

4/02368/17/MOA	DEMOLITION OF A 4 STOREY OFFICE BUILDING. CONSTRUCTION OF 17 STOREY RESIDENTIAL DEVELOPMENT. FEATURING 305 APARTMENTS, ON-SITE GYM AND LEISURE FACILITIES, ON-SITE COFFEE SHOP, ROOF GARDEN AND LIBRARY/OBSERVATORY, INTERNAL ARBORETUM, FUNCTION ROOM AND UNDERGROUND PARKING FACILITIES FOR 323 CARS IN AN AUTOMATIC CAR PARKING SYSTEM, WITH ON-SITE ELECTRIC CAR SHARE.
Site Address	THE BEACON, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH
Applicant	Lumiere Acquisitions Ltd, Unit 04
Case Officer	Briony Curtain
Referral to Committee	Previous applications reported to Members.

1. Introduction / Background.

1.1 This report is the result of an appeal which has been submitted against the non-determination of planning application 4/02368/17/MOA.

The above planning application was received in September 2017. To date the Local Planning Authority has not determined it and the applicant has appealed against its non-determination. The views of the LPA are invited as part of the appeal procedure. The Planning Inspector will however determine the appeal.

The application has therefore been brought before Members not for determination but to ascertain the Council's views with regard to the proposal. The views of the Planning Committee will form the basis of the appeal Statement that must be submitted to the Planning Inspectorate by the 1st August 2018.

2. Recommendation.

It is recommended that Members confirm that they would have refused the application if they were in a position to determine the application for the following reasons:

The proposed development fails to meet the requirements of Policy CS19 of the Core Strategy 2013; Affordable Housing and SPD Affordable Housing in that the scheme would not provide policy compliant affordable housing.

Insufficient information has been submitted for the LPA to form a detailed understanding of the schemes viability. The viability assessment submitted does not provide the necessary information or justification for the assumptions adopted and the values/ calculations relied upon. It has not therefore been adequately demonstrated that it would not be viable to meet policy requirements. A Section 106 agreement has not therefore been agreed to secure provision.

3. Summary

3.1 The principle of the redevelopment of this site for residential and mixed use (gym, coffee shop etc) is acceptable in this particular location within the Two Waters General Employment Area in accordance with Policies CS4 and CS17 of the Core Strategy 2013. Moreover full planning permission has already been granted for the construction of a 16-storey residential development comprising 272 flats (with associated facilities), 318 car parking spaces. No objection is therefore raised to the principle of the development.

3.1.2 The current application seeks outline planning permission for the construction of up to a 17 storey residential development featuring 305 apartments, on-site gym and leisure facilities, on-site coffee shop, roof garden, library / observatory, internal arboretum, function room and underground parking facilities for 323 cars in an automated car parking system with on-site electric car share.

3.1.3 All matters (access, layout, scale, appearance and landscaping) are reserved and must therefore be considered under a separate application (reserved matters) should planning permission be granted. Indicative plans have been submitted to support the application, but are for guidance only.

3.1.4 The area has previously been identified as a gateway site to Hemel Hempstead where there is justification for a taller building. The current application seeks consent for a building up to 17 storeys in height comprising 305 flats. The indicative plans submitted demonstrate that 17 storeys can be achieved within a lower building (65.65m) than the 16 storey building previously approved (66.15m high). Similarly the increase to 305 flats has been achieved through amendments to the mix of the units; the previously approved three bedroom flats have been reduced in size to one and two bed flats and studios. The indicative plans submitted show the same building envelope as the approved scheme. As such, based on the indicative plans, the development would have a similar, if not slightly lower, visual impact compared to that approved and would not compromise skyline views across the nearby Boxmoor Trust land or surrounding Green Belt land. The LPA is therefore satisfied that a building up to 17 storeys in height comprises 305 flats would be acceptable in terms of density and building height.

