

ITEM NUMBER: 5a

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| 21/03549/MFA | Demolition of existing building and construction of new building to accommodate 28 residential units. | |
| Site Address: | 1A Frogmore Road Industrial Estate, Frogmore Road, Hemel Hempstead, Hertfordshire, HP3 9RW | |
| Applicant/Agent: | Mr Hobbs | Ms Emma Adams |
| Case Officer: | Colin Lecart | |
| Parish/Ward: | | Apsley And Corner Hall |
| Referral to Committee: | Application called in by ward councillor | |

1. RECOMMENDATION

1.1 That planning permission be DELEGATED with a view to APPROVAL subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and inter alia, securing a mitigation package to avoid any further significant effects on the Chiltern Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

1.2 In addition to this, the recommendation is that planning permission be DELEGATED with a view to APPROVAL subject to Section 106 negotiations and the relevant agreement being signed for financial contributions for Canal Towpath maintenance, upgrade works to Durrants Hill Road Park, and offsite affordable housing provision, as well as satisfactory drainage comments being received with any associated conditions tied to this.

2. SUMMARY

2.1 The proposal would provide 28 residential units on a site allocated for housing which would be of a high quality design, representing an improvement upon the existing building and form a positive contribution to the character and appearance of the area, the canal side environment

2.2 Some loss of light to the windows on the Apsley Quay Development would occur. However, the submitted sunlight/daylight assessment reveals that these impacts largely occur due to the design and layout of the existing development itself, with the overhanging balconies, positioning tight to the site boundary, and long rooms greater than 5m in depth served by 1 window. It is considered that due to this, a flexible approach on this allocated site should be taken in accordance with Paragraph 125(c) of the NPPF, where weight is given to providing housing on the allocated site.

2.3 On balance it is considered that the development would provide 28 high quality residential units on an allocated housing site. With regards to the Apsley Quay Development, the development has been set in from the boundary with a reduced height in this location. Due to the layout and design of the existing development, impacts to daylight to some windows cannot be completely overcome. However, it is considered a flexible approach should be taken on this issue. A viability statement has been submitted which shows that the development is only just viable in economic terms, and therefore affordable housing cannot be provided. However, as stated, the development would provide 28 high quality homes on a brownfield site in a sustainable location and broadly complies with the principles of achieving sustainable development contained within Section 2 of the NPPF (2021). Furthermore, the council cannot currently demonstrate a 5 year housing supply and therefore the tilted balance in favour of sustainable development, contained within Paragraph 11 of the NPPF, also weighs in favour of granting the proposal.

3. SITE DESCRIPTION

3.1 The application site currently comprises a commercial building occupied by a bathroom and plumbing showroom and trade counter located on a corner plot between Durrants Hill Road, Frogmore Road and the Grand Union Canal.

3.2 The surrounding area comprises a variety of uses including the Grand Union Canal and its towpath and residential properties to the north/northeast, a flatted residential development granted under permission 4/01331/18/MFA to the east with commercial properties beyond this further to the east and south east. Frogmore Paper Mill is located to the south with residential properties further beyond this.

4. PROPOSAL

4.1 The application seeks planning permission for the demolition of the existing building and the construction of a new building to accommodate 28 residential units with associated car parking and landscaping.

4.2 The development would comprise 13 one bedroom units and 15 two bedroom units with 31 car parking spaces contained at ground floor within the undercroft as well on the eastern side of the site.

5. PLANNING HISTORY

Planning Applications:

4/02011/03/ROC - Variation of condition 4 of planning permission 4/00685/03 to enable opening to 4.30 p.m. On Saturdays
GRA - 10th November 2003

4/00685/03/FUL - Change of use from industrial/storage use (class b2/b8) to storage wholesale distribution/sale of plumbing goods and materials (class b8/a1)
GRA - 23rd May 2003

6. CONSTRAINTS

EA BankTop EPlanning Tool: Banktop 20m Buffer
British Waterways (25m Buffer): GU(S): 25m buffer
British Waterways (25m Buffer): GU(N): 25m buffer
Canal Buffer Zone: Major
Canal Buffer Zone: Minor
CIL Zone: CIL3
EA: Flood Zone 2
EA: Flood Zone 3
Former Land Use (Risk Zone):
Heathrow Safeguarding Zone: LHR Wind Turbine
Open Land: Open Land
Parish: Hemel Hempstead Non-Parish
RAF Halton and Chenies Zone: Yellow (45.7m)
Parking Standards: New Zone 3
Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Core Strategy (2013):

NP1 - Supporting Development
CS1 - Distribution of Development
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
CS13 – Quality of the Public Realm
CS17 – New Housing
CS18 – Mix of Housing
CS19 – Affordable Housing
CS27 – Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 – Water Management
CS32 – Air, Soil and Water Quality
CS35 – Infrastructure and Developer Contributions

Local Plan (2004):

Policy 10 – Optimising the Use of Urban Land
Policy 13 – Planning Conditions and Planning Obligations
Policy 18 – Size of New Dwellings
Policy 21 – Density of Residential Development
Policy 51 – Development and Transport Impacts
Policy 54 – Highway Design
Policy 76 – Leisure Space in New Residential Developments
Policy 99- Preservation of Trees, Hedgerows and Woodlands
Policy 111 – Height of Buildings
Policy 116 – Open Land in Towns and Large Villages
Policy 118 – Important Archaeological Remains
Policy 129 – Storage and Recycling of Waste on Development Sites

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Planning Obligations (2011)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

British Research Establishment: Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Refuse Storage Guidance Note (2015)
Site Allocations Development Plan Document (2017)

CONSIDERATIONS

9. Policy and Principle

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

9.2 A net housing capacity of 100-150 homes is proposed on H/13 in the Site Allocations.

9.3 Paragraph 119 of the NPPF (2021) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. It also states that strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

9.4 Furthermore, Paragraph 120 also states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. They should also promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

9.5 Taking the above into consideration with regards to the site's particulars and allocation status, it is considered that the principle of the development is acceptable, subject to the compliance with other planning considerations

10. Design and Impact on Character and Appearance of the Area

10.1 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is seen as a key aspect of sustainable development.

10.2 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. They should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should also be sympathetic to local character and history, while not preventing or discouraging innovation or change, establish and maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible.

10.3 Policies CS10, CS11 and CS12 encourage good design providing a number of guiding principles which are referred to within the relevant sections of this report.

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

10.5 The scheme initially presented a design whereby the north western bookend to the site comprised more traditionally themed architecture which transitioned into a more contemporary style towards the adjacent development to the east. However, both the case officer and the conservation and design officer considered that the lower, more contemporary styled elements did not sit comfortably with the more traditional main block.

10.6 As such, the scheme was amended to address the above point, and it is now considered the development sits comfortably as a set piece design.

10.7 The development would be 4 storeys which would stagger down to 3 storeys. The adjacent development to the east is a total of 5 storeys at its highest facing onto Frogmore Road. Given this context, it is considered the development would not appear out of scale in the surrounding area.

10.8 It is considered the north western element would provide a suitable book end adjacent to the road with its scaling up in height, but would also not appear out of scale with the adjacent development next door. At its highest point, the development would be approximately 3.38m taller in height than the adjacent development at Apsley Quay, at a total height of 19.46m. However, 1.85m of the development would be situated below the level of the canal tow path and the height increase would largely be due to the pitched roof element of the development. It is considered that this, combined with the overall distance of the pitched roof to the more contemporary style development, means that the height of the development would not appear incongruous in its surroundings.

10.9 The lower elements of the development would appear similar in scale to the adjacent development from the canal tow path, with the taller element providing a strong bookend to the road, responding to the corner plot location of the site. It is considered the vertical emphasis combined with the lower elements of the development are key to the design emphasis.

10.10 Space for soft landscaping along the boundaries would be maintained which would soften the boundaries and assist in maintaining a pleasant canal side environment.

10.11 The design would appear to be well detailed and provide an attractive visual appearance. Whilst the adjacent site is of a more contemporary style, it is considered the wider area exhibits a mixture of both new and older styles of architecture which add to visual interest. The recent scheme at Magenta Court to the south east is an example of more traditional architecture in a canal side environment.

10.12 The façade has been broken down appropriately through the use of brick piers that break the elevations into four sections horizontally and the use of a plinth (housing the car park at ground floor), brick arches and balconies and an upper floor which features smaller windows and would have a lighter brick would break the massing down vertically. The general staggering of heights and set backs on the lower elements of the building would also assist in this regard.

10.13 Overall, the design and conservation officer has stated that provided the details are appropriate such as the brick colours, pattern detailing and that the windows are set back rather than flush with the elevation, the scheme would sit comfortably within its context. These details would be secured by condition.

10.14 Due to the above, it is considered the development would be of a high architectural quality which would add visual interest to the area. It is considered it appear similar in scale to the adjacent development to the east and be an improvement in architectural terms when compared to the existing building.

11. Density

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

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

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

11.4 The application proposes 28 homes on a 0.134 hectare site, giving a density of 209 dwellings per hectare. This is above the density of the adjacent 170 unit scheme granted under 4/01331/18/MFA, which was 128 dwellings per hectare. The adjacent scheme combined with this scheme would result in a combined development of 198 units, which is above the estimate of 100-150 homes contained within the Site Allocations.

11.5 However, for the adjacent development the Strategic Planning Team confirmed that when the Site Allocations document was prepared, it was uncertain what type of housing would be proposed on the site. The estimate of 100-150 homes reflected the likely density that would be achieved with a scheme of townhouses. As this application, like the adjacent development is for flats, which has resulted in a higher density. Furthermore, the inclusion of some larger flats and the open courtyard areas within the adjacent development would have lowered the density figure for this development, whereas the application site is smaller in size with the proposal only containing one and two bedroom units.

11.6 It should also be noted that some of the larger three bedroom units contained within the adjacent scheme, as well as the open courtyards and space for these available due to the size of the site, would have lowered the density figure here.

11.7 Moreover, Paragraph 6.21 of the Site Allocations document states that:

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

11.9 the NPPF (2021) places an emphasis on making effective use of urban land and increasing densities where appropriate and Policy 21 of the Local Plan allows for greater densities in urban locations, as these would be most sustainable in terms of access to transport options and other amenities. Furthermore, the council cannot currently demonstrate a five year housing supply and therefore the development would assist in the council providing much needed housing in the borough, in a suitable urban location.

11.10 Therefore, there is no in principle objection to the density proposed when considering subject to the other relevant planning considerations.

12. Dwelling Mix

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

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

12.3 The development would provide 13 one bedroom units and 15 two bedroom units. The strategic planning team have stated that the proposal is a relatively modestly sized new build development where the council would not normally anticipate seeing larger 3 bed flats. The 1 and 2 bed flats to be provided would help to meet the need for smaller-size units. Moreover, the adjacent development provided a number of 3 bed apartments. This was a much larger scheme of 170 homes where there was better scope to secure a wider mix of properties.

12.4 Given the above, it is the view of the case officer and the strategic planning team that a flexible view in terms of housing mix can be taken on this site, whereby the 1 and 2 bedrooms units would meet the identified need for smaller units in the borough.

13. Affordable Housing

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

13.2 However, a viability report was submitted by the applicant which found that after rounding figures, the residual land value of the development is equal to the benchmark value. This means that the development is viable but as the residual land value does not exceed the benchmark land value, the proposal cannot incorporate any affordable housing provision as this would make the project unviable.

13.3 The council contracted an independent viability appraisal to test the assumptions contained within the applicant's viability statement. The conclusion of this viability appraisal, based on a 100% private scheme, identified a surplus of £105,000.

13.4 It is considered that this value is not large enough to provide onsite affordable housing provision. Therefore, a commuted sum towards offsite affordable housing provision will be secured through a Section 106 agreement. The applicant has not objected to this position.

13.5 It should be noted that the value of £105,000 towards offsite affordable housing provision has been derived without evidence of costs associated to securing mitigation towards the Chiltern Beechwoods SAC. This value may change due to potential contributions that may be required as a result of the currently identified pressure on the Chilterns Beechwoods SAC. Values regarding this can only be determined once the council has published a mitigation strategy with regards to the Habitats Regulations. Once the council are in a position to grant permission having secured financial contributions towards avoiding further damage to the SAC overall figures can be finalised. It is also noted that the applicant may seek to request a re-evaluation of the total viability of the development as a whole which could also affect the affordable housing contribution.

13.6 It should also be noted that the £105,000 figure does not also include upgrades to Durrants Hill Playground which will be requested and also have an impact on the final figure.

14. Impact on Neighbouring Properties

14.1 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy

CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

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

14.3 The nearest residential properties to the site would be those located along Ebbens Road to the north of the site, as well as the units within the newly constructed development (Apsley Quay) to the east which would face towards the proposal.

14.4 Saved Appendix 3 of the Local Plan refers to a 23m rear to rear separation distance between dwellings. At its closest, the development would be positioned approximately 25.5m-25.9m away from the properties on Ebbens Road. This exceeds to the requirement within Saved Appendix 3 with respect to privacy. In addition to this, the gradual decrease in height towards the eastern section of the development, combined with set backs from the build line of the taller gabled element would effectively break up the massing of the development, providing visual relief. Soft landscaping on the boundaries would also assist in softening the appearance of the development. It is therefore considered that the overall massing of the development, due to its design, layout and distance would not be overtly visually obtrusive to the properties on Ebbens Road.

14.5 With respect to the residential units to the east located within the adjoining flatted development (Apsley Quay), the proposed development at first floor would be located approximately 13m away. It is noted that there is no formal side to side separation distance contained within Saved Appendix 3. Furthermore, a site context plan has been submitted which shows that the development would quickly stagger back from Apsley Quay to a distance of 19.5m, with this increasing further towards Frogmore Road. The element of the building at first floor which would be 13m away also only spans a width of 8.45m when viewed from the east before the separation distance increases. The tallest element of the development would be positioned approximately 32.4m away from these units which is an acceptable distance.

14.6 It is noted that units 03 and 11 would have side windows which face Apsley Quay at a distance of 13m. These can be conditioned to be obscure glazed. The roof terrace on the first floor would also be positioned close to Apsley Quay. However, landscaping is indicated along this area which could screen views and while it has been indicated as a roof terrace, it is considered that due to its width and location and function as a connection between the development and the canal towpath, the area would largely function as a walkway, rather than a permanent amenity area which is regularly used by residents for extended periods of time. Therefore, a condition will state that this area shall not be used as a permanent amenity area.

14.7 Therefore, due to the separation distances, as well as the design of the development which effectively breaks up its massing and bulk, it is considered that the proposal would not have an unacceptable impact on surrounding properties in terms of loss of privacy, outlook and visual intrusion.

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

14.9 The results of the Vertical Sky Component (VSC) assessment show that all windows at 2-12 Ebbens Road would receive adequate daylight. However, within the elevation on Apsley Quay that faces the proposed development, 3 windows at would not meet the BRE guidelines.

14.10 One of these windows serves a ground floor bedroom which is also served by another window. the BRE guidelines allow for additional calculations without the balconies above these windows. With no balconies above them, the calculations show that the windows would meet the

guidelines. As such, the existing balconies, rather than the proposed building, is the main factor in the loss of Vertical Sky Component. Therefore, the design of the development itself with the balconies extending beyond the windows and its positioning tight to the boundary are primary factors in the shortfall.

14.11 A daylight distribution analysis was also conducted on the units which would face the development at Apsley Quay. Out of the 47 rooms analysed, 35 (or around three quarters) would meet the BRE daylight distribution guideline. In the other 12 (or around a quarter of the rooms analysed), the calculations would fall below the BRE guidelines. However, this is again due to the layout of Apsley Quay itself; these rooms being long and narrow. The BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' states that "if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable". Therefore it is considered a balanced judgement would have to be taken on this issue as it appears the development of Apsley Quay itself is impinging on some of the daylight received by the units contained within this development.

