

**4/03072/15/MFA - HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE)..
BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ.
APPLICANT: Albion Land.**

[Case Officer - Ross Herbert]

Summary

The application is recommended for approval.

The provision of modern employment units which will improve the vitality and viability of the area is in accordance with the longstanding policy objectives and development history of the site. The residential component is integral to the delivery of the employment scheme.

The proposals bring about substantial physical upgrade to the site and through the provision of new strategic landscaping areas and sustainable urban drainage, and will deliver significant environmental, biodiversity and ecological improvements.

The residential component, through appropriate design will integrate successfully with the existing residential community of Bourne End.

The Site is reasonably sustainably located and the residential component can be effectively accommodated within the capacity of local services. The mix of employment and residential uses provide for a sustainable and mixed community.

The scheme has evolved in response to market demand and has been shaped fundamentally by the aspirations of the local community.

The proposals are in accordance with the relevant aspects of the NPPF and the Development Plan and there are no impacts of this development that are unacceptable or cannot be appropriately mitigated. In addition the proposed development delivers significant benefits which are strong in their own right and as such there is no sound planning reason why the development cannot be approved.

The proposals will deliver significant improvements at the site, to the benefit of the local residents. These include:

- Removal of unsightly commercial buildings from the site and their replacement with a high quality commercial and residential scheme;
- The creation of a buffer of high quality housing between the proposed commercial part of the site and the existing dwellings on Bourne End Lane;

- Significant environmental improvements at the site, including the deculverting of the Bourne Gutter and the introduction of new public open space and significant new landscaping;
- The removal of the commercial access to the site from Bourne End Land, with the permanent removal of commercial traffic from Bourne End Lane; something which has had a significant effect historically on the residents of Bourne End Lane and the wider village. The proposals will see a significant reduction in traffic down Bourne End Lane, with the commercial element of the proposed scheme being permanently sealed off from the village, with access being from Upper Bourne End Lane and the A41 bypass only;
- The provision of much needed additional housing within the village on a sustainable brownfield site;
- Significant flood risk and drainage improvements at the site which will result in a significant reduction in flood risk at the site and it's surroundings when compared to the existing industrial estate;
- The upgrading of the bus stops and associated footway will improve the development access to the local public transport network in line with the NPPF, as well as Core Strategy Policies NP1 and CS8. These works will greatly improve access to the local bus network for the entire village, and are considered to represent a significant community benefit of the proposed development.

Background

Whilst the preferred policy approach for the site is for a full employment proposal, this has failed to be delivered on the site in the past due to: the remediation costs involved in redeveloping the site and delivering the required environmental improvements; conflict between commercial market demand and concerns of local residents (echoed by the DCC); and the associated failure to gain approval at reserved matters stage for all commercial developments, despite Outline consent having been granted. Given the historic context, officers have been in lengthy pre-app discussions with the applicant in an attempt to come up with a mutually acceptable solution which will allow the site to be redeveloped, retaining high quality commercial use at the site, whilst simultaneously creating a residential buffer between the commercial use and the existing village, and ensuring the delivery of significant environmental improvements required by policy.

The applicants have engaged proactively with the Council, key consultee's and local residents (through the Bourne End Residents Association) at pre-application stage, and have adapted the scheme to take into accounts comments received, in order to achieve the best possible development on site, which balances the aspirations of the land owner with the needs of local residents in the village.

Site Description

Bourne End Mills Industrial Estate is located, approximately 1 mile to the west of Hemel Hempstead, and forms an extension to the urban area of Bourne End Village to

the immediate north east.

The Site is located in a valley of the Chiltern Hills, within the Metropolitan Green Belt.

The A41 loops around the southern part of the site connecting it to the neighbouring towns of Tring and Watford and to the M25 and M1 motorway's. The site is bound to the north by Green Belt land, to the east by the residential properties of Bourne End Village, to the south by Upper Bourne End Lane and to the south west by Stoney Lane, both of which provide direct road access onto the A41.

The site is in a valley which is drained by a culverted winterbourne, the Bourne Gutter. It occupies a relatively low profile position in the valley bottom with limited views in from the A41.

Bourne End Mills Industrial Estate covers approximately 4 hectares and contains a number of buildings, of varying style and quality, arranged in both terraced and free standing form. The units are surrounded by substantial areas of hardstanding which provides parking, circulation and loading/unloading areas in an uncontrolled manner. Parking and open storage areas are not formalised which contributes to the sites poor state of appearance.

Bourne End Mills is a designated Employment Area in the Green Belt (Policy 32) and a Major Developed Site (MDS) in the Green Belt (Policy CS5). The site is currently occupied by a variety of uses although it was originally a timber yard with some agricultural industry uses. The site is in a very poor state of repair, previously suffering from flooding and criminal activity. Very little investment appears to have been made in the area in recent years allowing parts to fall into disrepair.

Proposal

The application comprises of a hybrid planning application which proposes:

- the demolition of existing buildings on the site and the redevelopment of the industrial estate to provide B1 and/or B2 and/or B8 floorspace, with external alterations to the rear of Unit 28 Upper Bourne End Lane, with associated parking and service areas, access from Upper Bourne End Lane, landscaping and public open space, and the realignment of the Bourne End Gutter (details submitted in full); and
- residential development of up to 45 dwellings, associated point of access from Upper Bourne End Lane and works to the public highway between Bourne End Lane and Upper Bourne End Lane (details submitted in outline).

The planning application is submitted in hybrid form, with full details provided for the employment element (covering the western end of the site), whilst the residential element (to the east) is submitted in outline only. Only the point of access into the site submitted for approval. A significant area of new landscaping (covering the area to the west and north of the site in addition to a new area of designated public open space to the east) is also provided as part of the full element. Full details are also provided on the proposed treatment of the rear elevation of Unit 28, Upper Bourne End Lane, which is located (in the main) outside of the site and whose rear elevation is to be 'exposed' following the demolition of buildings within the Industrial Estate.

Flexibility is sought within the outline planning component in order to allow for the residential development to be marketed and tailored to suite the requirements of a house builder. However, in order to allow for a robust assessment to be carried out of the potential impact of the scheme, a series of development parameters have been set including (i) a maximum number of residential dwellings (45); and (ii) buildings to be no more than 2.5 storeys in height. The outline element is also supported by a series of 'Design Codes' which set the design objectives within which any subsequent Reserved Matters application will be required to work.

Referral to Committee

The application is referred to the Development Control Committee as the committee has refused previous applications at the site, and it includes a S106 agreement (in the form of a Unilateral Undertaking).

Planning History

- 4/03072/15/MFA HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).
- 4/01944/15/SCE MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT`
05/06/2015
- 4/02620/14/DRC DETAILS OF ECOLOGY AS REQUIRED BY CONDITION 33 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
22/06/2015
- 4/01988/14/RES SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) TO OUTLINE PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn
14/06/2015

- 4/01989/14/ROC REMOVAL OF CONDITION 18 (OPENING HOURS) AND 22 (ROOF HEIGHT/PITCH) ATTACHED TO PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Refused
23/12/2014
- 4/01982/14/DRC DETAILS OF NOISE LEVELS AS REQUIRED BY CONDITION 31 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/01983/14/DRC DETAILS OF SCHEME FOR THE OPENING UP OF THE BOURNE GUTTER AS REQUIRED BY CONDITION 24 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/01984/14/DRC DETAILS OF CONTAMINATION AND REMEDIATION AS REQUIRED BY CONDITIONS 21 AND 26 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/01985/14/DRC DETAILS OF SUSTAINABILITY AS REQUIRED BY CONDITION 20 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND

CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE
END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION
4/02524/08/MOA)
Withdrawn
14/06/2015

- 4/01986/14/DRC DETAILS OF HARD AND SOFT LANDSCAPING, SCHEME INDICATING
PROPOSED MEANS OF ENCLOSURE WITHIN AND AROUND THE SITE AND
EXTERNAL BOUNDARIES, AND A LANDSCAPE MANAGEMENT PLAN AS
REQUIRED BY CONDITIONS 5, 7 AND 25 OF PLANNING PERMISSION
4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE
REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING
APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING
AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND
OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC
SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF
TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/01987/14/DRC DETAILS OF PARKING, ACCESSES AND JUNCTION ARRANGEMENTS,
VISIBILITY SPLAYS, STOPPING UP OF VEHICULAR ACCESS FROM
BOURNE END LANE AND PHASING PLAN AS REQUIRED BY CONDITIONS 9,
10, 11, 12, 13 AND 16 OF PLANNING PERMISSION 4/02245/12/VOT (THE
DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO
PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY
15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND
LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE
BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE
WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO
PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/01990/14/DRC DETAILS OF MATERIALS, SLAB, FINISHED FLOOR AND RIDGE LEVELS OF
PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING
BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8
FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH
ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS
AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND
CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE
END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION
4/02524/08/MOA)
Withdrawn
14/06/2015
- 4/02245/12/VOT THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT
TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY
15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND
LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE
BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE
WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO
PLANNING PERMISSION 4/02524/08/MOA
Granted
23/05/2013
- 4/02524/08/MOA THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT

TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY
15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND
LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE
BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE
WESTERN END OF BOURNE END LANE
Granted
01/04/2010

4/00970/02/OUT REDEVELOPMENT FOR OFFICE/INDUSTRIAL (CLASS B1) AND
WAREHOUSE/STORAGE (CLASS B8) USE (OUTLINE)
Withdrawn
03/10/2002

4/00046/07/PRE REDEVELOPMENT
Unknown
07/02/2007

4/00826/14/PRE RESERVED MATTERS PURSUANT TO PLANNING PERMISSION REF
4/02245/12/VOT/VOT.
Unknown
31/07/2014

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 - Sustainable Transport
CS9 - Management of Roads
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS15 - Office, Research, Industry, Storage and Distribution
CS23 - Social Infrastructure
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (Saved Policies)

Policies 10, 12, 13, 32, 37, 57, 58, 61, 62, 100, 104, 111 and 129

Appendices 1, 2, 4, 5, 6 and 8

Supplementary Planning Guidance

Environmental Guidelines May 2004 sections 2, 3, 4, 10, 12

Water Conservation & Sustainable Drainage July 2005

Energy Efficiency and Conservation July 2005

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

Landscape Character Assessment

Planning Obligation SPD

Summary of Representations

Strategic Planning

You have asked Strategic Planning for policy comments on the above. The Economic Well Being team will comment separately on the implications of the commercial element of the proposal.

The proposal raises a number of fundamental policy issues given that the site falls within the Green Belt (Policy CS5), that it is a designated General Employment Area (GEA) (saved Policy 32 and SA6) where residential is being proposed (up to 45 units), and that significant floorspace changes is sought across the site. We have been involved in discussions with the applicants agents that have led up to the current proposal and accepted that some housing could be appropriate in order to retain employment on the site and deliver a package of other environmental improvements . Our main concern has been over the balance between the housing (as enabling development) and commercial. This hinges on the arguments for the residential and the robustness of their viability appraisal.

Both saved Policies 32 and SA6 seek substantial environmental improvements and rationalisation of the layout. Policy 32 also refers to access to the industrial estate being closed off from Bourne End Lane. Policy 37 repeats encouragement for the environmental improvements, for example, through opportunities arising out of development proposals (point (a) in the policy).

The estate is also identified as a MDS in the GB under Policy CS5 (see Table 2). This is mapped through the Pre Submissions Site Allocations DPD under Policy SA2 (Appendix 3 and Map Book (see MDS/8)). The planning requirements (as updated by the recent Focused Changes) refer to:

“New development should be focussed within the infill area subject to its intensity being appropriate for the Green Belt location. Environmental improvements required throughout the site, including the former area of open storage to the south west (excluded from the infill area) which is to remain open....”

The MDS boundary covers the whole of the estate (blue line) whereas the infill area (red line) covers just the built footprint.

We note the previous withdrawal/refusal (resp. 1988/14 and 1989/14) of approval of the details relating to the earlier B1/B2/B8 proposal (2245/12). This has had a strong

influence over the form of and recent discussions over the current proposals in terms of the type of relationship of uses at the boundary with the existing residential properties and overall viability of the scheme. This is set out in the applicants planning statement.

We recognise that the current site is of historically poor environmental standards and that there has been issues over maintaining occupancy and the quality of units. We support the applicants general approach to securing overall environmental improvements in terms of better designed and laid out buildings and parking, additional landscaping and new POS, and the de-culverting / opening up and realigning of the Bourne End Gutter. This fits with the wider and continuing policy objectives for the site. To this end we have supported an element of residential on the site.

The NPPF does allow for redevelopment of previously developed land subject to its impact on the openness of the Green Belt, and this will be a key consideration. On this matter, the applicant states that there will be a reduction in the overall built (from 28,819 sqm to 23,119 sqm) and building (9,034 sqm to 8,986 sqm) footprint on the site. These points are both welcomed in terms of arguments over the positive change in the openness of the Green Belt, but any conclusions should also take into account the height and volume changes across the estate and what new commercial development that has previously been accepted as appropriate on the site. We also acknowledge that the development is all to take place within the infill area of the MDS.

The preferred policy approach is for a full employment proposal, especially given that the estate has excellent access to and from the A41. While the NPPF does allow for redevelopment of existing buildings (as guided by the MDS status of the site and subject to its impact on the openness of the GB), residential is clearly contrary to the GEA designation. We note that there will be an overall net loss of employment floorspace from 10,993 sqm to 6,407 sqm (i.e. a loss of 4,586 sqm) that provides a potential source of affordable / lower grade premises. However, we acknowledge that about half of the GEA will be retained for commercial purposes. This will provide for a flexible (and potentially a more attractive) mix of small to large sized accommodation (for existing and new occupiers) and consolidate the development into a smaller number of block. The applicant states that this could provide for up to 340 jobs. This general approach is on the whole welcomed in the circumstances.

Following earlier discussions about the future of the GEA with the applicants agents, there was broad Officer support for the principle of an element of housing within the General Employment Area under very special circumstances (VSC) in order to bring forward environmental improvements, to improve its relationship with existing housing, and to secure a viable scheme to bring forward a higher quality of buildings within the site. Such an arrangement would be subject to there being agreement over the scale of housing and that this is backed up by appropriate evidence in support of VSC.

We note that approximately half of the built area of the site will be for residential. The number of properties is not yet fixed but would be for up to 45 homes and reserved for later consideration (a scheme is shown for illustrative purposes only). The applicant argues that this quantum of housing is necessary in order to make delivery of all the elements of the proposal. They also state that the development would be unable to satisfy the normal requirements for affordable housing (Policy CS19) generated by this proposed scale of development. This level of housing and the absence of any affordable housing contributions needs to be fully justified through an open book

development appraisal (see point (c) in Policy CS19). This has been submitted and the views of Strategic Housing should be sought on the financial appraisal. We do not have the technical skills in the team to comment on this in any detail.

Should the scale of housing prove necessary to the scheme (dependent on the outcome of the appraisal), then we should stress the need to secure a mix of type and size of housing (Policy CS18) and that they be delivered to appropriate standards (e.g. in terms of spacing, garden depth and parking (see saved Appendix 3 and 5)). It is not clear to what extent the initial scheme can achieve this. The relationship of the homes to the employment uses will be important, especially bearing in mind that one of the unit sits tight to the shared boundary (running virtually its full length). The boundary planting may help screen and thus reduce/soften its impact. Could the building be broken up more to give some relief to this elevation (we accept that this present arrangement may help shield some of the commercial activities)?

The views of the local Highway Authority should be sought on the developments overall transport impact the and levels of parking in each case (saved Appendix 5). How will the commercial access and parking be managed so as not to impact on the new residents?

To what extent does the residential integrate with the rest of the village in terms of design, layout, materials, landscaping and (pedestrian) access? It is important to ensure the new housing is not seen as an isolated and standalone scheme from the rest of Bourne End. While welcomed, how exactly will the POS be managed?

We consider that there is scope to be flexible in policy terms over the scale and mix of commercial and residential uses proposed within this GEA given the wider overall benefits the scheme can deliver. However, this will be dependent on the outcome of the financial appraisal and wider impact on the Green Belt.

Economic Development

Fully support the regeneration of the business area.

Conservation and Design

No objections.

Hertfordshire Highways

No objections subject to conditions.

HCC Property Services

Based on the information provided to date for the redevelopment of Bourne End Mills industrial estate to provide B1 and B8 floorspace and up to 45 residential dwellings we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels. If S106 is not otherwise required then fire hydrants can be secured by condition.

Herts Police Crime Prevention Design Advisor

No objections, subject to Secured By Design conditions.

