4/03042/15/MOA - OUTLINE APPLICATION OF A RESIDENTIAL SCHEME OF UP TO 50 ONE BEDROOM FLATS WITH PARKING (REVISED SCHEME).
LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD.
APPLICANT: MR NEVILLE SPIERS.

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. As such the Environment Agency have removed their objection to the scheme following additional information and changes to the revised scheme subject to the imposition of conditions. Furthermore, the scheme has been revised to satisfactorily address distances between buildings to maintain sufficient privacy and spacing. The design of the scheme has also been revised to address the relationship of the built form adjacent to the listed buildings along London Road. As such, it is considered that the revised scheme overcomes the previous reasons for refusal and can now be supported.

Site Description

The application site comprises a long strip of land extending from the London Road to the canal, adjacent to Home Base and the Apsley Paper Mill Pub. The site lies adjacent to a Grade II listed building and is located within Flood Risk Zones 1, 2 and 3 and contains culverts which have been filled in. The site formerly contained large warehouse buildings forming part of the John Dickinson Site and has remained undeveloped for some time.

Proposal

The application seeks planning permission for outline planning permission for 50 one bedroom residential units together with 54 parking spaces and landscaping. The development comprises three separate blocks extending to a height of 4 storeys and 3 storeys fronting onto the London Road. The proposal is to be served with access off an existing vehicular access running alongside the Paper Mill Public House. The proposal is for outline permission with all matters reserved except access.

Referral to Committee

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

Planning History

4/03584/14/MOA	OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS. Refused 10/06/2015

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
NPPG

Adopted Core Strategy

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

Saved Policies of the Dacorum Borough Local Plan

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

Supplementary Planning Guidance / Documents

Affordable Housing (Jan 2013)

Summary of Representations

Conservation officers comments following revision to the scheme

No objection – subject to conditions/reserved matters

With the amended drawings the gable element to the building proposed to front onto London Road has been narrowed, changing the ratio of this element with the compared to. That said it is noted that the gable element has increased in its overall height, compared to the previous incarnation of this scheme although this slight increase in height is however not believed to unduly impact on the setting of the Cottage give the distance between the two. As for the change in the proportions of the two parts to the London Road building this is a welcomed alteration that visually strengthens the distinction between the two elements, which previously had been less clear due to the two parts being of equal width/size, which had resulted in the gable feature appearing quite squat and heavy. The revision present a more slender gable that overall has a more vertical form to it. However, the introduction of

the projecting eave line to the gable element are less welcomed and are considered not to fit in the architectural form of the proposed building.

It is believed that whilst the narrowing of the gable element to be an improvement to the appearance of this building this this completely undone by the revisions that have been made to the form and arrangement of the windows, notably :

- The top hung casement form of the windows with the lower quarter of fixed glazing. This is a very untraditional form of window in this context
- The pairs of single casements placed very close together with a thin sliver of walling between for no apparent reason.

It is however believed that the a more appropriate window form and arrangement of openings can be achieved relatively easily especially if the pairs of window were replaced with a single window of the same width as those to the Juliet balconies (need to ensure they are of sufficient height so not to appear square as the elongated windows adds a welcome verticality to the building) with the windows/Juliet balconies being equally spaced. Therefore given that aside from this issue (front elevation windows of London Road block) the rest of the scheme is considered to be acceptable it is believed that this last issue can be dealt by means of a reserved matters condition to iron out the finer details of the form of the London Road elevation.

Suggested Conditions

- Full details of all external materials and surface treatments to buildings,
- Hard & soft landscaping details
- Boundary treatment details

Conservation and Design

Significance

The cleared site is an inclined rectilinear parcel of land, fronting onto London Road that slops north-eastwards down to the Grand Union Canal was formerly part of the Dickenson' paper mills complex that once occupied much of the land in Apsley on either side of the canal. The London Road frontage of the site is bonded on its northern side by Homebase, a larger modern retail warehouse building, whilst to the south lies Stephensons Cottage, the former boardroom building for Dickenson that is now a grade II listed building. Whilst adjacent the southern side of the site where it abuts the canal is unlisted 19th century warehouse building (John Dickenson Enterprise Centre) presently used as a business centre.

Key Issues

Considered to be two-fold:

1. The design and relationship of the proposed development on the setting of heritage assets both designated, namely the Cottage, being a listed building and non-designated ones such as and the Grand Union Canal
2. How well the development integrates in to the streetscape.