14.12 In terms of loss of sunlight, the properties at Ebbens Road would meet the BRE guidelines since they would have greater than 25% annual probable sunlight hours, including more than 5% in the winter, with the proposed development in place. As such, the rooms that these windows light would still receive enough sunlight.

14.13 Loss of sunlight is not an issue to dwellings in Apsley Quay because the relevant windows face north of due west. As such, a sunlight assessment windows has not been undertaken in accordance with the BRE guidance.

14.14 Overall Vertical Sky Component for 3 windows in the Apsley Quay Development would be impacted. Daylight Distribution for 12 windows in this development would be affected. However, the assessment reveals that the Vertical Sky Component for the 3 relevant windows is only impacted due to the existing balconies above them. Furthermore, the layout of some of the units in Apsley Quay, with long and narrow rooms served by a single window, means that impacts on daylight distribution may be unavoidable.

14.15 It should be noted that the development has made every effort to accommodate a respectful relationship to Apsley Quay within the viability constraints and on an allocated housing site. The development at first floor is set in 13m away from the boundary, with this distance quickly increasing to 19.5m and greater towards Frogmore Road. The highest part of the development is also positioned well away from Apsley Quay with the height decreasing towards the adjacent development. The BRE report highlights that the design and positioning of Apsley Quay itself means that some loss of daylight would be unavoidable.

14.16 Furthermore, it is noted that within the living rooms on Apsley Quay that would be effected, the main living/seating areas are located nearest to the windows, meaning these areas should still receive adequate daylight distribution. These areas would be considered to be more frequently used areas throughout the day, with the kitchens located deeper within the rooms. Its is also noted that 12 out of the 47 rooms on the elevation are effected, which represents a moderate proportion of the windows analysed.

14.17 Paragraph 125(c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

14.18 In this sense, consideration is given to the fact that the site is allocated for housing and that the shortfalls upon the BRE daylight guidance in the units to the east would largely be affected by the overall layout of the rooms as well as the presence of the balconies. Furthermore, every effort has been made by the proposal to reduce this impact by setting the development back from the site

boundary and reducing the height towards Apsley Quay. In contrast, Apsley Quay features long rooms served by a single window which are located tight to the site boundary, with balconies overhanging these windows. In addition to this, the scheme at 28 units, according to the viability assessment, is only just viable. Therefore, removing units from the scheme would make it unviable.

14.19 As a result, it is considered a balanced judgement should be taken, with regards to the guidance within the NPPF, the layout of the proposed development, compared to that of Apsley Quay, as well as the need for making efficient use of urban land in the need to provide new homes. When weighed against these factors, it is considered that some of the daylight concerns have arisen through the design and layout of Apsley Quay itself.

14.20 In the context of the site allocation, as well as the viability of the proposal, it is considered a flexible approach in accordance with Paragraph 125(c) of the NPPF should be taken. As such, when taking this balanced approach, it is considered that the impacts of the development on residential amenity are largely acceptable and outweighed by the benefits of providing a high quality scheme for smaller households, in a sustainable area.

15. Amenity Provision

15.1 Saved Appendix 3 of the Local Plan states that all residential developments are required to provide private open space for use by residents whether the development be houses or flats.

15.2 23 of the proposed units would each have access to private amenity space in the form of either balconies or private terraces. Additionally, communal roof terraces would be available at both first, third and fourth levels. These would be of an adequate size with additional space for soft planting to create a pleasant feel to the areas.

15.3 The units which would not have a private balcony/terrace (units 19, 20, 25, 26 and 27) would be positioned in close proximity to these roof terraces where they would be easily accessible.

15.4 Furthermore, the site is located in close proximity to open space located along Durrants Hill Road, the Canal Towpath, and is approximately a 10 minute walk from the Boxmoor Moor to the west.

15.5 Policy 76 of the Local Plan (2004) states that development over 25 units should provide on site leisure space. Due to the constrained nature of the site, this is not possible. However, financial contributions towards upgrade works at Durrants Hill Park adjacent to the site will be requested. It is considered that due to the close proximity of the site to the park, that the development will result in increased pressure on this space, and therefore a planning obligation relating to upgrade works is considered to comply with the tests contained within Paragraph 57 of the NPPF (2021).

15.6 It is therefore considered that the on-site outdoor amenity provision detailed above, coupled with the publically accessible amenity areas close to the site ensures that sufficient amenity and recreation opportunities for occupiers of the new units is provided / available. A financial contribution will be requested for upgrade works to the play area at Durrants Hill Park in lieu of onsite leisure space provision.

16. Trees and Landscaping

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

16.2 The tree officer has no objection to the proposal, noting that the site comprises limited landscaping at present. There are no trees on site aside from a small cluster on the north western corner of the site, along the towpath and along the western boundary. However, these trees are not considered of particularly high amenity value which would form a constraint to the development.

16.3 Furthermore, the site will allow for increased landscaping planting along the boundaries of the site as well as on the roof terraces. It is considered there would be adequate space on the northern boundary of the site for light tree planting which could improve the canal side environment. This has occurred at the Apsley Quay site.

16.4 Further details regarding soft landscaping will be secured by condition.

17. Towpath/Canal Side Environment

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

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

17.3 The development would not impact on the integrity or functionality of the park to the west. Along the northern boundary with the towpath, a 1.65m-2.54m planting zone will be maintained.

17.4 As previously mentioned, it is also considered that the development would be of high architectural quality which would improve visual interest along the canal.

17.5 The Canals and Rivers Trust were consulted on the application, with the latest set of comments raising no objection subject to condition securing a detailed Demolition and Construction Method Statement relating to the structural integrity of the towpath.

17.6 The Trust also highlighted the needs for conditions relating to external lighting, landscaping, the retention of the hedge to the towpath boundary, and a detailed design and construction methodology for any access onto the towpath.

17.7 A contribution of £15,000 has been requested for towpath maintenance and upgrade works due to increased use of the walkway as a result of the development. This has been agreed to in principle by the application and would be secured by way of a Section 106 Agreement.

18. Highways Impact

18.1 Paragraph 109 of the NPPF states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

18.4 Hertfordshire Highways were consulted on the application and initially requested further details. These were submitted and as such Hertfordshire Highways raise no objection to the development subject to a number of conditions.

18.5 Overall there is no objection to the existing site access being utilised, the trip generation of the development, vehicle manoeuvrability, accessibility or emergency vehicle access.

19. Parking

19.1 The council's car parking standards are contained within the Parking Standards Supplementary Planning Document (SPD).

19.2 The site is located within accessibility zone 3 whereby the unallocated car parking requirements is as below:

1 bedroom – 1 space

2 bedrooms – 1.20 spaces

3 bedrooms – 1.80 spaces

4 bedrooms – 2.4 spaces

19.3 The development would comprise 13 one bedroom units and 15 two bedroom units whereby the requirement would be 31 unallocated spaces. The development would provide 31 unallocated spaces within the undercroft and within the north eastern corner of the site and therefore satisfies this requirement.

19.4 Approved Document S of the Building Control Regulations came into force on 15th June 2022. Under requirement S1 of this document, the development would have to provide electric vehicle charging points for 28 parking spaces, with the remainder being served by cable routes. This now goes beyond the council's Parking Standards SPD (2020) and therefore there is no need for a condition relating to EV charging provision, as these will be provided in compliance with the updated Building Control Regulations.

19.5 28 secure cycle parking spaces would also be provided within the undercroft area of the development.

20. Ecology

20.1 The application is supported by a Preliminary Ecological Assessment and Bat Survey.

20.2 The application site is characterised by buildings and hard standing with very little ecological potential. The ecological survey carried out on the 2nd September 2021 found negligible potential in the buildings or trees for roosting bat.

20.3 Hertfordshire Ecology have no objection to these findings, noting that the precautionary methods outline within the report should be followed by way of informative.

20.4 In addition to this, enhancement in the form of three bird boxes including a sparrow colony box boxes are recommended in the ecological report. The ecology officer has advised that these, as well as measures for hedgehogs are marked on a Biodiversity and Landscape plan. These details could be incorporated onto the soft and hardscaping condition which will be attached onto any permission given.

21. Heritage

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

21.2 The site is not situated within or close to a Conservation Area. The nearest Listed Building to the site would be Frogmore Paper Mill, which is sited approximately 70m to the south of the application site, on the other side of Frogmore Road. The site and this Listed Building are separated by the road, car park yard area with buildings and mature landscaping.

22.3 As such, the submitted Planning Statement concludes that there is little if any relationship between the setting of the Listed Building and the site and that the proposals do not have the potential to affect the setting or significance of the designated heritage asset. The Conservation and Design officer has not disputed this finding and has raised no objection with regard to heritage assets.

21.4 It is therefore considered the proposal complies with Section 16 of the NPPF (2021) and Policy CS27 of the Core Strategy (2013).

22. Archaeology

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

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

22.3 The local archaeology officer was consulted on the application and stated:

22.4 *"The development site in question is currently occupied by a modern building and has previously only been used for agricultural purposes as watercress beds, evidence of which is not likely to survive below ground. Any below-ground material from the building of the Grand Union Canal has likely already been disturbed through the modern development. The adjacent plot developed for Apsley Quay found the remains of 19th century workers' cottages [HER 31253] but these did not extend West onto the site currently in question".*

22.5 As such, it was considered that this development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal. No conditions were requested as a result.

23. Air Quality

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

23.2 The site does not lie within an Air Quality Management Zone but sits between two such zones located to the south along London Road and to the north along Lawn Lane.

23.3 Environmental Health have been consulted and stated that despite the development being located between the Lawn Lane and London Road air quality management areas the likely traffic generation would not be significant that it would trigger the need for an air quality assessment or attract such volumes of traffic that would lead to significant worsening of air quality. As such, no objection has been raised.

24. Flood Risk and Drainage

24.1 The southern extent of the application site is located within Flood Zones 2, 3 and 3b.

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

24.3 Development will be required to avoid Flood Zones 2 and 3 unless it is for a compatible use. Flood Risk Assessments must accompany planning applications for development in these areas, explaining how the sequential approach to development has been taken into account and outlining appropriate mitigation measures. However, it is noted that the application site is already allocated for housing as previously discussed. It is therefore considered the sequential approach is not necessary, as the site has been identified as appropriate for housing development by the council itself.

24.4 The Environment Agency were consulted on the application and had concerns relating to flood compensation for the development and finished floor levels.

24.5 The applicant's drainage consultant has clarified that the submitted Flood Risk Assessment demonstrates a sequential approach to development, placing less vulnerable uses within the areas most at risk (i.e. the ground floor), whilst still providing a freeboard above the flood level for all internal areas, even those less vulnerable. The FRA states the following: "*All proposed ground floor finished floor levels (FFLs) are to be set 260mm above the 1 in 100 year plus 25% climate change fluvial flood level at a level of at least 78.65mAOD. The car parking area and bin store are to be set at 78.55mAOD, 160mm above the design flood level. First floor FFLs and therefore all residential units will be set approximately 3.3m above the 1 in 1,000 year flood level.*"

24.6 With regards to floor plain compensation, a plan has now been submitted to the Environment Agency and comments on this are awaited. The plan shows that the proposed 1:30 ramp adjacent the bin store will lower ground levels in this area, providing circa 0.54m³ of compensation. Moving the ramp to the north west by 1.7m (changes shown in red) and lowering the area to the east of the ramp will provide a further 0.44m³ of compensation. Therefore, with these changes, a total of 0.98m³ of compensation is provided, 0.37m³ in excess of that displaced.

24.7 As such, the Environment Agency have withdrawn their objection with regards to the finished floor levels of the development and flood compensation. Conditions relating to these aspects will be attached to any permission given.

24.8 The Lead Local Flood Authority also raised a number of concerns regarding the drainage proposals. Full details of these can be found within the appendices of this report. The applicant has been provided with these comments and will begin work to address them.

24.9 Due to the above, the recommendation for the proposal would be to delegate with a view to approval subject to satisfactory drainage comments, as well as any associated conditions requested relating to drainage. It would also be subject to Section 106 negotiations which will be expanded on below.

25. Land Contamination

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

25.2 The scientific officer has confirmed that they have no objection to the development, subject to conditions which request the submission of appropriate Environmental Risk Assessment reports prior to the commencement of development.

26. Refuse Collection

26.1 Policy 129 of the Local Plan states that all major new developments and any other proposals likely to attract large numbers of people should also provide facilities for the public to recycle waste.

26.2 Dacorum's Refuse Storage Guidance Note (2015) also provides guidance on this issue.

26.3 The requirements for waste storage for flatted developments are:

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

26.4 The proposal provides a ground floor storage area for refuse. The area has been designed to provide sufficient capacity to meet the above guidance.

27. Fire Safety

27.1 A Fire Safety Statement has been submitted in support of the application. The building has been designed to comply with building regulations Part B and incorporate a number of fire safety measures that are detailed.

27.2 The statement shows that fire safety measures, from escape routes, protected areas and access etc have been taking into account from the initial design stages of the development.

27.3 Hertfordshire Highways have no objection to access arrangements for a fire appliance.

27.4 The Health and Safety Executive have been consulted on the application and have no objection, noting that it does not appear to fall under the remit of planning gateway one because the height condition of a relevant building is not met.

27.5 Therefore, the submission of the Fire Safety Statement has gone above the regulatory procedure required for such an application.

27.6 Hertfordshire County Council's water officer has stated there is a hydrant on the path next to the existing building, so there wouldn't be a requirement to install any further fire hydrants.

28. Sustainable Construction and Design

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

28.2 The application has been accompanied by a sustainability checklist which outlines potential measures which have been taken into account in the design of the development.

28.3 It is considered that a more detailed Sustainability Statement and Site Waste Management Plan could be secure by condition to provide further clarification on measures to be incorporated into the development, as well as maximise recycling and reducing the amount of waste going to landfill during the demolition/construction phases.

29. Habitats Regulations Assessment

29.1 As of 14th March 2022 there is a moratorium on all residential development in the Borough. This is a temporary measure due to excessive harm recently identified to the Chilterns Beechwoods Special Area of Conservation (SAC) and Councils' duties under law required by Habitat's Regulations. The Council is working with relevant partners to identify suitable mitigations strategy going forward, once implemented will enable the Council to once again to grant residential development in the Borough. The mitigation strategy is likely to require contributions from

developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands.

29.2 The Council's dedicated webpage provides further information and FAQs: [Chilterns Beechwoods Special Area of Conservation \(dacorum.gov.uk\)](http://ChilternsBeechwoods.gov.uk).

29.3 The application, at this stage, does not provide sufficient information to satisfy the council, as competent authority, that the proposed development will not adversely affect the integrity of the Chilterns Beechwoods Special Area for Conservation and there are no alternative solutions/mitigation or credible imperative reasons of overriding public interest why the proposed development should be permitted.

29.4 However, it is anticipated that once a mitigation strategy is published by the council, the development would be liable for contributions towards this by way of a Section 106 Agreement.

29.5 As such, the application is recommended subject to Section 106 negotiations which in due course, would include contributions towards the mitigation strategy proposed by the council.

30. Developer Contributions

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

30.2 At the moment, a £15,000 contribution has been requested by the Canals and Rivers Trust for towpath maintenance and a £105,000 contribution would be sought by the council for offsite affordable housing contributions.

30.3 However, these figures may change once the council's mitigation strategy with regards to the Chilterns Beechwood SAC is published. Financial contributions would also be sought for upgrade works to Durrants Hill playground, a figure for which would be discussed with the Parks and Open Spaces team during Section 106 negotiations.

30.4 Due to this, heads of terms have not yet been drawn up, as the final figures for each requested contribution may change in due course.

30.5 Therefore, the recommendation is to delegate with a view to approval subject to Section 106 negotiations and the signing of a finalised heads of terms.

