

**ITEM NUMBER: 5a**

<b>21/04352/MFA</b>	<b>Demolition of existing light industrial building. Construction of mixed use development comprising 2 storey commercial building, with foodbank, bike workshop, office space and cafe area. Seven storey residential building (6 storey from main entrance plus lower ground floor to access ancillary spaces and parking) comprising 56 residential units, mix of 1 and 2 bedrooms, bin store, cycle store and parking. Associated parking spaces, scooter store and landscape.</b>	
<b>Site Address:</b>	<b>Unit 4 The Hub Paradise Hemel Hempstead Hertfordshire HP2 4TF</b>	
<b>Applicant/Agent:</b>	<b>Mr Oliver Donohoe</b>	<b>rgp Ltd</b>
<b>Case Officer:</b>	<b>James Gardner</b>	
<b>Parish/Ward:</b>		<b>Hemel Hempstead Town</b>
<b>Referral to Committee:</b>	<b>DBC application</b>	

**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 securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement; drainage matters being satisfactorily addressed in conjunction with the Council's independent drainage consultants, and entering into a section 106 agreement for the purpose of securing affordable housing provision.

**2. SUMMARY**

2.1 The site forms part of local allocation MU/3 (Paradise / Wood Lane) and is located within Hemel Hempstead Town Centre. The principle of residential development at a high density is therefore acceptable.

2.2 In design terms, the development is considered to be well thought out and would positively contribute to the local area, thereby according with Policies CS10, CS11 and CS12 of the Dacorum Core Strategy (2013).

2.3 It is acknowledged that there would be some adverse impacts on the approved development at Park House should it be built out. However, in having regard to the flexible approach advocated by the NPPF to daylight and sunlight where development relates to new housing, it is considered that, on balance, the impacts would not be so severe as to warrant a refusal of planning permission, noting the considerable public benefits which will arise from this development.

2.4 The application overprovides in terms of residential parking, yet it is not considered that overprovision in this particular area would significantly encourage car ownership; rather, the close proximity to Hemel Hempstead Town Centre and the short cycle distance to Hemel Hempstead train station is likely to reduce residents' reliance on cars.

2.5 An assessment of the way in which the DENS building will operate has been carried out, and it is considered that the level of parking provided is appropriate.

2.6 The scheme would provide 100% affordable housing (social rent) and thus exceeds the requirements of Policy CS19 of the Dacorum Core Strategy.

**3. SITE DESCRIPTION**

3.1 Paradise Depot is a brownfield site with an area of approximately 0.40 hectares (75m in length by 58m in width). The frontage faces Paradise – a mixed used area which was formerly classified as a General Employment Area (GEA). To the north there is a wooded area that is subject to a blanket Tree Preservation Order (TPO) and serves as a screen between the site and Hemel Hempstead Hospital.

3.2 The site is roughly square in shape and occupied by a single-storey T-shaped building formerly used as offices and a foodbank by Dacorum Emergency Night Shelter (DENS). There are two vehicular access points into the site – one located to the west of the main building and the other to the east. An additional building in a state of disrepair is located in the north-east corner of the site and appears to have previously been used as car workshop. All of the site not occupied by buildings is covered in hard-surfacing.

3.3 The Town Centre with high street facilities and the Marlowes Shopping Centre is located a few minutes walk to the west.

#### **4. PROPOSAL**

4.1 Planning permission is sought for the demolition of the existing buildings and the construction of a mixed use development comprising of a two-storey commercial building, including foodbank, bike workshop, office space and café, as well as a six-storey / seven storey residential building, comprising of 56 residential units.

#### **5. PLANNING HISTORY**

None

#### **6. CONSTRAINTS**

CIL Zone: CIL3  
Former Land Use (Risk Zone):  
Parish: Hemel Hempstead Non-Parish  
RAF Halton and Chenies Zone: Yellow (45.7m)  
Smoke Control Order  
Parking Standards: New Zone 2

Town: Hemel Hempstead  
Tree Preservation Order: 162, Details of Trees: W1 - Predominantly Sycamore

#### **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 (February 2019)  
Dacorum Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies

#### Dacorum Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 – Sustainable Transport  
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  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS33 – Hemel Hempstead Town Centre  
CS35 – Infrastructure and Developer Contributions

#### Dacorum Local Plan

Policy 10 – Optimising the Use of Urban Land  
Policy 12 - Infrastructure Provision and Phasing  
Policy 13 - Planning Conditions and Planning Obligations  
Policy 18 – The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 55 – Traffic Management  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 111 – Height of Buildings  
Policy 118 – Important Archaeological Remains  
Policy 129 – Storage and Recycling of Waste on Development Sites

Appendix 3 – Layout and Design

#### Supplementary Planning Guidance/Documents

Strategic Sites Design Guide (2021)  
Parking Standards Supplementary Planning Document (2020)  
Refuse Storage Guidance Note (2015)  
Planning Obligations (2011)

## **9. CONSIDERATIONS**

### Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;  
The quality of design and impact on visual amenity;  
The impact on residential amenity; and  
The impact on highway safety and car parking.

### **Principle of Development**

9.2 The application site has been allocated for mixed use development, which includes housing, under designation MU/3 (Paradise / Wood Lane). The planning requirements for which are outlined in the Site Allocations 2006-2031 Written Statement (12<sup>th</sup> July 2017):

9.3 A net housing capacity of 70 is indicated within MU/3 of the Site Allocations.

9.4 The supporting text briefly outlines the planning requirements for the site as follows:

*Development to be guided by Town Centre Master Plan (Hospital Zone development brief required). Potential for redevelopment for smaller units in B1 use. High density flats or housing acceptable. Early liaison required with Thames Water to develop a Drainage Strategy to identify any infrastructure upgrades required in order to ensure that sufficient sewage and sewerage treatment capacity is available to support the timely delivery of this site.*

9.5 The site forms part of the Hemel Hempstead Town Centre Masterplan (2011-2021) and falls within the Hospital Zone character area, wherein a wide mix of uses, including high quality residential schemes, is welcomed.

9.6 Policy CS33 of the Dacorum Core Strategy encourages the delivery of a range of new homes within Hemel Hempstead Town Centre, while Policy CS4 of the Core Strategy is supportive of a mixture of uses in towns.

### **Mix of housing**

9.7 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.

9.8 Saved Policy 18 of the Dacorum Local Plan 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.

9.9 The mix of dwellings is outlined below:

<b>Unit Type</b>	<b>Number</b>
1b2p	26
2b3p	4
2b4p	26
<b>Total</b>	<b>56</b>

9.10 It is considered that the above strikes an appropriate mix of dwellings sizes.

## **Density Considerations**

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

9.12 Policy 10 of the Dacorum Local Plan is of relevance and states that vacant or underused land and buildings should be brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. Importantly, the saved policy goes on to state (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan. In particular, building development will be permitted if it makes optimum use of the land available, whether in terms of site coverage or height.

9.13 Policy 21 of the Dacorum Local Plan 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.

9.14 The policy further states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. Higher densities will, however, 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.

9.15 The application proposes 56 residential units on a 0.4124 hectare site, giving a density of approximately 136 dwellings per hectare (dph). Given the close proximity of the site to Hemel Hempstead Town Centre, where densities are substantially higher than other parts of the town, the proposed density is considered to be acceptable, making efficient use of land in accordance with Policy 10 and broadly in accordance with Policy 21.

9.16 Given the highly sustainable nature of the application site, it is considered that the density proposed would make effective use of the site.

## **Quality of Design / Impact on Visual Amenity**

9.17 Policy CS10 of the Dacorum Core Strategy states that, at a broad settlement level, development should, inter alia, protect and enhance significant views into and out of towns and villages and deliver landmark buildings at movement and pedestrian gateways, enhancing focal points with high quality architecture.

9.18 Policies CS11 and CS12 of the Dacorum Core Strategy state that development should respect the typical density intended in an area, preserve attractive streetscapes, integrate with the streetscape character and respect adjoining properties in terms of layout, site coverage, height, bulk and materials.

9.19 Appendix 3 of the Dacorum Borough Local Plan states that development should be guided by the existing topographical features of the site, its immediate surroundings, and respect the character of the surrounding area with an emphasis on there being adequate space for the development in order to avoid a cramped appearance.

## **Design**

9.20 The development is formed of two buildings that face one another across a centrally located access road. The new apartment block is to be located on the western side of the access road, while the DENS foodbank and office facility is to be located on the eastern side, serving as a physical buffer between the apartment block and the existing commercial and industrial uses that remain. A communal amenity area is located to the west of the apartment block, introducing much needed soft

landscaping and helping the building to sit comfortably within its surroundings. The southern elevation is also set back from the highway behind a 1m planting buffer.

9.21 Surface level car parking for the DENS building is located proximate to the central access road. Parking for the apartment block is located at surface level to the rear of the site and accessed by way of a controlled barrier in order to avoid opportunistic parking by persons visiting the town centre. A further area of parking for the apartment block is located in an undercroft, the vehicular access for which is located to the west of the central access road.

9.22 The apartment block has a rectilinear form and ranges in height from four to six storeys, the reduction in height limiting the prominence of the building when viewed from Paradise. Levels fall across the site in a westerly direction which has enabled an area of undercroft parking to be provided in a lower ground floor. This will necessitate the construction of a plinth upon which the ground floor of building will sit, and is evident when viewing the northern, southern and western elevations.

9.23 The elevations of the apartment block exhibit a pleasing sense of symmetry, successfully integrating architectural features such as brick detail panels, brick banding, soldier courses, and Hit and Miss balcony brickwork into a cohesive composition. The western elevation is punctuated by two areas of black brick detailing with diapering – a reference to Hemel Hempstead's Tudor vernacular - which extends from the ground floor to the roof, clearly identifying the primary building entrances and stair cores. The plinth on the northern, southern and western elevations is to be rusticated in order to provide some interest.

9.24 The design of the apartment block has been carefully considered with regard to historical precedents for the area. In the words of the architects: *'The proposal serves as a focal culmination and contemporary interpretation of Hemel Hempstead's features and details.'*

9.25 An altogether different approach has been taken to the design of the DENS building. Its form is intended to reference the historical industrial uses within the Paradise estate, albeit in a more visually pleasing manner. The building would have a traditionally pitched roof and externally finished in a mixture of dark brick and coloured diamond tiling, the latter of which is a modern interpretation of Hertfordshire Puddingstone.