Relevant Policies

Policy CS27 of the Core Strategy requires that development will favour the conservation of heritage assets with the integrity, setting and distinctiveness of designated heritage assets protected, conserved and if appropriate enhanced.

Policy CS12 (Quality of Site Design) of the Core Strategy requires new development avoids visual intrusion and is integrated into the streetscape character.

Recommendation

Objection on the grounds that the proposed scheme fails to adequately address the setting of the adjacent listed building and is not believed to positively contribute to the streetscape character, in accordance with policies CS12 and CS27 of the adopted Core Strategy.

That said it is believed that would some moderate redesign to the design of the building fronting London Road that these issues can be adequately addressed.

Comments

It is noted that an earlier incarnation of this scheme under 4/03584/14/MOA was refused earlier this year at Committee on the grounds that the scheme failed to adequately address the flood risk and impact on the site, demonstrate an acceptable degree of privacy could be achieved for the development's residents and on the grounds that the scheme failed to demonstrate an acceptable relationship with the adjacent listed building.

This resulting amended scheme is understood to address those original reasons for refusal and has had the benefit of some limited input from myself with respect to the design of the residential block fronting London Road.

Firstly and clearly contrary to the comments of the previous Conservation Officer it is believed that whilst a new and taller building built directly adjacent to the Grade II listed Stephenson's Cottage would clearly have an impact on the setting of this listed building however that said this is not in cases necessarily considered to be harmful to the setting of the listed building if the new development is of an appropriate design, massing and finish as it can act as a positive foil against the form, massing of the listed building. Here it is believed is a case given until relatively recently a now listed building had always been surrounded by other buildings, some of which had been substantially taller. In this case historic photographs and records show that a gable building, near twice the overall height of the Cottage had fronted onto the London Road. As such it is believed were an appropriated sized gable ended building to be built adjacent to the Cottage that whilst being taller it could create a positive back-drop to highlight this building but also at the same time make a positive contribution to the streetscene of this part of London Road. To this end whilst it was clear from the original application that the applicant sought to achieve something along those lines although in that case for a number of reasons that particular design was not thought to work be successful, partly because of the number and design of the openings the lack of prominence of the gable feature.

As such the applicant was given advice on what was considered to be wrong the London Road frontage building and the changes that could be made to the design.

Although it is clear the revised design for the building fronting London Road has incorporated a number of the suggested changes it is believed the resulting design does not address adequately the original reason for refusal in terms of impacting on the setting of the listed building and the streetscene. It is believed this is in part due to the proportions of this building in terms of the two components being of an equal width. A for the gabled element of the building, this relatively broad compared to its height and as such leads to a shallow pitched roof to it and as a result of the positioning and form of the windows, makes this gabled feature appear somewhat squat in appearance.

The design of the residential block would it is believed benefit from this gable element of the building being made a stronger and more pronounced feature. To this end, were the gable element narrowed the roof would become steeper with a higher overall ridge line. However it is believed that as with the former industrial building on this site the eaves of the new building should roughly correspond with the ridge height of the Cottage.

With respect to the form and position of the windows especially to the gabled portion of the building having large windows set on the outer edge of this feature with smaller windows positioned towards the centre is considered to be major factor contributing to the unsettling visual appearance of the building, with a relatively large expanse of unbroken walling down the centre portion of the gable . As such consideration should be given to the re-ordering the windows, with the suggestion being perhaps for the windows to be of a uniform size and spacing or alternatively placing the large window either side of the centre line to the gable, with the smaller windows flanking.

Presently the given the other half of the frontage to London Road, which has a pitched roof to it, is of an equal width to the gable element and is considered to compete with the gable even though it is set back slightly. The suggestion here is to:

- Change the roof form to (two) gables
- Either through the application of a step back mid-way along the pitched roof portion of the building or by means of architectural treatment. The mid-point expected to coincide with the valley between the gable roofs
- Alter the windows to similarly correlate with the window arrangement to the gable section or alternatively instead of the present mirrored arrangement to have the same arrangement for each half i.e. a large window flanked a smaller one.

As such in summary it is believed that whilst the revised scheme is a positive move towards adequately addressing the setting of the adjacent listed building and or particularly sits well in the streetscene. That said it is believed that the suggested changes to the design of the building fronting London Road would result in a scheme that addresses those concerns.

Hertfordshire Highways - Comments on previous scheme

A colleague has reviewed this outline application and they have come back to me with

the following requests for further information and clarification. As you will see there are four points that require justification but I do not see any of them being show stoppers but none the less they do need to be answered.