Lead Local Flood Authority

No objections. We are satisfied in principle that the proposed works to the Gutter Bourne to de-culvert the watercourse and create an open channel will provide a significant betterment to flood risk and provide other environmental benefits as detailed in the previous FRA carried out by Odyssey dated 2008. Details of the new inlet and works to the Bourne Gutter have been provided and the removal of the infill has also been confirmed. However please note that all works to the Bourne Gutter will require Land drainage Consent under Section 23 of the Land Drainage Act 1991. The applicant should note that regardless of any planning permission, prior consent is required for works affecting the flow within the channel of the Bourne Gutter. Recommend conditions.

Environment Agency

No objections subject to compliance with relevant policy and guidance.

Trees and Woodlands

Previously, I have responded positively to proposals to redevelop this site into various layouts of warehousing / residential. I have no objection to this proposal either.

I have made a few comments below, relating to amendments or new aspects of development that I haven't mentioned before.

Planting Strategy RF15-249-LO2 Rev C

There is a good mix of species proposed around the site. Each species will have a slightly different growth habit or range of growth characteristics, such as height, canopy shape, leaf colour, fruit colour, that create an attractive aesthetic planting scheme appropriate to this location..

The selection of a high number of native species is welcomed, linking with wider landscape views and ecology around Bourne End.

A possible desirable change to the planting specification is to omit *Viburnum opulus*. This species has mildly toxic berries and may not be an appropriate species close to a new residential area. It might be thought sensible to change 'Native Hedgerow' and 'Mass Whip Planting' lists accordingly.

A few plan annotations are missing or incorrect. Although these may seem minor when viewed on the plan, any planting omission on the ground will have a considerable negative aesthetic affect.

	Southern edge of site	2 No. Ms
listed	3 trees proposed	
	Western edge	3 No.
Qr	1 tree proposed	

	Northern boundary, north-west of warehouse	3 No.
Ac	2 trees proposed	
	Northern boundary, in line with warehouse roof apex	3 No.
Sa	2 trees proposed	
	Northern tip of site	no
species	2 trees proposed	
	Northern end of central planting strip along warehouse	1 No.
Ms	2 trees proposed	

I've attached the plan with highlighting to indicate these positions.

Several areas of the site, Quercus robur is proposed close to parking areas, boundary fences or dwellings. Although the species is welcomed within the landscaping of the scheme, it is perhaps better to use this tree that could attain 20+ metres in height and similar spread away from structures.

Public Rights of Way

No objections. Diversion of footpath confirmed.

Hertfordshire Ecology

No objections. Proposals will provide biodiversity enhancements. Satisfactory management required. Satisfied with reports.

Environmental Health

No objections, subject to the conditions set out below.

The proposal takes into account companies that are potentially going to occupy some of the units. As this is not guaranteed and the potential worst case scenario has been used for the proposed units the report cannot support that this is the worst case.

The acoustic assessment sets out design criteria which will need to be applied to the proposed development structures to deal with the potential noise issues. It should be a requirement of the planning condition that these requirements are met as the standard is above those required by Building Regulation. Rather than undertaking works to only certain aspects of the build it is recommended that the units comply fully with the proposed sandwich build programme. This is confirmed by the comments in relation to new users having to undertake further assessment should they utilise noisy equipment and insulate further.

Condition

It is anticipated that the proposed façades will consist of a cladding system. A metal sandwich panel construction with an enhanced performance of Rw 45 dB to all walls and roofs shall be provided.

Reason

To prevent potential noise nuisance from the units from companies operating within the units and causing noise nuisance to adjacent properties.

Further comments following re consultation:

Notice is hereby given that the Environmental Health Department having reviewed the acoustic report have the following observations to make.

The report indicates that further investigation will be required following the demolition and at the "detailed stage" for the Acoustic barrier (9.3.10) and mitigating designs (9.4.3).

The concept of having a mixed development site is possible. However, the actual design of the proposed development and the noise mitigating measures are not yet known due to these detailed stage requirements.

Contaminated Land Officer

I've had a look at the report and have the following comments

- Further consideration of human health risks to residential users regarding inhalation of fugitive dust from commercial site is required
- Further justification of risks to controlled waters and groundwater, additional sampling required.
- Watching brief to be validated by production of site diaries and photographs demonstrating site works have been undertaken as proposed.
- Where cover systems are proposed this should be undertaken in line with current DBC guidance.

HCC Minerals and Waste Policy

No objections. Recommend condition requiring submission of Site Waste Management Plan.

Herts and Middlesex Wildlife Trust

No objections.

Bourne End Residents Association

We write on behalf of the Bourne End Village Association concerning the above application.

We have been consulted by the applicant through the development of this application although had not seen the final industrial plan that has been submitted. A number of our concerns have been addressed by the applicants.

We support this scheme in principle - the industrial site, and the housing area with a few, but important, reservations.

Industrial area

Layout

We are concerned that, in effect, there is only one of the existing entrances being used

for the vast majority of the site. This has the effect of concentrating traffic to the end nearest the housing area, with obvious noise implications. It also restricts access / egress for evacuation and /or emergency vehicles.

It is entirely possible to switch round Units 1 and 2, and units 3 and 4 together with associated parking. Unit 1 and 2 could be rotated through 90% and placed against the southern boundary. This would then provide both accesses, a 'circular' traffic flow (possibly one way?) and set the highest building against the hill where it would be less obtrusive.

Height /appearance

We recognise that the buildings in some cases continue the height levels of the current single office building. Whilst the roof design blends in to the landscape, after our representations, we ask that the silver of the walls be muted to be more in keeping with this area of green belt. Clad at the top level it will stand out from surrounding areas.

We also ask that the installation of the bund between the industrial area and the residential area with planting be made part of this application and not left as a reserved matter. This could easily be achieved by utilising excavations for the swale and Bourne Gutter. This is to screen the industrial estate from both the residential and Bourne End Lane.

Hours of work

There is currently a restriction on hours of work which reflects the custom and practice over years at this site (applications 4/ 02524/08 and 4/02245/12 refer).

We do not wish to stand in the way of employment opportunities but this is a site in the middle of the green belt with residential properties in close proximity, as well as a hotel. We are naturally concerned over existing and future use and the impact of all vehicle movements, particularly reversing lorries over night and on Sundays, in a time when the ambient noise is low / not present to a large degree. We ask that the hours of work be maintained (perhaps with an earlier start time). The evidence of the existing use of the estate (including future tenants now present) shows that this cannot be a critical item.

Residential area

Whilst we support the establishment of a residential area within the confines, and accesses, shown we are concerned over the numbers of dwellings. The figure of 50 reported as the early target number was plucked out of the air by the applicant as illustrative, so the amount of 45 is not really a reduction as a result of consultation. A figure of 40 dwellings would be far more realistic but this requires a review of the financial figures to which we do not have access (since the residences are being used to support the industrial units).

We appreciate that we are in the realms of uncertainty - how large is a dwelling ? - however even the illustrative diagram shows only 41 buildings. Perhaps the maximum footprint should be specified.

The height restriction is essential and, for the avoidance of doubt, the overall application now should specify boundaries, access, the Gutter position, and the final cut off to Bourne End Lane and be required to be implemented as part of this application.

Overall

Bourne End Lane should be dug up and cut back to provide a turning head at the point

where a new footpath is shown into the residential area, where the current road turns east. This should then be grassed over in a reinforced way to provide the occasional field access (existing) to the east and to provide the footpath to upper Bourne End Lane. It could also be the site of a playground we believe without interfering in the other two activities. It would have the further advantage of reducing potential rogue parking (as currently happens) and looking more like a country / village type area rather than an industrial road - to the advantage of the new residential area. The footpath to the residential area could be slightly further towards the east. (see also the Gutter below)

Lighting is very difficult to assimilate but we ask that around the industrial area it be low level and low illumination to avoid light pollution in hours of darkness and a violent 'hotspot' of yellow or bright white in a country/ green belt surrounding.

Finally the Gutter is shown in the wrong place in the relevant section as going down Bourne End Lane then under houses to the main road. In fact it is currently culverted under part of the industrial estate then across into the fields to the east where it swings north to the back of the White Horse land, emerging from the culvert there. It then goes down the side of the car park, under the road, and down to the River Bulbourne. The deculverting of the Gutter will require the top of Bourne End Lane to be excavated and the new culvert into the field to the east to connect with the existing. There has been an incorrect indirect connection also to the sewer running down BE Lane but this may have been severed.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

55 Bourne End Lane - Support

Wayside, Upper Bourne End Lane - Object

No. 8 Bourne End Lane - Noted - I'm writing to you as a resident of Bourne End Lane. We live at number 8. I have been looking over the plans for this development in the hope that the developers have included a playground within the development. I can't seem to see one on the colour plan that came through my door or online. I myself have two young children aged 3 and 6 years and I know there are many other families in the village that have young children too and I'm sure the families moving into the new houses would also benefit for a playground. The one downside of living in our village is we have no playground we can walk to with the children. I'm sure you would gain a lot of support for the plans if you included a playground for residents to use. I also think you should take great care in only allowing access via foot through to the new development. We get a lot of moped's racing up our road to go to macdonalds. If they knew they couldn't get through that would also solve a village problem.