3.1.5 The development and its location would provide an acceptable standard of amenity for future residents of the building and would not significantly adversely affect adjacent properties including the closest residential dwellings.

3.1.6 The proposed parking arrangements are considered acceptable. A transport statement has been submitted to support the application. The proposal would put additional stress on the already congested surrounding highway network but Herts County Council Highways are satisfied that these could be adequately mitigated through the undertaking of off-site works, and contributions towards improving pedestrian and towpath linkages. These would need to be secured via condition and legal agreement and would need to be fully considered at reserved matters stage should permission be granted.

3.1.7 Policy CS35 requires all development to make appropriate contributions towards the infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The development would be CIL liable and given its position in Zone 3; Hemel Hempstead a charge of £100 per square metre is applicable to the residential elements of the proposal.

3.1.8 The proposal complies with Policies NP1, CS1, CS4, CS8, CS10, CS12, CS15, CS16, CS17, CS18, CS29, CS31, CS32 of the Core Strategy 2013 and saved policies 18, 31, 51, 58 and 111 of the Dacorum Borough Local Plan 1991-2011.

3.1.9 Paragraph 50 of the NPPF requires Local Planning Authorities to set policies to meet identified affordable housing need on site, unless off-site provision or a financial contribution broadly equivalent can be robustly justified. As such, Policy CS19 of the Core Strategy requires that Affordable homes will be provided on sites in Hemel Hempstead for developments of 10 or more dwellings, and that 35% of new dwellings proposed should be affordable homes. Further detailed guidance is provided in the Affordable Housing Supplementary Planning Document.

3.1.10 The proposal seeks consent for 305 flats and provides an affordable housing commuted sum (in lieu of on site provision) of £1,750,000 (£1.75M). A financial viability report has been

submitted to support the application and suggests a higher affordable housing contribution would render the scheme un-viable.

3.1.11 The Council has had the viability of the scheme independently assessed. The report produced concludes that insufficient information has been provided for the Council to form a detailed understanding of the scheme's viability. Much of the necessary information has not been provided or has been provided in insufficient detail. Little, if any justification of the assumptions adopted and the values / calculations relied upon have been included. The LPA is therefore not satisfied that an acceptable affordable housing contribution is being provided.

3.1.12 In addition, recent communications to the council suggest that on-site affordable housing may now be viable. Off-site provision should only be considered where it can be demonstrated that on site delivery is not feasible / preferable. Whilst historically a commuted sum has been accepted as the applicants have been unable to secure the involvement of a Registered Social Landlord for the management and maintenance of affordable housing units on site, recent communications from the applicants (post the submission of the appeal) suggest this is no longer the case. It now appears on-site provision may be feasible. If on-site provision is now feasible this needs to be explored further, will require a new financial appraisal and would impact the schemes viability. Given the current application is yet to be determined this additional information must now be considered.

3.1.13 The proposal is contrary to Policy CS19 of the Core Strategy 2013 and Supplementary Planning Documents; Planning Obligations (April 2011) and Affordable Housing (Jan 2013).

4. Site Description

4.1 The application site is located on the south-eastern side of Whiteleaf Road, and comprises a vacant, partly demolished four storey former office building. The site is within the Two Waters General Employment Area and as such land uses in the immediate area, particularly off Whiteleaf Road are predominantly commercial. The uses are varied and outlined in detail below.

4.1.1 Land to the north and east of the site is occupied by Aldi supermarket, accessed off Whiteleaf Road, and located at a prominent corner at the intersection of London Road and Two Waters Road. Further north opposite London Road, a wide two to three lane main road, is open land owned by Boxmoor Trust which straddles the River Bulbourne and the Grand Union Canal. Two Waters Road to the east of the site across this section is a two-way, six lane thoroughfare leading to Hemel Hempstead town centre. Opposite Two Waters Road is the continuation of the Two Waters General Employment Area and the recently constructed self storage building.