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

Further comments

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

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

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

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

Environment Agency

The outputs from the hydrodynamic flood modelling that support the development have now been accepted as providing an adequate assessment of flood risk across the development site. However, please be aware that we have only reviewed the outputs and have not re-run the model in its entirety and are therefore reliant on the accuracy and completeness of the reports in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

Please ensure the following conditions are included on any planning permission granted. Without these conditions the proposed development presents an unacceptable risk to the environment.

Condition 1

Prior to the commencement of the development a scheme for the management of a minimum eight metre buffer zone alongside the deculverted River Gade shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- details of the deculverted river banks;
- details of the native species planting scheme;
- details demonstrating how the watercourse and associated buffer zone will be managed and maintained over the longer term to enhance the ecological value.

Reason To enhance the habitat value of the River Gade in line with the National Planning Policy Framework and the Thames River Basin Management Plan.

Condition 2 The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (Waterco, Ref: w1448-22-140219-FRA, February 2014) and the following mitigation measures outlined within:
- Confirmation finished floor levels are set no lower than 76.4 metres above Ordnance Datum (AOD) as indicated in Section 11.1.

Information should also be provided to:
- Show an open channel watercourse that meets the flood risk requirements and maximises the environmental characteristics.
- Demonstrate that protection and maintenance of the existing flood defence canal boundary wall will be provided.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To ensure the structural integrity of existing flood defences and reduce the risk of flooding to the proposed development and future occupants in line with the National Planning Policy Framework and Planning Practice Guidance.

Informative Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the culverted River Gade, designated a ‘main river’.

Strategic Planning

Please refer to our previous comments to the recently refused application under 4/3584/14/MOA as these remain relevant in terms of providing a policy background. This revised application seeks to address issues arising from the earlier application. We understand this scheme is subject to an appeal.

We note that the principle of the development has not fundamentally changed in terms of capacity, design and layout. We welcome the reduction in units from 60 to 50 flats, but this remains a very high density scheme at c.150 dwellings/ph on a tight and elongate site (of 0.326 ha), in close proximity to retail warehouse buildings.

It is important that a high quality scheme is delivered with sufficient spacing, amenities, levels of privacy between blocks and parking (Policy CS12). We remain concerned over the quantum of development which exceeds the indicative capacity of 35 units identified for the site in the associated allocation in the Site Allocations DPD. However, we do recognise that separation distances have marginally improved (DBLP Appendix

3), courtyard space has slightly increased (DBLP Appendix 3), and parking would be delivered to standard at 1.25 spaces per unit (DBLP Appendix 5). These points are generally welcomed. You will need to assess whether such changes address previous concerns over the form of the development.

Our preference would still be for more of a mix of size of units rather than these all being solely 1 bed properties (Policy CS 18). We do acknowledge that this was not identified as a reason for refusal. The views of the Strategic Housing team should be sought over this mix of units. However, we note that these would all be for affordable homes which is welcomed over the previous position although, given the Council now owns the site, it would be in accordance with the general aims of bringing forward the site under our New Homes programme.

The views of the Design and Conservation team should be sought over the impact of the proposal on the nearby listed building (Policy CS27/DBLP Policy 119) given previous concerns over the scale, bulk and height of the buildings

Original comments from Strategic Planning

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

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

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

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

We have previously raised concerns over the higher density of development proposed and these issues are well documented in the earlier comments we have made to you. We continue to raise this issue given the indicative bulk and height of buildings (4/5 storeys with basement parking), the extent of development across the site, the limited availability of amenity space/landscaping, and the proximity of buildings to the nearby retail warehouses. You will need to assess whether these factors provide for a satisfactory residential environment for the new residents and quality of site design

(Policy CS12).

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

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

Thames Water

Waste Comments
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

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

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to

contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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

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

Surface Water proposed connection to the sewer which is not operated or maintained by Thames Water. It is the responsibility of a developer to make proper provision for drainage to this sewer.

Network Rail

The proposal is not directly adjacent to the operational railway but is in the area of Apsley Railway Station. So very briefly, the development works on site and as a permanent arrangement should not block access to or egress from the station. Also if the developer is proposing any percussive piling as part of the scheme then a risk assessment and method statement (RAMS) should be submitted to the Network Rail Asset Protection team for review. Piling impacts are not just based upon distance but also on the soil type in the area.