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

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

31. CONCLUSION

31.1 The proposal would provide 28 residential units on a site allocated for housing which would be of a high quality design, representing an improvement upon the existing building and form a positive contribution to the character and appearance of the area, the canal side environment

31.2 Some loss of light to the windows on the Apsley Quay Development would occur. However, the submitted sunlight/daylight assessment reveals that these impacts largely occur due to the design and layout of the existing development itself, with the overhanging balconies, positioning tight to the site boundary, and long rooms greater than 5m in depth served by 1 window. It is considered that

due to this, a flexible approach on this allocated site should be taken in accordance with Paragraph 125(c) of the NPPF, where weight is given to providing housing on the allocated site.

31.3 On balance it is considered that the development would provide 28 high quality residential units on an allocated housing site. With regards to the Apsley Quay Development, the development has been set in from the boundary with a reduced height in this location. Due to the layout and design of the existing development, impacts to daylight to some windows cannot be completely overcome. However, it is considered a flexible approach should be taken on this issue. A viability statement has been submitted which shows that the development is only just viable in economic terms, and therefore affordable housing cannot be provided. However, as stated, the development would provide 28 high quality homes on a brownfield site in a sustainable location and broadly complies with the principles of achieving sustainable development contained within Section 2 of the NPPF (2021). Furthermore, the council cannot currently demonstrate a 5 year housing supply and therefore the tilted balance in favour of sustainable development, contained within Paragraph 11 of the NPPF, also weighs in favour of granting the proposal.

32. RECOMMENDATION

32.1 That planning permission be DELEGATED with a view to APPROVAL subject to an appropriate assessment in accordance with article 6(3) of the Habitats Directive and inter alia, securing a mitigation package to avoid any further significant effects on the Chiltern Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement.

32.2 In addition to this, the recommendation is that planning permission be DELEGATED with a view to APPROVAL subject to Section 106 negotiations and the relevant agreement being signed for financial contributions for Canal Towpath maintenance, upgrade works to Durrants Hill Road Park, and offsite affordable housing provision, as well as satisfactory drainage comments being received with any associated conditions tied to this.

Conditions and Reasons:

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

**1399-SAP-V1-XX-DR-A-30002-S0-02
1399-SAP-V1-00-DR-A-10110-S0-05
1399-SAP-V1-01-DR-A-10111-S0-04
1399-SAP-V1-02-DR-A-10112-S0-03
1399-SAP-V1-03-DR-A-10113-S0-03
1399-SAP-V1-04-DR-A-10114-S0-02
1399-SAP-V1-05-DR-A-10115-S0-01
1399-SAP-V1-XX-DR-A-30001-S0-05
1399-SAP-V1-XX-DR-A-30310-S0-05
1399-SAP-V1-XX-DR-A-30311-S0-05
1399-SAP-V1-XX-00-DR-A-10101-S0-06
1399-SAP-V1-XX-DR-A-20210-S0-02**

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

3. **No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

These details shall include external brickwork, mortar colour and detail, window details finishes and setbacks, roof materials, rain water goods and metalwork (balcony railings).

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. **No construction of the superstructure shall take place until full details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:**

- all external hard surfaces within the site;
- other surfacing materials;
- means of enclosure;
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;
- retention of the hedge to the towpath boundary
- minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and
- location and type of bird boxes to be incorporated into the development, as well as measures for hedgehogs
- details of privacy screening for the roof terrace areas (pleached screening) and for the private terraces serving units 4, 5 (the 4m² terrace), 13 (the 4m² terrace) and 18.

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. **a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

i .A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

ii. The results from the application of an appropriate risk assessment methodology.

c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

d) This site shall not be occupied, or brought into use, until:

i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

- 6. Any contamination, other than that reported by virtue of Condition 5 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

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

- 7. Prior to the first occupation of the development hereby permitted any access gate or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6m (5.5m if inward opening) metres from the edge of the highway.**

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004).

- 8. Prior to the first occupation of the development hereby permitted the proposed access arrangements/onsite car and cycle parking and servicing shall be**

implemented in accordance with the approved drawing number DR-A-10101-SO-05 and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Saved Policy 54 of the Dacorum Local Plan (2004)

9. **No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. The document should also include details of pollution prevention methods during construction. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:**
- a. **Construction vehicle numbers, type, routing;**
 - b. **Access arrangements to the site;**
 - c. **Traffic management requirements**
 - d. **Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);**
 - e. **Siting and details of wheel washing facilities;**
 - f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
 - g. **Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;**
 - h. **Provision of sufficient on-site parking prior to commencement of construction activities;**
 - i. **Post construction restoration/reinstatement of the working areas and temporary access to the public highway;**
 - j. **where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and**
 - k. **Phasing Plan.**
 - l. **how potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CS12 of the Dacorum Core Strategy (2013) and Save Policy 54 of the Dacorum Local Plan (2004)

10. **The parking spaces hereby permitted shall be unallocated and be retained as such in perpetuity.**

Reason: To ensure the number of parking spaces provided complies with the provision requirements of the Parking Standards Supplementary Planning Document (2020).

11. **No development shall take place until a Demolition and Construction Method Statement detailing all proposed earthmoving, and construction works (including**

foundation details),and construction and future maintenance/management of the access onto the towpath have first been submitted to and agreed in writing by the Local Planning Authority. These details shall also include an assessment of the retaining wall to the site boundary with the Grand Union canal (including its depth and foundations) and any necessary mitigation measures or remedial works that may be required and a timetable for their completion.

The development shall thereafter only be carried out in accordance with the agreed Method Statement and the mitigation measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Grand Union canal in accordance with Policy 106 of the Dacorum Local Plan (2004) and Paragraphs 174 & 183-184 of the National Planning Policy Framework (2021)

12. **No development (excluding demolition/ground investigations) shall take place until details of any floodlighting, security lighting or other external means of lighting the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the development.**

Reason: To ensure that the lighting is designed to minimise problems of glare, protect residential amenity, to minimise impacts on biodiversity and avoid unnecessary light pollution in accordance with Policies CS12 and CS26 of the Dacorum Borough Core Strategy (2013) and Saved Policy 106 of the Dacorum Local Plan (2004)

13. **No construction of the superstructure shall take place until details of proposed sustainability measures within the development shall be submitted to and agreed in writing by the Local Planning Authority. These details shall build upon the information within the submitted Sustainability Checklist and Design and Access Statement to show how the energy consumption of the development will be reduced. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the Dacorum Borough Core Strategy (2013), the Sustainable Development Advice Note (2016) and Paragraphs 154 and 157 of the National Planning Policy Framework (2021).

14. **No demolition or groundworks shall take place until details of measures to recycle and reduce demolition and construction waste that may otherwise go to landfill, 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 relevant waste planning policies, such as Policy CS29 of the Dacorum Borough Core Strategy (2013) and Paragraph 8 (c) of the National Planning Policy Framework (2021).

15. **The Development shall be carried out in accordance with the submitted flood compensation scheme referenced in plan 6801770-SK01 detailing the following mitigation measure:**

- Compensation storage shall be provided through the lowering of external levels to the bin storage area levels and the relocation of the ramp to ensure no net loss of floodplain storage as a result of the proposed development.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Paragraph 167 of the NPPF (2021) and Policy CS31 of the Dacorum Core Strategy (2013).

16. **No development (excluding demolition/ground investigations) shall take place until a scheme to ensure the maintenance of the undercroft parking 'void' has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.**

Reason: To ensure the space is kept clear of debris to reduce the risk of flooding to the proposed development and future occupants in accordance with Paragraph 167 of the NPPF (2021) and Policy CS31 of the Dacorum Core Strategy (2013).

17. **The following windows on the development hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority:**

The south eastern facing windows serving units 03 and 11.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

18. **The following windows on the development hereby permitted shall be non-opening and permanently fitted with obscured glass unless otherwise agreed in writing by the Local Planning Authority:**

The south eastern facing windows serving unit 06.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

19. **The roof terrace are at first floor level, as indicated on plan 1399-SAP-V1-01-DR-A-10111-SO-REV4, shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority. No chairs, benches, tables or other furniture shall be placed within this area at any time. This area shall be only used as a walkway between the canal towpath and the development, as well as escape in the event of an emergency.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy CS12 (c) of the Dacorum Borough Council Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The Canals and Rivers 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 the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that all the proposed works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust."
3. The applicant is advised that licences and commercial agreement would be required for any access to the towpath or the erection of fencing, barriers, foundations, landscaping, balconies etc. on or encroaching onto the Canal & River Trusts' property. The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk to discuss any necessary licences or commercial agreements and to ensure that they are obtained prior to any works being carried out on Trust owned land. For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.
4. The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.
5. Precautionary measures relating to lighting, nesting birds and hedgehogs are suggested in the submitted Preliminary Ecological Assessment and Bat Survey (4 Acre Ecology Limited) should be followed.
6. Extent of Highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/extent-of-highways.aspx
7. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

7. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
8. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

APPENDIX A: CONSULTEE RESPONSES

| Consultee | Comments |
|---------------------|---|
| Canal & River Trust | <p>We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.</p> <p>The main issues relevant to the Trust as statutory consultee on this application are:</p> <ol style="list-style-type: none"> a) The impact on the structural integrity of the canal due to the proximity of the works. b) Impact on the character and appearance of the waterway corridor. c) Impact on the biodiversity of the waterway corridor. d) Accessibility <p>Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that further information is required prior to determination and suitably worded conditions and a legal agreement are necessary to address these matters. Our advice and comments follow:</p> <p>The impact on the structural integrity of the canal due to the proximity of the works. With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. The site is located directly to the south of the Grand Union canal and the proposed development would</p> |

be at a lower ground level than the towpath. However, the submission does not detail what measures are proposed to support the canal infrastructure.

As you are aware, land stability is a material planning consideration and is referred to in paragraphs 174 & 183-184 of the NPPF, as well as being the subject of more detailed discussion in the current National Planning Practice Guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations, however the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

The digging of foundations in close proximity to the canal has the potential to undermine the towpath or canal infrastructure or may result in additional loading on the canal. It may also be that water from the canal is present on the site and though this may not currently be having an impact as it is hydrologically balanced it could be encountered during works. Excavating close to the canal may disrupt this balance and reveal these water sources. The applicant would be responsible for addressing this and undertaking any remediation works required. The proposals also indicate a stepped access connecting to the towpath though no further details on its construction have been provided. The applicant / developer will need to discuss the provision of an access directly with the Trust to determine if this is acceptable and any requirements, such as a pedestrian barrier to the waters edge opposite the proposed access. Full details on construction methodology, any works to Trust property and future maintenance and management proposals will also be required. The applicant / developer is advised to contact the Trust separately to discuss this matter further.

Whilst full and final construction details could be required by condition, the applicant / developer should, prior to determination, submit sufficient information to demonstrate that the proposals would not adversely impact on the canal infrastructure at this location and set out any necessary mitigation measures. The Trust wish to be reconulted when this detail is provided.

Impact on the character and appearance of the waterway corridor. The proposals would increase the overall height and bulk of built

development on the site though in terms of scale and mass, it is not considered to feel overly dominant when considering the presence of the bridge, and the scale of the adjacent development.

However, the proposed detailing and design of the building appear somewhat confused and, as a result, do not feel wholly successful as an overall assembly of forms and styles. The western element, alongside the road, is relatively well resolved and detailed. However, the stepped element to the east seems to crash into it and feels less appropriate though this may be due to the western element being so Victorian in appearance. In either case it is felt that the building reads as two separate and distinct buildings with the whole ensemble then feeling something of a compromise as a result.

Both of these elevations would be visible from the canal corridor and our preference would have been for the proposals to follow a more 'modern' route with the mass and scale alluding to historic warehouses, if that is the intention, rather than creating a faux 'Victorian' warehouse where there is no historical evidence that any such structure existed there previously. The proposals might work better if there was a stronger 'break' between the two different blocks/styles reading as a stand-alone 'warehouse' and a modern mansion block linked together.

Impact on the biodiversity of the waterway corridor.

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures should be provided. Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc. This could be addressed by the imposition of a condition requiring the submission of a Construction and Environmental Management Plan.

The Trust advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Any external lighting should be angled downwards, and light directed into the site and it should not provide flood lighting to the canal corridor to show consideration for bats and other nocturnal species. The ecological assessment submitted has addressed the need to prevent light spill over the canal though full details of any external lighting should be required. This matter could be addressed by condition.

The plans indicate planting is proposed within the site alongside the canal boundary. However, from the details provided and considering the positioning of the proposed building and balconies it is not clear whether this could be achieved. This should be clarified with the applicant /developer prior to determination.

Any planting should be native species appropriate for this waterside setting and details provided to demonstrate that any planting would not adversely impact on the canal infrastructure. The existing towpath hedge must be retained and maintained at least 1.8m height. There is potential to gap up in places with mixed species such as blackthorn, Field maple, crab apple and hazel to match the hedgerow alongside the recent development adjacent to this site. Full landscaping details, including future maintenance and management regimes and responsibilities should be required by condition.

Accessibility

The Trust encourage the use of our waterways and towpaths for leisure, recreation and sporting activities as part of the natural health service, acting as blue gyms and supporting physical and healthy outdoor activity. The site adjoins the canal corridor and the existing sloped access to the canal towpath at the adjacent bridge. This provides a free public resource for walking and cycling and provides access to green infrastructure, both of which can benefit the wellbeing of future residents.

This benefit to potential future occupiers is recognised in the submitted Planning Statement and the proposals would result in increased usage of the existing access and towpath. The Trust generally seeks to maintain its assets in a "steady state", and in the case of towpath maintenance, this is based on current usage. Where new development has the likelihood to increase usage the Trust's maintenance liabilities will also increase, and we consider that it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to the Trust's future maintenance costs.

The Trust can provide numerous examples of similar situations, such as the adjacent site, where developers have made accessibility improvements as a form of mitigation to either offset additional usage of the towpath to reach a site, or to improve access links onto the towpath for the benefit of both future residents and existing users and it is considered that this is necessary to conform to Policies CS8 (sustainable transport) and CS35 (Developer contributions) of the Core Strategy.

It is recognised that this development is of a smaller scale, and thus any proportionate contribution may be unable to meet the cost of improving a significant length of towpath. It may however be possible to pool contributions to allow a meaningful improvement to be carried out to the Canal towpath in the vicinity of the site, in addition to improvements to the existing access, wayfinding and signage.

The Canal & River Trust therefore request that further discussions take place on this matter to determine if there is support for our request for a contribution, and if so, what would be considered to be an acceptable contribution in line with the Community Infrastructure Levy Regulations 2010 (as amended). Following that discussion, a further revised response will be provided.

We note that the plans show an access from the site to the towpath and as detailed above further information on its proposed construction and future maintenance and management is required to determine whether this would be acceptable to the Trust. The applicant /developer is also advised that any access or connection to the towpath would also be subject to a separate commercial agreement.

Should planning permission be granted we request that the following informatives are appended to the decision notice:

1) The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The 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 the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that all the proposed works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust."

2) The applicant is advised that licences and commercial agreement would be required for any access to the towpath or the erection of fencing, barriers, foundations, landscaping, balconies etc. on or encroaching onto the Canal & River Trusts' property. The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk to discuss any necessary licences or commercial agreements and to ensure that are obtained prior to any works being carried out on Trust owned land.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any

planning obligation.

Further comments received 04.01.2022:

Thank you for your consultation.

Based on the amended information we have the following general advice:

The proposed elevations have been amended with the building now reading as one distinct building. The Trust therefore have no further comments to make on the character and appearance of the proposed development. However, the issues raised in our previous response dated 20th October 2021 relating to impacts on structural integrity, biodiversity and accessibility are still relevant and require consideration prior to determination.