4.1.2 To the south of the application site is Arriva bus depot which is also accessed at the top of Whiteleaf Road. Beyond this is the mainline railway line and opposite is land within the Green Belt.

4.1.3 Immediately west of the site is Whiteleaf Road a wide two-way two-lane road which offers no on-street parking. Directly opposite there are low profile buildings of commercial use on a lower terrace forming part of the Chancerygate Business Park. These units share private and communal parking areas via a single access off Whiteleaf Road. Further west is land designated for residential development and the closest existing residential properties on London Road to the north-west of the site.

4.1.4 Buildings within the Two Waters General Employment Area are generally low profile, predominantly two-storey or double-height with mezzanine level. The Chancerygate

Business Park on the western side of Whiteleaf Road is arranged on three stepped terraces, consistent with the topography of the area. Specifically, the land rises steadily from London Road to the north of the site and up along Whiteleaf Road in a south-westerly direction.

4.1.5 The site is one property removed from the busy intersection of Two Waters Road and London Road which connects off the A41 bypass, separated only by the low rise Aldi supermarket building and associated open car park. The site's elevated position from London Road and the northern part of Two Waters Road (specifically south of the bridge over the Grand Union Canal) give the site a prominent position from these vantage points.

5. Proposal

5.1 Outline planning permission with all matters reserved is sought for the demolition of the existing office building and the construction of a 17 storey residential development featuring 305 apartments, on-site gym and leisure facilities, on-site coffee shop, roof garden, library / observatory, internal arboretum, function room and underground parking facilities for 323 cars in an automated car parking system with on-site electric car share.

6. Relevant Planning History

4/00303/18/DRA DETAILS OF CONSTRUCTION MANAGEMENT PLAN ATTACHED TO PLANNING PERMISSION 4/03441/15/MFA
Refused
14/06/2018

4/01782/17/FUL CONSTRUCTION OF NEW SINGLE STOREY WELFARE FACILITY BUILDING FOR GARAGE STAFF.
Granted
08/09/2017

4/02054/16/ADV ILLUMINATED HOARDING.
Granted
21/09/2016

4/03441/15/MFA DEMOLITION AND REPLACEMENT OF A 4 STOREY OFFICE BUILDING WITH 16 STOREY RESIDENTIAL DEVELOPMENT. FEATURING 272 APARTMENTS, ON-SITE GYM AND LEISURE FACILITIES, ON-SITE COFFEE SHOP, ROOF GARDEN, INTERNAL ARBORETUM, FUNCTION ROOM AND UNDERGROUND PARKING FACILITIES FOR 313 CARS IN AN AUTOMATIC CAR PARKING SYSTEM, WITH ON-SITE ELECTRIC CAR SHARE AND ELECTRIC BIKE SHARE SCHEME.

PLEASE NOTE THAT THIS RE CONSULTATION APPLIES ONLY TO THE SURFACE WATER DRAINAGE STRATEGY - LISTED ON THE WEBSITE AS ADDITIONAL INFORMATION 3/3/2016 1.

Granted
19/07/2016

4/01761/15/RES RESERVED MATTERS APPLICATION DETAILING ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE REQUIRED BY CONDITION 1 OF PLANNING PERMISSION 4/02320/14/MOA (CONSTRUCTION OF 16-STOREY AND FOUR BASEMENT LEVEL BUILDING COMPRISING OF UP TO 208 FLATS, OFFICES, RETAIL, LEISURE SPACE AND 228 CAR PARKING SPACES FOLLOWING

DEMOLITION OF EXISTING OFFICE (CLASS B1) BUILDING (ALL MATTERS RESERVED).