Canal & River Trust

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;

- To protect and conserve objects and buildings of heritage interest;

- To further the conservation, protection and improvement of the natural environment of inland waterways; and

- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development, **subject to** the imposition of a suitably worded **condition** relating to further details on landscaping and boundary treatment.

Design and layout

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

We would therefore request that at reserved matters stage a lower wall, or combination of wall and railings is provided to replace the existing boundary wall, allowing views into and out of the site.

However, the lock landing adjacent to the site should remain inaccessible to occupiers to prevent the lock gates being used as a shortcut from the site onto the towpath. The Trust do not encourage lock gates crossings to be used by the general public for safety reasons and these are only provided to allow operation of the lock gates by boaters.

We would expect materials and design to reflect both the waterside location and historic buildings adjacent. We note that the proposal appears to take the form of traditional canalside warehouses but with modern balconies. We would welcome the opportunity to comment again once more detailed drawings are available.

Structural stability

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

Drainage

No information is provided at outline stage. If Surface water discharge is to be directed into the Grand Union Canal further discussions should take place with the Canal & River Trust and will be subject to a commercial agreement.

Accessibility

The site is located adjacent to the Grand Union Canal, with the nearest towpath access point approximately 100 metres away. The canal towpath provides a sustainable transport link between the site and other facilities within the town as well as proving a

quiet and safe off road walking and cycling route for recreational purposes. The towpath is a recognised Sustrans cycle route and the submitted travel plan recognises the benefits of using the towpath to access local facilities such as schools.

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

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

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

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

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

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

We may request that the council contact us to discuss the possibility of the proposal makes a contribution towards the upgrading of the Grand Union Canal Towpath as it runs through Hemel Hempstead.

Condition

No development shall take place until a landscaping and boundary treatments scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hard surfaced areas. Any such planting which within a period of 5 years of implementation of the landscaping die, removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. Details of any boundary walling or fencing shall also be provided. The approved scheme shall be fully implemented prior to the first occupation

of the dwelling. No trees shall be planted within 5 metres of the waterway.

Reason: To comply with paragraph 58 of the National Planning Policy Framework to improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of an area. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting. Landscaping affects how the waterway is perceived and any trees within 5 metres of the waterway may have the potential to impact on the structural integrity of the waterway structure.

Informative

The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

"The applicant/developer is advised to contact Osi Ivowi, Waterway Engineer on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trusts "Code of Practice for Works affecting the Canal & River" Trust.

Environmental Health

The high density of residential units gives rise for the potential of high internal noise levels. Environmental Health team advises that any permission which the Planning Authority may give shall include the conditions below:

Recommended condition

The internal noise insulation between units shall be 55dB and a residential internal noise level of 35dB for restful sleeping and resting in accordance with BS 8233.

Reason:

To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with the Policies and procedures of Dacorum Borough Council.

Ecology Officer

We do not have any known biological (habitats or species) records for the application site.
We have no reason to disagree with the findings of the Ecological Survey carried out by Phillip Irving, dated June 2014. We do not consider further ecological surveys to be required. Therefore, the application can be determined accordingly.
The following Informatives should be added to any permission granted:
"Demolition of the buildings should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk "
"Site clearance should be undertaken outside the bird nesting season, typically March to September inclusive), to protect breeding birds, their nests, eggs and young. If this

is not possible then a search of the area should be made by a suitably experienced ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished." “If any lighting of the development is required, this should be directed away from the adjacent watercourse to eliminate any potential disturbance to species using this feature (such as foraging and commuting bats)”.

Contaminated Land Officer

Awaiting comments

Belswains Residents Association (BLRA)

On behalf of the Belswains Residents Association (BLRA) I write to strongly object to this planning application for the following reasons;

a) Noise impact for the residents of the properties close to the canal
b) The likelihood that the proposed properties will overlook the existing properties on the other side of the canal
c) The likelihood that there will be a detrimental impact to the parking problems already prevalent on the BLRA development.

Refuse Department

Are the waste storage areas only accessible inside the lower ground car park because it looks as though our vehicles will be too large to get in there.