Further comments received 04.04.2022:

Based on the additional information provided our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions and a legal agreement are necessary to address these matters. Our advice and comments follow:

The additional detail submitted has provided some further information on the extent and condition of the existing retaining wall at the site. Further information will be required as the condition survey does not include detail on the depth of the wall or any information about its foundations. However, on the basis of the additional information provided the Trust are satisfied that this detail and the full and final construction details and methodology for the proposed development could now be addressed by condition. The Trust wish to be consulted on these details when available.

Condition - Demolition and Construction Method Statement

No development shall take place until a Demolition and Construction Method Statement detailing all proposed earthmoving, and construction works (including foundation details) has first been submitted to and agreed in writing by the Local Planning Authority. This detail shall also include an assessment of the retaining wall to the site boundary with the Grand Union canal (including its depth and foundations) and any necessary mitigation measures or remedial works that may be required and a timetable for their completion. The development shall thereafter only be carried out in accordance with the agreed Method Statement

and the mitigation measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Grand Union canal, this needs to be required prior to commencement of development, and to comply with the guidance contained in Paragraphs 174 & 183-184 of the National Planning Policy Framework.

In addition, we would reiterate the advice and comments in our previous response dated 20th October 2021, and

our request for conditions relating to the following matters still stand:

- Construction and Environmental Management Plan
- External Lighting Details
- Landscaping
- Retention of hedge to the towpath boundary
- Detailed design and construction methodology for any proposed access to the towpath.

With regards to the S106 contribution we have previously suggested a figure of £15,000 and understand that this has been agreed in principle. We would welcome the opportunity to discuss in detail the means of delivering this contribution and wording on any such contribution in the Heads of Terms. Should planning permission be granted we request that the following informatives are appended to the decision notice:

1) The applicant/developer is advised that there are fibre optic cables within the vicinity of the site along the towpath and necessary measures should be taken to ensure that these are not adversely affected during development. The 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 the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that all the proposed works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust."

2) The applicant is advised that licences and commercial agreement would be required for any access to the towpath or the erection of fencing, barriers, foundations, landscaping, balconies etc. on or encroaching onto the Canal & River Trusts' property. The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team on 07920 495745 or Bernadette.mcnicholas@canalrivertrust.org.uk to discuss any necessary licences or commercial agreements and to ensure that are obtained prior to any works being carried out on Trust owned land.

For us to monitor effectively our role as a statutory consultee, please

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| | <p>send me a copy of the decision notice and the requirements of any planning obligation.</p> |
| <p>Planning Liaison Officer</p> | <p>Thank you for re-consulting us on the above application on 25 February 2022. We previously responded to this application on 7 February 2022 (our ref: NE/2022/134085/01-L01) where we objected to the application for two reasons:</p> <ol style="list-style-type: none"> 1. Inadequate / no flood storage compensation has been provided 2. Finished Floor Levels are not above the 1% annual probability + climate change flood level <p>We have now received a response from the applicants flood risk consultants RE: NE/2022/134085/01-L01: 1A Frogmore Road Industrial Estate, Frogmore Road, Hemel Hempstead, HP3 9RW dated 15/02/2022. Based on this response we are able to remove our objection (2) on Finished Floor Levels, however we maintain our objection (1) on inadequate flood storage compensation for the reasons set out below.</p> <p>Reason for Objection: Inadequate / no flood storage compensation has been provided.</p> <p>The site lies within Flood Zone 3 which is land defined by the planning practice guidance as having a high probability of flooding. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.</p> <p>The FRA does not therefore adequately assess the development's flood risk. In particular, the FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.</p> <p>The submitted FRA states that the southern end of the site may become inundated with flood water, however, fails to address the volume of storage lost because of the increase in built footprint.</p> <p>Overcoming our Objection</p> <p>To overcome our objection, the applicant should:</p> <ul style="list-style-type: none"> o Submit a revised FRA which demonstrates that adequate flood storage compensation arrangements will be made to ensure that there will be no loss in flood storage capacity on site. |

- o Take into consideration the fluvial defences including current condition, standard of protection and crest level.
- o Clearly show how the increase in built footprint will affect flood flows and floodplain storage.
- o Demonstrate how the voids will be maintained to ensure there is no loss of effectiveness overtime due to blockages.

The best way to compensate for flood storage loss is to recreate an area of floodplain that mimics the area, shape, and volume of the section of floodplain that has been lost by the development. If this cannot be achieved, we are likely to maintain our objection to the application.

Overcoming our Objection Advice

Please be aware that any increase in built development or raising of ground levels within the floodplain (1% annual probability, plus an allowance for climate change, flood extent) will only be considered acceptable if it can be demonstrated the proposed development will not result in a loss of flood storage. Level-for-level and volume-for-volume compensation is the preferred method of mitigation. However, for this to be achievable it requires land on the edge of the floodplain and above the 1% annual probability (1 in 100 year) flood level with an appropriate allowance for climate change to be available. If it is not possible to provide level-for-level and volume-for-volume compensation, then other forms of mitigation may be considered if agreed with the Local Planning Authority (LPA). However, the FRA must demonstrate that level-for-level and volume-for-volume compensation has been considered and explain why it was not possible to provide it and detail how any associated risks from the chosen form of mitigation can be minimised. For example, the use of voids, stilts or undercroft parking tend to become blocked over time by debris or domestic effects leading to a gradual loss of the proposed mitigation. If voids are proposed as an alternative form of mitigation, then these will need to be floodable, with the underside of the void above the 1% annual probability flood level with an appropriate allowance for climate change.

The LPA must also be satisfied that they can enforce a condition to maintain the voids as designed and that an adequate maintenance plan is in place to ensure the voids remain open for the lifetime of the development. If the LPA are not satisfied that alternative mitigation measures are appropriate, then the applicant should revise their development proposals to ensure that there will be no increase in built footprint on this site.

Pre-application Advice

We strongly encourage applicants to seek our pre-application advice to

ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via HNL SustainablePlaces@environmentagency.gov.uk. Further information on our charged planning advice service is available at; <https://www.gov.uk/government/publications/planning-advice-environment-agencystandard-terms-and-conditions>.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify us to explain why, and to give us the opportunity to make further representations.

Further comments received 16.05.2022:

After reviewing the further submitted information, namely sketch '680177-SK01' we are satisfied that the applicant has demonstrated the exact flood storage loss on site and provided sufficient flood compensation. Therefore, we are now in a position to remove our objection subject to the following planning conditions being included, as set out below:

1. Secure implementation of the Flood Risk Assessment.
2. Scheme to be Agreed.

The inclusion of these conditions is in line with Paragraph 167 of the National Planning Policy Framework (NPPF) and Policy CS31 (Water Management) of Dacorum's Core Strategy (2006-2031).

Condition 1: Secure implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment and in particular the floodplain compensation scheme referenced in sketch 680177-SK01 detailing the following mitigation measure:

- o Compensation storage shall be provided through the lowering of

external levels to bin storage area levels and the relocation of the ramp to ensure no net loss of floodplain storage as a result of the proposed development.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

This condition is in line with Paragraph 167 of the National Planning Policy Framework (NPPF) and Policy CS31 (Water Management) of Dacorum's Core Strategy (2006-2031).

Condition 2: Scheme to be Agreed

The development hereby permitted must not be commenced until such times as a scheme to ensure the maintenance of the undercroft parking 'void' has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure the space is kept clear of debris to reduce the risk of flooding to the proposed development and future occupants.

This condition is in line with Paragraph 167 of the National Planning Policy Framework (NPPF) and Policy CS31 (Water Management) of Dacorum's Core Strategy (2006-2031).

Advice to Local Planning Authority

Sequential Test

In accordance with the NPPF (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings, and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

British Standard 85500 - Flood resistant and resilient construction
<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- o Adequacy of rescue or evacuation arrangements
- o Details and adequacy of an emergency plan
- o Provision of and adequacy of a temporary refuge
- o Details and adequacy of flood proofing and other building level resistance and resilience measures
- o Details and calculations relating to the structural stability of buildings during a flood
- o Whether insurance can be gained or not
- o Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy

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| | <p>Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.</p> <p>In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.</p> <p><u>Advice to Applicant</u></p> <p><u>Water Resources</u></p> <p>Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.</p> <p>We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.</p> |
| <p>Environmental And Community Protection (DBC)</p> | <p>Despite the development being located between the Lawn Lane and London Road air quality management areas the likely traffic generation would not be significant that it would trigger the need for an air quality assessment or attract such volumes of traffic that would lead to significant worsening of air quality.</p> <p>Therefore we have no objections to the proposed development on noise or air quality grounds.</p> <p>Further comments received 13.01.2022:</p> <p>I'm minded to agree with my predecessors comments, while it is in the</p> |

vicinity of the Apsley AQMA, it is not within the declared area and therefore not a development that would fall into the scope of being 'at risk' to the extent that comment/objection would be required, in the same way as the residential properties at Fourdrinier Way and White Lion St were not deemed as being required to be within the declarable area.

28:09.2021 (Scientific Officer):

Having reviewed the application documents I am able to confirm that there is no objection to the proposed development. However, because the application is for the introduction of a residential land use on a previously developed site with a historical commercial/industrial land use, I am recommending that the following planning conditions be included on any permission that may be granted.

Contaminated Land Conditions:

Condition 1:

A) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

b.If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

i.A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

ii.The results from the application of an appropriate risk assessment methodology.

c.No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

d. This site shall not be occupied, or brought into use, until:

i. All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

ii. A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

Condition 2:

Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.

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

Informative:

The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.

The Environmental Health Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.dacorum.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

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| Affinity Water - Three Valleys Water PLC | Thank you for forwarding this application. We have reviewed the development and do not have any comments to make. |
| Thames Water | <p><u>Waste Comments</u></p> <p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.</p> <p>There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site</p> |

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| | <p>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 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>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.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p><u>Water Comments</u></p> <p>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.</p> |
| <p>Hertfordshire Highways (HCC)</p> | <p>HCC Highway Authority wishes to recommend refusal of the planning application until further information is provided. The additional details required are as follows:</p> <ol style="list-style-type: none"> 1) Further details for the security of the proposed pedestrian access to the tow path; 2) Details for the design of the car park access (can be addressed by condition); 3) Provide height clearance for the under-croft car park; 4) Swept path analysis of a large car for the proposed car park; 5) Review parking layout to relocate disabled spaces to a suitable location closer to the proposed lift; 6) Show the location of active electric charging parking points on the |

proposals plan;
7) Cycle parking type and details of security for cycle store; and
8) Swept path analysis of a fire tender.

Site Description

The site is currently Ebberns Bathroom Centre which provides a bathroom showroom and installation service. The site is located between Durrants Hill Road and Frogmore Road, approximately 200m north of Apsley and 1.1km south of Hemel Hempstead. Access is obtained from Frogmore Road via Durrants Hill Road. To the north the site is bordered by the Grand Union Canal.

Accessibility

Walking and cycling

Frogmore Road has footways on both sides of the carriageway. To the north, Durrants Hill Road has a footway on the eastern side of the road until after the Grand Union Canal bridge when footways are provided on both sides of the carriageway. To the south, Durrants Hill Road has footways on both sides of the carriageway and there is a signalised crossing where the footpath is only on the eastern carriageway. This leads directly to the A4251 London Road in Apsley where there are a number of local facilities and services. On the northern boundary of the site pedestrian access to the towpath of the Grand Union Canal is proposed. Further details as to how this access is secured would be required to ensure the safety of users.

There are no formal cycle routes on Durrants Hill Road however it has a speed limit of 30mph. There is a traffic free route along the towpath towards Hemel Hempstead train station, approximately 2km to the west. This also links with other cycle routes highlighted in the Hertfordshire cycle map.

Public Transport

The nearest bus stops to the site are located on London Road to the south and Belswains Lane to the north, both approximately 250m from the site. These stops are served by routes 1, 2,300, 500/501 and H19 and provide frequent services to Leverstock, Hemel Hempstead, Bennetts End, St Albans Railway station, Watford, Tring and Aylesbury.

Apsley Railway station is located approximately 1km south east of the site and this provides services to London Euston, Bletchley, Tring, Milton Keynes and Northampton.

It is concluded that the site is in a sustainable location with access to a number of sustainable travel modes and this is acceptable.

Highway Layout

Road Safety

The applicant has obtained Personal injury accident (PIA) data for the most recent 5 year period, July 2016 to July 2021 for Frogmore Road, Durrants Hill Road and Lawn Road. It shows that there were four PIA's in the study area. The majority were caused by driver error however it is noted that the PIA at the junction of Durrants Hill Road / Frogmore Road involved a pedestrian who had stopped in the road to allow a lorry to manoeuvre. Whilst this is concerning, the proposals provide direct pedestrian access to Durrants Hill Road from the west of the site and to the north via the towpath.

Although the applicant has provided a review including 2020 during COVID-19, HCC has undertaken a review of the surrounding highway network between 2015 and 2019 and has not identified any concerning trends in road safety incidents that vary to those presented in the Transport Statement.

Vehicle Access

Vehicular access would be via Frogmore Road using the existing access road as used by the bathroom store. Access to both parking areas will also be via this road. No details have been provided with regards to access design of the car park access and this will need to be conditioned.

Refuse and Servicing

Refuse collection would be undertaken from Frogmore Road. Drawing ITL17260-GA-001A shows the swept path analysis for a refuse vehicle manoeuvring at Frogmore Road and the proposed drag distance shown in acceptable. The bin store would need to be secure and the quantity of storage is required however this can be conditioned.

Trip Generation and Distribution

The applicant has provided a trip generation assessment for both the existing and proposed uses using TRICS data. The existing use has been based on a retail non-food superstore which is acceptable. The trip generation shows that the existing bathroom store generates 3 trips in the AM peak and 33 trips in the PM peak.

The trip generation for the proposed residential use has been assessed based on flats privately owned. Even though the proposals include 10 affordable flats, the assessment undertaken for privately owned is considered to be robust. This is therefore acceptable. Table 4.2 in the Transport Statement shows that the proposals would generate 15 trips in the AM peak and 17 trips in the PM peak. The applicant has used travel to work data to establish the total car trips and this shows there

would be 10 vehicle trips in the AM peak and 11 in the PM peak. This would result in a net increase in trips in the AM peak of 7 vehicle trips and a net reduction in trips in the PM peak of 22 trips. As the site is located in a sustainable location this is considered to be acceptable.

Parking

The development proposals would provide 30 standard parking bays (min 2.4m x 4.8m) and two bays designed for disabled drivers. 25 of these spaces (including the two disabled bays) would be located within an under-croft car park with the remaining 5 spaces accessed via the existing service road along the southern boundary of the site. The Dacorum Parking standards for Zone 3 require the provision of 31 parking spaces, however the provision of 30 spaces is considered acceptable based on the sites sustainable location. For the spaces within the under-croft car park, height clearance is required. Swept path analysis is also required for this car park for a large car to ensure that the parking spaces in other corner and opposite the disabled spaces are accessible.

Furthermore, although the disabled spaces are located next to the central building entrance, this entrance does not have a lift. Therefore the disabled spaces should be located next to the west of the site where there is a lift available.

The proposed parking will provide 50% active and 50% passive electric vehicle charging points and this is acceptable. However a location of the active spaces must be shown on the proposed site plan.

Cycle Parking

The proposals include the provision of 28 cycle parking spaces which is in line with the Dacorum parking standards. The proposed site plan shows that these will be located in the northern corner of the car park. 4 cycle parking spaces will also be provided for visitors at the front of the development next to the main vehicle access. Cycle parking should be secure and no details of the type of parking and how it will be secured has been provided. This would be conditioned as part of this application response.

Emergency Access

No details have been provided for emergency access and this is required. This should include swept path analysis for a fire tender to ensure proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwelling houses (and subsequent updates). Hertfordshire Fire & Rescue would also be able to provide more specific advice in relation to this if required at administration.cfs@hertfordshire.gov.uk. This would be required prior to permission being granted.