Withdrawn
27/10/2015

4/02561/15/VAR VARIATION OF LEGAL AGREEMENT

Granted
19/05/2016

4/02320/14/MO A CONSTRUCTION OF 16-STOREY AND FOUR BASEMENT LEVEL BUILDING COMPRISING OF UP TO 208 FLATS, OFFICES, RETAIL, LEISURE SPACE AND 228 CAR PARKING SPACES FOLLOWING DEMOLITION OF EXISTING OFFICE (CLASS B1) BUILDING (ALL MATTERS RESERVED)

Granted
26/06/2015

4/01044/14/OPA CHANGE OF USE OF OFFICE DEVELOPMENT (CLASS B1) TO 17 RESIDENTIAL UNITS (CLASS C3)..

Prior approval required and granted
15/07/2014

4/00613/14/MFA CHANGE OF USE FROM OFFICES (CLASS B1) TO A 38-BEDROOM HOTEL (CLASS C1), INCLUDING CONSTRUCTION OF SINGLE-STOREY FRONT AND SIDE EXTENSIONS TO FACILITATE ANCILLARY RESTAURANT AND SWIMMING POOL, ALTERATIONS TO CAR PARK AND ASSOCIATED LANDSCAPING

Refused
05/06/2014

4/02161/13/FUL INSTALLATION OF FOUR VERTICAL AXIS WIND GENERATORS

Withdrawn
20/01/2015

4/01388/12/FUL DEMOLITION OF REAR SINGLE STOREY EXTENSION AND CONSTRUCTION OF TWO STOREY REAR EXTENSION, INTERNAL AND EXTERNAL ALTERATIONS ADDITIONAL CAR PARKING/LOADING BAY AND CREATION OF TERRACE AT SECOND FLOOR LEVEL

Granted
07/09/2012

4/00579/12/FUL DEMOLITION OF REAR SINGLE STOREY EXTENSION AND CREATION OF ADDITIONAL CAR PARKING. INTERNAL AND EXTERNAL ALTERATIONS WITH CREATION OF TERRACE AT SECOND FLOOR LEVEL.

Granted
23/05/2012

4/00587/12/ADV TWO INTERNALLY ALUMINATED FASCIA SIGNS AND ONE FREE STANDING SIGN.

Granted
17/05/2012

4/00920/06/TEL INSTALLATION OF REPLACEMENT TELECOMMUNICATIONS CABIN

Prior approval not required
20/06/2006

4/00609/01/ADV ILLUMINATED SIGNS
Granted
10/05/2001

4/02109/99/4 NEW CLADDING, ENCLOSURE OF ENTRANCE LOBBY AND NEW
GROUND FLOOR WINDOW
Granted
27/01/2000

4/01141/96/4 NEW SECURITY FENCE
Granted
28/10/1996

7. Policies

7.1 National Policy Guidance

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

7.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS8, CS11, CS12, CS14, CS15, CS16, CS17, CS18, CS19, CS23,
CS28, CS29, CS31, CS33, CS35.

7.3 Saved Policies of the Dacorum Borough Local Plan

Policies 13, 21, 31, 33, 37, 44, 51, 57, 58, 76, 111
Appendices 1, 3 and 5.

7.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

- Environmental Guidelines (May 2004)
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Planning Obligations (April 2011)
- Affordable Housing (Jan 2013)
- Two Waters Masterplan Guidance (Feb 2018)

8. Constraints

- CIL3
- 45.7M AIR DIR LIMIT
- Former Land Use
- GENERAL EMPLOYMENT AREA
- HAZARDOUS SUBSTANCES (BUFFERED)
- LHR Wind Turbine

9. Representations

Consultation responses

9.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

9.2 These are reproduced in full at Appendix 2

10. Considerations

Main issues

10.1 This application is an outline application with **ALL** matters reserved. The main issues to consider are:

- Policy and principle
- Density and Height
- Impact on neighbouring properties and Amenity of future residents
- Access / Parking and Impact on Highway Safety
- Affordable Housing and CIL

Policy and Principle

10.2 The principle of the re-development of this site for residential and mixed use purposes has already been established through the granting of full planning permission for a 16 storey mixed use building in July 2016.