### Hard and Soft Landscaping

9.26 Drawing no. 101 (Rev. D) provides details of hard and soft landscaping. The hard landscaping would comprise of a mixture of tarmac and block paving with either natural or cedar colouration. The block paving is to be laid in different patterns depending on its location: stretcher for patios and walkways and herringbone for driveways and parking bays. The combination of colours and patterns would provide sufficient contrast and visual interest.

9.27 Soft landscaping within the site would be largely limited to communal garden area, though the main access drive would include some ornamental planting, and the surface level parking to the rear would include small areas of soft planting. The strip of land to the south of apartment building is to include a mix of shrubs and perennials.

### Impact on Street Scene

9.28 The proposal will be primarily visible from two visual receptors: Paradise and Park Lane.

9.29 Park Lane is located to the west of the application site and runs south to north from its junction with St Albans Road, up to Albion Hill and Maynard Road. The road comprises of a mixture of commercial and residential development with heights ranging from between 3 to 5 storeys. Red

brick is the predominant building material, though there are also limited examples of smooth painted render being used (on Brookfield House and the town houses fronting Park Lane).

9.30 The new apartment block and DENS building would not be prominent from Park Lane; rather, in reality, they are only likely to be visible to any significant degree at the junction of Park Lane and Paradise. Assuming roof extensions to Park House take place, as seems likely, the majority of the apartment block is unlikely to be visible. Given the local context, it would be difficult to say that buildings of this scale would be harmful to the street or incongruous.

9.31 Turning to the impact of the building within Paradise itself, it is firstly important to note that the area is in the process of transition. Whereas it was previously an area characterised by industrial / commercial uses, following the removal of the General Employment Area designation in 2017, there has been a shift toward residential uses, and it is anticipated that residential uses will ultimately end up being the dominant land use in the area. Indeed, there is already an example of a relatively large apartment block having been constructed (4/01121/18/MFA). The Paradise Design Code, which is yet to be adopted, also envisages the construction of large apartment blocks.

9.32 The Council's Conservation and Design Officer has been formally consulted and made the following comments in respect of the design and context:

*The proposal has been carefully designed and considerable effort and architectural dexterity has resulting in an attractive apartment block that is of a higher standard than many other developments. It has a slight curve, which would provide shadow lines, interesting variation with regards to the windows and balconies and visually pleasing detailing. It would remove a negative building and townscape feature which detracts from the character of the area. The landscape has been carefully considered and would add to the setting of the building. As such we believe that it would positively enhance both the site and the wider centre of Hemel Hempstead. As such we would support this building and recommend approval.*

*The Dens building is a lower two storey structure with a pitched roof. The form follows the function of the site and it is low and has a more industrial feel thus reflecting the original character of the paradise site. However visual interest has been created through the use of a mixed pallet of materials and detailing. As such it appears a high quality development and would sit comfortably and subserviently adjacent to the larger new apartment block.*

*Overall we believe that the proposal would enhance its surroundings and create an attractive and distinctive new development in the Paradise Estate*

9.33 Policy 111 of the Dacorum Local Plan states that buildings in excess of three storeys may be permitted in Hemel Hempstead Town Centre, provided there is no harm to:

- the character of the area and the site's surroundings;
- the character of open land;
- views of open land, countryside and skylines; and
- the appearance and setting of conservation areas and listed buildings.

9.34 It is considered that the development would not be contrary to any of the criterion listed above:

- 1 The area is of mixed character and in close proximity to Hemel Hempstead Town Centre, where heights increase significantly.
- 2 The application site is not immediately adjacent to the Paradise Fields' Wildlife Site.

- 3 The proposed development would not prejudice any views of open land, the countryside or skylines. Paradise Fields is not readily visible from within Paradise or Park Lane owing to, inter alia, the change in levels and the interposition of buildings and trees.
- 4 The development is not in close proximity to any conservation areas or listed buildings.

### Amenity Provision

9.35 Appendix 3 of the Dacorum Local Plan states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Residential development designed for multiple occupancy will be required to provide a private communal amenity area to the rear of the building at least equal to the footprint of the building for two storey developments, and increasing with building height.

9.36 Amenity space will comprise of both public and private provision – i.e. a communal garden area and private balconies.

9.37 The communal garden, the layout of which is shown on drawing no. 101 (Landscape Layout – Rev D) – would have an area of approximately 555m<sup>2</sup> and is to be located between the apartment building and the western boundary of the application site. The layout indicates that it would have a bound resin path which leads south to north, with trees and area of landscaping to either side. Opportunities for seating and informal play are provided at various points along its length.

9.38 In addition to the above, each apartment will have access to a private balcony area. The balconies on the eastern elevation would be cantilevered and face the DENS building, while those on the western elevation would be set within the envelope of the building. The balconies vary in area from between 4.95m<sup>2</sup> to approximately 7.45m<sup>2</sup>.

9.39 The Dacorum Strategic Design Guide advises that a minimum apartment balcony space of 5m<sup>2</sup> should be provided per 1-bed dwelling and 7m<sup>2</sup> per 2-bed dwelling. A good proportion of the units either achieve this level of amenity or come close. The exception is the 2-bedroom units at first, second, third, fourth and fifth floor level with balconies on the western elevation – a total of 16 units (or 28% of the total units within the development). The balconies for these units are in the region of 5m<sup>2</sup> and thus are deficient by 2m<sup>2</sup> as per the Strategic Design Guide.

9.40 The public open space to the east will further supplement the amenity space referred to above, and the site's location in close proximity to Hemel Hempstead Town Centre will ensure that sufficient opportunities for recreation are available for future residents.

9.41 Notwithstanding the slight deficit in terms of private amenity space for some of the residential units, given the close proximity of other opportunities for outdoor recreation, it is considered that, on balance, there would be sufficient amenity space will be available for future occupiers of the new units.

### Leisure Space

9.42 Policy 76 of the Dacorum Local Plan states that permission will not be granted for residential developments of over 25 dwellings or 1 hectare in area unless public leisure space is provided. The policy advises that the space provided should:

- a) *meet a standard of at least 1.2 hectares per 1000 population, or 5% of the development area, whichever is greater;*
- b) *be usable, well located and purposefully designed, incorporating landscaping, play equipment and other features as necessary. In assessing the appropriate amount, type and*



*location of facilities, account will be taken of the existing leisure space in the vicinity and the NPPFA standards for children's play space.*

#### 1.2 HA per 1000 of population

1.2 / 1000 = 0.0012 = leisure space for 1 person

0.0012 x 134 (people) = 0.1608 HA or 1,608m<sup>2</sup>

#### 5% of Development Area

4,055m<sup>2</sup> x 5% = 202.75m<sup>2</sup>

9.43 On the basis of the above, it is correct to assess the leisure space provision against (a).

9.44 As already referred to above, leisure / amenity space of approximately 555m<sup>2</sup> is to be provided between the apartment building and the western boundary of the application site.

9.45 Whilst it is acknowledged that this falls short of the leisure space which should ordinarily be provided for a development of over 25 units, it is important to note the following:

- There is a tension between the standard sought by Policy 76 and the objective of providing flatted development at higher densities; and
- There is inherent flexibility in Policy 76, denoted by the use of the word "*should*"

9.46 The policy is clear that permission will not be granted for residential development of over 25 units where leisure space is not provided. Leisure space is, however, provided by this development – albeit at a lower level than recommended.

9.47 The possibility of providing additional leisure space was explored during the course of the application. It was considered that this could be achieved by omitting some of the car parking to the rear of the site. However, it is understood that the Housing Development Team's brief from Members is that all council housing should provide parking at a ratio of 1:1, notwithstanding the location, and therefore this was not an option.

9.48 Clearly, there is a balance to be struck between maximising urban densities and achieving appropriate levels of leisure space for new developments. It is submitted that this proposal achieves that balance.

#### **Noise Impacts**

9.49 The development is in close proximity to St Albans Road and therefore consideration needs to be given to the potential for adverse impacts as a result of noise and vibration.

9.50 Planning Policy Guidance 24 (PPG24) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. This has now been cancelled and superseded by the National Planning Policy Framework (NPPF).

9.51 Whereas PPG24 included a sequential test and Noise Exposure Categories, the NPPF is somewhat less prescriptive.

9.52 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- a) Preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

9.53 As per Paragraph 185 of the NPPF:

*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions – and avoid noise giving rise to significant adverse impacts on health and quality of life.*

9.54 Reference is made in the NPPF to the Noise Policy Statement for England (Department for the Environment, Food and Rural Affairs), within which two established concepts from toxicology are applied to noise impacts.

9.55 They are:

NOEL – No Observed Effect Level

9.56 This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

9.57 LOAEL – Lowest Observed Adverse Effect Level

9.58 This is the level above which adverse effects on health and quality of life can be detected.

9.59 Extending these concepts for the purpose of this Noise Policy Statement leads to the concept of a significant observed adverse effect level.

9.60 SOAEL – Significant Observed Adverse Effect Level

9.61 This is the level above which significant adverse effects on health and quality of life occur

9.62 It is important to note that none of these three levels are defined numerically and for the SOAEL the NPSE makes it clear that the noise level is likely to vary depending upon the noise source, the receptor and the time of day.

9.63 The application has been supported by an acoustic report prepared by Venta Acoustics. The report relies on a noise survey undertaken on 16<sup>th</sup> and 18<sup>th</sup> June 2021 to establish a baseline for the existing background noise levels at the site.

9.64 The assessment indicates that there would be a generally low impact from the Hamafan Auto Care Centre, although there is a potential for a moderate impact from the occasional use of angle grinders.

9.65 The report concludes that:

*Average noise levels at the site are moderate and, when considered against the recommendations for internal and external noise levels, allow for partially open windows and appropriate external amenity with no additional mitigation required.*

*When assessed using BS4142, noise from the surrounding commercial uses are indicated as generally having a low impact with an occasional moderate impact possible on the most affected receivers during the working day.*

*The layout and design of the building is considered to meet the intent of Good Acoustic Design, minimising the potential noise impacts.*

*The proposed scheme is not expected to experience a significant adverse noise impact and the site is considered acceptable for the proposed residential use*

9.66 The Council's Environmental Health Officer reviewed the report and provided initial comments on 14<sup>th</sup> December 2021. Concerns were raised with regard to noise levels within dwellings at night and the impact on balconies facing the Hamafan Auto Care Centre.