Construction Traffic Management Plan

As stated at pre-application, HCC would require a full Construction Traffic Management Plan to ensure construction vehicles would not have a detrimental impact on the highway network. A condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials. A construction management plan template may be found at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>

Summary

In summary, HCC as a highway authority wishes to recommend refusal of the planning application, subject to receipt of additional details as identified herein.

Further comments Received (25.02.2022):

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

1. Access Gate

Prior to the first occupation of the development hereby permitted any access gate or other means of obstruction shall be installed to open inwards, set back, and thereafter retained (in perpetuity) at a minimum distance of 6 (may be reduced to 5.5) metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Provision of Parking and Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed access arrangements/onsite car and cycle parking and servicing shall be implemented in accordance with the approved

drawing number DR-A-10101-SO-05 and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Electric Vehicle (EV) Charging Points

Prior to the first occupation of the development hereby permitted, provision shall be made for 50% of the car parking spaces to have active provision for EV charging and 50% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; and
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan

(adopted 2018).

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

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at:

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/extent-of-highways.aspx

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

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

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

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Site Description

The site is currently Ebberns Bathroom Centre which provides a bathroom showroom and installation service. The site is located between Durrants Hill Road and Frogmore Road, approximately 200m north of Apsley and 1.1km south of Hemel Hempstead. Access is obtained from Frogmore Road via Durrants Hill Road. To the north the site is bordered by the Grand Union Canal.

Accessibility

Walking and cycling

Frogmore Road has footways on both sides of the carriageway. To the north, Durrants Hill Road has a footway on the eastern side of the road until after the Grand Union Canal bridge when footways are provided on both sides of the carriageway. To the south, Durrants Hill Road has footways on both sides of the carriageway and there is a signalised crossing where the footpath is only on the eastern carriageway. This leads directly to the A4251 London Road in Apsley where there are a number of local facilities and services. On the northern boundary of the site pedestrian access to the towpath of the Grand Union Canal is proposed. Further details as to how this access is secured would be required to ensure the safety of users.

There are no formal cycle routes on Durrants Hill Road however it has a speed limit of 30mph. There is a traffic free route along the towpath towards Hemel Hempstead train station, approximately 2km to the west. This also links with other cycle routes highlighted in the Hertfordshire cycle map.

Public Transport

The nearest bus stops to the site are located on London Road to the south and Belswains Lane to the north, both approximately 250m from the site. These stops are served by routes 1, 2,300, 500/501 and H19 and provide frequent services to Leverstock, Hemel Hempstead, Bennetts End, St Albans Railway station, Watford, Tring and Aylesbury.

Apsley Railway station is located approximately 1km south east of the site and this provides services to London Euston, Bletchley, Tring, Milton Keynes and Northampton. It is concluded that the site is in a sustainable location with access to a number of sustainable travel modes and this is acceptable.

Highway Layout

Road Safety

The applicant has obtained Personal injury accident (PIA) data for the most recent 5 year period, July 2016 to July 2021 for Frogmore Road,

Durrants Hill Road and Lawn Road. It shows that there were four PIA's in the study area. The majority were caused by driver error however it is noted that the PIA at the junction of Durrants Hill Road / Frogmore Road involved a pedestrian who had stopped in the road to allow a lorry to manoeuvre. Whilst this is concerning, the proposals provide direct pedestrian access to Durrants Hill Road from the west of the site and to the north via the towpath.

Although the applicant has provided a review including 2020 during COVID-19, HCC has undertaken a review of the surrounding highway network between 2015 and 2019 and has not identified any concerning trends in road safety incidents that vary to those presented in the Transport Statement.

Vehicle Access

Vehicular access would be via Frogmore Road using the existing access road as used by the bathroom store. Access to both parking areas will also be via this road.

Refuse and Servicing

Refuse collection would be undertaken from Frogmore Road. Drawing ITL17260-GA-001A shows the swept path analysis for a refuse vehicle manoeuvring at Frogmore Road and the proposed drag distance shown in acceptable. The bin store would need to be secure.

Trip Generation and Distribution

The applicant has provided a trip generation assessment for both the existing and proposed uses using TRICS data. The existing use has been based on a retail non-food superstore which is acceptable. The trip generation shows that the existing bathroom store generates 3 trips in the AM peak and 33 trips in the PM peak.

The trip generation for the proposed residential use has been assessed based on flats privately owned. Even though the proposals include 10 affordable flats, the assessment undertaken for privately owned is considered to be robust. This is therefore acceptable. Table 4.2 in the Transport Statement shows that the proposals would generate 15 trips in the AM peak and 17 trips in the PM peak. The applicant has used travel to work data to establish the total car trips and this shows there would be 10 vehicle trips in the AM peak and 11 in the PM peak. This would result in a net increase in trips in the AM peak of 7 vehicle trips and a net reduction in trips in the PM peak of 22 trips. As the site is located in a sustainable location this is considered to be acceptable.

Parking

The development proposals would provide 31 standard parking bays (min 2.4m x 4.8m) and two bays designed for disabled drivers. 26 of

these spaces (including the two disabled bays) would be located within an under-croft car park with the remaining 5 spaces accessed via the existing service road along the southern boundary of the site.

The Dacorum Parking standards for Zone 3 require the provision of 31 parking spaces, therefore the proposed provision is acceptable.

The under-croft car park would have a height clearance of 2.6m which is acceptable. Swept path analysis for a large car demonstrates that parking spaces are accessible.

The proposed parking will provide 50% active and 50% passive electric vehicle charging points and this is acceptable.

Cycle Parking

The proposals include the provision of 28 cycle parking spaces which is in line with the Dacorum parking standards. The proposed site plan shows that these will be located in the northern corner of the car park. 4 cycle parking spaces will also be provided for visitors at the front of the development next to the main vehicle access. Cycle parking would be secure and accessed via the under croft car park using an electric key card.

Emergency Access

A swept path analysis for a fire tender has been provided which demonstrates that the proposals would be within 45m for a fire tender to access. Therefore in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwelling houses (and subsequent updates). Hertfordshire Fire & Rescue would also be able to provide more specific advice in relation to this if required at administration.cfs@hertfordshire.gov.uk. This would be required prior to permission being granted.

Construction Traffic Management Plan

As stated at pre-application, HCC would require a full Construction Traffic Management Plan to ensure construction vehicles would not have a detrimental impact on the highway network. A condition would be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

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| | <p>A construction management plan template may be found at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans</p> <p><u>Summary</u> HCC as a highway authority has reviewed the application submission and does not wish to object to the development, subject to suitable conditions.</p> |
| Trees & Woodlands | <p>With regard to Planning Application 21/03549/MFA.</p> <p>According to the information submitted the applicant advises no trees will be detrimentally impacted by the development. I have examined the information and can confirm no trees are affected and subsequently have no objections to the application being approved.</p> |
| Conservation & Design (DBC) | <p>The existing site is located in the base of the valley between the canal and the river. It was an industrial area in the second half of the 20th century. The existing building dates from this period and is of little architectural merit. We would not object to its demolition. Adjacent to the site is the canal linking London and Birmingham. Adjacent is a bridge over the canal which would appear to have a late 19th/ early 20th century date. This has some visual interest. Adjacent to the site is a large redevelopment site under construction by Bellway.</p> <p>The proposed redevelopment to form housing would be acceptable and we would not object to the more traditional canal side warehouse structure for the main block. This could work well and relate and respond to the build environment of the canal and adjacent bridge. With regards to minor alterations we would recommend that the fenestration pattern be reviewed. Perhaps something similar to the canal house in Nottingham may be useful with regards both to the infill windows and the bulleye windows within the gable. One could also consider some form large canal signage as seen on many of the imposing warehouses adjacent to the canals.</p> <p>However we are most concerned with the more contemporary lower element of the scheme. We believe that it does not sit comfortably with either the more traditional main block nor the adjacent more contemporary Bellway development. As a result there is an unfortunate mish mash of development which is not cohesive and fails to integrate well together. If the traditional style is to be followed one should perhaps look at other historic canalside developments perhaps in the midlands and the north of England. One could perhaps off set this from the main building and have a small more contemporary link building perhaps with a flat area to provide an open garden space possibly on a plinth.</p> |

However as noted from many canal buildings there are a wide variety of forms of buildings which could be used to create a historic style and sit comfortably within the area.

The lower element of the design should be substantially reviewed as at present it detracts from the proposed larger building and the adjacent new block. This would be detrimental to the character of the area and could not be supported.

It would also be recommended that there be proposals or money towards enhancement to the tow path and the canal to better appreciate and enhance this important historic asset.

Recommendation The application should be substantially reviewed with the lower portion of the building be radically redesigned.

Further comments received 20.12.2021:

The existing site is located in the base of the valley between the canal and the river. It was an industrial area in the second half of the 20th century. The existing building dates from this period and is of little architectural merit. We would not object to its demolition. Adjacent to the site is the canal linking London and Birmingham. Adjacent is a bridge over the canal which would appear to have a late 19th/ early 20th century date. This has some visual interest. Adjacent to the site is a large redevelopment site under construction by Bellway.

The proposal has been reviewed following our previous comments. We believe that it now sits comfortably as a set piece design when compared to the previous proposal. It would provide a suitable end stop adjacent to the road with its scaling up in height. However as noted in the longer section drawing it is not out of scale when compared to the other development permitted onto the site. The design would appear to be well detailed and provide an attractive visual appearance. Whilst contemporary design can be appropriate the area is experiencing a mixture of both new and older styles of architecture which add to the visual interest. The local authority scheme at nearby at Magenta court uses a similar more traditional style. Therefore provided that the details are appropriate such as the brick colours, pattern detailing and that the windows are metal and set back rather than flush with the elevation this would sit comfortably within its context.

On a minor point in relation to landscaping/ contributions it may be useful to consider if an agreement could come forward to replace the palisade fence opposite on the park to the road with a green metal fence similar to that on the park's other boundaries. Not only would this soften the feel of the park and move the character of the area away from

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| | <p>the industrial estate appearance to a more residential space but also would improve the vista of residents from the main block. This coupled with the overlooking would be most beneficial to users of the park and also the residents who presumably would consider it to be a pleasant green space to enjoy. Hedge or tree planting to this boundary would further enhance its appearance and reduce the impact of traffic on this green space.</p> <p><u>Conclusion</u></p> <p>We would support the proposals and recommend approvals. External materials bricks, mortar colour and detail, window details finishes and set backs, roof materials, rainwatergoods metalwork (balcony railings) subject to approval. Hard and soft landscaping subject to approval</p> |
| Strategic Planning & Regeneration (DBC) | <p>This proposal is a relatively modestly sized new-build development where we would not normally anticipate seeing larger 3-bed flats. The 1 and 2-bed flats it currently provides for will certainly help to meet the need for smaller accommodation. Generally, I understand that most of the recent flatted developments in this area have been 1 and 2-bed schemes. However, I do believe that there were some 3-bed apartments provided in the adjoining recently completed Bellway (Apsley Quay) development on Frogmore Road, but this was a much larger scheme of 170 homes where there is better scope to secure a wider mix of properties.</p> <p>Given the above, I would suggest that you take a flexible view over housing mix on this site, and in particular the need for 3-bed flats.</p> |
| Hertfordshire Property Services (HCC) | <p>Hertfordshire County Council's Growth and Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone 3 and does not fall within any of the CIL Reg123 exlusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contracted separately from our Highways Department.</p> <p>Please Note: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at water@hertfordshire.gov.uk, who may request the provision of fire hydrants through a planning condition.</p> <p>10.12.2021 (Water Officer):</p> <p>As there is a hydrant on the path next to the existing building, we</p> |

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| | <p>wouldn't require any further fire hydrants to be installed here, so have no comment to make regarding this case.</p> |
| <p>Crime Prevention Design Advisor</p> | <p>Thank you for sight of planning application 21/03549/MFA, Demolition of existing building and construction of new building to accommodate 28 residential units. 1A Frogmore Road Industrial Estate Frogmore Road Hemel Hempstead Hertfordshire HP3 9RW</p> <p>I am pleased to see crime has been considered for this application as detailed in the Design and Access statement (page 39). I would ask that the development is built to meet the physical security requirements of Secured by Design.</p> <p>Physical Security (SBD)</p> <p>Communal door sets: Certificated to BS PAS 24: 2016, or LPS.1175 Access Control to block of flats: Audio or audio visual access control system . Tradespersons release buttons are not permitted. Postal delivery for communal dwellings (flats): Secure communal post boxes within the communal entrances , (Preferably covered by the CCTV) or each flat will have post delivered to it via a letter plate fitted in each flat's door., with the local post office being given an access fob. Individual front entrance doors of flats Certificated to BS PAS 24:2016 Windows: Flats Ground floor windows and those easily accessible certificated to BS Pas 24:2016 or LPS 1175 including French doors for balconies Dwelling security lighting (flats): Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points.. Bin stores and Waste collection: The access doors to these should be to LPS.1175(min SR2), or BS PAS 24: 2016. Car Parking No bollard lighting.</p> <p>Compartmentalisation of Developments incorporating multiple flats.</p> <p>Larger developments can suffer adversely from anti-social behaviour due to unrestricted access to all floors to curtail this either of the following is advised :</p> <p>. Controlled lift access, Fire egress stairwells should also be controlled on each floor , from the stairwell into the communal corridors.</p> |

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| | <p>. Dedicated door sets on each landing preventing unauthorised access to the corridor from the stairwell and lift Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.</p> <p>Kind Regards,</p> <p>Sophie Groombridge Designing Out Crime Officer (CPDA/DOCO) Covering Dacorum, Watford, 3 Rivers & Hertsmere. Hertfordshire Constabulary Police Headquarters, Welwyn Garden City. AL8 6XF Email: sophie.groombridge@herts.pnn.police.uk</p> |
| <p>Lead Local Flood Authority (HCC)</p> | <p>The applicant has submitted the following information in support of their application;</p> <p>- FRA and Drainage Strategy reference 680177-R1 (1) FRA dated September 2021 prepared by RSK</p> <p>We have reviewed the information submitted by the applicant in support of the planning application. However, the information provided to date does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. Therefore, we object to the grant of planning permission.</p> <p>In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is needed:</p> <ol style="list-style-type: none"> 1. Assess the existing surface water flood risk and demonstrate no increase in surface water flood risk to the site and the surrounding area up to the 1in 100 year + climate change event. 2. Demonstrate the provision of predevelopment greenfield run-off rates. 3. Demonstrate a viable means of surface water discharge. 4. Provide a detailed surface water drainage strategy to support a full planning application. 5. Groundwater assessment. 6. Assessment of Informal surface water drainage flooding and exceedance events. <p>Overcoming our objection</p> <ol style="list-style-type: none"> 1. Whilst the FRA contains the up-to-date data from the EA Areas susceptible to surface water flood risk mapping, this data has not been assessed any further to |

determine the extents, depths and velocities of potential surface water flood risk to the site and possible impacts from the development on the risk of surface water flooding elsewhere.

The applicant will need to demonstrate that as a result of the increased footprint, there will be no displacement of surface water for all return periods up to the 1 in 100 year + climate change event. There should be no impact on the 1 in 30-year event. Any impact on the 1 in 100-year event will require mitigation such as reconsidering the layout of the development or making space for the water to flow to compensate the area lost without increasing flood risk elsewhere.

Whilst we acknowledge that the proposed residential building incorporates a under croft car park which means the units will not be at risk of flooding, the applicant will need to demonstrate by referring to the DEFRA FD23-20 assessment, that occupants can safely access and egress the site to a safe area. It has been stated that there is an area to the north, however the assessment is required to demonstrate this for surface water flood risk as well as fluvial. The proposed use of the site is more vulnerable than the current use, placing people at risk from flooding. It is therefore important that it can be demonstrated that the development will be safe for its lifetime.

