bats for foraging and commuting) and the loss of trees, the views of the County Councils ecologist and Trees and Woodlands team should be sought. Saved Policies 99 (Preservation of trees, hedgerow and woodlands) and 104 (Nature conservation in River valleys) and Policy CS12d) and e) are relevant in this respect.

For Phase 2, the applicant states that 50% of site is open space (i.e. used for cycle stores, car parking, amenity, communal spaces and landscape). While for Plot B the applicant states that 10% of the site will be provided as public open space with a further 10% of the space making use of possible roof terraces. Appendix 6 of the DBLP provides guidance on adequate levels of open space and play provision for new developments (alongside Appendix 3(ii)). However, we would accept some flexibility over the levels of amenity space given the proximity to Gadebridge Park and The Water Gardens.

Policy CS33 (Hemel Hempstead Town Centre) Point 2(c) states the principles guiding development include: continuation of the riverside walk from the Plough Zone to Gadebridge Park (as part of improving general north-south accessibility and connectivity). This point is also reflected in the Hemel Hempstead Town Centre Masterplan and the Gade Zone Planning Statement. Thus policy seeks to ensure this is delivered as a key movement objective for this immediate location and the wider town centre.

We acknowledge that the applicant puts forward a variety of points to counter this principle within paragraphs 5.19-20 and on hardcopy page 49 of the Design and Access Statement for Plot B. Until now, this principle has not been challenged on the basis of viability or inability to deliver this proposal.

The Infrastructure and Project Delivery Team reiterates the importance of the riverside walk and cycleway as a key piece of infrastructure improving north south accessibility and connectivity. This would need to be delivered as per plans in the Hemel Hempstead Town Centre Masterplan and relevant land/area reserved for it. The riverside walk and cycleway should be identified in the Transport Assessment for the site. Surrounding development would be expected to contribute through S106 contributions towards its delivery including a pedestrian and cycle bridge.

(vi) Highways and on-site car parking

Saved Policy 51 (Development and Transport Impacts) specifically point (d) and Policy 57 (Provision and management of parking) of the DBLP should be complied with. Policy 58 (Private Parking Provision) states that for residential development:

*“parking needs will normally be met on site. Car free residential development may be considered in high accessibility locations. Parking provision may also be omitted or reduced on the basis of the type and location of the development (e.g. special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport).”*

Policy 62 (Cyclists) of the DBLP encourages *“adequate provision of cycle parking should be made.”*

Phase 2:

The applicant states that it is expected that approximately 20 full time members of staff will be employed in the Phase 2 building. As a result, the following parking provision is proposed:

- 47 staff parking spaces plus 3 disabled spaces.
- 50 cycle parking spaces (provided to the north west of the wider West Herts College campus). This is to meet the needs for both Phases 1+2.

The applicant confirms that *‘students will no longer be able to park on site, except for in mitigating circumstances’*. They go on to say that *‘all other car parking, including motorcycle parking, students and visitors will be in the existing car parks to the west of the river’*.

For further education development Appendix 5 of the DBLP states that:

- Car parking: 1 space per full-time member of staff plus 1 space per 5 full-time students
- Cycle parking: 1 l/t space per 5 students

The Case Officer will need to determine whether the levels of student car parking and cycle parking spaces are adequate to meet the needs of Phases 1 and 2 and taking into account the generally high accessibility of this town centre location. Given its location within Accessibility Zone 2, 25-50% of the demand based parking standards would be acceptable for the non-residential elements of the overall scheme.

Plot B:

The applicant states that *'as the site will be sold as residential development, a new and separate access off Dacorum Way will be proposed'* with plans showing *'an area of landscaped parking, which could accommodate around 100 cars'*. They confirm that *'it is expected that one parking spaces per apartment could be accommodated on the site'*. The applicant states: *'Dacorum BC parking Standards set out that an average of 1.5 spaces per dwelling should be provided, but that this could be reduced by 25-50% for sites of a central location. This equates to between 0.75 and 1.13 spaces per unit'*.

This approach is incorrect because, as explained above, the zonal proportions which car parking provision can be reduced by (listed within table on page 427 of DBLP) does not apply to residential development. However the applicant does go on to say that *'considered in light of the site's highly accessible location and the provision of cycle storage areas and existing links to the town centre'* should be considered.

The proposal is for residential development (located within Accessibility Zone 2), for residential development in zones 1 and 2 Appendix 5 of the DBLP and it states that:

Car parking	
1 bedroom dwellings/bedsits	1 space
2 bedroom dwellings	1 space
3 bedroom dwellings	1.5 spaces
4 or more bedroom dwellings	2 spaces
Cycle parking	
1 l/t space per unit if no garage or shed provided	

Assuming a mix of 1 and 2-bed units, the proposed level of parking would only be marginally below Plan standards (100 planned versus 110 theoretical spaces).

If a more flexible approach to car parking standards is deemed appropriate for this proposal (as the Government has abandoned the concept of maximum parking standards in the NPPF), we believe that matters such as existing parking problems, accessibility to the Town Centre and demand generated by the development should be given consideration.

Views of HCC Highways and Travel Planning team should be sought on the new highway access/design, Transport Statement and the proposed approach to incorporate Phase 2 into the Phase 1 Travel Plan (as the applicant suggests they will seek to utilise the agreed principles applied to the existing college site). Policy 54 (Highway Design) of the DBLP is relevant in this regard.

#### (vii) Conclusion

We do not have any objections to the broad principles of the proposed development and indeed the scheme is much welcomed in terms of (part) delivering Proposal MU/1 and associated requirements. The scheme will continue the process begun with the completion of The Forum of transforming this key brownfield site in the town centre.

However, we consider that the applicants could provide more detailed explanation for the design, massing, height, bulk and density of the proposals to allow the case officer to judge the cumulative impacts of the proposal on the wider area. Specialist comments

should also be sought from the consultees identified in the text above.

BPS Surveyors (consultants reviewing submitted Financial Viability Appraisal)

Due to the sensitivity of information submitted on behalf of the applicant and referred to in BPS' Independent Viability Review, relevant extracts have been included below:

We have been provided with a business case by the College which identifies the all in cost of the proposed second phase College development... The breakdown of this cost total is set out in a Cost Plan prepared by Equals dated January 2018.