21 Bourne End Lane - Support in principle but object to quantum of dwellings proposed.

Comments received from local businesses:

Designed For Safety, Corbiere House, Bourne End Mills - Further to our telephone conversation of this morning I have, as you requested, put in writing our concerns and objections to the above application. We have been freeholders on the site since 1st

June 1981 and occupy the building and land on the outside of the estate next to the access road. We require the services: electrical, water and sewerage to be maintained in addition to the right of way we have onto the access road. We object to the width restriction proposed on the access road to impede the use of commercial vehicles. We have daily deliveries and collections by heavy goods vehicles and any restriction on their use would seriously affect our business.

DCP Engineering, Unit 30 Bourne End Mills - Dear Sir, as one of only four freehold properties on this site, the siting of the electricity substation adjacent to my unit with its constant A/c hum seems unnecessary as they have 9 acres of land on which it could be put. The cladding on my building acts as a sound board for sound vibrations a point which when mentioned to the developers they discarded saying that many houses are next to substations, but that is their choice, NOT mine! This site IS a 24 hour working site and with the noise of machines, forklifts etc. I do wonder how the adjacent housing will respond to our works. Thank you for you time, Dave Clout

Considerations

Community Engagement

The applicant has engaged proactively with the Council, key consultee's, Bourne End Residents Association and local residents at pre-application and application stage. The scheme has been adapted to take into accounts comments received, in order to achieve the best possible development on site, which balances the aspirations of the land owner with the needs of local residents in the village.

A Statement of Community Involvement (SCI) has been submitted in support of the application which provides details of how the residents association and local residents have been engaged throughout the planning process. The SCI has been undertaken in accordance with the guidance set out with the Council Statement of Community Involvement 2006, which encourages community engagement on larger development schemes. The SCI submitted outlines the processes of consultation undertaken to inform the application. Prior to the submission of the application, this has included:

- A formal pre-application engagement process with planning officers at Dacorum Borough Council;
- Various meetings with Bourne End Village Association to discuss the proposals and agree the approach to the wider community engagement;
- Consultation with the existing occupiers of the Bourne End Mills Industrial Estate; and
- A public engagement exercise including:
- Mail drop to local residents informing them of the proposals;
- Targeted dialogue and meetings with local businesses and existing occupiers of Bourne End Mills Industrial Estate;

- An evening public exhibition at Bourne End Village Hall;
- The opportunity for local residents and businesses to provide comments on the proposal by way of a feedback form; and
- A dedicated consultation email address and opportunity to provide comments via email.

This engagement has resulted in a proposed scheme which has been informed by the views expressed by local residents, and has been refined as a result of the feedback received from the local community. The majority of the feedback received has been positive in relation to the proposed development and it is clear that, in general, the residents association and local residents are much happier with the current proposals than the previous all commercial application. The proposed development will provide significant benefits to the local community, and this has been recognised through the community engagement exercise. These can be summarised as follows:

- Removal of unsightly commercial buildings from the site and their replacement with a high quality commercial and residential scheme;
- The creation of a buffer of high quality housing between the proposed commercial part of the site and the existing dwellings on Bourne End Lane;
- Significant environmental improvements at the site, including the deculverting of the Bourne Gutter and the introduction of new public open space and significant new landscaping;
- The removal of the commercial access to the site from Bourne End Lane, with the permanent removal of commercial traffic from Bourne End Lane; something which has had a significant effect historically on the residents of Bourne End Lane and the wider village. The proposals will see a significant reduction in traffic down Bourne End Lane, with the commercial element of the proposed scheme being permanently sealed off from the village, with access being from Upper Bourne End Lane and the A41 bypass only;
- The provision of much needed additional housing within the village on a sustainable brownfield site;
- Significant flood risk and drainage improvements at the site which will result in a significant reduction in flood risk at the site and its surroundings when compared to the existing industrial estate;
- The upgrading of the bus stops and associated footway will improve the development access to the local public transport network in line with the NPPF, as well as Core Strategy Policies NP1 and CS8. These works will greatly improve access to the local bus network for the entire village, and are considered to represent a significant community benefit of the proposed development.

Policy and Principle

When considering the principle of the proposed development the proposal raises a number of fundamental policy issues, given that: the site falls within the Green Belt (Policy CS5); that it is a designated General Employment Area (GEA) (saved Policy 32 and SA6) where residential is being proposed (up to 45 units); and that floorspace changes are sought across the site.

The estate is also identified as a Major Developed Site (MDS) in the Green Belt under Policy CS5 (see Table 2). This is mapped through the Pre Submissions Site Allocations DPD under Policy SA2 (Appendix 3 and Map Book (see MDS/8)). The planning requirements (as updated by the recent Focused Changes) refer to: "New development should be focussed within the infill area subject to its intensity being appropriate for the Green Belt location. Environmental improvements required throughout the site, including the former area of open storage to the south west (excluded from the infill area) which is to remain open....". The MDS boundary covers the whole of the estate (blue line) whereas the infill area (red line) covers just the built footprint.

Both saved Policies 32 and SA6 seek substantial environmental improvements and rationalisation of the layout. Policy 32 also refers to access to the industrial estate being closed off from Bourne End Lane. Policy 37 repeats encouragement for the environmental improvements, for example, through opportunities arising out of development proposals.

The applicant's justification for the proposed mix of commercial and residential on site is summarised in the agent's Planning Statement:

'Given the substantial costs associated with the redevelopment of the Site in order to bring about its comprehensive regeneration, there is a need to underwrite these costs. Residential use on part of the Site achieves this. The proposals have been subject to an open book viability appraisal in order to determine the most appropriate proportion of employment to residential uses. The objective has been to deliver the maximum scale of employment on the Site in a viable manner. The appraisal has demonstrated that it is unviable to provide affordable residential units as part of the proposed development'.

The proposal seeks to deliver the minimum amount of housing required to deliver the maximum amount of commercial floorspace, along with the required environmental improvements at the site.

The proposed development has been discussed with the Strategic Planning team at both pre-application and application stage. They have been involved in discussions with the applicant's agents throughout the pre-app and application process. Officers are fully aware the previous withdrawal/refusal (resp. 1988/14 and 1989/14) of approval of the details relating to the earlier B1/B2/B8 proposal (2245/12). This has had a strong influence over the form the current proposals in terms of the type of relationship of uses at the boundary with the existing residential properties and overall viability of the scheme. The Strategic Planning team has accepted that some housing could be appropriate at the site in order to ensure the retention of employment on the site and to deliver a package of other significant environmental improvements. Officers primary concern has been over the balance between the residential (as enabling development) and commercial. This hinges on the justification for the residential and the robustness of the agents viability appraisal.

Viability

The agents have submitted a financial viability assessment in support of the application, which provides justification on the number of residential units required to deliver the maximum amount of commercial floorspace, along with the required environmental improvements at the site. The assessment also provides justification as to why the development is unable to deliver any affordable housing as part of the residential element of the scheme, and remain a viable development.

The agent's financial viability assessment has been reviewed by the Strategic Housing Team. Following their initial comments being provided, and questions being raised, a meeting was held with the Strategic Housing Team and the agents to discuss viability in more details and to provide clarification on a number of points. These were primarily build costs, projected sale prices and professional fees, with the Strategic Housing Team questioning the lack of affordable housing provision. Following the meeting the agents submitted a sensitivity tested version of their viability assessment in order to address the 3 points raised by the Strategic Housing Team. Following a further review, some concerns still remained however, with the Strategic Housing Team still questioning the lack of affordable housing provision. Therefore, given the complexity of the application, and resources with that team, it was decided that an independent viability review should be undertaken in this instance, in order to ensure that the viability position was robust and accurate, to the satisfaction of officers. This is particularly important in this case, as viability effectively determines the split between commercial and residential on site, and therefore goes to the heart of the main policy issue in the determination of this application.