The LPA will also need to be satisfied that emergency vehicles can safely access the site. The site access is shown to be within the 1 in 30-year surface water flood risk extent, so we recommend this area is included in the Safe Access assessment.

It is stated that the under-croft car park floor level is above the surrounding ground level and therefore not at risk of flooding. However, the proposed cross section elevations show the ground level of the under-croft parking to be set lower than the surrounding ground level. Therefore, clarification is required as to whether it is intended to allow the car parking to flood or if mitigation is provided to prevent surface water flooding from entering the car park.

2. The applicant has undertaken pre-development greenfield run-off rate calculations which provides a 0.2l/s Qbar rate. However, the applicant has proposed an overall discharge rate of 2.9l/s. We understand that the applicant has cited the concern of implementing a low discharge rate, however there are devices that can accomplish this and even if 0.2l/s is too low, we would require the applicant to provide as close as possible to the calculated pre-development greenfield rate, especially as this is within an area of high-medium surface water flood risk and proposing to discharge into a flood relief channel. The proposed attenuation volumes will need to be altered to accommodate a lower discharge rate.

3. The applicant has assumed that the current site discharges to the existing Thames Water owned culverted flood relief channel beneath Frogmore Road, however the applicant has not yet undertaken a survey of the existing drainage infrastructure. The applicant is proposing to discharge to this culvert, however if this is to be viable, the applicant should provide evidence that Thames Water approve the connection, the location of the connection and that there is sufficient capacity. As this culvert is hydraulically connected it should be demonstrated that the culvert can cater for the development run-off up to and during the 1 in 100 year + climate change event.

4. The proposed drainage scheme is proposed as a 'draft' and indicative drainage strategy. As this is a full application where the layout and other details of the development will be determined, it is important to understand the detail of the proposed drainage strategy at this stage to ensure it is feasible. This includes the exact location and depth of the proposed SuDS measures including the geocellular tanks and permeable paving, their size, pipe runs and final outfall location. Detailed surface water drainage calculations should be provided for all rainfall events up to and including the 1 in 100 year + climate change event. The calculations should also include half drain down times for any storage elements of the scheme for a 24-hour period.

We are pleased to see the inclusion of a green roof as part of the drainage strategy and use of permeable paving.

5. It is stated that due to the location of the proposed development being close to the River Bulbourne and based on the BGS mapping that it is expected ground water levels to be shallow beneath the site, however no intrusive ground investigation has been carried out. It is stated that this will be carried out during detailed design. However, as this has a direct consequence on the viability of the proposed drainage strategy, ground water levels should be determined at this stage of the design and planning process.

It is stated that in order to accommodate the required surface water storage, two tanks at a depth of 0.8m will be required, one of which is cited under the under-croft car park and the permeable paving area at a depth of 0.3m. For the Geocell tanks and permeable paving to be viable, the applicant will need to provide a minimum 1m unsaturated buffer zone from the invert level of the geocell tanks and permeable paving to the worst case recorded ground water level taking into account seasonal variation. We also require any permeable paving and geocells to be lined to prevent a pathway for the ground water to emerge and possible pollutants entering the underlying ground water.

It should be demonstrated that there is no risk of floatation of the proposed geocellular tanks from the hydrostatic pressure of the underlying ground water.

6. When undertaking the detailed surface water calculations, the applicant will need to demonstrate that there is no risk of flooding below the 1 in 30-year event. Any flooding above this up to the 1 in 100 year + climate change event will be considered as informal flooding to the site and it should be demonstrated this can be safely contained within the site and not increase flood risk elsewhere. These areas should be shown on a site plan, showing the extent and depths of flooding and be read in conjunction with the calculations.

An assessment of exceedance events above the 1 in 100 year + climate change event should be provided, showing the flow pathways on a site plan showing the direction of flow and demonstrate this has not been increased as a result of the development.

The applicant can overcome our objection by submitting a Flood Risk Assessment and Surface Water Drainage Assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of a Flood Risk Assessment and Surface Water Drainage Assessment will not in itself result in the removal of an objection.

Informative and advice

For further advice on what we expect to be contained within the Flood Risk Assessment and Surface Water Drainage Assessment to support a full planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage.

<https://www.hertfordshire.gov.uk/services/recycling-waste-andenvironment/water/surface-water-drainage/surface-water-drainage.aspx>

This link also includes HCC's policies on SuDS in Hertfordshire.

Please note if the LPA decide to grant planning permission, we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Further comments received (11.05.2022):

Thank you for re-consulting the LLFA on the Demolition of existing building and construction of new building to accommodate 28 residential units at 1A Frogmore Road Industrial Estate, Frogmore

Road, Hemel Hempstead, Hertfordshire, HP3 9RW.

The applicant has submitted the following additional information in support of their application:

- FRA addendum and Drainage Strategy reference 134224 dated 24 January 2022 prepared by RSK
- Drainage Report 1036 dated 20 December 2021 prepared by Integrum Site Services

The applicant previously provided the following information:

- FRA and Drainage Strategy reference 680177-R1 (1) FRA dated September 2021 prepared by RSK

We have reviewed the additional information submitted by the applicant in support of the planning application. However, the information provided to date has not overcome our reasons for objection in our letter dated 23 November 2021 and therefore does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. Therefore, we object to the grant of planning permission.

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is needed, and our detailed comments are provided below including our previous comments (in italics):

Overcoming our objection

1. Whilst the FRA contains the up-to-date data from the EA Areas susceptible to surface water flood risk mapping, this data has not been assessed any further to determine the extents, depths and velocities of potential surface water flood risk to the site and possible impacts from the development on the risk of surface water flooding elsewhere.

Based on the additional information the applicant still needs to overlay the surface water flood extents based on the predicted levels and depths as shown on the EA surface water flood maps for all pluvial flood events up to the 1 in 100 year + climate change event to demonstrate assessment, analysis and understanding of this. The amended FRA states that the risk is 'medium' risk from surface water, however looking at the up-to-date EA maps, this shows parts of the site including the only vehicular entrance to lie within a high-risk area.

The applicant will need to demonstrate that as a result of the increased footprint, there will be no displacement of surface water for all return periods up to the 1 in 100 year + climate change event. There should be no impact on the 1 in 30-year event. Any impact on the 1 in 100-year event will require mitigation such as reconsidering the layout of the

development or making space for the water to flow to compensate the area lost without increasing flood risk elsewhere.

Please can the applicant provide a pre and post development footprint area and confirm the proposed footprint is not encroaching into a higher pluvial flood risk area that may result in displacement of surface water flooding.

Whilst we acknowledge that the proposed residential building incorporates a under croft car park which means the units will not be at risk of flooding, the applicant will need to demonstrate by referring to the DEFRA FD23-20 assessment, that occupants can safely access and egress the site to a safe area. It has been stated that there is an area to the north, however the assessment is required to demonstrate this for surface water flood risk as well as fluvial. The proposed use of the site is more vulnerable than the current use, placing people at risk from flooding. It is therefore important that it can be demonstrated that the development will be safe for its lifetime. The LPA will also need to be satisfied that emergency vehicles can safely access the site. The site access is shown to be within the 1 in 30-year surface water flood risk extent, so we recommend this area is included in the Safe Access assessment.

Whilst the addendum FRA has stated that there is a pedestrian safe access to the north, the applicant still needs to undertake the relevant assessment as stated above. The pedestrian route should be to an area that is wholly dry and considered a 'safe haven' and the LPA will need to be satisfied.

It is stated that the under-croft car park floor level is above the surrounding ground level and therefore not at risk of flooding. However, the proposed cross section elevations show the ground level of the under-croft parking to be set lower than the surrounding ground level. Therefore, clarification is required as to whether it is intended to allow the car parking to flood or if mitigation is provided to prevent surface water flooding from entering the car park.

The addendum FRA has not clarified this point other than stating that the under-croft car parking will allow 'flow' through the car park, we therefore still need clarification on how this will function and where the flow paths are.

2. The applicant has undertaken pre-development greenfield run-off rate calculations which provides a 0.2l/s Qbar rate. However, the applicant has proposed an overall discharge rate of 2.9l/s. We understand that the applicant has cited the concern of implementing a low discharge rate, however there are devices that can accomplish this and even if 0.2l/s is too low, we would require the applicant to provide

as close as possible to the calculated pre-development greenfield rate, especially as this is within an area of high-medium surface water flood risk and proposing to discharge into a flood relief channel. The proposed attenuation volumes will need to be altered to accommodate a lower discharge rate.

The applicant has cited that the system requires additional attenuation which cannot be accommodated on site by lowering the rate lower than 2.9l/s. The applicant has amended the drainage strategy which will now provide 76.8m² of surface water attenuation. This is to accommodate modelling volumes of informal flooding. The scheme will include a tank and permeable paving outside the entrance of the car park which will accommodate 62.4m³. The remaining volume of 14.4m³ will be attenuated in a smaller tank prior to discharge into the Thames Water flood relief channel. Subject to confirmation from Thames Water we find the proposed discharge rate acceptable.

3. The applicant has assumed that the current site discharges to the existing Thames Water owned culverted flood relief channel beneath Frogmore Road, however the applicant has not yet undertaken a survey of the existing drainage infrastructure. The applicant is proposing to discharge to this culvert, however if this is to be viable, the applicant should provide evidence that Thames Water approve the connection, the location of the connection and that there is sufficient capacity. As this culvert is hydraulically connected it should be demonstrated that the culvert can cater for the development run-off up to and during the 1 in 100 year + climate change event.

A CCTV survey has been undertaken and although the amended FRA states that it has been confirmed the site currently discharges to the TW culvert, the CCTV report states that it is 'assumed' this is the case due to blockage from material which prevented the survey being completed. It has been recommended that this is cleared to be able to confirm the discharge location and was not scoped as part of the CCTV survey.

4. The proposed drainage scheme is proposed as a 'draft' and indicative drainage strategy. As this is a full application where the layout and other details of the development will be determined, it is important to understand the detail of the proposed drainage strategy at this stage to ensure it is feasible. This includes the exact location and depth of the proposed SuDS measures including the geocellular tanks and permeable paving, their size, pipe runs and final outfall location.

Detailed surface water drainage calculations should be provided for all rainfall events up to and including the 1 in 100 year + climate change event. The calculations should also include half drain down times for any storage elements of the scheme for a 24-hour period.

We note from the surface water calculations provided the half drain down times can not be confirmed due to the system being too full. The applicant will need to demonstrate that the drainage system can half drain within 24 hours (for all events up to and including 100+cc) to ensure the drainage system can function following a subsequent rainfall event. The applicant should also demonstrate that the system can drain down during a 1 in 30-year fluvial event within the culvert where it is stated the site discharges to.

We are pleased to see the inclusion of a green roof as part of the drainage strategy and use of permeable paving.

5. It is stated that due to the location of the proposed development being close to the River Bulbourne and based on the BGS mapping that it is expected ground water levels to be shallow beneath the site, however no intrusive ground investigation has been carried out. It is stated that this will be carried out during detailed design. However, as this has a direct consequence on the viability of the proposed drainage strategy, ground water levels should be determined at this stage of the design and planning process.

This information has still not been provided.

It is stated that in order to accommodate the required surface water storage, two tanks at a depth of 0.8m will be required, one of which is cited under the under-croft car park and the permeable paving area at a depth of 0.3m. For the Geocell tanks and permeable paving to be viable, the applicant will need to provide a minimum 1m unsaturated buffer zone from the invert level of the geocell tanks and permeable paving to the worst case recorded ground water level taking into account seasonal variation. We also require any permeable paving and geocells to be lined to prevent a pathway for the ground water to emerge and possible pollutants entering the underlying ground water.

As the groundwater levels have not been established at this stage it has not been demonstrated that a 1m buffer can be achieved.

It should be demonstrated that there is no risk of floatation of the proposed geocellular tanks from the hydrostatic pressure of the underlying ground water.

It is stated in the addendum FRA that measures will be provided, however without understanding the groundwater levels, these measures cannot be guaranteed.

6. When undertaking the detailed surface water calculations, the

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| | <p>applicant will need to demonstrate that there is no risk of flooding below the 1 in 30-year event. Any flooding above this up to the 1 in 100 year + climate change event will be considered as informal flooding to the site and it should be demonstrated this can be safely contained within the site and not increase flood risk elsewhere. These areas should be shown on a site plan, showing the extent and depths of flooding and be read in conjunction with the calculations.</p> <p>An assessment of exceedance events above the 1 in 100 year + climate change event should be provided, showing the flow pathways on a site plan showing the direction of flow and demonstrate this has not been increased as a result of the development.</p> <p>The applicant has amended the drainage strategy to accommodate the calculated informal flood volumes.</p> <p>The applicant can overcome our objection by submitting a Flood Risk Assessment and Surface Water Drainage Assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of a Flood Risk Assessment and Surface Water Drainage Assessment will not in itself result in the removal of an objection.</p> <p>Informative and advice For further advice on what we expect to be contained within the Flood Risk Assessment and Surface Water Drainage Assessment to support a full planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage. https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx</p> <p>This link also includes HCC's policies on SuDS in Hertfordshire within LFRMS2.</p> <p>We have provided comments from the Lead Local Flood Authority in this letter. However, due to the LLFA SuDS team staff shortages, we may not be able to provide further advice at this site.</p> <p>Please note if the LPA decides to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.</p> |
| Hertfordshire Ecology | Thank you for consulting Hertfordshire Ecology on the above, for which I have the following comments: |

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| | <p>Hertfordshire Environmental Records Centre has no ecological data on the specific site although there are records of bat roosts in the area. However, the application is supported by a Preliminary Ecological Assessment and Bat Survey by 4 Acre Ecology Limited (report date 10/09/21).</p> <p>The application site is characterised by buildings and hard standing with very little ecological potential. The ecological survey carried out on the 2nd September 2021 found negligible potential in the buildings or trees for roosting bats. I have no reason to doubt this conclusion. The site is adjacent to the canal an important ecological feature and providing a commuting and foraging resource for bats. It is also part of an otter's territory as demonstrated by the discovery of otter spate. No further surveys were considered necessary, but sensible precautionary measures relating to lighting, nesting birds and hedgehogs are suggested in the report and these should be followed as an Informative should consent be granted.</p> <p>The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Enhancement in the form of three bird boxes including a sparrow colony box boxes are recommended in the ecological report. I would advise that these as well as measures for hedgehogs are marked on a Biodiversity and Landscape plan which should be submitted for consideration by the LPA and secured by Condition.</p> |
| Archaeology Unit (HCC) | <p>The development site in question is currently occupied by a modern building and has previously only been used for agricultural purposes as watercress beds, evidence of which is not likely to survive below ground. Any below-ground material from the building of the Grand Union Canal has likely already been disturbed through the modern development. The adjacent plot developed for Apsley Quay found the remains of 19th century workers' cottages [HER 31253] but these did not extend West onto the site currently in question.</p> <p>In this instance, I consider that this development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal.</p> <p>Please do not hesitate to contact me should you require any further information or clarification.</p> |
| Health & Safety Executive | <p>HSE is the statutory consultee for planning applications that involve or may involve a relevant building.</p> <p>Relevant building is defined as:</p> |

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| | <p>- contains two or more dwellings or educational accommodation and;</p> <p>- meets the height condition of 18m or more in height, or 7 or more storeys</p> <p>However, from the information you have provided for this planning application, it does not appear to fall under the remit of planning gateway one because the height condition of a relevant building is not met.</p> <p>I have checked the document marked "Fire Statement", which shows that while the total height is 19.4 metres, the height from ground to the upper floor surface of the fourth floor level is 12.4 metres. Please see our guide below:-</p> <p>Buildings in scope of Planning Gateway One are described in the new article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>The height condition is defined as either (a) the building is 18 metres or more in height or (b)the building contains 7 or more storeys. Article 9A(7) states that 'the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms)'; and that any storey which is below ground level is to be ignored. The Gov.uk website contains the following diagram regarding height measurement (Fire safety and high-rise residential buildings (from 1 August 2021) - GOV.UK (www.gov.uk)):</p> <p>Once again thank you for your email, if you require further advice with regards to this application, please do not hesitate to contact the planning gateway one team quoting our reference number (pgo-0761) in all future correspondence.</p> |
| Natural England | <p>21/03549/MFA</p> <p>NATURAL ENGLAND'S ADVICE OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 12.6 KILOMETRES OF CHILTERN'S BEECHWOODS SPECIAL AREA OF CONSERVATION (SAC)</p> <p>Between 500 metres to 12.6km from Chilterns Beechwoods SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity.</p> <p>Natural England requires further information in order to determine the</p> |

significance of these impacts and the scope for mitigation.