9.67 In response, the acoustic consultant has provided the following comments:

*Where the report predicts that internal noise would exceed the recommended levels, it should be noted that this marginal exceedance is prior to mitigation (with windows open). The report goes on to show that suitable noise levels are comfortably achieved with windows closed. The ambient noise levels at this site are moderate as shown by the 'Low Risk' categorisation of traffic noise under the Stage 1 ProPG assessment.*

*The commercial noise from the garage has been estimated to have a low overall impact based on the operational hours and the context of the site. This does not suggest that the noise from the garage is inaudible. Rather, that the sound it is reasonably expected in the area, is not at very loud levels which would interfere with normal activities and is not present in the early mornings, in the evening or during the majority of the weekend. We would also note that there is an existing residential block directly behind the garage which would likely have similar noise exposure to the garage.*

*The report has demonstrated that, where required during the day, noise from the garage can be controlled inside the dwellings by the windows etc. The balconies would not be exposed to a high impact within the context of the area during the day and omitting the balconies would deny the residents the use of private outdoor amenities in the evenings and on weekends when the garage does not operate.*

*In addition to the acoustician comments above, it is also worth mentioning that the units will be provided with MVHR units, negating the need of opening the windows for quick ventilation.*

9.68 Following a review of the above, the Environmental Health Team confirmed that they do not wish to raise any objections to the development on noise grounds, provided the mitigation outlined (MVHR) is provided. Should Members be minded to approve the development, it is recommended that a suitable condition be included with the consent.

### **Impact on Residential Amenity**

9.69 Policy CS12 of the Dacorum Core Strategy states that development should, amongst other things, avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.70 Appendix 3 of the Dacorum Local Plan states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings. Significant overshadowing should be avoided (see the Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991).

## Loss of Daylight / Sunlight

9.71 The application is supported by a BRE Daylight and Sunlight Assessment which has been carried out by CPMC Chartered Surveying.

9.72 The methodology for the assessment is set out in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011), which supersedes the 1991 edition.

9.73 At the outset, it is important for Members to have in mind that the BRE guidance does not constitute a set of planning rules; rather, it is simply a widely accepted methodology for quantifying the level of light loss and enabling a balanced planning judgment to be made by the decision maker. The guide itself makes clear that the numerical guidelines found therein should be interpreted flexibly and that in certain circumstances – e.g. historic city centres or in areas with modern high rise buildings – a higher degree of light loss might be unavoidable.

9.74 Furthermore, paragraph 125 (c) of the NPPF endorses a flexible approach:

*'...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).'*

9.75 The impact on daylight and sunlight levels has been assessed for the following properties:

- 1 Orchid Drive;
- Park House and
- 24 Orchid Drive.

9.76 According to the assessment carried out by CPMC Chartered Surveying, the windows and amenity areas of 1 and 24 Orchid Drive meet or exceed the BRE guidance. It should also be noted that the orientation of these buildings vis-a-vis the application site is favourable from a sunlight perspective. Coupled with the degree of separation, it is considered that the impact on the available daylight and sunlight on these buildings is acceptable.

9.77 Discussion took place at pre-application stage in connection with the potential impact the proposed development would have on the extant planning permission at Park House, and it was agreed that, in addition to changes to the building (in particular, a reduction in height and an increase in separation distance), a BRE assessment would be produced which specifically considers the impact on the layout approved under planning application 20/03950/MFA.

9.78 The above application granted planning permission for the conversion of the first and second floors of Park House from offices to residential flats and the construction of two additional residential floors above.

9.79 Impacts on daylight and sunlight are assessed with reference to four parameters:

- Vertical Sky Component
- Daylight Distribution
- Annual Probable Sunlight Hours
- Overshadowing (of amenity space)

9.80 Extracts of the relevant section CPMC BRE report have been reproduced below for ease of reference:

#### Vertical Sky Component Results

**Park House** – we have obtained plans from the Dacorum Borough Council planning portal (Ref: 20/03950/MFA) for this property. The plans show that the first and second floor are converted to residential use and two new residential levels are constructed above. The results of our analysis show that there will be 8 transgressions with the new proposals in place. However, none of the transgressions result in a window VSC of less than 22 percent, which in our opinion is acceptable for an urban environment. Furthermore, four of the transgressions have a retained VSC of greater than 25 percent, which is high for an urban location.

#### Daylight Distribution Results

**Park House** – there are 13 room transgressions caused to the proposed plans (20/03950/MFA) by the applicant's proposals. The proposed work involves the conversion and extension of an existing commercial building, with only the top floor deviating from the existing commercial footprint. Consequently, certain rooms (generally LKDs) are very deep in nature. Paragraph 2.2.11 of the BRE Guide states:

*'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.'*

*In this case (Fig. 5) the LKD rooms are approaching 10m in depth, are single aspect, and are lit by relatively modest windows. In order to ensure that any meaningful development can be constructed on the applicant site, the daylight distribution impact needs to be weighed against the location, nature of the neighbouring rooms, and the fact that the retained VSC is reasonable for an urban location. Due to the design of the proposed accommodation at Park House, we believe that daylight distribution impact is inevitable, and that the above VSC test is a more informative impact metric in this case. Therefore, on balance, we believe that the daylight impact caused to this property is acceptable.*

#### Annual Probable Sunlight Hours Results

**Park House** – all tested windows are either orientated north or pass.

#### Overshadowing Results

**Park House** – we have assessed third and fourth floor terraces at this property. The assessed spaces pass.

9.81 It is acknowledged that the proposed development would have some adverse impacts on the extant planning permission at Park House. However, while the number of windows affected is specifically mentioned, the report does not explicitly state the number of units affected overall, which is considered to be relevant.

9.82 A total of 11 individual units would fail the BRE guidance in one form or another. Eight would fail to meet the guidance for Vertical Sky Component and Daylight Distribution, while a further three would fail on Daylight Distribution alone. The units affected occupy the first, second and third floors

of Park House. All units at fourth floor level would meet the BRE guidance. The Park House consent (20/03950/MFA) permitted the formation of 30 residential units; therefore, approximately 36% of the total number would be adversely affected in one way or another.

9.83 Notwithstanding the above, it is important to have in mind that the adverse impacts need to be weighed against the public benefits arising from the proposed development; that is to say, the provision of 56 much needed affordable housing units, the regeneration and optimisation of land in close proximity to the Hemel Hempstead Town Centre, and a new and improved DENS foodbank facility to serve Dacorum residents.

9.84 The flexible approach advocated by both the BRE guidance and the NPPF suggests that it would be reasonable to consider the location and context when forming a balanced planning judgement in terms of whether levels of daylight and sunlight would be acceptable.

9.85 The application site and Park House are located in close proximity to Hemel Hempstead Town Centre where large buildings are relatively common and the density is higher. It is submitted that residents living in a town centre location will not generally expect to enjoy the same level of daylight and sunlight as they would in a residential area on the periphery of a town, the convenience of living in a central location with ready access to shops, amenities and public transport potentially outweighing the negatives of reduced amenity.

9.86 The impacts on the approved residential units at Park House are exacerbated by shortcomings commonly arising from the conversion of commercial buildings to a residential use – i.e. deep floor plans and single aspect rooms. This is another factor which needs to be carefully considered and weighed in the planning balance.

9.87 Further applications (22/00693/DPA & 22/01498/DPA) have been submitted and granted in respect of Park House since this application was received. The approved layout for 22/00693/DPA appears to be broadly similar to that approved under 20/03950/MFA. While the layout approved under the latter permission differs somewhat, it is not considered to be so different as to invalidate the points already referred to above – particularly with regard to the need to take a flexible approach and being cognisant of the context.

9.88 Turning to the impact of the DENS building on the National Federation of Demolition Contractors (NFDC) immediately to the east of the site, drawing no. 100-827/ (P) 034 (Proposed Site Section East-West) demonstrates that there would be no breach of the 25-degree rule as it relates to the single-aspect ground floor windows on the western elevation of this building. As per BRE guidance, where a proposed development falls beneath a line drawn at 25-degrees from the centre of a window, it is unlikely that there would be a significant impact on daylight and sunlight levels. In this instance, based on the information provided, there is no reason to believe that the interior space of the NFDC building would be adversely affected to a significant degree. Notwithstanding that the 25-degree rule is met, it should also be noted that the building has high level windows on its western elevation that serve the rooms below, further boosting diffuse daylight levels within.

9.89 In summary, it is considered that the impacts of the proposed development on the extant consent for Park House would be acceptable for the following reasons:

- a) The limited number of units affected overall.
- b) Reasonable VSC levels retained.
- c) It is appropriate to take a flexible approach to daylight and sunlight in a town centre location.
- d) Reduced expectation in terms of available daylight and sunlight in town centre location.
- e) Public benefits of the proposed development.

9.90 With regard to the NFDC building, this occupies a higher land level than the application site; which, coupled with the proposed design of the DENS building, would ensure that there would be no significant adverse impacts on daylight and sunlight.

#### Loss of Privacy and Overlooking

9.91 Appendix 3 of the Dacorum Local Plan states that Residential development should be designed and laid out so that the privacy of existing and new residents is achieved, with a minimum distance of 23 metres between the main rear wall of a dwelling and the main wall (front or rear) of another being met in order to ensure privacy.

9.92 It is conceded within Appendix 3 that the distance may be increased depending on character, levels and other factors. A reasonable interpretation is that where two-storey dwellings face one another and there is no significant change in levels, 23 metres will generally be an acceptable distance. Conversely, where the proposed development would exceed two-storeys, or where there would be a substantial difference in levels between the development and properties located to the rear, it is right that the separation distance should increase.

9.93 The separation distance between the proposed apartment block and the rear elevation of Park House would vary from between approximately 21m to 30m. This is due to the angled positioning of Park House vis-a-vis the application site. In order to reduce levels of overlooking further the balconies on the western elevation are pushed into the building, angled and set back from the façade.

9.94 The windows and balconies on the southern elevation would look toward Hertfordshire House – a commercial building set over two floors and currently occupied by Breakspear Medical. Between the southern elevation of the new apartment block and the northern elevation of Hertfordshire House, there would be a separation distance of approximately 21m. The utilisation of the slope of the hill as a way of providing undercroft parking means that the ground floor units would occupy a slightly elevated position compared with the adjoining ground level. As such, the ground floor residential units would be situated at a similar level to the first floor windows of Hertfordshire House. Whilst less than 23m, the siting of the buildings is such that it is analogous to a front-to-side relationship (the front of Hertfordshire House facing the side of the new apartment building). In such a scenario there is no stated minimum separation distance, and given the urban location, it is considered that this degree of separation would ensure a satisfactory level of amenity for future residents of the apartment block.