The independent viability review was carried out by BPS Surveyors on behalf of DBC. The review has drawn the following conclusions:

- Quod (agent for the applicant) has adopted an existing use value (EUV) approach to arriving at a benchmark land value. If a land owner premium of 15% were to be added to the EUV, and a comparison done against the residual value, the result is a viability deficit (please note - figures relating to the land value cannot be published as they are commercially sensitive. and are therefore private and confidential);
- Quod has not stated what level of premium it considers reasonable. In our experience, a relatively modest premium of 15% is suitable for developments where development viability is limited and where the main benefit for the developer is extending the useful life of their asset. However it is important to note that higher premiums, in the region of 30%, have been accepted in the Inspectors' decisions of some recent planning appeals, and could arguably be accepted in this case, especially given that the site is income producing and accommodates uses for which there is evidently a high level of local demand.
- With respect to the proposed dwellings, many of these have larger floor areas than is typical for these unit types, therefore are potentially 'oversized', meaning that the achievable floor areas per sqft may not be as high as for smaller dwellings. Therefore small units may be able to secure higher values per sqft and thereby higher profit margins per sqft. A scheme by a volume housebuilder – producing smaller units, but a larger number – would potentially generate a greater surplus

profit from the residential element of the scheme.

- Our assessment of the local area has highlighted the wide variation in sales values, dependent on location. There are advantages and disadvantages to the site's location, and overall we view the site as being unable to achieve values on a par with the upper end of the local market.
- Our Cost Consultant, Neil Powling, has undertaken a review of the applicant's cost information. This shows a total cost estimate marginally lower than the costs included in the applicant's appraisal. This is a relatively marginal difference for a scheme of this size recognising the inherent cost uncertainties that exist at this stage of the design process in particular for a scheme which is in part in Outline form. Given the extent of the deficit in viability, these cost reductions would not be sufficient to place the scheme in a surplus position and would not change the overall conclusion that no affordable housing can viably be delivered. Moreover, Neil Powling notes that there does not appear to be an allowance for external works associated with the commercial element of the scheme, which if added would further increase the build cost and eliminate most or all of his suggested cost reduction.

Following the independent review, further discussions have taken place with the Policy Team, and they have confirmed that they remain supportive of the proposed development, and accept the conclusions of the independent viability review.

Officers are satisfied with the viability assessment provided by the applicant's agents, and are in a position to agree the split between commercial and residential uses, the quantum of residential, and the lack of provision of affordable housing on viability grounds.

Environmental Improvements to the Site

Officers recognise that the current site is of historically poor environmental standards and that there has also been historic issues over maintaining occupancy and the quality of units on site. The Policy team support the applicant's general approach to securing overall environmental improvements in terms of better designed and laid out buildings and parking, additional landscaping and new public open space, and the de-culverting and realigning of the Bourne Gutter. This complies with the wider and continuing environmental policy objectives for the site. To this end officers support an element of residential on the site, as part of the overall development proposed.

Impact on the Green Belt

The NPPF allows for the redevelopment of previously developed land (brownfield land) subject to there being no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (para. 89). On this matter, the applicant states that there will be a reduction in the overall built footprint (from 28,819 sqm to 23,119 sqm) and building footprint (9,034 sqm to 8,986 sqm) on the site. These points are both welcomed as they will result in improvements to the openness of the Green Belt at Bourne End Mills, but any conclusions should also take into account the height and volume changes across the estate and what new commercial development that has previously been accepted as appropriate on the site. This is explored in more details later in this report. Officers also acknowledge that the

development is all to take place within the infill area of the Major Developed Site, which is also welcomed, and is considered to be in compliance with policy. It is considered that there would be no adverse impact on the openness of the Green Belt as a result of the proposed development, and therefore the principle of the proposed development is considered to be acceptable when assessed against both national and local Green Belt policy. The proposed development would comprise of appropriate development in the Green Belt.

Loss of Commercial Floorspace

The preferred policy approach is for a full employment proposal, especially given that the estate has excellent access to and from the A41. While the NPPF does allow for redevelopment of existing buildings (as guided by the MDS status of the site and subject to its impact on the openness of the GB), residential is clearly contrary to the GEA designation. We note that there will be an overall net loss of employment floorspace from 10,993 sqm to 6,407 sqm (i.e. a loss of 4,586 sqm) that provides a potential source of affordable/lower grade premises. However, officers acknowledge that about half of the GEA will be retained for commercial purposes. This will provide for a flexible and more attractive mix of small to large sized accommodation (for existing and new occupiers) and consolidate the development into a smaller number of blocks. The applicant states that this could provide for up to 340 jobs. This general approach is, on the whole welcomed, in the circumstances and has been supported by the Planning Policy team, along with the Economic Development Team, who fully support the proposals.

Following in depth pre-application and follow-up discussions about the future of the GEA with the applicant's agents, there is broad Officer support for the principle of an element of housing within the General Employment Area in order to bring forward environmental improvements, to improve its relationship with existing housing, and to secure a viable scheme to bring forward a higher quality of buildings within the site. The proposed scheme will provide high quality, modern commercial units, with the total floor area being commensurate with that in active use at the site currently. These units will be much more viable than the existing units - something that has been validated by the independent viability review undertaken on behalf of the Council. The proposals will help to secure commercial use at the site in the future, which is a key objective of the Council's planning policies for the Bourne End Mills site.

Conclusion - Principle of Development

Officers consider that there is scope to be flexible in policy terms over the scale and mix of commercial and residential uses proposed within this General Employment Area given the wider overall benefits the scheme can deliver. The principle of the proposed development is considered to be acceptable in planning policy terms, subject to there being no greater impact on the openness of the Green Belt when compared to the existing use.

Impact on Green Belt

The NPPF allows for the complete or partial redevelopment of previously developed land (brownfield land) subject to there being no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (para. 89). The proposed development comprises of a comprehensive redevelopment

of previously developed land in the Green Belt, and is therefore considered to be appropriate development, subject to the proposed development having no greater impact on the openness of the Green Belt and the purpose of including land within it, in accordance with para. 89 of the NPPF and Policy CS5 of the Core Strategy.

When considering this matter, the proposed development will result in a significant reduction in the overall built footprint (including hardstanding, parking areas, service yards and circulation space, as well as the footprint of buildings on the site) from 28,819 sqm to 23,119 sqm. This is facilitated primarily by 'drawing back' the development area from the site's periphery, notably from the western northern and eastern boundaries. There will also be a modest reduction in building footprint from 9,034 sqm (as shown on the existing site plan) to 8,986 sqm on the site (as shown on the illustrative masterplan). The proposed redevelopment rationalises the existing layout and consolidates the areas of built development to the benefit of the site's openness and the character of this rural location. The proposed development regularises the current uncontrolled use of the site and will ensure that the Green Belt remains permanent and enduring.

It is considered that when considering the impact on the openness of the Green Belt, the proposed development would represent an improvement over and above the commercial scheme granted outline planning permission previously in 2010 and 2012 (4/02524/08/MOA and 4/02245/12/VOT). These applications granted a scheme which proposed the demolition of existing buildings and the redevelopment of the site to provide B Class floorspace totalling 15,500 sqm.

Officers also acknowledge that the development is all to take place within the infill area of the Major Developed Site, which is also welcomed, and is considered to be in compliance with policy. It is considered that there would be no adverse impact on the openness of the Green Belt as a result of the proposed development, and therefore the principle of the proposed development is considered to be acceptable when assessed against both national and local Green Belt policy. The proposed development is considered to be appropriate in Green Belt policy terms, comprising the comprehensive regeneration of a previously developed site that rationalises the existing layout and consolidates the areas of built development to the benefit of the Site's openness and the character of this rural location. The proposed development regularises the current uncontrolled use of the site and will ensure that the Green Belt remains permanent and enduring. The proposed development would comprise of appropriate development in the Green Belt.

Visual Impact

The Landscape and Visual Impact Assessment which has been submitted in support of the application satisfactorily demonstrates how the proposed development can be successfully assimilated within the surrounding landscape and that it is appropriate in both form, scale and appearance for its rural context. It is considered that, not only will the proposed development be largely indiscernible from key views, but where it is visible it will deliver a significant visual improvement, with an associated improvement to the openness and character of the area. The assessment has confirmed that the proposal will have no greater impact upon the openness of the Green Belt than current and through the introduction of substantial landscaping areas, can effectively assimilate the development into the surrounding area.

Loss of Commercial Floorspace

Whilst the preferred policy approach for the site is for a full employment proposal, this has failed to be delivered on the site in the past due to: the remediation costs involved in redeveloping the site and delivering the required environmental improvements; conflict between commercial market demand and concerns of local residents (echoed by the DCC); and the associated failure to gain approval at reserved matters stage for all commercial developments, despite Outline consent having been granted. Given the historic context, officers have been in lengthy pre-app discussions with the applicant's agents in an attempt to come up with a mutually acceptable solution which will allow the site to be redeveloped, retaining high quality commercial use at the site, whilst simultaneously creating a residential buffer between the commercial use and the existing village, and ensuring the delivery of significant environmental improvements required by policy. It is in this context that the loss of commercial floorspace at the site must be assessed.