Please re-consult Natural England once this information has been obtained.

When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.

Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at

Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.

The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

- o Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- o Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- o Fire: increased incidence and risk of fire; and
- o Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or

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| | <p>projects, would be likely to have a significant effect on the SAC. Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from recreational disturbance.</p> <p>Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. If you have any queries relating to the advice in this letter please contact the case officer Ryan Rees on 07425 617458 or by email ryan.rees@naturalengland.org.uk. For any new consultations or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p> |
| Fire Hydrants | As there is a hydrant on the path next to the existing building, we wouldn't require any further fire hydrants to be installed here, so have no comment to make regarding this case. |

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

| Neighbour Consultations | Contributors | Neutral | Objections | Support |
|-------------------------|--------------|---------|------------|---------|
| 99 | 20 | 1 | 18 | 0 |

Neighbour Responses

| Address | Comments |
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| 25 Regents House Frogmore Road | I am writing to enquire about the plan to demolish the bathroom store at 1a Frogmore Road and to replace it with a number of new properties. |

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| <p>Hemel Hempstead Hertfordshire HP3 9GP</p> | <p>I've already registered my concerns about the plans online, however I only heard of the plans through word of mouth and have not received any information through the post. This is surprising as my flat is one of the closest to the proposed new properties. Could you please let me know if there is a proposed meeting to discuss this new development, or what the next stage is? If there is any communication about the planning process please could my address below be added to the list.</p> <p>We would like start by saying how surprised we are that the residents of Regents House were not notified by the council about this development, given we will be the closest neighbours. We were kindly informed by a resident of Ebberns Road. We can confirm word of mouth would most certainly not have circulated to everyone that needs to know.</p> <p>We are in full support of additional housing in the area and so do not object to the proposal to demolish Ebberns Bathroom Centre and replace it with new homes. However, we do object to the design of the proposed building, notably the size and scale, for a number of reasons.</p> <p>Firstly, we are concerned about the close proximity of the building to our apartment which will be at the closest point to the proposed design. The design mentions 'respecting the neighbours' in various places but this cannot be true if the wall is proposed to move even closer to Regents House and narrow the already small gap. Doing this will reduce the sunlight to a number of apartments in Regents House, increase noise and invade our privacy. We appreciate that the design suggests it will be staggered, however we would prefer the distance between the two buildings to remain the same as it currently is and not encroach any more on Regents House.</p> <p>Secondly, the height of the building seems very imposing for the area; as attractive as the design is, it will block sunlight and views we currently have. It will greatly affect the people who live opposite on Ebberns Road, many of whom have rightly voiced their concerns.</p> <p>Thirdly, we are concerned about the impact the development will have on the local infrastructure, which will surely need addressing. Frogmore Road and Durrants Hill Road is already getting busier, not helped by the impact of Apsley Quay, and this will surely get worse, increasing noise and pollution levels.</p> <p>Our general impression is that 28 units is an ambitiously high number for such a small space and so we welcome the discussion of lowering this number, alongside our design points above.</p> |
| <p>45 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p> | <p>When buying the property, we specifically asked if that building would be turned into residential homes.</p> <p>Bellway confirmed it wasn't going to be changed / redeveloped within the next 10 years. We were told Bellway had in fact tried buying it previously but the owner refused to sell, hence why we went to this specific plot in our building.</p> <p>Having a high-rise building right in front of our windows, affects us</p> |

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| | <p>massively with light and privacy. It will also devalue our property when we do sell and we haven't even lived here for a year. If we knew of these plans, we would have 100% looked elsewhere and not bought this property.</p> <p>The fact that it was a non residential building and not planning on being changed within 10 years, was one of the deciding factors in us buying our property. We were given confidence from Bellway that there were no plans for it to be demolished within the next 10 years. There is no way on earth would we have bought this property if we knew we would have to live next to a building site for the next few years.</p> |
| <p>The Muse 8 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p> | <p>We have recently purchased the property at 8 Ebbens Road and moved in beginning of July.</p> <p>On 21 September we have been made aware of the demolition of the bathroom store in 1A Frogmore Road and the planned construction of a new building with 28 apartments.</p> <p>Whilst I don't have a general issue with the construction of additional residential units or with the material that would be used, I would like to express my sincere concerns regarding the planned design, especially the height of the building and the planned number of apartments.</p> <p>The building design includes a 5-storey block which will have a significant impact on the living conditions of several houses in Ebbens Road. The height of the building will result in a loss of light for all the rooms facing the canal and will overshadow our relatively short patios/back gardens. The new construction with several flats being designed near the canal will also cause a significant loss of privacy for many residents on Ebbens Road.</p> <p>Another residential block next to the one being planned has recently been constructed in Frogmore Road. After consultations with community members, the design for this residential block was changed in favour of the residents in the houses on the other side of the canal, opposite this building.</p> <p>I would therefore like to request that the planned design of the new construction would also be changed and that any potential new building on 1A Frogmore Road should not exceed the height of the existing one.</p> |
| <p>The Muse 8 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p> | <p>As a current resident I wish to express my opinion about the demolition of 1A Frogmore Road and the planned construction of a new building with 28 apartments. The residential development is supposedly expected, and there is no concern about the overall design of the new building. It would blend in quite well in the area and is welcome. However, there are several concerns:</p> <ol style="list-style-type: none"> 1. The height of the building. The building will have a significant impact on the living conditions, including loss of sunlight as well as lack of privacy on both sides. As councillors and local community are already aware of, the design of the adjacent residential block of apartments, was changed in favour of the complaints of local residents, several years ago. We hope this sets the right precedent of respecting privacy |

and natural sunlight of residents on both sides of the canal. The houses of 2-12 Ebbens Road (which will be affected by the planned construction), have small terraces, which will get even less sunlight and privacy than they currently get. I would suggest to either propose a new 'staggered' design, where there are significantly less stories immediately in front of the canal, and/or significantly minimise the amount of apartments built overall.

2. The level of traffic, noise and emissions. Understandably, the level of noise will start with building works, but more significantly, will increase once the residents move in. The already busy Durrant Hill Road will become even busier and louder. Not to mention the levels of extra emissions from additional cars. Therefore, again, I would suggest to significantly minimise the amount of apartments built.

As a current resident I wish to express my opinion about the demolition of 1A Frogmore Road and the planned construction of a new building with 28 apartments. The residential development is supposedly expected, and there is no concern about the overall design of the new building. It would blend in quite well in the area and is welcome. However, there are several concerns:

1. The height of the building. The building will have a significant impact on the living conditions, including loss of sunlight as well as lack of privacy on both sides. As councillors and local community are already aware of, the design of the adjacent residential block of apartments, was changed in favour of the complaints of local residents, several years ago. We hope this sets the right precedent of respecting privacy and natural sunlight of residents on both sides of the canal. The houses of 2-12 Ebbens Road (which will be affected by the planned construction), have small terraces, which will get even less sunlight and privacy than they currently get. I would suggest to either propose a new 'staggered' design, where there are significantly less stories immediately in front of the canal, and/or significantly minimise the amount of apartments built overall.

2. The level of traffic, noise and emissions. Understandably, the level of noise will start with building works, but more significantly, will increase once the residents move in. The already busy Durrant Hill Road will become even busier and louder. Not to mention the levels of extra emissions from additional cars. Therefore, again, I would suggest to significantly minimise the amount of apartments built.

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| <p>The Muse 8 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p> | <p>I am very concerned that the height of the proposed development in 1A Frogmore Road Industrial Estate will completely block the light from our houses in Ebbens Road across the canal due to the short distance in between the sites.</p> <p>This is a particular concern for this stretch of the canal. In other places, houses are further set back, but 2-12 Ebbens Rd, directly opposite the proposed building, only have a small distance to the water and the 1a Frogmore Rd.</p> <p>I am also very concerned about the loss of privacy as this will affect our lives significantly.</p> |
| <p>40 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p> | <p>With reference to the above I wish to object strongly to the proposal, as it is much too high and will totally block out the afternoon sunshine for nos, 2 to 12 Ebbens Road and also affect 38, 38a and myself 40, where I will lose the setting sun from a newly laid paved area. It will also block afternoon and evening sunlight from all the single aspect westward facing flats in Regent House, the only chance they have to get some sun. I have seen for myself the lovely health giving sunshine illuminating the dining rooms of the Ebbens houses and it would be a terrible thing to do to black this out. A 60ft edifice even higher than the Frogmore Road flats which already block out a lot of the sky will cast a 180 ft shadow at 5.00 pm in the autumn, across the 45 ft canal and obliterate sun from the small gardens of 2 to 12 Ebbens Road. A precedent was established, against our wishes, by Regent House, and now, this is proposed to be even higher. Where does it all end? The outlook for The Ebbens residents would be a huge sunless high, ie towering above them, wall, dominating and darkening their view. Plants in the gardens will not thrive. The canal will turn into a permanently dark strip by reflecting the dark wall in the water. I can bear witness to the healing and calming properties of sparkling water. That advantage would be gone forever. Far from being a gatehouse effect leading into the estate, it obliterates it and imprisons it from both directions. The flats on the top floor will be dark and sunless with their single windows in large rooms and facing north west only, and very noisy at night with open windows directly above the road. The whole top floor needs to go for a start. The architectural detail is attractive and imaginative however. The gable shape is nicer than a flat roof, but adds far too much height, perhaps a flattened gable might work. There are not</p> |

enough parking spaces especially considering some flats have 2 bedrooms and, because Ebbens Road is probably not having resident's parking we will have a very unwanted overflow. It is my hope that this proposal will be recommended for refusal by the Case Officer, thus saving us all a lot of trouble.

04.01.2022:

I would like to add that no consideration or analysis has been shown as to the loss of light and sunlight to the gardens of nos 2 to 12 Ebbens Road. These will lose a great deal of sunshine if a 60 ft building is placed so close. Also, I wonder if you realise that the ground floor rooms are their living rooms. We were given a shadow diagram with the Apsley Quay development which revealed a true seasonal picture of the proposed situation and on the basis of which the Development Management Committee turned the application down. It seems evident that there would be a serious loss of light and warmth, leading to wasteful energy sources, as well as being depressing, to Ebbens Road dwellers including in my kitchen which wasn't assessed, and particularly to The Regent House Residents who get precious little light and that mostly at late afternoon. We, in Ebbens Road, already have experienced loss of light with Apsley Quay, so the percentages give a false impression

16.02.2022

In respect of Planning Application 21/03549/MFA, the 28 flats proposed at 1a Frogmore Road, it appears that some doubt has been cast as to the validity of the objections lodged and to the need for this to be called in to the full committee.

Firstly, about the visual impact and loss of daylight of the proposed building. It clearly states in Bre's analysis that there will be loss of light and the penetration of sunlight to the detriment of both the Apsley Quay flats that face west and the houses along the Canal namely nos. 2 to 12. I contend that it would also affect 38, 38a and myself no. 40, not mentioned in their report. The figures are certainly not zero but are close to 1% in every case. A building, a gable twice as high as it is now, ie 60ft instead of 30ft, cannot fail to cut out a significant portion of the sky, and to cast a shadow longer than its own height, and, therefore longer than the width of the canal, which is approx. 45 ft thus affecting the gardens of 2 to 12 in particular and adding to the level of darkness, particularly in their lower ground floor living rooms, which only have aspect at the back and are underground at the front. Even the lower part of the sloping roof would have a significant effect at late afternoon and all evening, just when most people are finishing work and like to enjoy a drink outside. As to the mention of overhanging balconies of the Apsley Quay flats, in their report, this would have little to do with overshadowing in the evening so, is not relevant. Why have we not been given shadow diagrams? Perhaps the evidence they would give would not be in the interests of the developers! Please find attached a photo taken from my kitchen window showing the existing building, ie Ebbens Baths, and I ask you to picture the appearance of a building twice as high. I have lost a significant amount of sky already, this would be a bit more gone. The sun sets behind the existing building 3 seasons of the year. How much earlier will it set behind the proposed

building? Will I still get evening light in my kitchen? The ground level, by the way, only drops 5ft below the towpath level. Equally the flats at the bottom of Durrants Hill Road pose no problem to us as they are much lower down the hill and cannot be seen from here. Could I ask you to visit nos 8 or 6 Ebbens Road, for instance to get the full Impression of what a 55ft building would do to their quality of life?

Secondly, with reference to the car parking allocation. My research shows that 1.3 spaces per residence is the minimum recommended in Hemel Hempstead, even for bedsit style flats, 31 spaces for 28 flats, some of which have 2 bedrooms, is only 1.1, and would cause overflow, particularly to being unallocated and therefore unrestricted as to who can park there. With visitors and delivery vans much in use these days, I believe there would be a problem, and the last thing we want is any more cars in Ebbens Road, given that we are not having Resident's Parking.

Another reason to turn down this application might be the design, which places the top floor flats facing a noisy busy road, onto which the only opening windows to their bedrooms are placed. We are not averse to redevelopment here, but would like whatever is placed there to enhance the neighbourhood and not to spoil what little is left to us of the sky, following the construction of the Apsley Quay flats, which have already removed a lot of our sky and light. Ideally we are hoping that the Case Officer will turn it down. A fresh design with fewer flats and a less high roof would then be able to be considered and quite likely accepted. Otherwise, we feel that we would be more likely to get this happening if it remains to be called in to the Committee, who have less pressure on them to help fulfil a quota in Dacorum, and are able to be more dedicated to preserving the charm of the area.

23:02.2022:

1) Overshadowing. I dont know if you have visited the site, but I was very surprised that your interpretation of the loss of daylight report was to say no impact on the houses 2 to 1 Ebbens Road. I have already sent you my observations on this point, particularly in respect of the little gardens next to the Canal being thrown into complete shade. The proposed building needs to be at least a storey less, perhaps with a modified gable or parapet. The ground level, by the way, is only 5 ft lower than the towpath level.

2) Overbearing. The artists impression clearly shows that it dwarfs the bridge and existing houses. Whereas the architectural detail and style of building with the Romanesque arches over the windows is attractive and in the vernacular of Victorian buildings, the whole building, which you can also observe in the elevations, looks more appropriate to an Industrial area than to nearby modest residences. In other words it is too big.

3) Overlooking and loss of privacy. People in the top storeys would be able to see right into the little gardens and into bedroom windows. Some people are already finding this a problem from the Apsley Quay building.