9.95 There would be a degree of mutual overlooking between the apartment block and the DENS building, but this would not be over and above what could reasonably be expected in a location proximate to a town centre. It should also be noted that as the DENS building is limited to two-storeys, windows from 2<sup>nd</sup> floor level and above would be unlikely to be affected to any significant degree.

#### Visual Intrusion

9.96 There is no statutory planning definition of visual intrusion or whether development is overbearing. The proximity of built development, height, mass and bulk, topography, orientation and the existing layouts of adjoining dwellings are all relevant factors. As such, whether development is visually intrusive or overbearing is a matter of planning judgement.

9.97 The design of the building has taken into account comments / recommendations made at pre-application stage. In particular, the height of approximately 42% of the building has been reduced to four storeys as a means of providing some visual relief and reducing the sense of enclosure to the approved residential units at Park House. In addition, the fenestration, brick soldier courses, Hit and Miss balcony brickwork, decorative brick banding and green ironmongery of the

balcony railings would all serve to break up the mass and bulk of the building, thereby helping to mitigate any sense of visual intrusion or overbearing impact.

9.98 It is acknowledged that the windows on the western elevation of the NFDC building serve single-aspect rooms. However, views of the DENS building would be reduced to some degree by the existing boundary treatment. Furthermore, regard also needs to be had to the fact that this is a commercial building located on an existing commercial / industrial estate and, arguably, is a less sensitive use than a residential dwelling.

### Noise and Disturbance

9.99 Given the residential nature of the use, it is considered unlikely that there would be any significant adverse impacts arising from noise following completion of the construction process. Should excessive and unneighbourly levels of noise occur from day-to-day living, this would fall within the remit of the Council's Environmental Health Team.

### Highway Safety and Parking

#### *Highway Safety*

9.100 Policy 51 of the Dacorum Local Plan states that the acceptability of all development proposals will be assessed specifically in highway and traffic terms and should have no significant impact upon, inter alia:

- 1) the nature, capacity and use of the highway network and its ability to accommodate the traffic generated by the development; and
- 2) the environmental and safety implications of the traffic generated by the development.

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

9.102 The development proposes the formation of two bellmouth accesses - each leading to separate parking areas – and a dropped kerb providing access to a disabled parking bay outside the DENS building.

9.103 The Highway Authority is satisfied that there would be a sufficient level of vehicular visibility when regard is had to the nature and speed limit of the road.

9.104 In terms of highway capacity, whilst there would be an increase compared with the current situation, as confirmed by TRICS data within the Transport Statement, the Highway Authority is of the view that the increase in traffic movements would not be significant enough to result to recommend refusal from a highways perspective.

#### *Parking – Residential*

9.105 Policy CS8 of the Dacorum Core Strategy states that new development should provide sufficient, safe and convenient parking based on car parking standards, while Policy CS12 of the Dacorum Core Strategy states that development should provide sufficient parking and sufficient space for servicing.

9.106 The Parking Standards Supplementary Planning Document was formally adopted on 18<sup>th</sup> November 2020 and advocates the use of a 'parking standard' (rather than a maximum or minimum standard), with different levels of standard in appropriate locations and conditions to sustain lower car ownership.



9.107 Section 6 of the Parking Standards Supplementary Planning Document states that:

*The starting principle is that all parking demand for residential development should be accommodated on site; and the requirements shown are 'standards' - departures from these will only be accepted in exceptional cases, when appropriate evidence is provided by the agent/developer for consideration by the Council, and the Council agrees with this assessment.*

....

*Different standards for C3 use are provided as set out in the table in Appendix A, based on the three accessibility zones referred to in section 4.8 and shown in Appendix B.*

9.108 The application site is located within Accessibility Zone 2 wherein the expectation is that the following parking provision would be achieved:

1 bedroom	Allocated	0.80
	Unallocated	0.65
2 bedrooms	Allocated	1.00
	Unallocated	0.80

9.109 A mix of 26 one bedroom and 30 two bedroom flats would give rise to a parking requirement of 41 spaces. A total of 57 parking spaces are proposed to be provided – 20 in the undercroft and 37 at surface level.

9.110 As per the Parking standards SPD, since the level of parking provision is in excess of the standard, the overprovision should be justified.

9.111 The Parking Standards SPD is clear that the departures from the standard should be the exception and robustly justified by way of reference to one or more of the seven exceptions set out at paragraph 6.10 of the document. However, none of the exceptions appear to be relevant to a situation where there would be an overprovision of parking.

9.112 Discussion took place to see whether an area of the surface level parking could be reduced and the amenity area on the western side of the building extended. However, the applicant (DBC Housing Development) confirmed that this is not possible due to the nature of the brief they have been given by Members:

*With regards to parking provision, our brief from Members is to deliver 1-1 parking for the residential aspect on this project (excluding DENS). There is currently no movement on this. Should it be relaxed however, we would probably look to re-design the residential block to find a more cost effective solution to the one proposed currently.*

9.113 Given the lack of clarity in the SPD as to how the overprovision of parking should be dealt with, determining the point at which it becomes unacceptable is not entirely straightforward.

9.114 The rationale behind limiting parking provision is to discourage car ownership while encouraging a shift to more sustainable means of transportation. Therefore, if an excess of parking would prejudice these aims and objectives, it could reasonably be argued that such a situation would be unacceptable.

9.115 In this case it is considered unlikely that the additional parking would significantly encourage car ownership: The site is located a short walk from Hemel Hempstead Town Centre and a short cycle from Hemel train station, thus reducing the need for a car.

#### *Parking - Commercial*

9.116 The DENS building comprises of a mixture of uses – i.e. food bank, bike workshop, office space and café. As such, the building does not conform to any one category of development within Appendix A of the Parking Standards SPD.

9.117 The SPD is unclear in terms of how mixed use developments should be assessed (all the worked examples comprise of development falling wholly within one use class). One approach would be to calculate the requirement based upon the aggregate of the different constituent uses – e.g. 103.9m<sup>2</sup> of Class E office space + 20,1m<sup>2</sup> of bike workshop space etc. However, this might overestimate the level of parking requirement: it is not unreasonable to assume that an office associated with an existing use is likely to be used less intensely than a standalone office.

9.118 It is submitted, therefore, that a case-by-case approach would be most appropriate in this instance. Information regarding how the DENS building will operate has been included in the Transport Statement, and further clarification has been provided by the agent in response to specific queries.

9.119 Details of the operational needs and manner in which the DENS building will operate has been outlined in the Transport Statement and in subsequent email exchanges with the agent and applicant. In summary:

- It is anticipated that a maximum of 10 staff will be on site at any one time, some of whom may walk to the site given the central location.
- Foodbank users are provided with a time slot so that there will be no significant waiting times or a large number of people on site at any one time.
- The 10 staff include those volunteering at the bike workshop.
- The stated number of staff anticipates future growth.
- In order to prevent unauthorised parking by persons visiting Hemel Hempstead Town Centre, the DENS parking spaces will have a foldable bollard or similar.
- Foodbank deliveries are made once or twice a week by an Ocado van.

9.120 In terms of parking provision, drawing no.100-827/(P)002G indicates that 10 parking spaces are to be provided for the DENS building:

- 1) Eight standard parking spaces (annotated as D1 – D8)
- 2) One loading bay / parking space (annotated as D-LB)
- 3) One disabled parking space (annotated as D-WC)

9.121 Site visits to the current facility while it was occupied by DENS indicated that much of the existing parking provision is not being utilised.

9.122 On the basis of the above, it is considered that the 10 parking spaces would provide a sufficient level of parking in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy.

#### *Visitor Parking*

9.123 Research has found that where at least half of parking provision is unallocated, no special provision is required for visitor parking as this can be largely offset by other residents being away at the same time.

9.124 It is understood that all car parking will be unallocated; therefore, the parking provision incorporates visitor parking. It follows that no additional provision need be provided.

*Electric Vehicle (EV) Charging*

9.125 The 2021 edition of Approved Document S (*Infrastructure for the Charging of Electric Vehicles*) came into force on 15<sup>th</sup> June 2022 and provides guidance in terms of how to meet the requirements of the Building Regulations 2010 for England. The relevance of this document is that the planning regime should not be imposing conditions that duplicate the requirements of other regulatory regimes, as this would be contrary to the requirement in paragraph 56 of the NPPF that planning conditions: ‘*be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*’ (officer emphasis). It is, however, permissible to include a planning condition requiring the provision of EV chargers where the Council’s requirements exceed those of the building regulations.

9.126 The building regulations require EV chargers for each associated parking space that is equal to the total number of dwellings. Where parking provision exceeds the number of dwellings, cable routes are required unless there would be less than 10 dwellings. However, the number of electric vehicle charge points required to be installed is the maximum number of electric vehicle charge points that it is possible to install at an average sum of £3600 or less.

9.127 The EV charging provision requirements for planning purposes are set out in Table 1 on page 32 of the Parking Standards SPD, an extract of which has been provided below for ease of reference:

<b>Land use</b>	<b>Provision</b>	<b>Type of Charger (minimum)</b>	<b>Power Supply</b>
C3 flats and other C3 uses	50% of all parking spaces to have active charging point, all remaining parking spaces to have passive provision. This assumes all the electric spaces are unallocated; if allocated, the Council will require a higher proportion of provision agreed on a case by case basis.	7kW Mode 2 with Type 2 connector Feeder pillar or equivalent permitting future connection.	230v AC 32 Amp Single Phase dedicated supply

9.128 Given the uncertainty surrounding the provision of the chargers under the Building Regulations, it would be appropriate to include a planning condition requiring the provision of EV chargers.

*Fire Access*

9.129 Swept path analysis (drawing no. 21054.OS.103.09 Rev. A) has been provided to demonstrate that an 8.23m fire appliance would be able to enter the site, turn and exit in a forward gear.