The College has also identified a number of funding sources on which it is relying to meet this total. These are again summarised below:

Grant - Hertfordshire Local Enterprise Partnership  
Asset disposals - sale of Plot B (the application site)  
Cash - College reserves  
Loans - the College is unable to borrow funds

It can be seen from the above that the sale of the subject site is identified as a necessary source of funding to meet the overall project costs. Indeed we understand the funding from the LEP is both time limited and conditioned to delivery of the outcomes identified by phase 2 of the College development. This effectively limits the College's ability to scale back its proposals without risking a substantial source of its committed funding.

Given the apparent importance of the sale of Plot B to funding the College development the application seeks to demonstrate that its site value will need to be fully maximised to achieve a site value approximating to that required. To achieve maximum value would require a relation of the application of the Council's affordable housing planning policies.

In effect the College are requesting that the residential consent sought by the College should be considered as enabling development.

The location is mixed in nature, with residential properties to the west of the site, retail / residential properties to the east, Gadebridge Park to the north and office and public-sector buildings to the south. The property sits within the campus of West Herts College. The site is not located in a conservation area nor is it listed. There is a Conservation Area approximately 80m to the north of the site. This conservation area encompasses the High Street and adjacent streets and is characterised by the survival of medieval and post-medieval buildings.

The proposals are for:

Residential (Class C3) development following demolition of Block A building

This application has been submitted in conjuncture with proposals for:

Development of an educational building, with associated landscaping, boundary treatments, parking and access arrangements with widened access to Dacorum Way and infrastructure

The basis of our review is the Financial Viability Appraisal prepared by Montagu Evans,

dated February 2018, which concludes that the scheme currently shows a deficit... and therefore no affordable housing can viably be offered.

We have downloaded documents available on Dacorum Borough Council's planning website. We have also received a live version of the Argus appraisal included in the report.

We have assessed the cost and value inputs within the the financial appraisal in order to determine whether the scheme can viably make any affordable housing contributions.

We have searched the Dacorum Borough Council planning website and have identified recent planning applications relating to the site, these mainly relate to Phase One of the development which has since been completed. A Land Registry search shows that the applicant currently owns the property. No price paid or purchase date is included within the Property Register.

### Conclusions and recommendations

Although consideration has been given to a number of approaches to establishing site value, the College is reliant on its enabling development argument to maximise site value.

We have not been asked to assess the planning merits of this argument but instead have been requested to undertake our analysis on the assumption the Council will consider this approach when determining this planning application.

It should be noted that no site valuation has been prepared on an EUV plus approach as advocated by Draft PPG but we note the existing buildings are towards the end of the economically useful life and as such we would not anticipate a site value approaching that required by [that] required by the College business plan.

Overall, we are broadly satisfied that the sales values proposed [for the proposed one and two-bedroom units] are reasonable.

We are satisfied that [the assigned ground rent income set out on behalf of the applicant] is a reasonable approach. We are aware of the Government's recent plans that ground rents on new leases should be set to zero. Although legislation has not been put before Parliament or otherwise enacted, we note that if implemented before the completion of the proposed development it would eliminate ground rent income.

The development is proposed to provide 102 surface level parking spaces. No separate value has been included within the appraisal for the parking spaces and we assume that the spaces will be allocated xxxxxxxx

Our Cost Consultant... has reviewed the Cost Plan for the proposed scheme prepared by Equals, dated 25th January 2018, and concludes that the applicant's allowances for preliminaries, overheads and profit (OHP), and contractor's design risk contingency should be adjusted. This results in a reduction in construction costs.

[An additional developer's contingency has been added to the appraisal, however has been excluded from BPS' appraisal as a full developer's profit allowance has been included in the appraisal. A contractor's design risk contingency has been increased in

the construction cost estimate.]

We have been provided with a live version of the Argus appraisal included in Montagu Evans' report to which we have applied our suggested adjustments which include: updating the construction costs, including external works and services infrastructure, in line with the advice of our Cost Consultant and removing the 5% developer's contingency on construction costs. We have adopted Montagu Evans' profit target of 20% on GDV, which reflects a profit of 21.87% on costs. The resulting residual value... is substantially below [that] required by the College.

#### Phase 2 College Development

We are aware from the College's business plan that the proceeds of sale from Plot B are required to help fund the College development. Although the application under consideration in this report is a stand-alone application we are aware that this linkage underpins the College's need for the Plot B residential development to be considered as enabling development. In light of this consideration we also understand that the College recognises there is likely to be linkages to the two developments through any subsequent S106 Agreements.

Conclude that the College's business plan appears to be broadly correct in assuming the project costs for delivery of the phase 2 development.

#### Overall conclusion

Based on our assessment of the proposed development of Plot B and assuming it comes forward as an all private residential scheme it would generate a residual value... reflecting a current costs and value approach to assessing viability as required by PPG. It appears the College is justified in requiring [funding] from the sale of of this based on our assessment of the College development cost plan and business plan. Our assessment reveals that the land value generated by Plot B would result in an overall project deficit... therefore accepting the enabling development argument would indicate that the scheme cannot viably deliver affordable housing.

It should be noted that the scale of deficit identified is likely to be different from site sale proceeds for the following reasons:

- a) The timing of the land sale is in the future
- b) The purchaser may make assumptions that:
  - a. Reflect anticipated future costs and value
  - b. May assume higher levels of development density
  - c. More optimistic appraisal allowances
- c) The site sale will be the product of a competitive bidding process which may affect land price.

Consequent to our conclusions above there is uncertainty surrounding land value realised from this scheme. There is potential for the site sale proceeds of Plot B to exceed the financial needs of the College development. Therefore we recommend that an appropriate late stage review mechanism be included in the relevant S106 Agreements to capture a proportion of any additional value that may exist post completion of the College development above actual expenditure as a payment towards

the off-site provision of affordable housing.

Following discussions with the College we understand that in the event of a project shortfall in funding, consideration will be given to utilise remaining College reserves which for reasons of prudence have not been identified as a current source of funding. We also note that the College is already proposing to contribute... from its current reserves. Therefore there is an assurance available as to project deliverability in the event of a shortfall.