While the NPPF does allow for redevelopment of existing buildings (as guided by the MDS status of the site and subject to its impact on the openness of the GB), residential is clearly contrary to the GEA designation. We note that there will be an overall net loss of employment floorspace from 10,993 sqm to 6,407 sqm (i.e. a loss of 4,586 sqm) that provides a potential source of affordable/lower grade premises. However, officers acknowledge that about half of the GEA will be retained for commercial purposes. This will provide for a flexible (and potentially a more attractive) mix of small to large sized accommodation (for existing and new occupiers) and consolidate the development into a smaller number of block. The applicant states that this could provide for up to 340 jobs. This general approach is, on the whole welcomed, in the circumstances and has been supported by the Strategic Planning team and the Economic Development Team.

Design

The application is supported by a Design and Access Statement as well as a Design Code for the residential element only. The proposals have gone through an iterative process of development to reach the final design proposal. Throughout the design process comments received during public consultations, pre-application meetings and the tenant requirements have all contributed to the evolution of the scheme.

The Government attaches great importance to the design of the built environment, as enshrined in the NPPF (para. 56). The Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The requirement for high quality design is also mirrored in Core Strategy Policies CS12 and CS13.

The design process has taken account of the design policies of the NPPF, along with the relevant policies of the Core Strategy and saved Local Plan. The design has also taken into account the principles of the Chilterns Buildings Design Guide (2010), despite the site being located some distance from the Chilterns AONB.

The proposed mixed use development has created a balanced approach to the site's regeneration. The existing ad hoc, low quality employment buildings and uncontrolled areas of hardstanding will be replaced with modern, high quality employment buildings that meet specific operator requirements and market needs to deliver a successful

scheme. The employment buildings have a shared character with modern building forms which utilise the use of attractive and durable materials, with a palette of light grey and silver with feature blue colour banding that will also be used on all doors. The buildings have been designed to offer an elegant, modern approach that can easily accommodate each individual business's requirement for signage and branding.

In order to minimise the visual impact of the buildings, light coloured cladding has been used at high levels, along with low level hipped roofs where the buildings would be viewed against the skyline. Glazing has been incorporated at both ground and first floor levels to the principle elevations, in order to add visual interest. The proposed design is considered to offer a clean, modern approach to the commercial units, which would in a high quality design which would represent a significant improvement when compared to the existing site.

The residential element of the scheme has responded positively to the adjacent domestic use along Bourne End Lane, to create a sympathetic and sustainable mixed development. A Design Code has been submitted which offers a framework to take the outline proposals forward to detailed design stage to ensure the delivery of a high quality development. The final appearance of the residential scheme will be set out at Reserved Matters Stage. It is considered that the Design Code will help to deliver a high quality, sympathetic and sensitive residential scheme at Reserved Matters stage.

The site offers an accessible location for both the employment and residential elements of the scheme, with all vehicular access taken from Upper Bourne End Lane. The easy walking/cycling distance from local bus stops (which will be upgraded as part of the development) and sustainable transport links enhances the scheme's connectivity.

It is considered that the design proposals have responded positively to the site's characteristics and context to deliver a high quality scheme, which realises the principles of good design, with significant environmental upgrades.

Impact on the Street Scene

It is considered that the proposed development will result in improvements to the character and appearance of the street scene, with the ad hoc, poor quality commercial buildings and associated hard standing and parking areas being replaced with a high quality commercial and residential development, with associated public open space and landscaping. The existing Bourne End Mills industrial estate is particularly tired from a visual point of view, and detracts from the character of the street scene and surrounding area in general. The proposals will result in significant visual improvements which will benefit the street scene, in compliance with Policies CS12 and CS13.

Impact on the Bourne End Conservation Area

The site is located outside the Bourne End Conservation Area, but the conservation team were consulted in order to assess whether the proposals were likely to have any adverse impact on views in and out of the Conservation Area. They have raised no objections to the proposals, and it is considered that, given its separation from the Conservation Area, there would be no adverse effects on the character or appearance of the Conservation Area. The part of the site closest to the Conservation Area will see

a change of use from commercial to residential, with the ad hoc, poor quality commercial buildings and associated hard standing and parking areas replaced with a high quality housing scheme, with associated public open space and landscaping.

The proposals would be in compliance with Policy CS27 of the Core Strategy.

Impact on the AONB

The site is not located within the Chilterns AONB, but there are views into the site from the nearby AONB. The Landscape and Visual Impact Assessment which has been submitted in support of the application has taken views from the surrounding countryside into account. This satisfactorily demonstrates how the proposed development can be successfully assimilated within the surrounding landscape and that it is appropriate in both form, scale and appearance for its rural context. It is considered that, not only will the proposed development be largely indiscernible from key views, but where it is visible it will deliver a significant visual improvement, with an associated improvement to the character of the area. It is considered that views from the surrounding AONB will be improved through the redevelopment and rationalisation of the site, and through the introduction of substantial landscaping areas. The proposed commercial buildings have been designed to be sensitive to their rural surroundings, and their layout, design, materials and colour palette should ensure that the development can effectively assimilate the development into the surrounding area.

This is also true of the residential element, but the Council will only receive full details of this element of the scheme at Reserved Matters stage. Nevertheless, the modest quantum of development proposed, combined with substantial landscaping and creation of public open space, along with the high quality designs and materials envisaged by the Design Code submitted in support of the application, gives officers comfort that the residential element of the scheme will also satisfactorily assimilate into the surrounding landscape. It will also represent a significant improvement over the ad hoc arrangement of commercial buildings and hardstanding currently on the eastern part of the site.

The proposals will improve views from the AONB and will represent an improvement over and above the existing site when considering the impact on the natural beauty of the surrounding AONB. The proposals are therefore in compliance with Saved Policy 97 of the Local Plan.

Impact on Trees/Landscaping

Landscaping

The Council's Trees and Woodlands officer has been consulted and has responded positively to the proposed development. He has made some suggestions to further improve the landscaping proposals and these have been taken on board by the agents and have now been included in the scheme. A summary of his key comments are set out below for clarity:

'Previously, I have responded positively to proposals to redevelop this site into various layouts of warehousing / residential. I have no objection to this proposal either.'

'Planting Strategy RF15-249-LO2 Rev C shows a good mix of species proposed'

around the site. Each species will have a slightly different growth habit or range of growth characteristics, such as height, canopy shape, leaf colour, fruit colour, that create an attractive aesthetic planting scheme appropriate to this location.'

'The selection of a high number of native species is welcomed, linking with wider landscape views and ecology around Bourne End.'

*'A possible desirable change to the planting specification is to omit *Viburnum opulus*. This species has mildly toxic berries and may not be an appropriate species close to a new residential area. It might be thought sensible to change 'Native Hedgerow' and 'Mass Whip Planting' lists accordingly.'*

*'Several areas of the site, *Quercus robur* is proposed close to parking areas, boundary fences or dwellings. Although the species is welcomed within the landscaping of the scheme, it is perhaps better to use this tree that could attain 20+ metres in height and similar spread away from structures.'*

The opening up of the Bourne Gutter presents an opportunity to create an ecologically diverse corridor through the development site. Incorporated variety in horizontal alignment and the channel sides will provide opportunities for a range of planting types to be established. The planting of a native hedgerow to the south, west and north boundaries of the site will help to strengthen the existing vegetation and provide a strong landscape connection within the ecological corridor which will be created. Field tree planting within the planting will serve to break up and soften the outline of the proposed buildings when viewed from the surrounding Green Belt.

The opening up of the Bourne Gutter and the associated creation of surface water attenuation basins will provide the opportunity for the establishment of wildflower rich grasses, which are suitable for riverbank, wetland and dry slope situations. The grass seed mixes will provide valuable habitat for a number of insects and pollinators, as well as providing seasonal colour and interest. This will significantly enhance biodiversity and ecological habitats across the site.

Trees

As a result of the proposals to deculvert the Bourne Gutter, some existing poplar trees on the northern boundary of the site will be lost. Notwithstanding the overall benefits which will result from the opening up of the Bourne Gutter, it is proposed to mitigate the loss of these trees by planting a greater number of trees with a more diverse mix of native species. It is important to note that there will be a net increase of 84 trees on site as a result of new planting through the landscape proposals put forward. The Landscape Assessment demonstrates that there will be no harm to the character of the surrounding Green Belt countryside as a result of the landscape proposals to the northern boundary. Indeed, the consolidation of the built form on site will deliver significant benefit.