9.130 Hertfordshire Fire and Rescue confirmed on 19<sup>th</sup> July that they are now satisfied with the information which has been provided. It is recommended that two conditions be included with any grant of planning permission to ensure a satisfactory means of access for a fire appliance. These are Conditions 17 and 18:

17. **Notwithstanding the details shown on drawing no. 100-827/(P)002G (Proposed Site Plan), the access barriers hereby approved shall have a minimum width of 3.1m, and the electronic control system shall include an override for the fire service in the event of an emergency. This emergency override shall be retained in perpetuity.**

Reason: To ensure a safe and satisfactory means of access for the fire service in the event of a fire or other incident that requires their attendance, in accordance with Policy CS12 of the Dacorum Core Strategy

18. **The access road shown on drawing no. 100-827/(P)002G (Proposed Site Plan) shall be designed to achieve a minimum carrying capacity of 19 tonnes.**

Reason: To ensure a safe and satisfactory means of access for the fire service in the event of a fire or other incident that requires their attendance, in accordance with Policy CS12 of the Dacorum Core Strategy

### **Other Considerations**

#### *Ecology*

9.131 The application has been supported by a Preliminary Ecological Appraisal (PEA) prepared by Ecology by Design. The appraisal assessed the likelihood of the on-site building containing bats and was followed up by a dusk emergence bat roost survey on 10<sup>th</sup> August 2021. A common Pipistrelle was observed foraging over standing water on a roof, but no emergence or re-entry to Building 1 was noted (Building 2 was not surveyed due to it offering negligible opportunities for roosting bats). The appraisal also assesses the potential for adverse impacts on other species, as well as providing recommended biodiversity enhancements.

9.132 Hertfordshire Ecology have reviewed the appraisal and advised that it provides an adequate assessment of the impact of the proposals, and that the likelihood of an adverse ecological impact is negligible. They are of the opinion that, provided all the recommendations of the appraisal are instituted, the development will achieve a net gain in biodiversity.

9.133 It follows that the development would accord with Policy CS26 of the Dacorum Core Strategy

#### *Archaeology*

9.134 The Historic Environment Advisor at Hertfordshire County Council was consulted and has confirmed that the development is unlikely to have a significant impact on heritage assets of archaeological interest.

#### *Contamination*

9.135 The Council's Scientific Officer has recommended the inclusion of contaminated land conditions should planning permission be granted.

#### *Impact on Trees*

9.136 A tree constraints plan has been submitted which indicates the specific locations of the off-site trees, some of which are protected by a Tree Preservation Order. In order to ensure that these trees are afforded the appropriate protection during the construction process, as required by Policy 99 of

the Dacorum Local Plan. Should Members be minded to recommend approval, it is recommended that a condition requiring details and tree protection measures is submitted and approved prior to commencement of development.

#### *Affordable Housing*

9.137 Policy CS19 of the Dacorum Core Strategy requires 35% of new dwellings on sites exceeding 0.3ha, or 10 dwellings (and larger), in Hemel Hempstead to be affordable homes.

9.138 This application is being brought forward by Dacorum Borough Council's Housing Development Team and it is understood that 100% of the units will meet the definition of affordable; in particular, the tenure would be social rent.

9.139 A Section 106 agreement will secure the requisite level of affordable housing to ensure that the proposal will comply with Policy CS19 of the Dacorum Core Strategy.

#### *Drainage*

9.140 A Drainage Strategy prepared by Structa has been submitted in support of the application and includes details of the manner in which it is proposed to drain the site.

9.141 The underlying chalk has been found to be of low permeability, and the option of deep borehole soakaways have been found to be unviable. Given the lack of watercourses in the vicinity of the site, the remaining option is to discharge into the Thames Water sewer at a restricted discharge rate.

9.142 Surface water runoff from the parking areas is proposed to pass through a permeable sub-base before discharging to the onsite surface water network at a restricted rate of 2 l/s to a Thames Water surface water sewer in Paradise.

9.143 Due to staffing constraints at the Lead Local Flood Authority (LLFA), it has not been possible to procure their views on the proposed drainage strategy. However, it should be borne in mind that the scheme has been put together by qualified drainage consultants and that it would not be in the interests of the applicant (in this case, Dacorum Borough Council) to have the application site flood or, for that matter, the adjacent sites. Nonetheless, independent drainage advice is in the process of being sought, which has been funded by the applicant.

9.144 In summary, the application site is located in Flood Zone 1 wherein there is a low probability of flooding from rivers and sea, and the development proposal would result in an increase in permeable areas. On this basis, there is no reason to believe that the site cannot be drained and thus it is recommended that, should Members be minded to grant planning permission, this is subject to drainage matters being satisfactorily addressed in conjunction with the independent drainage consultants.

#### *Waste Management*

9.145 A refuse storage area with sufficient space to serve the residential part of the development is shown as being located within the lower ground floor level of the apartment block (see drawing no. 100-827/(P)010F). The storage area is in accordance with the requirements set out in the Council's Refuse Storage Guidance Note.

9.146 The refuse strategy (100-827/(P)003B) indicates that the storage area in respect of the DENS building is to be located to the rear, proximate to the surface parking for the apartments. By contrast, the bin collection point is proposed to take place from an area on the frontage (indicated in purple),

necessitating the bin(s) being moved approximately 60m on the day of collection. This is not ideal but would ensure that unsightly bins do not litter the frontage.

#### *Chiltern Beechwood Special Area of Conservation*

9.147 Following a letter from Natural England on the 14<sup>th</sup> March and publication of the Footprint Ecology Report, the Council is unable to grant permission for planning applications which result in a net gain of dwellings located within the zone of influence of the Chilterns Beechwoods Special Area of Conservation (CBSAC) until an appropriate assessment of the scheme can be undertaken and appropriate mitigation secured to offset the recreational pressures and adverse effects of new development to the CBSAC.

9.148 The Council is working with Natural England and other relevant partners to agree a mitigation strategy and, once adopted, this will enable the Council to carry out their legal duties and grant residential development in the Borough. Once adopted, the mitigation strategy is likely to require financial contributions from developers to mitigate the additional recreational pressure placed on Ashridge Common and Tring Woodlands as a standard contribution per dwelling.

9.149 However, at this time, in the absence of a mitigation strategy, there is insufficient evidence to allow the Council to rule out that the development would not cause additional recreational pressure to the CBSAC and that its impacts, whether alone or in combination, could be avoided or mitigated so as to ensure that the integrity of the SAC would be preserved. However, the council should continue to work pro-actively in reaching a resolution on planning applications subject to securing the above.

9.150 Therefore, should Members be minded to approve the application, it is proposed that the decision be held in abeyance until such time as a mitigation strategy has been agreed and the Council can thereafter satisfy its legal duties under the Conservation of Habitats and Species Regulations 2019 (as amended).

#### *Community Infrastructure Levy (CIL)*

9.151 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is CIL liable.

#### *Planning Obligations*

- Minimum of 35% affordable housing.
- Financial mitigation (figure to be determined) in respect of the Chiltern Beechwoods Special Area of Conservation.

## **10. CONCLUSION**

10.1 The principle of residential development in this area is acceptable subject to compliance with the relevant local and national planning policies.

10.2 The design of the development is considered to be high quality and would utilise an appropriate array of materials, positively contributing to the local streetscape character.

10.3 There would be no significant adverse impacts on the nearest residential properties.

10.4 Highways impacts have been fully considered. The Highway Authority have raised no objections to the proposal subject to the inclusion of a number of conditions. Parking provision would be broadly in compliance with the Council's Supplementary Parking Standards document.

## 11. RECOMMENDATION

11.1 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 securing a mitigation package to avoid any further significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC) through financial contributions secured by legal agreement; drainage matters being satisfactorily addressed in conjunction with the Council's independent drainage consultants, and entering into a section 106 agreement for the purpose of securing affordable housing provision.

### Condition(s) and Reason(s):

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:**

100-827/(P)002G	Proposed Site Plan
100-827/(P)003B	Refuse Strategy
100-827/(P)004B	Bike Storage Strategy
100-827/(P)005A	Boundary Treatment Plan
100-827/(P)034	Proposed Site Section East – West
100-827/(P)020C	Apartment Block Elevations (1)
100-827/(P)021C	Apartment Block Elevations (2)
100-827/(P)010	Apartment Block Plans B-1 & GF
100-827/(P)011C	Apartment Block Plans 1st & 2nd
100-827/(P)012C	Apartment Block Plans 3rd & 4th
100-827/(P)013C	Apartment Block Plans 5th & Roof
100-827/(P)022D	Apartment Block Bay Studies
100-827/(P)030B	DENs Building Plans
100-827/(P)031B	DENs Building Roof Plan
100-827/(P)032D	DENs Building Elevations
100-827/(P)033B	DENs Building Bay Study
101 (Rev D)	Landscape Layout
5863-1910 (Revision P2)	Levels Strategy

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

3. **Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing number 100-827/(P)002G have been submitted to and approved in writing by the Local Planning Authority. These works shall include:**
  - **One formalised bellmouth access for the surface level car park access;**
  - **One formalised bellmouth access (amending the existing access) for the undercroft car park access;**

- Tactile paving and pedestrian dropped kerbs on either side of both of the main car park accesses;
- Vehicle crossover / dropped kerb access (amending the existing bellmouth access) for the one parking space fronting the charity building;
- Footway and full height kerb reinstatement at all points where the existing vehicular access(es) are to be closed and not constituting a part of any of the new access points; and
- Any other associated highway works necessary to facilitate the above works.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Local Plan (2004)

4. **Prior to the first use of the development hereby permitted the offsite highway improvement works approved under Condition 3 shall be completed in accordance with the approved details.**

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 54 of the Dacorum Local Plan (2004)

5. **At least 3 months prior to the first occupation of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be in place for 5 year post occupation.**

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policy CS8 of the Dacorum Core Strategy (2013).

6. **No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan 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);
- 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;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and Policy 55 of the Dacorum Local Plan (2004).



7. **Notwithstanding the submitted details, no development above slab level shall take place until full details of the layout and siting of Electric Vehicle Charging Points and any associated infrastructure have been submitted to and approved in writing by the local planning authority.**

**The development shall not be occupied until these measures have been provided in accordance with the approved details.**

Reason: To enable future occupiers to charge low emission vehicles in a safe and accessible way in accordance with Policy CS8 of the Dacorum Borough Core Strategy (2013), the Dacorum Borough Council Parking Standards Supplementary Planning Document (2020), and Paragraph 112 (e) of the National Planning Policy Framework (2021).

8. (a) **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 has been submitted to and approved by the Local Planning Authority.**
- (b) **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 (b) 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.

9. **Any contamination, other than that reported by virtue of Condition 8 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.

10. **Notwithstanding the details shown on drawing no. 101 Rev. D (Landscape Layout), the development hereby approved shall not be occupied until a landscaping scheme which takes into account the recommendations of paragraphs 5.3.3 and 5.3.4 of the Preliminary Ecological Assessment by Ecology by Design has been submitted to and approved in writing by the local planning authority.**

**The approved scheme shall 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 2 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).

11. **Prior to the first occupation of the development hereby permitted the proposed internal access road, on-site car parking and turning area shall be laid out, demarcated and surfaced in accordance with drawing no. 101 (Rev. D) - Landscape Layout - 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 and the Parking Standards Supplementary Planning Document (2020).