### Dacorum Strategic Housing

To meet the affordable housing policy requirements, 35% of the dwellings should be agreed for affordable housing.

### Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Condition 1:

Condition 1: Detailed Plans Prior to the commencement of the development 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.

Reason: In the interests of maintaining highway efficiency and safety.

Condition 2: Construction Traffic Management Plan 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, including all demolition works, piling etc 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.

#### Condition 3: Travel Plan

At least three months prior to first occupation, a Travel Plan shall be submitted in accordance with Hertfordshire's Travel Plan Guidance to be reviewed and approved by the Local Planning Authority.

Reason: To promote sustainable transport measures to the development.

#### Condition 4: Swept Path Assessments

Prior to commencement of any part of the development, swept path assessments are required for the following:

a refuse vehicle can safely manoeuvre through the site access roundabout, enter the site, manoeuvre within and depart in forward gear.

a large car can safely enter and depart the proposed car parking spaces.

Emergency vehicles, i.e. fire tender, can safely enter, manoeuvre within and depart the site in a forward gear.

Reason: In order to protect highway safety and the amenity of other users of the site.

#### Condition 5: Car Parking Management Plan

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 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 and Cycle 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 and Cycle 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.

#### Condition 6: Servicing and Delivery Plan

Prior to commencement of the development, the applicant shall submit a Delivery and Servicing Plan to be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for

coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.

Reason: In the interests of maintaining highway efficiency and safety

#### HIGHWAY INFORMATIVES:

HCC recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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 will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

S278 Agreement Any works within the highway boundary (including alterations to the footway and the proposed site access) would normally need to be secured and approved via a S278 Agreement with the HCC. However, the access is off Dacorum way which is

not adopted highway so only guidance can be given.

S38 Agreement It is assumed that all roads within the site will remain under private control and management. A S38 agreement will not therefore be required and as the access is off a private road and the HA understands that legally it could not adopt the internal road off a private road.

S106 Agreement HCC will likely seek contributions via S106 for Travel Plan monitoring fees.

#### Community Infrastructure Levy (CIL)

The Community Infrastructure Levy is a planning charge tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. The proposed development may be liable for a charge under the Community Infrastructure Levy (CIL) this would be for Dacorum Borough Council to determine.

#### Description of the Proposal

The application is for full planning permission for the construction of a residential (class C3) development following demolition of existing block a building (outline application with all matters reserved except access)

The proposed development off Dacorum Way will comprise 102 flats (the breakdown and mix of units is not stated on the application form)

#### Site Description

The proposed development site is located in the West Herts College Campus development area. The proposed development site is bound by a mix of residential/shops to the east and the former Civic Centre to the South. To the west is the river and Leighton Buzzard Road, A4146 and Queensway the B487 to the north. Dacorum Way is an unclassified local access road and is not adopted by highway authority and therefore not maintained by HCC.

#### History

The site has been subject to pre application discussions and advice with both the LPA and the Highway Authority (HA) and a scoping note for the development with the HA was agreed in November 2017.

#### Analysis

As part of the application package, the applicant has provided a Transport Assessment (TA) to demonstrate the impact of the proposed development on the local highway network. This has been written by Mayer Brown and is dated the February 2018. A Design and Access Statement (DAS) is required for all planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Design Guide (3rd Edition). A DAS has been provided (part of a heritage and planning statement) for the proposed development and is considered appropriate for the purposes of this planning application.

## Policy Review

As part of the submitted TA, the applicant has provided evidence of review of the following policy documents in their application for the proposed development:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Hertfordshire County Council (HCC) Local Transport Plan 3, 2011-2031
- Dacorum Borough Council Local Plan Core Strategy
- Department for Transport, Manual for Streets, 2007
- Roads in Hertfordshire: Highway Design Guide (3rd Edition)

## Trip Generation and Distribution

### Trip Generation

A trip generation profile for the outline planning permission for the site and the proposed development are provided as part of the TA. The trip rates for the residential land uses are as follows for this land based on an interrogation of TRICS which has been analysed by the HA. The trip rates are as follows:

Privately owned flats - AM Peak: 0.063 arrivals and 0.145 departures;  
weekday - PM Peak: 0.174 arrivals and 0.104 departures.

Weekday Weekday 12 hour 1.198 arrivals and 1.252 departures

This equates to a total 23 total 'in and out' during the am peak and 30 total in the pm peak. As these are agreed and are considered acceptable for the purposes of this planning application. The TA considers that the scheme is for 102 dwellings, this is considered acceptable

### Trip Distribution

A trip distribution profile has been provided as part of the TA. This is summarised in table 6.2 and the data is shown in appx G. After reviewing this HA considers it acceptable as the net impact of this residential scheme is unlikely to have a material or detrimental impact on the highway network. Impact on the Highway Junction Assessment Junction capacity assessments have been provided as part of the TA which was also part of the scoping note. This is considered acceptable and the TA concludes that the development it is unlikely to adversely impact on the junctions that were studied.

### Highway Safety

The applicant has provided a review of collision data as part of the TA. A review of the most recent 5 years of collision data available to HCC shows that there are 35 slight collisions within the wider vicinity of the development site. The collision data review established that whilst there were 33 slight and 2 serious PIC 's there were no inherent issues with the highway road layout and it is therefore expected that the proposed development will not likely have an impact on the safety of the local highway network.

### Highway Layout

## Vehicle Access

Access to the proposed development would be via a simple priority junction arrangement off Dacorum way. This would provide a 6 m wide access carriageway with radii kerbing which in turn will be designed to accommodate appropriate vehicles.

## Pedestrian Access

Pedestrian access is as shown on the submitted plan. Access will also be provided to amenity spaces too. The level of pedestrian access is considered acceptable. Pedestrian footways are required to be constructed in line with Hertfordshire County Council's Highway Design Guide.

## Swept Path Analysis

The applicant has not provided swept path assessments for the proposed development. Swept path assessments are required to demonstrate:

- a refuse vehicle can safely manoeuvre through the site access roundabout, enter the site, manoeuvre within and depart in forward gear. (Appx E of the TA shows this but it would need to be checked but not part of a section 278 agreement with the HA)
- a large car can safely enter and depart the proposed car parking spaces.
- Emergency vehicles, i.e. fire tender, can safely enter, manoeuvre within and depart the site in a forward gear.