Officers are satisfied that the proposed landscaping scheme is acceptable. It will help to soften the proposed development, and will help it to successfully assimilate into the surrounding landscape.

Ecology

The proposed scheme includes significant environmental improvements at the site, which will result in significant biodiversity enhancements, in compliance with the NPPF. Hertfordshire Ecology have been consulted on the proposals and have provided the following comments:

'1. I note the site design in the Proposed Masterplan (p12) incorporates a culverted Bourne Gutter and swale depression at the SW end. The former will be a significant enhancement locally even if the stream does not flow regularly. The latter is primarily a SUDS feature with a variable ecological character depending on water levels, although it should provide some ecological enhancement to the area which is currently a mass of ruderal vegetation. This will require regular management to ensure it doesn't degrade into a similar plant community to that which is currently present.

2. Additional landscaping as described in the D&A Statement will provide local ecological enhancement at the site level.

3. I am not aware of any ecological constraints associated with this proposal which have not previously been adequately addressed or highlighted by Herts Ecology or the applicant's ecological consultants that would otherwise represent any fundamental ecological objection to the proposals. These include protected species surveys and advice covering bats, birds and badgers. Although these reports are becoming old I am satisfied that in the circumstances and on the evidence presented, they can be relied upon to provide an adequate understanding of the likely issues which can be expected to be present. A low status bat roost is present in Building 1 of the Bat report and will require an EPS licence, as is recognised.

4. The provisions of the biodiversity enhancement strategy (Middlemarch Sept 2014) should be followed.

5. I am not aware of any other ecological issues associated with these proposals for which I have any significant concerns.'

Herts and Middlesex Wildlife Trust have also been consulted and also agree that: *'There is no objection to the scheme and it is clear that it would result in net gains to biodiversity in accordance with NPPF'.*

The proposals will deliver significant biodiversity enhancements at the site and are welcomed from an ecology point of view.

Impact on Highway Safety

The proposals are considered to be acceptable from a highway safety point of view. The proposals would result in no adverse impact on highway safety or the free-flow of traffic on the local highway network. The highway authority, Hertfordshire County Council has been consulted and have assessed the proposed development in detail, both at pre-application stage and application stage. They find the proposals to be acceptable, subject to the imposition of a number of standard conditions, and contributions towards the upgrade of local bus stops to improve accessibility.

The application is supported by Transport Assessment, as well as Framework Travel Plans for both the commercial and residential elements of the scheme. These have

been prepared following pre-application engagement with the highway authority, and their guidance has been followed in the preparation of these documents. The Transport Assessment demonstrates that robust analysis of the current application would result in a reduction in traffic associated with proposals for the site when compared to both the maximum permitted traffic levels of the consented scheme and the observed existing traffic.

Access

The access arrangements proposed are considered to be acceptable and are in compliance with Policy CS12 of the Core Strategy. They would provide a safe and convenient means of access to the proposed development site.

Access to the proposed employment area of the site would be via two accesses onto Upper Bourne End Lane, which runs along the southern boundary of the site, as per the existing access to the industrial estate. The residential element of the scheme would be located towards the east of the site. This element is submitted in outline form with only the point of access into the site – which will also be from Upper Bourne End Lane - up for consideration.

Traffic associated with industrial units at the north end of the estate can currently enter and leave to the north of the blockage of Bourne End Lane and thence past residential properties in the village. This would not be possible under the proposed scheme since the site is proposed to be accessed solely from Upper Bourne End Lane and no vehicular access will be provided from Bourne End Lane. This proposed access arrangement is largely consistent with the current access arrangements and also accords with the access arrangements proposed in the earlier outline consent for the development which also prevented access from Bourne End Lane. It was agreed during scoping discussions with HCC that the accesses into the site would be assessed to ensure that the proposed development traffic could access the site safely and efficiently. These assessments have been undertaken using industry-standard PICADY software and concluded that the proposed site access junctions will all operate well within capacity with no queuing associated at any of them.

The employment site will be accessed from two points on Upper Bourne End Lane – the western and central of the three proposed accesses to the full site. The residential site will be accessed from a dedicated access at the eastern end of Upper Bourne End Lane. The access would be created from an extension of the existing turning head arrangement located to the west of the 'severed link' between Upper Bourne End Lane and Bourne End Lane described above. The facility for vehicles to turn at the end of Upper Bourne End Lane would be retained as part of the proposals. The works to form the proposed access points and the traffic calming proposals will be delivered under a Section 278 agreement which permits work within the adopted highway.

Layout and Management

The roads within the development would be the responsibility of the developer and their successors and will not be considered for adoption by the Highway Authority.

Parking

The proposed parking arrangements are considered to be acceptable. Industrial units

1 and 3 have specified end users and are proposed for B8 distribution/ warehousing land uses. Unit 1 would provide a 929sqm unit which will be used by a courier/logistics company and Unit 3 would provide a 2,787sqm unit which will be used by a supplier to the food and drinks industry who already operate from one of the buildings on the Bourne End Mills site. These two units will have their own dedicated parking and servicing areas located adjacent to them. The remaining three units (numbers 2, 4 and 5) will be built on a speculative basis and therefore an open consent is being sought for B1c, B2 and/or B8 land uses to allow the units to be marketed to a range of occupiers. The five units will provide a total floor area of 6,407sqm with associated parking and landscaping. The parking arrangements have been specifically designed to accommodate overnight parking of HGVs associated with the user of unit 1.

Parking for the residential units will be determined as part of the detailed proposals for the site at reserved matters stage, when the size and mix of units will be determined. Parking will be expected to be in line with Dacorum Borough Council's parking standards. Parking is prevented in the turning head north of the blockage of Bourne End Lane by double yellow lines, and this will continue to be the case.

Accessibility

The site is located on the edge of the village of Bourne End, in accessibility zone 4. The closest bus stops to the site are on the A4251 with the westbound stop approx 435m away. This stop has a timetable and flag but not easy access kerbing or shelter. The eastbound stop is slightly further away and also has neither easy access kerbing nor shelter. The footway around this stop is limited in width. These stops are approximately 500m from the centre of the site which is equivalent to a 6 minute walk and considered to be within easy walking distance. Three bus routes are provided from these stops providing routes to Aylesbury, Hemel Hempstead and Watford, offering access to local destinations including Berkhamsted, Apsley and Kings Langley. The application site is 3.7km west of Hemel Hempstead town centre and 2.5km from its railway station. This is within cycling distance of the site and is accessible by bus along London Road. The total journey time to Hemel Hempstead station is calculated to be 13 minutes including the walk and bus sections of the journey.

Access to these bus stops is not ideal from the site as Bourne End Lane has no footway, although the fact that this route only provides access to a limited number of residential properties should limited vehicle movements. The Highway Authority has recommended that Developer contributions should be sought to provide upgrades to the two nearest bus stops. The eastbound stop would need to be moved in order to improve footway width and allow provision of easy access kerbing and a shelter. This would cost in the region of £16,000. The westbound stop could be upgraded with easy access kerbing at a cost of £8,000. The applicant has agreed to provide the require financial contributions via a Unilateral Undertaking, and this has been submitted in support of the application. It is considered that the upgrading of the bus stops and associated footway will improve the development access to the local public transport network in line with the NPPF, as well as Core Strategy Policies NP1 and CS8. These works will greatly improve access to the local bus network for the entire village, and are considered to represent a significant community benefit of the proposed development.

Impact on Neighbours

It is considered that the proposed development would have no significant adverse impact on the residential amenity of the properties on Bourne End Lane. The proposed scheme has been carefully designed to specifically avoid any adverse impacts in terms of visual intrusion, loss of privacy or noise and disturbance, in accordance with Policy CS12 of the Core Strategy. Full details of the proposed residential element of the scheme will be provided at Reserved Matters stage, where a full assessment of the potential impact of the development on residential amenity can be undertaken, in order to ensure that there are no significant adverse impacts on the amenity of either the existing dwellings on Bourne End Lane, or the proposed dwellings as a result of the commercial element of the scheme.

An assessment of the impact of the proposed development and existing noise generating uses on sensitive receptors (proposed and existing) has been undertaken and has been submitted with this application. The potential noise impacts have been considered and used to inform the design of the development.