Crime Prevention Officer

a) Lower ground floor parking area: This is shown as open to casual intrusion, and if remains so will become a hot spot area for crime. Vehicles will be broken into, and the stairs and lifts used to gain access to the floor above where flats will also broken into. Therefore at the present time I formally object to this application. If the area were to be secured with access control and access control to the flats above I would be happy to review my comments.

b) I note that there is an area where it is unclear what any boundary / enclosure treatment is on the Lower Ground Floor Plan 0634_PL_031, in the area which says ‘No Build Culvert Zone”. This area is parking bays 46 to 51. This appears as an open area. If it is a no build area then it could still be secured with Weldmesh fencing panels, to help secure the parking area?

c) There is an open stairway between the ground floor amenity area (between the blocks of flats), and the lower ground floor parking area, which if left would provide open access to the lower ground floor parking area. If this is a fire exit it must be secured with a suitable fire exit door at ground level which cannot be opened from the outside.

Secured by Design part 2 physical security: To alleviate any concerns regarding security for the proposed development, I would look for the development to be built the physical security of Secured by Design part 2, which is the police approved minimum security standard. This would involve:

All exterior doors to have been tested to BS PAS 24:2012, or STS 201 issue 4:2012, or STS 202 BR2, or LPS 1175 SR 2, or LPS 2081 SR B.
All individual flat front entrance doors to BS Pas 24:2012 (internal specification).
Ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows next to doors to include laminated glass as one of the panes of glass.
Access control standard for flats is: 4 to 10, audible – more than 10 flats audible and visual access control at the pedestrian entrances to the block. Such access control NOT having a Tradesman's Button fitted as this assists offenders to gain entry during the day to break into the flats.
These standards are entry level security and meet the Secured by Design part 2 physical security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

- 17 – re high quality design
- 58 – re function for the lifetime of the development as well as designing against crime and fear of crime.
- 69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion & Dacorum Core Strategy policies:
- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

Minerals and Waste Comments

I am writing in response to the above planning application insofar as it raises issues in connection with waste matters. Should the district council be mindful of permitting this application, a number of detailed matters should be given careful consideration. Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape.

This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:
Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;
Policy 2: Waste Prevention and Reduction: &
Policy 12: Sustainable Design, Construction and Demolition.
In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.
Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at: http://www.smartwaste.co.uk/ or http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html
It is encouraging to see in the Sustainability Statement that a Site Waste Management Plan will be provided to reduce waste arisings. SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the borough council.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

12 Frances House, London Road

I live opposite the proposed site. Firstly the traffic is terrible at most times as it is, without another 70+ cars in the area. The doctors/hospitals in the area struggle to deal with the amount of people in the area without another 100+. This will not only have an impact on the traffic and medical services but also schools and the general look of the area, not to mention adding pollution and noise.

9 Fairway

Unfortunately, I feel Apsley does not have the infrastructure to be able to support this. The area is already over congested, the trains only stop at Apsley station every half hour so that will place extra burden on already crowded trains. The London road is always congested at the weekends, it's poorly laid out, so i think the extra flats will bring everything to a standstill.

19 Chipper field Road

Insufficient infrastructure - roads are already too congested.

Considerations

Reserved Matters

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

Policy and Principle

Land Use

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

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

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

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

Affordable Housing

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

A minimum of 75% of the affordable housing units provided should be for rent. Judgements about the level, mix and tenure of affordable homes will have regard to:

(a) the Council's Housing Strategy, identified housing need and other relevant evidence (see Policy CS18); (b) the potential to enlarge the site; (c) the overall viability of the scheme and any abnormal costs; and (d) arrangements to ensure that the benefit of all affordable housing units passes from the initial occupiers of the property to successive occupiers.

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

Density and Layout and mix

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

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

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

The scheme for only one bedroom units is not strictly contrary to planning policy as the Strategic Housing Market Assessments identifies a requirement for smaller properties. However, policy CS18 seeks a mix of bedroom sizes across developments. The proposal fails to provide a mix across the development. The agent has indicated that

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

Although it is disappointing that a mix of unit sizes/types is not provided with the development bearing in mind the clear identified need for small units of accommodation and the points raised by the agent above it is considered that grounds for refusal relating to the mix of units would be difficult to sustain.

Design and Impact to Historic Assets

The site lies adjacent to a Grade II listed building and as such specific consideration is given to how the development impacts on its setting. Whilst the plans are indicative, and alterations can be made at reserved matters stage, it is required to ensure that the scheme for 50 units can be delivered and as such particular consideration needs to be given to the bulk, scale and mass of the development. This amended scheme is now considered by the current conversation officer to be acceptable having regard to its setting and streetscape.