## Road Safety Audit

A Stage 1 Road Safety Audit (RSA) is unlikely be required for the proposed development.

## Parking

### Car Parking Provisions

The proposed development would provide 102 car parking spaces,(disabled spaces or electric car parking spaces not confirmed on the application form.

DBC's current parking standards set out a maximum parking provision for zone 1: and should accord with the LPA parking standards and the SPG too.

Whilst it is unlikely that residents parking will occur onto the network, residents should be made aware of minimal parking provisions and the parking spaces should be managed appropriately. Therefore, a Car Parking Management Plan (CPMP) is recommended to ensure that the parking at the site is managed such that residents are made aware of the parking situation on site and that the limited parking provisions are monitored and managed proactively.

Additionally, the LPA may consider entering into a legal agreement with the developer whereby residents of the proposed development would not be able to apply for resident's parking permit in the neighbouring control parking zones (CPZ) of both the Queensway

and Marlowes areas.

However, it is ultimately the decision of the LPA to determine the suitability of the car parking provision.

#### Car Parking Layout

The applicant will need to provide details about the location and geometries of any car parking facilities. The car park will need to be designed in accordance with guidance set out in the Roads in Hertfordshire. Swept path assessments will be required for the car parking layout to ensure that the layout is safe and appropriate for a large car.

#### Disabled Car Parking

The applicant has not stated that the proposed development will include dedicated disabled car parking spaces.

#### Electric Car Parking

The applicant has not stated in the TA if electric car parking spaces will be provided.

#### Motorcycle Parking and Cycle Parking Provisions

The applicant has not stated whether the provision of motorcycle parking spaces would be included in the proposed development nor cycle spaces.

DBC cycle parking standards, for both the proposed new standards and the current standards, set out a minimum requirement of 1 long term cycle parking space per unit if no garage or shed is provided.

Therefore, cycle parking provisions have been stated in accordance with the guidance set out WBC; however, it is ultimately the decision of the LPA to determine the suitability of the cycle parking provisions.

#### Accessibility

The site is highly accessible by foot. The roads in the vicinity of the site all benefit from footways on both sides of the carriageway which are generally well maintained. The site is conveniently located at the northern end of the town centre within walking distance of local residential areas, services and facilities. There are two pelican crossings and a zebra crossing located near the site. The first pelican crossing is on the east side of the site across Marlowes, between the West Herts College bus stops, while the second is located at the north-west side of the campus on A4146 Leighton Buzzard Road, adjacent to the campus car park. The zebra crossing is across Queensway, immediately north-east of the Marlowes roundabout.

There are no marked cycle lanes immediately around the site. However, National Cycle Route 57 is near the site to the east. The section between Hemel Hempstead and Welwyn Garden City is mainly traffic-free as it follows a cycle path along the former railway line connecting to Midland Road. There are also local cycling routes through Gadebridge Park which is accessed via Queensway to the north of the development. The routes can also be accessed via the A4146 Leighton Buzzard Road. There are five

Sheffield bicycle stands that can accommodate ten bicycles located on Marlowes adjacent to the junction of Marlowes and Hillfield Road.

Hemel Hempstead railway station is located approximately a ten minute cycle to the south of the site, with 72 cycle spaces located in the car park.

The West Herts College campus is currently less than a 5 minute walk from the bus station, which is serviced by buses to and from Watford, Kings Langley, Rickmansworth, Aylesbury, Tring, Chesham, Amersham and more. There are numerous bus routes that serve the area around the site. The closest bus stops are located on Marlowes adjacent to the site to the east, and on Queensway, adjacent to the site on the north and northeast. However, there are numerous other stops within a 10 minute walk.

Hemel Hempstead railway station is just over a mile from the campus to the south. It is served by London Midlands and Southern Railways services to destinations including Milton Keynes, Northampton, Birmingham and London Euston.

### Travel Plan

A Travel Plan (TP) will be required as part of the reserved measure applications. A number of hard and soft measures will need to be recommended by the applicant in order to positively affect the modal shift towards more sustainable modes of transport and to reduce the reliance on private vehicles, including a car club for the residents of the development. A TP will be conditioned and the following points will need to be incorporated. Contributions will be required via a S106 agreement to cover TP monitoring costs.

- Details of Travel Plan Co-Ordinator to be provided on appointment as mentioned, preferably with secondary contact in case of personnel changes.
- Details of predicted time allocated to each of Co-Ordinators' duties.
- Residential Travel Pack contribution - see Appendix E of the Travel Plan guidance ([www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans)) for suggested contribution levels per dwelling.
- Parking - if car club/car share does go ahead, should consider provision of dedicated car share spaces.
- Interim mode shift targets - Targets need to be provided that represent an improvement from current conditions - For a development of this size yearly surveys are appropriate.
- Evaluation and support fee will be needed if this Plan is sought through S106. See Appendix E of our guidance.

### Construction

A Construction Traffic Management Plan (CTMP) will be required to ensure construction vehicles will not have a detrimental impact on the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety.

### Planning Obligations / Community Infrastructure Levy (CIL)

Dacorum Borough Council has adopted Community Infrastructure Levy (CIL) and therefore any contributions would be sought via CIL, if the LPA deemed it appropriate.

Additionally, S106 contributions would be required to obtain planning contributions for the CPMP, CTMP and TP monitoring.

## Conclusion

Hertfordshire County Council (HCC) as Highway Authority recommends that the proposed development be granted planning permission, subject to suitable conditions.

## Dacorum Conservation and Design

Brief description of proposal - Outline residential building.