10.2.1 The application site is located in the Two Waters General Employment Area within the town of Hemel Hempstead. In such locations, Policy CS15 of the Core Strategy seeks to protect B-class uses including office use (Class B1). Saved Policy 31 of the Local Plan sets out the proposed employment uses of this General Employment Area which include business, industry, storage and distribution.

10.2.2 The principle of a mixed-use (predominantly residential) building in this location has been accepted through the granting of outline planning permission in June 2015 and full planning permission in July 2016. Although the loss of office space within the General Employment Area would be contrary to Policy CS15, consideration must be given to the previous planning consents and the permission which allowed the conversion of the entire building to residential through the recently introduced prior approval process (application 4/01044/14/OPA). No objection was raised with regard to the loss of the office space in previous applications. In addition it is important to note that there is no longer any existing office use on the site. The building has been stripped ready for demolition. These factors would weigh in favour of the proposal.

10.2.3 On this basis, despite the loss of the former office floor space, the proposal would not conflict with the overriding objectives of Policy CS15 of the Core Strategy or saved Policy 31 of the Local Plan.

10.2.4 This part of the Two Waters General Employment Area is made up of a mix of land uses. Light industrial and storage and distribution uses occupy land on the western side of Whiteleaf Road (forming the Chancerygate Business Centre), whilst the eastern side of Whiteleaf Road, (where the application site is located), comprises office development, a former car showroom recently developed as an Aldi supermarket, and the Arriva bus depot. Based on the variety of uses in this part of the Two Waters General Employment Area, a mixed use building of the nature proposed would not conflict with surrounding uses, nor would it undermine the function of the Employment Area.

10.2.5 Additionally, the Two Waters General Employment Area has been considerably reduced in size as part of the Site Allocations process, of relevance is the removal of the adjacent Aldi supermarket site and the National Grid site to its western edge. Reference is made to Policy SA5 of the Site Allocations 2006-2031 Written Statement (Pre-submission September 2014). The redesignation of these two sites gives the application site a location at the edge of the centre, which weighs in favour of the proposal for a mixed use, predominantly residential development.

10.2.6 The main use within the development would be residential. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

10.2.7 The proposed residential development would be relatively isolated from existing and designated residential areas, with the nearest residential area located on the National Grid site to the west (not yet developed) and existing dwellings on London Road to the north-west of the application site. This is not considered to be problematic given the number of dwellings and the services that would be available to residents within the proposed building, including a gym, cafe, function room and roof terrace.

10.2.8 The proposal would strengthen the existing five-year supply of deliverable housing sites within the Borough, and would reduce pressure to develop on Green Belt sites by ensuring non Green-Belt sites such as this are developed efficiently.

10.2.9 The proposal is considered acceptable in principle and would comply with the relevant policies of the Dacorum Core Strategy. Furthermore as stated, permission for a similar, predominantly residential scheme has already been granted full planning permission in July 2016 and this is material consideration that should be afforded weight.

Density and Building Height

10.3 The area is identified as a gateway site to Hemel Hempstead in the Two Waters Masterplan Guidance where there is justification for a taller building. Planning permission has previously been granted for a 16-storey building 66.15m in height. This is a material consideration that should be afforded weight in the current application.

10.3.1 The current application seeks consent for a building up to 17 storeys in height comprising 305 flats. Whilst all matters are reserved, the indicative plans submitted demonstrate that 17 storeys can be achieved within a lower building (65.65m) than the 16 storey building previously approved (66.15m high). Similarly the increase to 305 flats (from the consented 272 flats) has been achieved through amendments to the mix / size of the units; the previously approved three bedroom flats have been reduced in size to smaller units and on the indicative plans now appear as one and two bed flats and studios. Similarly the indicative plans submitted show the same building envelope (width, depth and footprint) as the approved

scheme. As such, based on the indicative plans, the development would have a similar, if not slightly lower, visual impact compared to that approved and would not compromise skyline views across the nearby Boxmoor Trust land or surrounding Green Belt land. The LPA is therefore satisfied that a building up to 17 storeys in height comprising 305 flats would be acceptable in terms of density and building height. The exact design, height and appearance of the building would be agreed at reserved matters stage.