The first scheme was refused as concern was raised that the building along the London Road failed to achieve a good relationship to the adjacent listed building. Since then, the scheme has been amended, albeit the warehouse style building along the frontage has been retained but further changes allows greater spacing between the building and the listed building and the overall bulk of the gable nearest the listed building has been reduced. The new conservation officer considering this application has taken a different view from the previous officer and feels that a large building along the frontage, having regard to the historic past of the site, can sit comfortably with the streetscene and the adjacent listed building. In more detail, the conservation officer has indicated that whilst a new and taller building built directly adjacent to the Grade II listed Stephenson's Cottage would clearly have an impact on the setting of this listed building, however, that said this is not in this case necessarily considered to be harmful to the setting of the listed building if the new development is of an appropriate design, massing and finish as it can act as a positive foil against the form, massing of the listed building. Here it is believed is a case given until relatively recently a now listed building had always been surrounded by other buildings, some of which had been substantially taller. In this case historic photographs and records show that a gable building, near twice the overall height of the Cottage had fronted onto the London Road. As such it is believed were an appropriate sized gable ended building to be built adjacent to the Cottage that whilst being taller it could create a positive back-drop to highlight this building but also at the same time make a positive contribution to the streetscene of this part of London Road. To this end whilst it was clear from the original application that the applicant sought to achieve something along those lines although in that case for a number of reasons that particular design was not thought to work, partly because of the number and design of the openings the lack of prominence of the gable feature. As such the applicant was given advice on what was considered to be the failings of the London Road frontage building and the changes that could be made to the design.

Amended plans were submitted which reduced the overall bulk and massing of the gable nearest the listed building, and whilst some alterations are still proposed to the window details, the conservation officer is generally satisfied that the relationships of buildings are acceptable. Full details of the design have been requested as reserved matters. The proposed layout is considered acceptable in design terms and the scale and height of the two buildings within the site are considered acceptable.

Quality of Accommodation

Whilst the proposal is for outline permission with layout, design, scale to be considered at reserved matters stage, it is important to consider whether the density proposed is capable of complying with adopted policies to ensure sufficient privacy and good quality accommodation can be achieved. Indicative plans have been submitted and these have been assessed. Policy CS12 of the adopted Core Strategy states that "On each site development should: a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space".

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

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

It is noted that the original scheme was refused as it was considered that the outline plans fails to adequately demonstrate that the buildings would achieve adequate distances between windows to ensure privacy for future occupiers. The scheme has since been amended and has managed to achieve 23m between the buildings themselves, however the distances between the edges of balconies are still falling below this distance. However, it is considered at reserved matters stage, details can be provided to carefully design the balconies to achieve adequate privacy for the occupiers of the units.

As such, it is now considered that the outline scheme has demonstrated that adequate amenities for the future occupiers can be achieved and the scheme accords with policy CS12 of the adopted Core Strategy.

Parking and Highway Implications

Provision is made for 54 car parking spaces in an under croft car park with access through from the vehicular access off London Road. The provision of 54 car parking spaces serving 50 one bedroom units equates to a ratio of just over 1:1 spaces. Appendix 5 of the local plan sets out a maximum car parking standard of 1.25 spaces for a one bedroom unit and as such the amount of car parking proposed is considered slightly under the maximums set out in appendix 5 of the local plan. Having regard to the location of the site, together with the proposal for all one bedroom affordable units, it is considered that 1 space per unit would be acceptable provision of parking. However it is acknowledged that there are wider concerns over parking provision within the immediate area, it is considered that the LPA would not substantiate an argument for refusal based on inadequate parking provision.

Access is proposed via the existing vehicular access running alongside the Apsley Paper Mill Pub and notice has been served to Fullers (owners of the pub). Hertfordshire Highways have been consulted on the proposal however their comments on the revised scheme are still outstanding. However, it is noted that the scheme does not materially change from the earlier application which Hertfordshire Highways raised no objection to. Further details of the layout and access are required at reserved matters stage.

Flood Risk and De-culverting

The Environment Agency identified the site as being located within Flood Risk Areas 2 and 3 and as such a Flood Risk Assessment has been submitted with the scheme. It is noted that the earlier development was refused due to an objection from the Environment Agency. Since this time, the developers have produced amendments to the scheme and updated technical information which has satisfied the concerns of the Environment Agency subject to the imposition of conditions.