In principle we would not object to the proposed intensification of the use of the land. The site would be acceptable for high density housing and as further redevelopment within the wider site area takes place it would be hoped that this can sit comfortably with other housing development as proposed in the general redevelopment of this area. It would be most important given its prominent location (on the edge of the redevelopment area) that the design, materials and detailing match the high quality aspirational images shown and it is not diluted at a later stage. As the proposal is the first to come forward in potentially a group of taller buildings (notwithstanding the forum) it must be of a high quality as shown in the aspirational drawings. This should set the standard for further development within the area. The site is subject to the Gade redevelopment zone for new housing and as such we would expect further applications for housing to come forward over the next few years. This will reduce the current more open vista. Therefore we are not as concerned about this coming forward at this height had it been proposed in isolation. As noted the site will form part of the gateway into Hemel Hempstead town centre from the north and we would reiterate that the design, detailing and materials will be most important and we would only support an application of high quality.

The proposed development is set at the lowest level within the valley area and behind the modern development of the college. As such we believe that it would have a relatively limited impact upon the setting of the conservation area. It would be visible from the conservation area and could be seen in views to and from the area. However we believe that any harm would be at a low level. With regards to the impacts on the setting of the listed buildings namely the Bury and the spire of St Marys we believe that the proposals would have a limited impact on the setting. In particular from the Bury the views would be mainly blocked by the new college development. In relation to the church the views from the Marlowes northwards towards the spire would be unaltered. However they would be blocked from some views from the bypass northwards however this would be relatively limited. Therefore we would not object to the proposal. The other building impacted would be the grade II listed Baptist church. This is located on the Marlowes and is the early English Gothic style. It makes a positive contribution and the fine west elevation adds to the streetscape. The proposal will be viewed from the church (given that it is in effect opposite) however would not particularly impact upon the streetscape. Given the scale of redevelopment within the area since the construction of a new town the church no longer has a dominant position within the streetscape. The proposal therefore would have a low impact on its setting or the wider significance. This low level of less than substantial harm should be taken into account.

Any harm should be balanced against the benefits of the scheme. As noted above the harm would be less than substantial due to it not impacting on the built fabric or designed views of the heritage assets. The proposed development area does not play a

particularly important vista in relation to the significance of the heritage assets or how they are appreciated in their totality. Therefore we believe that any harm would be at a low level.

Recommendation - There would be a low level of harm caused to the setting and the views into and from the designated heritage assets. This low level of harm should be balanced against the benefits of the scheme.

### Environment Agency

The proposed development will be acceptable subject to the following planning conditions. We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework (NPPF) because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### Condition 1 – Site Investigation and Remediation Strategy

Prior to any part of the permitted development, with the exception of enabling works required to provide full access to the site to allow for further site investigation, a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

The location of the development within an area of historic industrial use, with the noted presence of made ground and an infilled channel of unknown provenance presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site:

- is within Source Protection Zone 1 for the Marlowes potable water supply
- is within 50 metres of a known borehole used for the supply of water for human consumption
- is located upon Principal aquifer within the Hollywell Nodular Chalk Formation and the New Pit Chalk Formation (undifferentiated), overlain by a Secondary Aquifer within the Alluvial deposits.

In addition, the basin river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination present could result in the deterioration of groundwater quality within the Mid Chilterns Chalk WFD groundwater body or impact the River Gade which is likely to be in hydraulic continuity with groundwater.

#### Condition 2 – Verification report

Prior to any part of the permitted development (with the exception of enabling works required to provide full access to the site to allow for further site investigation) a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

#### Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

This condition is also to prevent deterioration of a water quality within the Mid Chilterns Chalk WFD groundwater body and other controlled waters receptors.

#### Condition 3 - Maintenance and Monitoring Plan

The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning

Authority.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

This condition is also to prevent deterioration of a water quality within the Mid Chilterns Chalk WFD groundwater body and other controlled waters receptors.

Condition 4 – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management). No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals.

Condition 5 – Use of Infiltration Surface Water Sustainable Drainage Systems (SuDS)

No infiltration of surface water drainage into the ground West Herts College, Hemel Hempstead is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the NPPF. Infiltration of surface water has the potential to mobilise contamination present within the soil. Where the proposal of involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required. In certain circumstances the discharge may be classified as a groundwater activity and require an environmental permit.

The drainage strategy as per the submitted “West Herts College, 12500267 Plot B” Proposed Residential Development Groundwater Protection Preliminary Mitigation Statement (Civil 12500267 GHD-RP-C-2004, Rev 2.0)” is preliminary subject to approval be Affinity water. The finalised version should be submitted for review.

Condition 6 – Use of Piling, Boreholes, tunnel Shafts, Ground Source Heating and Cooling Systems

Piling and other deep foundations or intrusive groundworks using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the proposed use of CFA piles does not harm groundwater resources in line with paragraph 109 of the NPPF. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the EA guidance. During piling works (especially if the piles extend to the Chalk within SPZ1 saturated zone) due to the proximity of nearby potable abstractions the weekly groundwater monitoring for insitu parameters and turbidity should be considered. EA Guidance can be found here: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

Section 3.2 of the submitted “West Herts College, 12500267 Plot B” Proposed Residential Development Groundwater Protection Preliminary Mitigation Statement (Civil 12500267 GHD-RP-C-2004, Rev 2.0)” states that a foundation works risk assessment will be prepared and submitted for review by the appointed piling contractor. Several monitoring rounds will be required to establish the base line groundwater conditions. This will need to take account of any seasonal changes in groundwater quality.

#### Condition 7 – Borehole Management Scheme

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

#### Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the NPPF and Position Statement A8 of the Environment Agency’s Groundwater Protection: Principles and Practice.

#### Condition 8 – Sewage Pipe Work Specifications Scheme

The development hereby permitted may not commence until such time as a scheme to agree sewage pipe work specifications (within SPZ1) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

#### Reason

To ensure that the proposed sewage pipe works are designed and installed in such a way to prevent harm groundwater resources in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

#### Condition 9 – River Gade Buffer Zone Landscape Management Plan

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species, suitable to a chalk stream character)
- details of maintenance regimes; including any tree management objectives.
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

#### Reason

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This condition is in line with paragraph 109 of the NPPF and your Local Plan Policy CS26 (GI) as developing and enhancing a robust riparian edge is also critical when implementing Green Infrastructure improvements.

This will ensure appropriate management is in place for the buffer zone and enable a more naturally robust and self-sustaining 'river edge' between the chalk stream and development. To ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site including the River Gade – a priority river chalk stream habitat, of nationally rare value.