12. **No above ground development shall take place until a ventilation strategy to suitably protect future occupiers of the development from exposure to noise ingress, in conjunction with adequate ventilation and mitigation of overheating, has been submitted to and approved in writing by the local planning authority.**

**The ventilation strategy should address, but is not restricted to, how:**

- **The ventilation strategy impacts on the acoustic conditions and through the provision of any Mechanical Ventilation and Heat Recovery system to ensure this does not compromise the internal sound levels achieved by sound insulation of the external façade;**
- **Service and maintenance obligations for the MVHR**
- **The strategy for mitigating overheating impacts on the acoustic condition and which includes a detailed overheating assessment to inform this; and**
- **Likely noise generated off-site through the introduction of mechanical ventilation, its impact on existing neighbours and any measures to be made to eliminate noise.**

**The strategy shall be compiled by appropriately experienced and competent persons. The approved ventilation strategy shall be implemented prior to first occupation of the development and retained thereafter.**

Reason: In the interests of the amenity of future occupants of the development, in accordance with Policy CS12 of the Core Strategy (2013) and Paragraphs 130, 174 and 185 of the National Planning Policy Framework (2021).

13. **Prior to the commencement of development hereby approved, an Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how off-site trees shown for retention shall be protected during the construction**

**process, shall be submitted to and approved by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development.**

Reason: In order to ensure that damage does not occur to trees and hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 174 of the National Planning Policy Framework (2021).

14. **The development hereby approved shall not be occupied until the bird and bat boxes shown on drawing nos. 100-827/(P)020C and 100-827/(P)021C have been provided in full. These shall thereafter be retained permanently, being replaced / maintained as required.**

Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Policy CS26 of the Dacorum Borough Core Strategy and Section 15 of the National Planning Policy Framework (2021).

15. **The use of the commercial building shown on plan 100-827/(P)002 G shall not be carried out outside the hours of 07:00 to 23:00 daily.**

Reason: To safeguard the residential amenity of future residential occupiers in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

16. **Notwithstanding the details shown on drawing nos 100-827/(P)020C and 100-827/(P)021C, no development above slab level shall take place until detailed plans showing the final form of the architectural detailing (i.e. hit and miss balcony brickwork, brick details panels, soldier coursing, banding details, black brick detailing) in respect of the apartment block have been submitted to and approved in writing by the local planning authority.**

**The development shall be fully carried out in accordance with the approved particulars.**

Reason: In the interests of the visual amenity of the area in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

17. **Notwithstanding the details shown on drawing no. 100-827/(P)002G (Proposed Site Plan), the access barriers hereby approved shall have a minimum width of 3.1m, and the electronic control system shall include an override for the fire service in the event of an emergency. This emergency override shall be retained in perpetuity.**

Reason: To ensure a safe and satisfactory means of access for the fire service in the event of a fire or other incident that requires their attendance, in accordance with Policy CS12 of the Dacorum Core Strategy

18. **The access road shown on drawing no. 100-827/(P)002G (Proposed Site Plan) shall be designed to achieve a minimum carrying capacity of 19 tonnes.**

Reason: To ensure a safe and satisfactory means of access for the fire service in the event of a fire or other incident that requires their attendance, in accordance with Policy CS12 of the Dacorum Core Strategy

**Informatives:**

1. AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessand-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Archaeology Unit (HCC)	Thank you for consulting this office on the above application. In this instance, I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal. Please do not hesitate to contact me should you require any further information or clarification.

Environmental And  
Community Protection  
(DBC)

Having reviewed the planning application, in particular the RSK Phase I Preliminary Risk Assessment Report (May 2020), and having considered the information held by the ECP Team in relation to the application site I am able to confirm that there is no objection to the proposed development.

However, it will be necessary for the developer to undertake an intrusive land contamination site investigation to demonstrate whether ground contamination has arisen from the commercial and light industrial land uses that have historically and do currently occupy the site. Therefore, the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

(a) 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.

(b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.

(c) 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 (b) 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.

	<p>Condition 2:</p> <p>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.</p> <p>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.</p> <p>Informative: The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Please let me know if you have any questions about this advice and recommendation.</p>
Thames Water	<p>Waste Comments</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</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</p>

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.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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/Plannin-g-your-development/Working-near-or-diverting-our-pipes>.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Hertfordshire Property

Hertfordshire County Council's Growth & Infrastructure Unit do not have

<p>Services (HCC)</p>	<p>any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.</p> <p>We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department. PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at <a href="mailto:water@hertfordshire.gov.uk">water@hertfordshire.gov.uk</a>, who may request the provision of fire hydrants through a planning condition.</p> <p>]</p> <p>I trust the above is of assistance if you require any further information please contact the Growth &amp; Infrastructure Unit.</p>
<p>Waste Services (DBC)</p>	<p>56 flats will require 9 x 1100ltr containers for residual waste and 9 x 1100ltr containers for comingled recycling collected on alternate weeks. They will also need 9 x food waste wheeled bins collected weekly.</p> <p>There should be suitable access to each container and no steps between the storage area and the collection vehicle which is a 26t rigid freighter. When open doors should not obstruct the route and at the road side the curb should be lowered.</p> <p>Any commercial waste is to be stored in a separate area to domestic waste and the must be provision for both residual and recyclable waste.</p>
<p>Crime Prevention Design Advisor</p>	<p>Thank you for sight of planning application 21/04352/MFA, Demolition of existing light industrial building. Construction of mixed use development comprising 2 storey commercial building, with foodbank, bike workshop, office space and caf� area. Seven storey residential building (6 storey from main entrance plus lower ground floor to access ancillary spaces and parking) comprising 56 residential units, mix of 1 and 2 bedrooms, bin store, cycle store and parking. Associated parking spaces, scooter store and landscape. Unit 4 The Hub Paradise Hemel Hempstead Hertfordshire, HP2 4TF.</p> <p>I have been liaising with RGP Architects in relation to security , safety and crime prevention and I am content that if the application is granted the development will be built to the police security standard , Secured by Design.</p>



<p>Lead Local Flood Authority (HCC)</p>	<p>Dear LPA / Planning Officer,</p> <p>Thank you for your consultation however the Lead Local Flood Authority (LLFA) is currently unable to respond to any new minor planning consultations.</p> <p>LLFA guidance is available under Policies and Guidance on our website:  <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#</a>. We recommend that any new development site follows the LLFAs policies on SuDS, which are contained within the Local Flood Risk Management Strategy 2 (LFRMS2). The Guidance for developers contains a Developers Guide and Checklist for developers to understand requirements. A climate change allowance note for Hertfordshire is also provided on the website. The surface water drainage webpages also contain links to national policy and industry best practice.</p> <p>If the site contains an ordinary watercourse, we advise that: Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and/or temporary works, regardless of any planning permission. For further advice on Ordinary Watercourses, please visit our Ordinary Watercourse webpage via the following link: <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#</a></p> <p>When we have cleared our backlog of consultations, we will be working on the principle of addressing the most significant cases; triaging and prioritising. This means that for many applications we will not be able to provide detailed comments or input.</p> <p>This is not a message we had wanted to deliver and appreciate this is far from satisfactory but is necessary.</p>
<p>Hertfordshire Ecology</p>	<p>Thank you for consulting Hertfordshire Ecology on the above. I apologise for the delay with this reply. I am pleased to see the ecological report submitted in support of this application - Ecological Impact Assessment (non-EIA), July 2021 prepared by Ecology by Design. The site was initially visited on 30 June 2021 and followed up with a single dusk emergence bat roost survey on 10 August. The site comprises two commercial-use buildings, hardstanding courtyard, colonising vegetation, small area of amenity grassland, and some scattered shrubs and trees.</p>

	<p>The report provides an adequate assessment of the impact of the proposals and is based on appropriate survey method and effort. The likelihood of an adverse ecological impact is negligible-low, but the reports suggests reasonable precautionary measures to ensure that legally protected species (such as bats, wild mammals and nesting birds) are not harmed. Several appropriate biodiversity enhancements have been made including native species planting and integrated bat and bird boxes within the fabric of the new building, The Recommendations in section 5 of the ecology report are reasonable and should be followed in full.</p> <p>I do not consider there to be any ecological constraints with this proposal. With all the recommendations in place I consider the development will achieve net gain.</p> <p>I trust these comments are of assistance.</p>
Hertfordshire Fire & Rescue	<p>This application will require a condition for the provision of fire hydrants, to be installed at no cost to the F&amp;RS or County Council. This is to ensure there is adequate water supplies in the event of an emergency.</p>
Environmental And Community Protection (DBC)	<p>Condition 1:</p> <p>(a) 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 has been submitted to and approved by the Local Planning Authority.</p> <p>(b) This site shall not be occupied, or brought into use, until:</p> <p>(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) 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.</p> <p>(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.</p> <p>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.</p> <p>Condition 2:</p> <p>Any contamination, other than that reported by virtue of Condition 1 encountered during the development of this site shall be brought to the</p>

	<p>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.</p> <p>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.</p> <p>Informative:</p> <p>The above conditions are considered to be in line with paragraphs 174 (e) &amp; (f) and 183 and 184 of the NPPF 2021.</p> <p>Please let me know if you have any questions about this advice and recommendation.</p>
<p>Environmental And Community Protection (DBC)</p>	<p>With reference to the above planning application and our subsequent telephone conversation, please see below comments made by my colleague Andy:</p> <p>I took a ride out to this site last week as it is situated in a commercial estate with a considerable number of noise sources nearby. In short, I think the scheme has a number of inadequacies (in particular I think it's unwise to have dwellings with balconies overlooking a garage) from a noise control point of view. I note that it is a Council scheme and so it might be worth running my comments by the project manager before they are posted on the portal:</p> <p>I have reviewed the Noise Impact Assessment report prepared by Venta Acoustics Limited (reference VA3702.210629.NIA dated 12/7/2021) submitted in support of the application and would make the following observations:</p> <p>The development site is situated in a mixed-use area with a number of noise sources located nearby. The above report broadly demonstrates that residential redevelopment of the kind associated with this application is possible but, nonetheless, careful design is warranted in order to protect future residents from undue exposure to noise. I am concerned to note that noise levels within dwellings is predicted to exceed the recommended levels set out in BS8233: 2014 at night time (see Table 6.1 on page 9 of the report). The report author accurately cites a possible relaxation as contained within BS8233:2014 of 5dB where the development is '...considered necessary or desirable....' Should the Local Planning Authority (LPA) be of the view that the</p>