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

Both elements of the test will have to be passed for development to be allocated or permitted. Paragraph 103 of the NPPF goes on to say that "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment20 following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes

where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems

A summary of the submitted FRA sets out:

- The proposed residential development is located in Flood Zones 1, 2 and 3 as identified on the Environment Agency Flood map.
- The proposed development is considered 'more vulnerable' in accordance with NPPF.
- The principal source of potential flooding at this site is fluvial flooding from the GUC, River Gade and River Bulbourne. Hydraulic modelling undertaken by Waterco shows that the site is flood free during all events up to and including the 1% AEP + CCA event.
- Approximately 25% of the site is shown to be at flood risk during the extreme 0.1% AEP event, with flood depths ranging between 0.1m and 0.45m. The maximum water level during this event is 76.4m AOD.
- A residual risk arises during a breach event of the GUC embankment and masonry wall.
- Approximately 35% of the site is shown to be at flood risk during a breach of these structures, with flood depths ranging between 0.1m and 0.85m.
- The effect of deculverting a canal overspill structure which crosses through the north-eastern extent of the site has been investigated. The results show that opening the culvert causes flooding to the site and to neighbouring properties. Deculverting is therefore not recommended.
- A safe access/egress route is available via the site access off London Road. London Road and the western extent of the site are shown to be flood free during all events up to and including the 0.1% AEP event and during a breach of the GUC embankment and masonry wall.

Following additional amendments, the EA no longer object to the development and the application can be recommended for approval subject to the imposition of conditions.

Impact on surrounding properties

The site abuts the boundary with Home Base and its service yard and consideration is therefore given to ensuring that the proposal for residential units in close proximity to an existing retail use would not give rise to an unsatisfactory relationship. The indicate plans show that no habitable windows would face onto the yard and a noise survey has been submitted. In principle the outline scheme has demonstrated that the orientation and layout of the development can achieve satisfactory relationship to the adjacent noisy. Environmental Health has raised no objection in principle however have requested a specific condition seeking measures to demonstrate how the development can achieve adequate noise insulation.

Concern has been raised by the local residents association that the new development would give rise to overlooking to properties across the canal and result in additional noise and nuisance for these properties. The windows/balconies of the proposed development would be located sufficient distance across the other side of the canal to ensure privacy is maintained to properties along Mulready Walk. The properties along Mulready Walk are in excess of 23m away and indeed the frontages are currently within open view to the canal and the pub, wherein it is not considered that the development would result in significant loss of privacy over and above the existing

situation. In terms of noise, again, it is not considered that issues would arise in terms of noise to other residential properties considering the existing relationship between dwellings and public space, together with the intervening distances between the proposal and existing residential units.

Impact on Trees and Landscaping

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

Sustainability

Full details of how the scheme will accord with policy CS29 of the Core Strategy have been requested by condition.

Secure by Design

A number of objectives have been set out by the secure by design officer and should outline planning permission be granted for this scheme, it would be recommended that these objectives are submitted at detailed planning stage. A condition has been imposed requiring how the development will integrate methods to reduce crime.

Refuse

Storage for bins are contained within the lower ground car parking area and concern has been raised from the refuse team over accessibility to these areas. Sufficient space is provided between the stores in the underground area to allow access and specific details at reserved matters stage will be required to ensure that adequate head height is provided to ensure that collection can be achieved.

S106

The application is for 50 affordable housing units and as such this will need to be secured through a S106 agreement. Hertfordshire Highways are yet to submit revised comments and as such if any additional contributions are required towards Highways, this will be updated in the addendum report in advance of the committee meeting.

RECOMMENDATIONS

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

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

100% affordable housing provision and tenure

Suggested conditions

1 **Approval of the details of the appearance, landscaping, layout and scale of the development (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 **The details of appearance and layout to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **internal access roads, car parking, servicing and turning areas;**
- **details of bin storage provision including recycling facilities;**
- **details of secure cycle storage;**
- **provision of functional amenity space to serve the dwellings;**
- **physical infrastructure associated with any renewable energy measures;**
- **Physical infrastructure associated with any sustainable urban drainage scheme.**

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

Reason: To ensure a satisfactory appearance and functioning of the development in accordance with saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS11, CS12, CS26 and CS29 of the Dacorum Core Strategy September 2013 and saved Policy 18 of the Dacorum Borough Local Plan 1991-2011.