10.3.2 The proposal is considered to comply with Policies CS10, CS11 and CS12 of the Core Strategy 2013 and Saved Policies 21, and 111 of the Local plan

Impact on neighbouring properties and Amenity of future residents

10.4 The proposal would not have a significant adverse impact on neighbouring properties.

10.4.1 A Daylight / Sunlight assessment was submitted as part of the previous full application for a 16 storey building and has been resubmitted as part of the current application. Bearing in mind, the indicative plans illustrate a very similar building (height, width, depth and footprint) this assessment would remain pertinent to current considerations. The assessment demonstrates that the proposal would not have a significant adverse impact with respect to loss of light, or overshadowing. All surrounding properties including the nearest dwellings and offices would maintain a sufficient degree of outlook from main windows.

Access / Parking / Impact on Highway Safety

Access

10.5 Access is a reserved matter and not therefore for consideration at this time. However, previous permissions have been granted for similar sized buildings occupying the same site and incorporating an automated parking system (APS) and no objections were received from Herts County Council Highways to these. The LPA is therefore satisfied that a building up to 17 storeys in height on this site incorporating APS parking could be safely accessed. Previous permissions included the provision of off-site works (KEEP CLEAR markings), contributions to the upgrading of canal towpaths and pedestrian links and highway improvements (improvements to optimise the use of traffic lights). Provided these measures were secured by legal agreement the current proposal would be acceptable. Exact details would need to be agreed at reserved matters stage.

Parking

10.5.1 The Councils parking standards are set out in Appendix 5 of the Dacorum Borough Local Plan. In accordance with this, the maximum parking standards for the various components of the proposal are as follows;

- 1.25 spaces per one-bedroom dwelling
- 1.5 spaces per two-bedroom dwelling
- Retail - residents coffee shop; (Class A3) - 1 space per 30sqm
- Library / observatory (Class D1) - 1 space per 30sqm of freestanding (otherwise assessed on merits)
- Leisure - residents gym / function room; (Class D2) - where individual land use components are not known - 1 space per 15sqm

10.5.2 The Car parking standards SPD states that new development will generally be expected to accommodate all parking demand on site. However, significantly lower levels of parking provision may be acceptable where demand is likely to be less and a tendency for over spill on-street is, or can be controlled for example in high density housing in town centres, near

railway stations or housing over shops.

10.5.3 In addition paragraph 39 of the NPPF is relevant and states that if setting local parking standards for residential and non-residential development, local planning authorities should take into account;

- the accessibility of the development
- the type, mix and use of development
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

10.5.4 The proposal seeks consent for 305 flats and 323 parking spaces in an automated parking system (APS). This equates to 1 spaces per flat and 18 to serve all other uses / visitors.

Parking continues to be a significant concern of local residents and Members.

10.5.5 The use of an APS on this site has already been accepted. The consented scheme comprised 272 flats and 318 spaces in an APS arrangement, which equates to one space per flat and 46 to serve all other uses. As part of the approval, the legal agreement requires that each flat is sold with a parking space and the 46 surplus would be managed by the building management company who would sell/rent additional spaces to occupiers or make them available to visitors. In addition residents could rent their spaces to each other. The exact details of the parking management plan are to be agreed (via S106).