As part of ongoing management plans, trees with a shading influence upon the River Gade should be taken into account and managed to balance character retention yet aim to achieve a guideline optimum ratio of light to shade throughout the corridor (chalk streams are 70:30). Schemes that create dappled light would provide a great sustainable benefit for the ecology of the river.

Furthermore, an appropriate management for the buffer zone will help to connect the site with a sequence of chalk stream restoration projects. Efforts are taking place throughout the Gade catchment, this includes due restoration projects immediately upstream (Gadebridge Park), as well as completed projects downstream (e.g. de-culverting at Marlowes Shopping Center and further at Box Moor Trust). Dacorum are consistently supportive in these ambitions and projects; it would make good ecological sense for the development to seek habitat continuity enhancements.

The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which

stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Identified pressures such as poor maintenance are stated for the Gade, and rest of the Colne catchment.

Without this condition, there is a risk for ecological impact of the scheme i.e. for inappropriate riparian management to lead to deterioration of a quality element to a lower status class and contribute towards deterioration of a nationally rare priority habitat by not acting to positively counter deterioration of river habitat quality.

#### Condition 10 – Buffer Zone Lighting Scheme

There shall be no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within 8 metres of the top of bank of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a Lux level of 0-2.

#### Reason

To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor.

#### Advice for Applicant

#### Further Advice in relation to Condition 1

It is unclear if the nature of the fill material present within the infilled channel has been accurately characterised. Results of all groundwater samples show elevated concentrations of mercury above the Level of Detection (LOD), yet the risk posed to controlled waters has been discounted with limited discussion. Sample marked as deviating- would expect some sort of mention/discussion around this particularly as only 4 samples were analysed in total.

Perched groundwater has been identified within the Alluvial Secondary A aquifer, with flow characterised as being towards the River Gade. Based on the risk assessment as submitted, insufficient information has been provided to demonstrate that the risks to controlled waters have been characterised:

The generic assessment criteria used for groundwater risk assessment are based on Drinking Water Standards (DWS) or the limit of detection. The use of DWS is not applicable for surface water. Only one perched groundwater sample has been referred to in the report. This was analysed as part of a 2012 investigation. As the full laboratory certificates have not been submitted from this investigation it is not possible to agree with any conclusion reached based on this data.

One sample is not considered sufficient to characterise the quality of the groundwater with the Secondary A aquifer. Elevated concentrations of numerous contaminants have

been recorded within the made ground. While these have been screened against human health criteria no assessment has been made to the risks posed to the Rive Gade. Based on the information submitted the hydraulic relationship between the different aquifer units is not known. Consideration will need to be given to mitigating risks to controlled waters during the construction phase.

The "Report on Ground Investigation at Plot B, West Herts College, Hemel Hempstead (Applied Geology, dated Nov 2017, Validated Issue 1, ref AG2710-17-AD25)" submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the NPPF.

The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

## River Ecology

There is opportunity to further enhance the river ecology throughout the site by introducing natural in-channel features, that will create flow diversity and enhance biodiversity gain. Re-profiling the bank gradient, would also enhance the chalk stream character by enhancing marginal edges and will bolster the wildlife value and integrity of the corridor habitat. The applicant is advised to seek advice from the Fisheries, Biodiversity and Geomorphology team.

## Flood Risk Activity Permit

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Gade, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

## Groundwater and Contaminated Land

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the

type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

4. Refer to the contaminated land pages on GOV.UK for more information.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination.

E.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a “Competent person” E.g. a suitably qualified hydrogeologist.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

- Further guidance on the setting of compliance points for DQRAs can be found here (<https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>).
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- upflow percolation column test, run to LS 2 – to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and
- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11.

The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.

Where SUDs are proposed; infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SUDs manual [http://www.ciria.org/Resources/Free\\_publications/SuDS\\_manual\\_C753.aspx](http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx)

### Water Quality

This site lies very close to a water course that falls under the legislation of the WFD. Furthermore, the site is very close to two water company abstractions which are important potable water supplies.

We would also expect that the developer, if not already done so, consults with Thames Water to ensure that they can provide capacity for foul water generated by the site throughout its residential phase.

### Water Framework Directive

The Water Framework Directive (WFD) requires the UK to prevent deterioration of the status of surface water bodies and groundwater bodies and, through the River Basin Management Plan, identifies the actions and measures needed to prevent deterioration and to improve the status of all water bodies to Good Ecological Status.

As a result, planning applications need to recognise that they must not cause deterioration in the classification of a water body and, where possible, contribute towards improvements.

The proposed development is adjacent to a WFD waterbody: Gade (Upper Stretch Great Gaddesden to confluence with Bulbourne/GUc) which currently has a status of 'Bad'. Therefore we would like to see that the planning application recognises this and sets out to engage with feasible measures that can be found in the River Basin Management Plan, to improve the ecological status of this water body.

### Water Resources

We would like to outline that this development lies in an area of 'Serious' water stress; defined as a region where the current or future demand for household water is, or is likely to be, a high proportion of the effective rainfall which is available to meet that demand. The Environment Agency's document 'Water Stressed Areas – final classification 2013 can be viewed using the link or by visiting GOV.UK. Therefore, as a

recommend that development conforms to the optional requirement of 110 litres per person per day found in Section G2, Subsection 36(2b) of the Building Regulations, which can be found here. A water efficiency calculator (also detailed in Appendix A of Approved Document G of the Building Regulations), could be utilised by the developer to inform the design needs of construction.

We endorse the efficient use of water, especially in new developments. Our Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Wide spread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area.

For residential development we recommend this development meets the following standard to promote water efficiency:

- Dwellings should achieve the water credits required to meet Code Level 3 of the Code for Sustainable Homes.

Further advice can be obtained from our website at Environment Agency - Save Water, and from Code for Sustainable Homes.

#### Dewatering – License and Environmental Permit

It is recognised that this construction will probably require the site to be dewatered. Dewatering that occurs during any development process may need to be licensed under the new licensing legislation, in place from 1st January 2018. We recommend reviewing the guidance on licensable activities and exemptions provided here.