5 **The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and roof levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.**

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

6 **The details of landscaping to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **external lighting;**
- **minor artefacts and structures (e.g. furniture, storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines), indicating lines, manholes, supports etc;**
- **arrangements for the long term management and mantenance of the on-site (private) open spaces, tree planting, play area(s), equipment, etc.**
- **programme of implementation**

The approved landscape works shall be carried out in accordance with the agreed programme of implementation. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

7 **No development shall take place until samples of the materials for that phase to be used for the external surfaces of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in

accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

8 **No development shall take place until an online Sustainability Statement and an Energy Statement shall have been submitted to and approved in writing by the local planning authority. The statements shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

9 **Notwithstanding any details submitted with the application, no development shall take place within an agreed Phase (under Condition 16) until an assessment of the nature and extent of contamination within that phase has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:
(a) human health;
(b) property (existing or proposed) including buildings, crops, livestock,
pets, woodland and service lines and pipes;
(c) adjoining land;
(d) groundwater and surface waters;
(e) ecological systems;
(f) archeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'.*

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters (including Principal Aquifer within Source Protection Zone 1), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

10 **Unless not required as a result of the contamination assessment referred to in Condition 9 to this permission, no development shall take**

place until a detailed remediation scheme for that phase to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall also include 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 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters (including Principal Aquifer within Source Protection Zone 1), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

11 **Within 6 months of the completion of measures identified in the approved remediation scheme for an agreed Phase (under Condition 16), a validation report for that phase (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval. 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters (including Principal Aquifer within Source Protection Zone 1), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

12 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted**

on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 12, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 13. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 14.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters (including Principal Aquifer within Source Protection Zone 1), property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

13 **No development shall take place until details of the disposal of surface water from the new access and parking areas for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The access shall not be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users in accordance with saved Policy 51 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

14 **No part of the development shall be occupied until the site access points, car parking and turning areas approved under Condition (1) above relating to that phase shall have been constructed and completed to finished surface level. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate access and parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing and proposed residences in accordance with saved Policy 51 and 58 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

15 **No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works)**

has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure in accordance with Policy CS31 of the Dacorum Core Strategy. Piling has the potential to impact on local underground sewerage utility infrastructure.

Informative

The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement

16 **No development shall take place until details of measures to be incorporated into the design of the development to ensure a secure development and minimise opportunities for crime shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the measures approved and shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure a secure and safe form of development for the residents in accordance with Best Practice and Secured by Design principles and Policy CS12 of the Dacorum Core Strategy (September 2013).

17 **No development shall take place until details of a measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

18 **Prior to the commencement of the development a scheme for the management of a minimum eight metre buffer zone alongside the deculverted River Gade shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:**
details of the deculverted river banks;
details of the native species planting scheme;
details demonstrating how the watercourse and associated buffer zone will be managed and maintained over the longer term to enhance the ecological value.

Reason To enhance the habitat value of the River Gade in line with the National Planning Policy Framework and the Thames River Basin Management Plan.

19 **The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (Waterco, Ref: w1448-22-140219-FRA, February 2014) and the following mitigation measures outlined within:**

Confirmation finished floor levels are set no lower than 76.4 metres above Ordnance Datum (AOD) as indicated in Section 11.1.

Information should also be provided to:
Show an open channel watercourse that meets the flood risk requirements and maximises the environmental characteristics.
Demonstrate that protection and maintenance of the existing flood defence canal boundary wall will be provided.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To ensure the structural integrity of existing flood defences and reduce the risk of flooding to the proposed development and future occupants in line with the National Planning Policy Framework and Planning Practice Guidance.

Informative

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the culverted River Gade, designated a 'main river'.

20 **Prior to the commencement of development, details of measures to ensure that the internal noise insulation between units shall be 55dB and a residential internal noise level of 35dB for restful sleeping and resting in accordance with BS 8233 shall be submitted and approved in writing by the LPA. These approved measures shall be integrated into the scheme thereafter**.

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with policy CS12 of the Dacorum Core Strategy.

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

0634_PL_031 Rev P8

0634_PL_032 Rev P7
0634_PL_033 Rev P4
0634_PL_040 Rev P5

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

Informative

Thames Water

Waste Comments
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

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

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to

discuss the details of the piling method statement.

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

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

Surface Water proposed connection to the sewer which is not operated or maintained by Thames Water. It is the responsibility of a developer to make proper provision for drainage to this sewer.

Informative 2

The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

"The applicant/developer is advised to contact Osi Ivowi, Waterway Engineer on 01908 302 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trusts "Code of Practice for Works affecting the Canal & River" Trust.