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| | <p>4) Risk of creating a precedent. The Apsley Quay buildings, which also did just that, are maximum 50ft from the ground, and are staggered away from us, minimising the impact visually, from our direction. A 60ft building would therefore create a precedent. The buildings at the bottom of Durrants Hill Road are built on much lower ground at the bottom of a steep hill, and their actual height, therefore, is irrelevant, as having no impact on us.</p> <p>5) Inadequate parking. 3 spaces more than the number of units, where some flats have 2 bedrooms, is not enough. Frogmore Road is already heavily parked at all times due to overflow from the Apsley Quay flats. Given families with 2 cars, their visitors and delivery vehicles etc.the situation would be a nightmare. We, in Ebbens Road, can't take anymore extra cars as we accommodate Lawn Lane cars as well as our own. We are not going to have Resident's Parking as this was turned down as disadvantageous to us, in the way it was going to be administered.</p> <p>I am sending you, separately, a photo taken from my kitchen on the first floor, where you can see in the top left corner, the impact and loss of light from the sky, of a staggered 50ft building. I live at No 40, Ebbens Road. Numbers go 2 to 12, then 36 and so on, so I am quite close. I have already sent you a shot of the existing building from my garden, so you can judge the impact of a building twice as high.</p> <p>These then are all valid reasons why you might well be justified in turning down this application. Should you do so, we would be very relieved, and should it subsequently go to appeal we would certainly be prepared to lend weight to the Council's defence of that decision.</p> |
| <p>2 Johnson Court Hemel Hempstead Hertfordshire HP3 9JT</p> | <p>I object to this planned development. The local infrastructure is already stretched to breaking point - particularly the lack of parking. I live on the other side of Lawn Lane and the area around Durrants Hill and Ebbens Road is so busy and congested. There are already too many new houses and apartments squeezed into Ebbens Road, and you're proposing building a four-storey (5 levels with the underground parking) apartment block! This will be too close to existing properties and will impair the lives of nearby residents.</p> |
| <p>38 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p> | <p>We oppose the proposal, due to the 5-floor heights of the main building leading to overshadowing of our ground floor. This will increase our heating costs and environmental footprint, which are important factors for us, given energy prices and climate emergency. Additionally, the number of flats will further escalate the dramatic lack of primary school places in the two waters area. Our road used to be served by the two waters primary in the manor estate. Dur to building activity in recent years exceeding primary school expansions, it is right now outside of the catchment of all primary schools in Apsley. We are aware that the plans for the two waters corridor once included a new primary school, but we have not heard of it being build.</p> |
| <p>38A Ebbens Road Hemel Hempstead Hertfordshire</p> | <p>I would like to object to the proposed reconstruction of 1A Frogmore Road.</p> |

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| <p>HP3 9QR</p> | <p>Loss of light and shadowing: Although no shadow diagram has been submitted (may we have one please) It is clear that we will all be affected negatively. The proposed design is 5 storeys (Ground, 1st, 2nd, 3rd and 4th) This will completely block out the evening light. The height of the design and location of the highest point is directly where the sun sets, and my property and garden will be plunged into darkness hours earlier than it is now. This area of skyline is the only part I can see from my garden due to foliage and the already imposing Bellway opposite. Therefore I propose the new building does not extend any higher than the current building.</p> <p>Overlooking and loss of privacy: The proposed design will have 22 windows, 4 balconies and 2 roof gardens facing the direction of my house and garden - I will be incredibly overlooked and will have next to no privacy as my bedroom, kitchen and garden will be completely visible from all of those areas. And vice versa. I do not want to see people in their houses, and I'm sure they don't want to see any of the residents of Ebberns road either. The removal of floors 2, 3 and 4 would eliminate most of this.</p> <p>Adequacy of parking: The ground floor plan looks like it has 31 car parking spaces. This does not seem enough for the 28 proposed flats. Some are one bedroom, some are 2 bedroom - if every occupant has a car, then we will see a significant increase of parking on Ebberns Road. It is difficult enough to park on our own road. This would also be terrible for air pollution with the emissions. Therefore I again suggest reducing the amount of apartments in the building.</p> <p>Noise disturbance: As proven by the current Bellway, the outdoor areas and balconies will attract parties, picnics, exercise groups and so on. We do not need any more noise disturbance in 'the quiet zone' of the canal.</p> <p>Visual intrusion: As already mentioned, the building is too high and will block out the only skyline I have.</p> <p>Design and appearance: Other than the looming height of the structure, the design is rather nice and in keeping with the area. Very well done to the illustrator - however, it would be more useful to see how the building would look from this side of the bridge. The perspective of the diagram isn't helpful to the residents at all, only canal boats would see it from that angle. I invite you to illustrate it from my house if you wish.</p> <p>On a more personal level, I only bought this, my first property in April - and I would be devastated if my dream house and my wellbeing was to be impacted by all of the building works that could take place on what is an obviously over-sized and unnecessary development.</p> |
| <p>The Muse 8 Ebberns Road Hemel Hempstead Hertfordshire</p> | <p>The building as proposed in the plans will be too high. Those of us living to the north of the apartment block will be confronted by a mass of bricks which will block the sunlight for significant parts of the day. As many balconies and windows will be facing our properties, it is clear</p> |

HP3 9QR

that residents will look directly into our private spaces such as our bedrooms from just a few yards across, especially from the fourth and fifth level of the new development.

I understand that a residential development may be built on this site, but I strongly object to the towering presence that this particular plan represents. The adjoining development on 1-14 Frogmore Road ('Apsley Quay') provides a good example of how a new residential building should definitely not be more than three levels tall (ground level parking plus two levels with apartments) on the side of the canal. The distance between our house and the proposed development is even smaller than the distance between Apsley Quay and the houses of any of our neighbours on Ebbens Road.

I accept the general architectural design and appearance of the proposed residential building, but plans need to be redrawn with significantly reduced height to decrease the amount of overshadowing, loss of privacy and visual intrusion which I and my neighbours will suffer from.

16.02.2022:

I wrote to you on 26 September about the application for a proposed five-storey apartment block behind our house on 1a Frogmore Road. I have had no response to my email yet, but as far as I can see on the planning applications website, the application is still pending. This concerns me, as it seems to me that the application might have been rejected by now, considering the negative impact which such a tall building would clearly have on all of us living on neighbouring properties. We are currently not sure if our concerns are being considered appropriately and call for the application to go before a development management committee, if it cannot be rejected at this stage.

As confirmed by the daylight and sunlight report submitted by the applicants, all properties directly on the other side of the canal (Ebbens Road 2, 4, 6, 8, 10 and 12) will be impacted by the proposed development. In simple terms: The current building on the site in question is much lower than what has been proposed, but even now the afternoon sun stands only slightly above that building, as seen from our property. The proposed five-storey building will most definitely cast a large shadow over our gardens and houses, as can also be easily shown with a shadow calculator. This would impact on our well-being significantly, and it is only right that loss of daylight and sunlight are listed as reasonable objections.

We believe that a careful consideration of the proposal leads to the objective conclusion that such a tall building on the site in question will lead to unreasonable loss of light, loss of privacy, parking problems and other negative outcomes for those living in the neighbourhood.

Thank you for time and your kind consideration. A response with an update about how the particular and justified concerns, as expressed in a large number of objections, are being considered would be much appreciated.

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| | <p>I have seen BRE's daylight and sunlight assessment additionally submitted by Hobbs Developments. It clearly confirms what is already blindingly obvious: Constructing a five-storey apartment block a few meters south of our Ebbens Road houses will result in loss of daylight and sunlight for all of us.</p> <p>As stated by so many of us now, the proposed building is far too high. Apart from the loss of light, we cannot accept people looking down into our private rooms from a height, so we kindly request for this application to be denied.</p> |
| <p>6 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p> | <p>Having consulted with my neighbours on Ebbens Road, it is the view of all properties facing the proposed development that the plans, as they stand, will cost us considerable privacy. Should the current plans go ahead, we will have at least four balconies and eight windows looking directly into our gardens and bedrooms - and that's before you factor in the dwellings that stretch toward the development further along the canal.</p> <p>We are also highly alarmed at the height of the development, which, at four storeys in parts, will block out our views from our top floor that stretch as far as Shendish, Felden, and beyond. Views aside, we will also enjoy less sunlight directly into our homes. The ground floor of our three storey townhouses are already dark - this plan will darken them further.</p> <p>Points have also been raised about noise levels - from the building works and also once the residents move in. We have concluded our quality of life will be impacted significantly by this.</p> <p>Traffic levels are already high on Durrants Hill Road and we believe that cramming more dwellers into the surrounding areas will unnecessarily increase the levels of local traffic, and therefore pollution.</p> <p>We stand firm that we are against this plan and would urge the council to revoke this application. Our privacy, access to natural sunlight and mental wellbeing must always come first.</p> <p>I've studied the latest documents and they look identical to what has already been submitted. Have the developers taken any of the comments into consideration?</p> <p>It's still too high and there will be too many windows looking directly into our property (and my neighbours) over the canal. This is totally unacceptable.</p> <p>Furthermore, the BRE Client Report confirmed our original suspicion that the development will block out daylight. This will be most notable in the winter when we're trying our best to stay upbeat while working from home.</p> <p>While I am fortunate to have off-street parking, many of my neighbours on Ebbens Road do not - and this will force residents of the new</p> |

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| | <p>apartments without an allocated parking space who have two cars or guests to park on our road, therefore clogging up the area and causing even more of a jam on Durrants Hill Road during rush hour.</p> <p>I was against the proposals before and I still am - this detrimental to the local surroundings, dwellings, and that's even before you take into consideration that it's being built on an area with historic flooding.</p> |
| <p>2 Ebbens Road Hemel Hempstead Hertfordshire HP3 9QR</p> | <p>I greatly object to this development.</p> <p>The project will affect our privacy greatly, as it will be looking directly into the back of our house, where our bedroom, kitchen, and lounge are situated.</p> <p>Furthermore, our garden is very short and is south facing and we will lose the sun and daylight. To add to this, we are concerned we will also have the night lights of the flats shining on us. We anticipate we will have to have our curtains drawn for the majority of the day</p> <p>We have consulted our neighbours, and all are most concerned about this.</p> <p>17.02.2022:</p> <p>We live opposite the proposed planning site in Frogmore Road and Durrants Hill on the corner of Ebbens Road.</p> <p>At present we have a clear view with no obstructions as Ebbens Plumbers is opposite us but not in front of us.</p> <p>Our main objection to the plans is the height of the project, in your mail of the 12 th October you state that the build would be only 2 meters higher than Ebbens Plumbers who are presently occupying the site. The new project is considerably higher almost more than 20 meters higher and that does not include the underground car park which will rise another 2 meters if it is built the same as the adjoining blocks.</p> <p>Our south-facing sunny garden will be in the shade most of the day and as our living accommodation and kitchen and main bedroom will face the block we will lose our privacy and be constantly overlooked.</p> <p>The first application we received was just before Christmas and gave us just a few days to reply, there were neighbours away for the holidays and this seemed to me to be a rush tactic to get the plans past. The second set of plans does not seem to be altered in any way.</p> <p>The canal in front of our house is narrower than the rest of the water as we have a Bridge adjacent to the right of our house. I suggest this be measured as this may not fit in with planning requirements, with the block of flats and the bridge we will be blocked in with very little light.</p> <p>Parking is will also be a problem as there does not appear to be enough space for the amount of cars and this does not include any visitors to the site.</p> |

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| | <p>The new plans are still too high and will block out our light and also the sun to our south-facing garden. we will be overlooked as the canal is very narrow at this point and we will feel suffocated with the flats overlooking all our living and sleeping accommodation which are facing on to the development, also the underground car park will make the flats 5 stories high which is equivalent to the last application.</p> |
| <p>Apsley Paper Trail Frogmore Mill Fourdrinier Way Hemel Hempstead Hertfordshire HP3 9RY</p> | <p>We need to be convinced that the current and anticipated traffic issues in DHR/Frogmore Road will be addressed (or at least mitigated) by implementing the outstanding measures required by the Bellway scheme on Frogmore Road that has just been completed last year (such as an hatched area on the road bridge and enforcement cameras), and any additional measures that would enhance the capacity of both Durrants Hill Road and the five junctions along its length, and also improve accessibility more generally.</p> <p>As soon as something happens on Lawn Lane or Apsley High Road, Durrants Hill Road becomes gridlocked and access to and from Frogmore Road, Fourdrinier Way and Ebbens Road becomes impossible. The traffic lights system on the bridge is a highly contributing factor to this problem. The Bellway development promised to do something about that - it didn't.</p> <p>Refuse collection and other HGV service delivery/construction vehicles servicing the Ebbens site should not have to reverse on Frogmore Road immediately opposite our coach/service access opposite No.1 Frogmore Road. In the interests of highway safety all deliveries to the new development should leave and enter Frogmore Road to and from the application site in forward gear ...this is good traffic management/highways practice, if not a statutory highways requirement.</p> <p>It should be proven to our satisfaction that the development will not exacerbate the flood risk to Frogmore Mill through the discharge of surface water drainage etc into the local water courses or put any strain on any local utilities and services.</p> <p>The proposed Section 106/278 agreements should include local highway improvements and public transport enhancements that improve accessibility in and to the local area.</p> |
| <p>30 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p> | <p>The area is already very busy with extra cars/ visitors parking down this road and general access by taxi's etc due to the existing two blocks. Another building will cause chaos down the road.</p> |
| <p>44 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p> | <p>I object to this proposal due to impact on privacy from adjacent properties all sense of privacy will be lost.</p> <p>In addition to this, the impact on the light coming in to the building will be drastically impacted, many residents will lose valuable daylighting entering their homes.</p> |

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| | <p>The local area already has traffic issues. Any traffic jam, vehicle break down, traffic calming measure or temporary lights causes bottle necking at the traffic lights on Durrants Hill Road. Creating long queues back onto London road and Lawn Lane. This impacts on environment, and an increased danger to pedestrians having to navigate the higher traffic. This will be heightened with this new development.</p> |
| <p>46 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p> | <p>Thank you for letting us know of the development proposed and giving us the opportunity to raise concerns and contest where applicable.</p> <p>I would like to draw attention to the following concerns I have as they are of paramount important to me, and I would ask that they are to be considered in any construction proposed if not already done so.</p> <ul style="list-style-type: none"> - There will be a loss of natural light and potentially overshadowing of all properties facing the new site - The development will be invading privacy due to the height and how close it is to existing properties - Building another block of flats so close to the turn in to Frogmore Road must also factor in the potential for the larger plots of land, on the opposite end of Frogmore Road, such as RSK Engineering similarly being sold off in the future and also being converted into residential flats and homes as this will also have an impact on all properties on this road - Public parking will be impacted thus leading to shortages on an already busy road - It will create bottlenecks when turning into and out of Frogmore Road. - There will be increased traffic and pollution affecting air quality especially for those whose properties face the car park - The number of flats and locality being proposed must consider the fact that all properties, be it proposed or existing, sit on a flood risk site and therefore excess runoff will not impact the likelihood of flood/damage to existing/new properties - It will also affect entry to the building from the side of the new development - There will be visual intrusion due to properties being so close and therefore being able to look directly into opposing flats. Furthermore the triangular shape roof seems to add a lot of height unnecessarily - There will no doubt be construction works for the next 2 - 5 years whilst the new building is developed and sold - With the current proposed height there will be a loss of greenery and the visual aesthetic will be impacted/decreased for all properties facing the parks on the opposite side of Durrants Hill Road - The large number of flats based proposed on the small footprint allocated seems overly bold <p>Of course there will no doubt be valid points raised by other people however the above would be points i feel are of concern.</p> <p>I look forward to hearing from you in the future regarding the construction.</p> |
| <p>42 Regents House Frogmore Road Hemel Hempstead</p> | <p>Really not happy with the proposed development. The main reason is the parking. Frogmore Road is bad enough as it is with trying to find a parking space, but adding another development will mean we have</p> |

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| <p>Hertfordshire HP3 9GP</p> | <p>absolutely no chance of parking where we live. We've just bought our first home and enjoy the views but this building will block a considerable amount of light especially over the bridge.</p> |
| <p>23 Regents House Frogmore Road Hemel Hempstead Hertfordshire HP3 9GP</p> | <p>We would like to object to the new building. This is due to the reasons below.</p> <ul style="list-style-type: none">- Loss of light- Overlooking & loss of privacy- Parking will be impacted- Visual intrusion due to looking directly into our flats- Noise and disturbance of building <p>Please do let me know if there is anything else we need to do.</p> |