10.5.6 The current proposal sees a similar arrangement but with only 18 spaces available to the parking management company for rent / sale (a decrease of 28). Whilst this is obviously less favourable, on balance, given the previous approval, it is concluded that a refusal could not be sustained. Similar to the previous application there are a number of factors that must be considered. It is important to note that the gym/leisure/coffee uses proposed within the building are for residents only (secured by legal agreement) and as such would not generate significant additional parking demand. In addition to the residents parking, given the limited size and scale of residents facilities being proposed (based on the indicative plans) it is considered that only very limited parking would be required for staff / employees. The site is considered to be reasonably accessible, as it benefits from a position within the employment area, in very close proximity to an existing supermarket and in relatively close proximity to the town centre (950m) and the train station (1000m). Residents of the development would therefore have access to a range of services and facilities. In addition, whilst indicative at this stage, the 305 flats are small studio , one and two bedroom properties as opposed to larger family units. It would therefore be feasible that demand for parking could be less. Young professional couples who may not own a car could occupy the units, walk to the station, town etc.

10.5.7 On balance, subject to the imposition of appropriate conditions and S106 agreement, the parking provision and APS arrangements are considered acceptable and comply with Dacorum Borough Council's parking standards.

Impact on Highway Safety

10.5.8 It is clear with a development of this scale that there will be an increase in traffic on the local highway network and it is acknowledged that the site is situated at an already busy road junction (which is regularly congested in all directions, especially at weekends). However, detailed Traffic Assessments have been submitted in support of the proposals; which seeks consent for an additional 33 units compared to the 272 consented scheme. Herts County Council Highways have reviewed the submitted assessments and find the proposals

acceptable subject to the imposition of conditions, contributions towards the upgrade of the canal towpath and pedestrian links and the introduction of several highway improvements. Highway improvements were secured as part of the previous consent and included; KEEP CLEAR road markings to the front of Whiteleaf Road, refreshed GIVE WAY markings on Whiteleaf Road, to optimise the use of the exiting SCOOT (Split Cycle Offset Optimisation Technique) traffic light computer controlled system and to introduce MOVA (microprocessor Optimised Vehicle Actuation) software. With regard to the APS, this was accepted as part of the previous scheme, as it was demonstrated that the additional of several lay-by's etc at ground floor level and an extra queuing lane would provide appropriate on-site storage space to accommodate any queuing such that it would not over spill onto the public highway (whiteleaf road and beyond). Whilst access and layout etc are all reserved matters, the LPA and Herts County Council Highways are satisfied that provided the appropriate conditions, and S106 requirements are included, and the details are agreed at a later stage, the larger development could be accommodated on the site without significantly adversely affecting the safety or operation of the local highway network.

Affordable Housing and CIL

10.6 Paragraph 50 of the NPPF requires Local Planning Authorities to set policies to meet identified affordable housing need on site, unless off-site provision or a financial contribution broadly equivalent can be robustly justified.

10.6.1 As such, Policy CS19 of the Core Strategy requires that Affordable homes will be provided on sites in Hemel Hempstead for developments of 10 or more dwellings, policy sets out that 35% of new dwellings proposed should be affordable homes. Further detailed guidance is provided in the Affordable Housing Supplementary Planning Document.

10.6.2 The NPPF states that planning obligations should be set at a level which is flexible and which does not result in developments being stalled. It also makes it clear that it is a legitimate part of planning that developers and landowners should be able to achieve competitive returns in order to ensure viability, and ultimately deliverability. The councils Affordable Housing Supplementary Planning Document supports this stance and states that affordable housing must be provided 'unless it can be demonstrated that it is unviable to provide the specified level (35%) or there is no evidence of need in the area'. It goes on to state that 'in cases where the applicant considers that the site cannot viably support the Councils affordable housing policy requirements, the Council will require the applicant to submit a financial appraisal and supporting evidence at pre-application stage. This will enable the Council to assess at the earliest opportunity, the optimum affordable housing mix which is economically viable on the site'.

10.6.3 The proposal seeks consent for 305 flats and provides an affordable housing commuted sum offer of £1,750,000 (£1.75M). A financial assessment prepared by Bespoke Property Consultants (BPC) has been submitted in support of the application. A report prepared by Savills has also been included. This information is confidential but sets out the costs and considerations including Gross Development Value, construction costs, professional fees, profit, site purchase prices, alternative land values etc.