	<p>conditions for such a relation have been met then the proposed internal noise levels are acceptable subject to appropriate glazing and ventilation arrangements.</p> <p>I also note that a number of the proposed dwellings have balconies facing a nearby vehicle workshop, Hamafan Auto Care. The associated assessment (which is not wholly based on measured values) concludes that the collective noise from the use of angle grinders, etc., is likely to be acceptable; my professional experience suggests that this is unlikely to be true and future residents' amenity is very likely to be materially degraded by the noise from this existing source. The activities of Hamafan Auto Care were clearly audible when I visited the development site recently. Accordingly, I would recommend that determination of this application be held in abeyance until such time that some form of protection can be designed for these balconies or the scheme modified so that they are removed.</p> <p>The inclusion of a commercial building (comprising of a workshop et al) does warrant some basic control measures so that future residents of the apartments are not disturbed by its eventual use. Accordingly, I suggest the use of the following conditions should the LPA be minded to grant permission:</p> <p>The use of the commercial building shown on plan 100-827/(P)002 E dated 25/6/2021 shall not be carried out outside the hours of 07:00 to 23:00 daily.</p> <p>Reason: To safeguard the residential amenity of future residential occupiers.</p> <p>Activities relating to the collection of refuse and deliveries associated with the commercial building shown on plan 100-827/(P)002 E dated 25/6/2021 the only take place between 07:00 and 20.00 daily.</p> <p>Reason: To safeguard the amenities of nearby occupiers</p>
<p>Hertfordshire Highways (HCC)</p>	<p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>1. A: Highway Improvements - Offsite (Design Approval)</p> <p>Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing number 100-827/(P)002F have been submitted to and</p>

approved in writing by the Local Planning Authority. These works shall include:

- o One formalised bellmouth access for the surface level car park access;
- o One formalised bellmouth access (amending the existing access) for the undercroft car park access;
- o Tactile paving and pedestrian dropped kerbs on either side of both of the main car park accesses;
- o Vehicle crossover / dropped kerb access (amending the existing bellmouth access) for the one parking space fronting the charity building;
- o Footway and full height kerbs reinstatement at all points where the existing vehicular access(es) are to be closed and not constituting a part of any of the new access points.
- o Any other associated highway works necessary to facilitate the above works.

#### B: Highway Improvements - Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### 2. Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan 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. Travel Plan Statement

At least 3 months prior to the first occupation of the approved development a detailed Travel Plan Statement for the site shall be

submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be in place for 5 year post occupation.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 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. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing;
- b) 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);
- 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;

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).

#### Informatives

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessand-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

#### Comments

The application comprises of the demolition of the existing DENS charity building with a replacement combined charity and residential use including 56 apartments and associated works at Paradise, Hemel Hempstead. Paradise is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

A Transport Statement (TS) has been submitted as part of the

application. A supplemental response / comments and amended plans have also been provided by the applicant in response to HCC as Highway Authority's original response dated 08/12/2021 and reasons for recommending refusal and requesting amendments.

#### Access and Site Layout

There are two existing accesses into the site and a large extended dropped kerb providing access to six car parking spaces. The amended proposals as shown on submitted drawing number 100-827/(P)002F include two main accesses into the site (each providing access to a separate car parking area - one undercroft; one surface level) and a dropped kerb providing access to on disabled car parking space directly fronting onto the highway on Paradise. HCC as Highway Authority would

not have an objection to the location of the main two proposed access points and there would a sufficient level of vehicular to vehicular visibility (2.4m by 43m splays as shown on drawing number 21054.OS.102.01) when taking into consideration the speed and nature of the road and in accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets (MfS). It is noted that part of the visibility splay to the west of the western access crosses third party land although the majority is across an existing vehicular access point and therefore would not be considered to be a significant issue.

The dimensions and layout of the proposed internal access roads and parking areas are considered to be acceptable and in accordance with MfS. Swept path analysis / tracking plans have been included as part of the TS to illustrate that a car utilising the parking areas would be able to park, turn around and egress the site in forward gear.

Following recommendation from HCC as Highway Authority in its previous response, a new swept path analysis / tracking plan (drawing number 21054.OS.103.09 rev A) for a 8.23m long fire tender has been submitted to illustrate that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear. Due to size and nature of the proposed building (5 to 6 storeys) Hertfordshire Fire and Rescue have been consulted on the proposals to assess the acceptability of the proposals from an emergency access perspective and for any comments, recommendations or objections which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Volume 1 and 2 (and any subsequent updates). It is acknowledged that that submitted TS states that sprinklers are to be provided within all new dwellings.

A Refuse Strategy plan (drawing number 100-827/(P)003B has been



submitted as part of the application indicating that refuse collection would be from the street on Paradise. HCC as Highway Authority would not have a specific objection to this nor the location of the bin storage areas. Nevertheless Dacorum Borough Council (DBC) as refuse collection authority would also need to be satisfied with any arrangements.

#### Sustainable Travel and Planning Obligations

The site is located on the east side of Hemel Hempstead town centre and there is an existing highway footway network linking Paradise to the wider town centre, which is within 200m and 500m from the site and therefore an acceptable walking distance (as outlined in IHT's Guidelines for Providing Journeys on Foot).

The nearest bus stops to the site are located within the town centre (on Marlowes) and are within an acceptable walking distance from the site. The stops are served by numerous services to elsewhere within Hemel Hempstead, Hemel Hempstead Train Station and surrounding settlements and therefore there is the potential for journeys to and from the site to be made by bus. Hemel Hempstead Railway Station is located approximately 1.9km from the site and therefore whilst not a desirable walking distance, would be within a reasonable cycling distance.

This development is situated within DBC's Community Infrastructure Levy (CIL) charging area. Therefore contributions towards local transport schemes as outlined in HCC's South-West Herts Growth & Transport Plan would be sought via CIL if appropriate.

Following consideration of the size and nature of the proposals, a Travel Plan Statement would be required to be implemented to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Travel Plan Guidance (2020), Hertfordshire's Local Transport Plan (2018) and the National Planning Policy Framework. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

This development is situated within TRDC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transport schemes as outlined in HCC's South-West Herts Growth & Transport Plan would be sought via CIL if appropriate.

### Section 278 Highway Works

The applicant would ultimately (following the granting of any planning permission) need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the works that would be needed on highway land including:

- o One formalised bellmouth access for the surface level car park access;
- o One formalised bellmouth access (amending the existing access) for the undercroft car park access;
- o Tactile paving and pedestrian dropped kerbs on either side of both of the main car park accesses;
- o Vehicle crossover / dropped kerb access (amending the existing bellmouth access) for the one parking space fronting the charity building;
- o Footway and full height kerbs reinstatement at all points where the existing vehicular access(es) are to be closed and not constituting a part of any of the new access points.
- o Any other associated highway works necessary to facilitate the above works.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to provide the Stage One Road Safety Audit and Designers Response and obtain an extent of highway plan to clarify the works which would be within the existing highway. This may be provided as part of the formal planning consultation period if deemed more appropriate.

### Parking

The application includes a total provision of 67 car parking spaces including one for each dwelling and 11 for the DENS charity building. Following consideration of the location (in accessibility zone 2), HCC as Highway Authority would not have an objection to the total level of parking provision. The submitted TS states that 100% of car parking spaces would have electric vehicle charging provision (50% active and 50% passive), which HCC as Highway Authority is supportive of to encourage electric vehicle use in accordance with the Highway Authority's Local Transport Plan (LTP4) and Sustainability Strategy.

DBC as the planning and parking authority would ultimately need to be satisfied with the overall level and type of proposed parking.

56 residential cycle parking spaces have been included as part of the proposals provided within a cycle store, the general location and level of

	<p>which is considered to be acceptable. Furthermore provision has been made for a residential scooter store and visitor cycle parking as shown on drawing number 100-</p> <p>827/(P)004B. HCC as Highway Authority would support the promotion and maximisation of cycling as a form of travel to the site. Vehicles would need to be made aware that cyclists would also be using the car park and vehicle access and therefore appropriate signage and lighting would need to be considered and provided.</p> <p>Trip Generation</p> <p>A trip generation assessment has been included as part of the TS. The proposed residential use would result in an anticipated nine two-way vehicle movements in the morning peak; 13 two-way vehicle movements in the evening peak and 101 two-way vehicle movements from 7am to 7pm. The overall levels of the residential trips in addition to the trip generation for the charity (which is likely to remain unchanged) would not be considered to be severe or significant enough in the context of the National Planning Policy Framework to recommend refusal from a highways perspective.</p> <p>Conclusion</p> <p>HCC as Highway Authority considers that the amended proposals would not have an unreasonable or severe impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives.</p>
Hertfordshire Highways (HCC)	<p>12/05/2022</p> <p>A supplemental response / comments have been provided by the applicant in response to HCC as Highway Authority's original response and reasons for recommending refusal and requesting amendments.</p> <p>The Highway Authority acknowledges the points raised by the applicant and would not have any particular objections to the points raised and suggested alterations. The Highway Authority would therefore welcome formal amended plans to be submitted and respond to those amended plans accordingly.</p>
Environmental And	Following assessment of the documents provided I would not have any

<p>Community Protection (DBC)</p>	<p>objections to this development from an air or noise standpoint on the condition that the mitigation outlined in both assessments are adhered to.</p> <p>Please also note the following informatives we would ask to be added.</p> <p><b>Working Hours Informative</b> Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.</p> <p>As a guideline, the following hours for noisy works and/or deliveries should be observed: Monday to Friday, 7.30am to 5:30pm, Saturday, 8am to 1pm, Sunday and bank holidays - no noisy work allowed.</p> <p>Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team <a href="mailto:ecp@dacorum.gov.uk">ecp@dacorum.gov.uk</a> or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.</p> <p>Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.</p> <p><b>Waste Management Informative</b> Under no circumstances should waste produced from construction work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately.</p> <p><b>Air Quality Informative.</b> As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.</p>
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	<p>As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.</p> <p>A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision rate of 1 vehicle charging point per 10 spaces (unallocated parking) is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.</p> <p>Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one as it is much cheaper to install one (even if solely the wiring and ducting) at the point of building than to retrospectively install one. In addition, mitigation as listed below should be incorporated into the scheme:</p> <p>All gas fired boilers to meet a minimum standard of 40 mgNOx/Kwh or consideration of alternative heat sources.</p> <p>Invasive and Injurious Weeds - Informative Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <a href="https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants">https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants</a></p> <p>If you need anything further please let me know.</p>
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**APPENDIX B: NEIGHBOUR RESPONSES**