The water discharge associated with dewatering, dependent on quality, will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The guidance found here explains the Environment Agency's position on dewatering discharge consents. We would recommend early engagement with the National Permitting Service who manage the regulatory process. You are able to reach them by calling our Customer Contact Centre on 08708 506506.

#### Hertfordshire Lead Local Flood Authority

Following a review of the Drainage Strategy Statement carried out by GHD reference 12500267-GHD-RP-C-2006 Rev P01 dated January 2018 in support of the above application, we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

The proposed drainage strategy is based upon attenuation and discharge into the River Gade restricted to a maximum of 5l/s. the site currently discharges unrestricted into Thames surface water sewer located to the west of the site. We acknowledge that infiltration is not being proposed due to the proximity of Affinity Water Boreholes and to

avoid the potential contamination of groundwater.

The proposed new building will include a living roof and the car parking area will be constructed of lined porous paving which will then discharge into an attenuation basin designed to accommodate flows up to the 1 in 100 plus 40% for climate change prior to discharging into the River Gade.

Preliminary surface water drainage calculations have been provided to support the proposed scheme. As the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning conditions to the LPA should planning permission be granted.

LLFA position

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved the Drainage Strategy Statement carried out by GHD reference 12500267-GHD-RP-C-2006 Rev P01 dated January 2018 and the following mitigation measures:

1. Undertaking appropriate drainage strategy based on attenuation and discharge into River Gade at 5l/s
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
3. Implementing drainage strategy including green roof, permeable paving and detention basin as indicated on the Preliminary Drainage layout Plot B reference 12500267-GHD-DR-C-5602 Rev P02.

Condition 2

No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Drainage Strategy Statement carried out by GHD reference 12500267-GHD-RP-C-2006 Rev P01.

The scheme shall also include;

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The 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.
2. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Condition 3

Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by

the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

#### Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

#### Affinity Water

Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk 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".

#### Thames Water

##### Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

##### 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

Thames Water will require the points of connection to the public sewer system, for both foul and surface water, as well as the anticipated flow (including flow calculation method) into any proposed connection point. This data can then be used to determine the impact of the proposed development on the existing sewer system. In addition please indicate what is the overall reduction in surface water flows. i.e. existing surface water discharges (pre-development) in to the public sewers for storm periods 1 in 10, 30, 100 etc... versus the new proposed volumes to be discharged for the whole development

### Hertfordshire Environmental Records Centre

Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:

1. There is no existing ecological information which relates to the application site and there is nothing to suggest the site – other than the river corridor – has any significant ecological interest. As a chalk stream and linear habitat its intrinsic interest and corridor role is of high value although its current management leaves the area rather sterile (photo 3.44 of DAS).
2. The river and its adjacent bankside and wider area are clearly ecologically valuable and given its corridor function is part of a District-wide feature of importance. However it is not recognised as a Wildlife Site. The feature is a major feature within the context of the site.
3. The residential development has been set back from the edge of the channel to avoid disturbance but this would be a necessity in any event in respect of the standard flood defence buffer strip (8m river easement) sought for development at riverside locations. Ecology is considered as outlined within the DAS 5.74 – 5.81 and reflects liaison with the EA.
4. This is presented as follows:

Funded by the following Local Planning Authorities:

5.77. A Preliminary Ecological Appraisal comprising a Phase 1 Habitat Survey and Protected Species Assessment was carried out in September 2017.

5.78. The survey finds that there is no impact envisaged upon statutory or non-statutory designated sites as a result of the development, and that and no further surveys are required.

5.79. Notably, building B2 (the existing Carpentry Workshop on site), which is proposed for demolition, is not considered suitable to support roosting bats and as such they were assessed as having negligible potential in line with best practice (Collins, 2016).

5.80. The report clarifies however that the site contains habitats suitable for foraging and commuting bats, breeding birds, reptiles and priority species, and proposes mitigation

measures during construction and ecological enhancements through design in relation to these e.g. bat and bird boxes and sensitive lighting design.

5.81. The applicant and design team met with the Environment Agency during the pre-app discussions to discuss how any impact on the River Gade could be minimised. The design reflects the advice from the Environment Agency in the following ways:

- The illustrative design shows the highest part of the building limited to a 40m stretch along the river;
- This stretch will not be in permanent shade, and will get the afternoon sun. Please see the sun path diagram within the Design chapter of this statement;
- The north and the south of the river are open and the daylight is unobstructed;
- Trees and tall plants along the river bank would be kept to a minimum to minimise overshadowing;
- Only soft landscaping is proposed within the 8m easement zone;
- No new bridges are proposed over the River Gade

I have no reason to consider that the above does not represent a fair reflection of the site. However whilst the stated approach sets out to minimise the impacts on the river, there is no mention of habitat enhancements or extensions as outlined in the DAS below:

5.74. The NPPF (Chapter 11) identifies that the planning system should minimise impacts on biodiversity and provide net gains where possible through the conservation, enhancement and incorporation of biodiversity into development schemes.

5.75. Policy CS26 states that 'development and management action' should contribute towards 'the conservation and restoration of habitats and species,' and that the Green Infrastructure Network will be 'protected, extended and enhanced.'

5.76. Policies 102 and 103 of the Saved Local Plan reinforce the need to protect important habitats and species.

5. On the basis of the above, I have no reason to consider that there are any significant ecological constraints to the proposals. However, given the importance of the river corridor, I would wish to see habitat improvement proposals made as part of the landscaping and ecological management plans which will be required as part of the reserved matters associated with any permission. If these are not provided to the satisfaction of the LPA, the proposals as outlined within the DAS and Ecology Report will not have met the NPPF and local policy statements.

6. In this context it is stated (DAS 9.3) that open space will be more than 50% of the site as shown on the masterplan. This must refer to the whole development area, not this application site. Although the diagram in 9.1 reflects this, most of the undeveloped area will be car parking and although landscaped will not contribute to any undeveloped open space at all.

7. A minor point in the ecology report (4.28) – a gap for a hedgehog would need to be at least 13x13 cm and not 13cm<sup>2</sup> as this would be only barely sufficient for a small rat. The other recommendations are reasonable but generally fail to sufficiently recognise that the main emphasis should be on creating associated riverside enhancements as this is the key habitat resource within the site and should be enhanced where possible to

improve its ecology.