10.6.4 The LPA has had the submitted viability assessment independently reviewed. Based on the information submitted to date, the consultants undertaking the review concluded that 'insufficient information has been provided for the Council to form a detailed understanding of the schemes viability'. During the review the Council requested and were denied additional further information and as such the conclusions reached in the Consultants report were based on the available information and was supplemented by their own research.

The LPA is **not** satisfied that the financial contribution towards affordable housing set out in the appraisal and the assumptions therein are sound.

10.6.5 Policy CS35 requires all development to make appropriate contributions towards the infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The development would be CIL liable and given its position in Zone 3; Hemel Hempstead a charge of £100 per square metre is applicable to the residential elements of the proposal.

10.6.6 Whilst there is some dispute between the applicants and LPA with regard to the liable floor area, given this is a outline planning application with indicative floor areas only this is not a matter for consideration at this time. Based on the indicative floor plans submitted, the LPA calculated a greater chargeable floor area than the applicants. However even allowing for the larger figure within the viability the Consultants undertaking the review concluded there was still scope for a greater affordable housing delivery than currently offered.

10.6.7 In addition to an isolated assessment of the viability of the proposed scheme, given the assumptions relied upon in the submitted viability assessment it is also necessary to explore the viability / contributions secured in previous approvals.

10.6.8 The current proposal seeks to increase the number of units constructed (when compared to previously consented schemes) and the indicative plans submitted suggest this is to be achieved within the same building envelope, yet the financial contributions being offered (the table sets out Affordable Housing and CIL) have been significantly decreased. The viability assessment submitted fails to justify / explain these decreases. A summary of the applications approved to date and the total contributions secured is provided below;

	AFF HOUSING
208 flats	£3,285,000
272 flats	£2,074,213
305 flats	£1,750,000

10.6.7 The summary table shows that the total financial contributions (AH and CIL) have decreased by approx £1M. The submitted viability assessment fails to adequately account for this.

10.6.8 Finally the above reviews were undertaken on the basis of the scheme delivering a payment in lieu of affordable housing. This is inconsistent with the requirements of the Core Strategy which seek on-site provision. Off-site provision should only be considered where it can be demonstrated that Registered Providers would not be interested in on site delivery.

10.6.9 Whilst historically a commuted sum has been accepted as the applicants have been unable to secure the involvement of a Registered Social Landlord for the management and maintenance of affordable housing units on site, recent communications from the applicants suggest this is no longer the case. It now appears on-site provision may be feasible. On - site provision will require a new appraisal and this would impact viability.

10.6.10 The proposal is thus contrary to Policies CS35 and CS19 of the Core Strategy 2013 and Supplementary Planning Documents; Planning Obligations (April 2011) and Affordable Housing (Jan 2013).

Other Material Planning Considerations

10.7 Contamination / Air Quality/ Flood risk/ archaeology

Whilst an accurate assessment of most of these matters can not be undertaken until reserved matters stage, based on the previous permission for a similar sized building occupying the same site, subject to the imposition of appropriate conditions, and legal agreements the LPA is satisfied that all the above matters are acceptable or can be adequately mitigated. All statutory consultees have been consulted and no objections have been received. The proposal complies with all the relevant policies of the Core Strategy 2013.

12. RECOMMENDATION – It is recommended that Members confirm that they would have refused the application if they were in a position to determine the application for the following reasons:

The proposed development fails to meet the requirements of Policy CS19 of the Core Strategy 2013; Affordable Housing and SPD Affordable Housing in that the scheme would not provide policy compliant affordable housing.

Insufficient information has been submitted for the LPA to form a detailed understanding of the schemes viability. The viability assessment submitted does not provide the necessary information or justification for the assumptions adopted and the values/ calculations relied upon. It has not therefore been adequately demonstrated that it would not be viable to meet policy requirements. A Section 106 agreement has not therefore been agreed to secure provision