**Number of Neighbour Comments**

<b>Neighbour Consultations</b>	<b>Contributors</b>	<b>Neutral</b>	<b>Objections</b>	<b>Support</b>

26	2	1	1	0
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## Neighbour Responses

Address	Comments
<p>4 pioneer house vision park histon cb24 9nl</p>	<p>On behalf of our client the National Federation of Demolition Contractors (NFDC) please accept this letter as a formal objection to the above referenced planning application which is awaiting determination.</p> <p>The NFDC premises are located immediately to the east of the application site. The NFDC premises form two separate buildings known as Vitalia House and Resurgam House and associated areas of hard standing. Resurgam House is sited immediately adjacent to the east of the application site and is two storeys in height. The western elevation of Resurgam House, which fronts the application site, has 7 windows at first floor and at ground floor levels. In terms of topography Resurgam House sits at a higher level than the application site, with topography of Paradise rising moving from west to east up the road. The boundary treatment between the two sites is formed by a low retaining wall on top of which sits timber fencing.</p> <p>In preparing this letter we have had due regard for the content of the Council's adopted Development Plan and the policies and plans which seeks new mix-use development to come forward at the Industrial Estate.</p> <p>Notwithstanding the Council's ambitions to see new mixed-use development at the Industrial Estate, there is still a need for proposals for new development to come forward in compliance with other relevant policies of the adopted Development Plan, have due regard to the amenity of neighbouring uses and consider the wider redevelopment of the Industrial Estate.</p> <p>The NFDC object to the current planning application at Unit 4, The Hub on the following grounds:</p> <p>- <b>DETRIMENTAL IMPACT ON AMENITY:</b> The main existing building at the application site is an upside-down T-shape, with the frontage onto Paradise forming the wider top of the T-shape. The building is predominantly single storey in height. The element of the building closest to Resurgam House is single storey, has a flat roof and extends roughly a third of the way down the Resurgam House western elevation. The building is set back from the site boundary by the width of a single-track access road (approximately 3.5m) and a much wider area of car parking to the rear. In the northeast corner of the application there are also single storey garages which sit tight to the site boundary, but importantly does not extend along the elevation Resurgam House.</p> <p>The proposals will see the delivery of the 'Dens' commercial building adjacent/parallel to Resurgam House, with the separation distance to the site boundary reduced to a circa 1m footway. The proposed</p>

building is two storeys in height with a pitched roof and will extend the full length of Resurgam House's western elevation. The scale, height and siting of this proposed building will give rise to a significant and detrimental impact on the level of light coming through the windows Resurgam House's western elevation, particularly into the afternoon as the sun moves from east to west during the day. This matter will be further exacerbated by the proposed height, scale and massing of the proposed apartment building sited to the west of 'The Dens', which will also result in overshadowing and reduce the level of light available at the western elevation of Resurgam House. The eastern elevation of the proposed two-storey building is blank and would have oppressive feel when viewed from the windows of Resurgam House.

It is noted that the Applicant has submitted a Daylight & Sunlight Report, however, this report fails to assess the impact of the proposals on Resurgam House or Vitalia House, instead focuses only on neighbouring residential buildings only. The amenity of our clients' buildings, which are in active commercial use, have seemingly been disregarded by the Applicant in the preparation of this planning application.

In light of the above it is clear that the proposals are in conflict with strands c) and g) iv, v, vi of Core Strategy Policy CS12: Quality of Site Design.

- SCALE AND CHARACTER: The proposals seek the delivery of a six/seven storey apartment building on a street (Paradise) which is made up of predominately single storey or two storey buildings. It is acknowledged that the higher element of the apartment building is sited to the rear to lessen the impact of the proposals on the character of the area and streetscene, however, it is still clear that bringing forward a proposal of the scale proposed is out of character with site's immediate context. The Officer Report for the recently refused planning application at nearby Parks Work Depot, Paradise (Ref: 21/02638/MFA) highlights that "The Town Centre Masterplan suggests that development of up to 5 storeys on the Paradise Industrial Estate may be appropriate". The development of a 6/7 storey building is a significant exceedance on this guidance.

The apartment building proposals are out of scale for the locality and would dominate the streetscene and views in and around the surrounding area. The proposals would impact on the skyline of the town. In this regard it is also noted that the application is not supported by a full Visual Impact Assessment.

In light of the above it is clear that the proposals are in conflict with strands c), f) and g) i, iv, v, vi of Core Strategy Policy CS12: Quality of Site Design. The application is also contrary to paragraphs 130 a)-e) of the National Planning Policy Framework (NPPF) in this regard, the proposals will not deliver a well-designed place.

- PUBLIC AMENITY SPACE: Saved Policy 73 of the Dacorum Local Plan 1991-2011 (2004) seeks the delivery of 2.8ha of public and private amenity space per 1,000 population. Based on the proposed housing mix the scheme would have a residential population of approximately

86 people, this equates to an amenity space requirement of 0.24ha (2,400m<sup>2</sup>). The Landscape Plans show a narrow public garden area along the application site's western boundary, no area calculation is provided. It is though noted that the submitted Application Forms states that the total site area is 4,055m<sup>2</sup>, accordingly, it is clear that the open space proposals will not meet the amenity space requirement set out above.

It is appreciated that the site is in a town centre location, so it is perhaps unrealistic for proposals of this nature to provide the required level of public amenity space on-site. However, the public amenity space shown on the documentation provided looks limited in terms of quantum especially when taking into account the potential for employees of the proposed commercial building also using the on-site provision.

In light of the above it can only be concluded that the proposals conflict with Saved Policy 73 and that the scheme will deliver a deficiency in amenity space with no off-site mitigation measures proposed.

- PRIVATE RESIDENT AMENITY SPACE: The Council's Strategic Design Guide SPD seeks a range of outdoor amenity space (appropriate to the density and type of development). In respect of private amenity space, the Guide seeks a 5m<sup>2</sup> balcony for all 1-bed apartments and 7m<sup>2</sup> balcony for 2-bed apartments. To our knowledge, the planning application does not include a floorspace measurement for proposed balconies. Accordingly, the Applicant has not demonstrated that the proposed scheme is compliant with the adopted Design Guide in respect of private amenity space on an apartment-by-apartment basis.

In light of the above it can only be concluded that the proposals conflict with the Design Guide and that residents will not benefit from a sufficient level of private amenity space.

- USE OF THE 'DENS' COMMERCIAL BUILDING: The following clarifications are required regarding the proposed use and area of 'The Dens' building:

o Question 17: All Types of Development - Non-Residential Floorspace of the submitted Planning Application Forms state that there is 0m<sup>2</sup> of existing non-residential internal floorspace currently at the site and that 0m<sup>2</sup> will be lost through the proposed development. Given the proposed demolition of the existing on-site commercial building and garages these figures are incorrect.

o The Applicant's answer to Question 17 states that the total new non-residential floorspace proposed is 7,182m<sup>2</sup>, this is assumed to relate to the 'Dens' building. At page 29 of the submitted Design and Access Statement the 'Dens' building has a floorspace measurement of 718.2m<sup>2</sup>. The submitted Site Plan states that the floorspace of the 'Dens' building will have a floorspace area of 811.1m<sup>2</sup>. The submitted Transport Assessment states that the same building will have a floorspace of 818m<sup>2</sup>. Clarification is required as to which of the non-residential floorspace figures contained within the submission is



correct. The planning application should be updated accordingly, once this issue is resolved.

o The Applicant's answer to Question 17 states that the Use Class of the proposed non-residential floorspace is 'B1 (a) - Office (other than A2)'. This Use Class no longer exists and has been superseded. The proposed 'Description of Development' stated at Question 5 of the Application Forms confirms that the proposed 2-storey commercial building will contain: a foodbank, bike workshop, office space and café area. Thus a mixture of non-residential uses are proposed.

The submitted Application Forms present a confused picture as to what land uses are to be provided at the commercial building. It is noted that from the submitted floor plans that there is a substantial café area proposed. It appears that this café would be open to the general public. Clarification on the uses proposed and their role /function is needed to allow the Council and statutory consultees such as the local highway authority to assess planning application. It is noted that the submitted Transport Assessment does not reference a café use in determining car parking needs and assessing traffic impact.

- INTENSIFICATION OF USE: The principle of redeveloping a brownfield site in a town centre location with a high-density residential development and commercial development is sound. However, a proposal to bring forward 56 apartments and a commercial building currently constitutes an unacceptable intensification of the use of the site and has resulted in an out of scale six/seven storey apartment building being proposed. The intensification of use of at this site has the potential to impact negatively on the ability of existing local businesses to function and operate effectively particularly in relation to highways conflicts between vehicles and vehicles and pedestrians.

The NFDC acknowledges that Paradise Industrial Estate is allocated for mixed-use development in the Council's Site Allocations (2017) document and the Town Centre Masterplan (2013). The mixed-use allocation is also proposed to be carried forward through the emerging Local Plan for the Borough. Accordingly, it is clear that the Council have important and firm aspirations to bring forward positive change at the Industrial Park. This is supported by our the NFDC.

However, the emerging proposals at the application site would result in the piecemeal approach to regenerating the Industrial Estate. There is a need for a cohesive and collaborative approach to bring forward new development across the Industrial Estate. New proposals which affect the amenity and function of existing business or fail to deliver wider public realm improvements are not acceptable.

The NFDC fully recognises that the Council's planning policies aim to facilitate the delivery of new mixed-use development at the Industrial Estate. As set out at the pre-application engagement stage, The NFDC would be open to participating in any discussions regarding a more collaborative and sustainable plan to deliver new development at the wider Industrial Estate.

We hope these representations are useful in the Council's

	<p>determination of the planning application.</p> <p>A COPY OF THIS LETTER HAS ALSO BEEN SENT TO THE CASE OFFICER.</p>
<p>Dacorum Borough Council, Cupid Green Depot Redbourn Road Hemel Hempstead hp2 7ba</p>	<p>56 flats will require a storage area large enough for 9 x 1100ltr residual containers, 9 x 1100ltr comingled recycling containers and 9 x 140ltr food wheeled bins.</p> <p>Each commercial premises will require there own space to store at least 1 x 1100ltr residual waste container, 1 x comingled waste container and a 140ltr food wheeled bin.</p> <p>Commercial waste should be stored separately to domestic waste.</p> <p>There should be no steps between the storage areas and the collection vehicle. Any slopes should not be too steep and less than 10%.</p>