8. The river is thoroughly urbanised to the south through the water gardens despite the enhancements of this area and so opportunities to soften the nature of the corridor through this site and manage human disturbance where possible should be proposed. In this regard I support the proposal to remove the riverside walk from this site as this would only increase disturbance.

9. Furthermore, the Communal Area shown on Plot B Landscape Plan should NOT be of a hardstanding nature immediately against the river as this would actually degrade the river environment from its current character. Any landscaping which presented such an approach I would consider unacceptable.

### Hertfordshire Archaeology

We were previously consulted on an EIA Screening Opinion for the above scheme (4/03050/17/SCE) and commented that archaeological matters could be scoped out of the EIA (18 December 2017). We added that mitigation of the impact of the development on below ground heritage assets could be taken care of post consent, by planning condition.

The applicant has submitted an archaeological desk-based assessment and the results of an archaeological evaluation with their application. While these documents relate to old schemes/former planning applications, they have provided new information relating to the archaeological implications of the current scheme. A borehole/geological survey has also been submitted.

The results of the archaeological evaluation and the borehole survey indicate that substantial modern made ground deposits of between 0.5m and 3.5m are present across the site. The evaluation did not reveal any archaeological deposits pre-dating the 19th century, although it did uncover the remains of several 19th century buildings that are documented on the 1st edition Ordnance Survey map.

There is therefore low potential for surviving remains of archaeological interest on site.

In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

### Dacorum Contaminated Land and Air Quality

Having given adequate consideration to the submitted Ground Investigation Report with reference AG2710 – 17 – AD25 prepared by Applied Geology and dated November 2017, Design and Access Statement and all other relevant documentations with drawings, please be advise that we have no objection to the proposed development in relation to air quality and land contamination.

However, the applicant is advise of the following planning conditions and informative should planning permission be granted.

1a). Contaminated Land Condition

Having consider the applicant submission in section 8.5 (Ground Gas), 8.6 (Discussion of Risks & Remedial Actions) and 8.7 (Disposal of Soil Arisings) of the submitted Ground Investigation Report with reference AG2710 – 17 – AD25 prepared by Applied Geology and dated November 2017:

No development, shall take place until, A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems, have been submitted to and approved in writing by the local planning authority.

For the purposes of this condition:

A Remediation Statement details actions to be carried out including gas protection measure and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

1b). All remediation or protection measures identified in the Remediation Statement referred to in Condition 1a; in addition to those mentioned in the referenced sections 8.5 (Ground Gas), 8.6 (Discussion of Risks & Remedial Actions) and 8.7 (Disposal of Soil Arisings) of the report in relation to Soil & Asbestos Removal, Ground Gas considering the proposed end user and any imported soil shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

## 2). Air Quality Assessment condition

With the proposed development within a close proximity of an area designated as an AQMA by the local authority, its size and number of car parking spaces, An air quality report assessing the impacts of the proposed redevelopment is to be provided to the Local Planning Authority, having regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance. The report should indicate areas where there are, or likely to be, breaches of an air quality objective. If there are predicted exceedances in exposure to levels above the Air Quality Objectives then a proposal for possible mitigation measures should be included.

The source of energy among others for the proposed development must also be consider in the air quality assessment report to be submitted.

Reason: To ensure the amenities of the neighbouring premises are protected from increased air quality arising from the development; in accordance with Policies CS8 and CS32 of the Core Strategy (2013).

### 3). Asbestos Management Plan Condition

Prior to the commencement of the development hereby permitted an Asbestos Management Plan shall be submitted to and approved in writing by the local planning authority. The recommendations within the report shall be followed.

Reason: To ensure that the issue of asbestos contamination is adequately addressed and to ensure a satisfactory development.

### 4). Construction Management Plan Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.

Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction 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) Timing of construction activities to avoid school pick up/drop off times
- g) Provision of sufficient on-site parking prior to commencement of construction activities
- h) 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 Core Strategy (2013) Policy CS8.

### 5). Un-expected Contaminated Land Informative

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

N.B. With the size of this development and its location, a s106 agreement should be apply.

### Dacorum Environmental and Community Protection (Noise, Pollution and Housing)

I refer to the above listed application relating to the West Herts College phase two external lighting and environment noise survey.

I have reviewed both reports and comments are as follows:

External lighting report – the report identifies that the indicated lighting will not pose any potential for statutory nuisance as the predicted output would be of a low LUX received at the neighbouring properties both residential and commercial. The directional lighting and design is of a type that will only illuminate very specific locations within the boundaries of the lot and as such this department has no objections to this design and development.

Should this prove to be incorrect on implementation then this department would take enforcement action and instruct to review, replace or redirect the lighting to effectively control the light spill or impact on others.

Environmental Noise survey – the report identifies that the predicted sound output would be approximately 39 dB A weighted (fast) from plant equipment.

The measured background noise levels were 43 dB A weighted during the hours of 23:00 – 07:00, 50 dB A 19:00 – 23:00 and 56 dB A 07:00 – 19:00.

Therefore the predicted level of noise received at the nearest noise sensitive premises would not be impacted by the installation and use of the plant equipment at any period during operation at any period of the day/night.

Should the equipment be identified as tonal then there would be a 5 dB A penalty added to the predicted levels and as such the 23:00 – 07:00 measured hours would exceed the assigned level of 43 dB A although it would not be considered significant in impact although it would be expected that mitigation be undertaken where it becomes a statutory nuisance.

Based on this report, this department has no objections in regards to this application and development.

#### Hertfordshire Fire and Rescue

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is

determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

#### Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: [www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application

so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

### Canal and River Trust

The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in 2011 under the organisation's former name, British Waterways. The 2011 issue introduced a notified area for household and minor scale development and a notified area for EIA and major scale development.

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas if you would like the Canal & River Trust's comments in specific cases, but this would be outside the statutory consultation regime and must be made clear to us in any notification letter you send. The document Development Management and British Waterways, issued to all LPAs with the changes to the notified areas in 2011, highlights some areas where specific cases may occur. This and further information on Planning and the Canal & River Trust can be found at: [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)

### Hertfordshire Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

### Responses received in relation to site and press notices

No formal representations received.