The Assessment considers the potential impacts of:

- Noise from the proposed employment units on existing residential properties and the nearby hotel (to the west of the site);
- Noise from the proposed employment units upon the proposed residential areas;
- Noise from the employment units on Upper Bourne End Lane that are located outside the application site and are to remain under these planning proposals on the proposed residential area; and
- Changes in traffic flows on roads in the immediate vicinity of the Site on the hotel (given the likely direction of future traffic movements).

The orientation of the proposed development, with the positioning of the residential element adjacent to the existing residential properties on Bourne End Lane, acts to separate the existing village from the proposed employment space. This has in itself resulted in the need for specific attention to be given to the relationship between the proposed employment element and the proposed residential area to ensure that the amenity of the new residential population is appropriately protected.

The proposed development has given specific regard to the relationship between the proposed residential element and the existing employment units which fall outside of the application boundary (on Upper Bourne End Lane), which are to be remain.

The fabric of the buildings will act as a screen to any noise taking place inside and the additional cladding proposed to the rear of Unit 28, Upper Bourne End Lane following the removal of the building immediately adjoined to it, will further mitigate for any internal noise. The cladding to proposed unit 5 and and the existing unit 28 will be the subject of a planning condition, following advice from the Council's Environmental Health Team, to secure acoustic performance well above that required by Building Regulations.

The Noise Assessment demonstrates that noise from the existing employment units is

relative low. Where noise was experienced (in external areas) this is associated with deliveries which were limited and short in duration. The Assessment demonstrates that the noise levels measured from the remaining employment units is capable of being appropriately reduced through the inclusion of acoustic screening along this boundary with the residential element and through the inclusion of appropriate building design in the proposed residential properties. Noise to be created from traffic travelling to and from the proposal site has been calculated to be within recommended guidance without the need for further mitigation.

Overall it is considered that the mix of uses proposed and the layout of the proposed development is considered to result in minor if not negligible noise impacts that are capable of being appropriately mitigated where necessary through appropriate acoustic screening and building design.

Flood Risk/Drainage

The agents and the flood risk/drainage engineers have been through lengthy pre-application discussions with the Lead Local Flood Authority (Hertfordshire County Council) in order to ensure that the proposed scheme will result in no flood risk issues. Having provided further information, the Lead Local Flood Authority is now satisfied with the Flood Risk Assessment and the Drainage Strategy, and has removed their initial objection to the proposed development. They have provided the following comments on the latest Flood Risk Assessment:

'In response to the latest FRA carried out by Bailey Johnson Hayes reference S1256 Issue 5 dated 17 November 2015 submitted with this application, we are able to confirm that in principle we would be satisfied with the proposed works to the Gutter Bourne and surface water drainage proposals for the new development. Therefore we are in a position to remove our previous objection from our response dated 01 October 2015.

We also acknowledge the intention to reduce the risk of flooding from surface water run-off from the development site by providing pre-development greenfield run-off rate at 16l/s. We note the use of permeable paving, swales and oversized pipes. The use of oversized pipe lies at the bottom of SuDS hierarchy however it has been explained that the technical constraints within the site requires the use of oversized pipes in order to achieve the proposed greenfield rate.

Detailed surface water run-off calculations for 1:100 year (+30% CC) have been provided within the FRA, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+30% CC). Proposed informal flooding for the 1 in 100 year plus climate change has been identified for the industrial site and has been shown on a plan. Local flooding zones have been identified in front of Unit 5 with approximately 38m³ and 4m³ in the service yard of unit 3.

We are satisfied in principle that the proposed works to the Gutter Bourne to de-culvert the watercourse and create an open channel will provide a significant betterment to flood risk and provide other environmental benefits as detailed in the previous FRA carried out by Odyssey dated 2008. Details of the new inlet and works to the Bourne Gutter have been provided and the removal of the infill has also been confirmed. However please note that all works to the Bourne Gutter will require Land drainage Consent under Section 23 of the Land Drainage Act 1991. The applicant should note

that regardless of any planning permission, prior consent is required for works affecting the flow within the channel of the Bourne Gutter.'

The Environment Agency has also commented on the application and has confirmed that they have no objections.

The proposals will result in a significant improvement to flood risk at the site and will provide a number of other environmental benefits. The proposed development will comply with the NPPF and the associated technical guidance.

Lighting

An indicative lighting scheme has been submitted in support of the application for the commercial element of the scheme. This shows that, through appropriate lighting design, light spill beyond the service yard and circulation areas will be minimised, and landscaped areas will be kept largely free from artificial light to the benefit of biodiversity and visual amenity.

Further details of lighting will be required via condition.

Contamination

A Ground Conditions Report has been submitted by Applied Geology in support of the application. The report confirms that the risk posed to future occupiers or construction workers as a result of the existing ground conditions are low and can be appropriately mitigated where necessary.

The Council's Contaminated Land Officer has been consulted, and has provided some comments on the report at the time of completing the committee report. She feels that some points require further consideration. These are set out below:

- Further consideration of human health risks to residential users regarding inhalation of fugitive dust from commercial site is required
- Further justification of risks to controlled waters and groundwater, additional sampling required.
- Watching brief to be validated by production of site diaries and photographs demonstrating site works have been undertaken as proposed.
- Where cover systems are proposed this should be undertaken in line with current DBC guidance.

These issues have been raised with the agent. The additional assessment required will be covered by a suitably worded condition.

Sustainability

The agents have submitted both a Sustainability Statement and an Energy Statement via the Council's CPLAN sustainability tool. A CS29 Checklist has also been submitted. The submissions meet the requirements of Policy CS29 of the Core

Strategy. The CPLAN Sustainability Statement is acceptable. The Energy Statement requires some additional details, and these are awaited. The statement is acceptable in principle however.

The proposed development will deliver sustainable new homes which will meet or exceed minimum Building Regulations standards. Full details will be assessed at Reserved Matters stage.

Other Material Planning Considerations

Security

The Herts Police Crime Prevention Design Advisor has confirmed that he finds the scheme acceptable, subject to a number of suggested conditions. These have been included within the recommendation. The proposed scheme will be designed to Secured by Design standards, with both the commercial and residential elements meeting the required Secured by Design standards. The suggested conditions will ensure these standards are achieved to the satisfaction of Herts Police and the LPA, and will ensure that the proposed development provides a secure and safe working and living environment.

Unilateral Undertaking

As set out in the accessibility section above, the Highway Authority has recommended that Developer contributions should be sought to provide upgrades to the two nearest bus stops. The eastbound stop would need to be moved in order to improve footway width and allow provision of easy access kerbing and a shelter. This would cost in the region of £16,000. The westbound stop could be upgraded with easy access kerbing at a cost of £8,000. The applicant has agreed to provide the require financial contributions via a Unilateral Undertaking, and this has been submitted in support of the application.

CIL

Dacorum Borough Council has now started to charge CIL on residential and retail developments in its administrative area. The application site is located in CIL Charging Zone 2, where a CIL charge of £150 per sqm applies. The residential element of the scheme is CIL liable. The applicants have submitted a CIL Additional Questions Form and have confirmed in their Planning Statement that CIL liability has been calculated at £165,000. It should be noted that, under the CIL Regulations, 15% of the can be made available to the local community.

Issues Raised by Bourne End Residents Association

Although the residents association support the proposed development in principle, they have raised some concerns, which are set out in their response in the representations section of this report. I will respond to each of the main issues in turn:

Layout of commercial element

Although the comments in relation to the layout of the commercial element of the scheme have been taken into account, it should be noted that the proposed layout has

been dictated by a combination of the bespoke needs of the proposed tenants of the two larger units, along with the requirement to use the remaining units to help create an acoustic and visual buffer between the commercial and residential elements. Officers are satisfied that the proposed layout is acceptable and will provide a high quality and effective layout for the commercial element of the scheme. Neither the Highway Authority of Herts Fire and Rescue Service have raised any objections to the proposed scheme.

Height/appearance

Whilst being supportive of the height of the buildings and the proposed roof design for the commercial units, the residents association has asked whether a more muted shade of silver could be adopted for the proposed cladding at upper levels. Whilst these comments have been taken on board, as per the conclusions of the visual impact and design sections of this report, officers are satisfied with design approach put forward and are satisfied that it will not result in any adverse impact on the surrounding Green Belt in terms of visual intrusion.

Hours of work

Whilst we have taken on board the comments in respect of hours of work, the desire of the residents association to restrict hours of work at the site to minimise potential noise impact for existing and future residents must be balanced against the operational needs of the proposed tenants, and the need to ensure that these units comprise of viable, marketable units which are attractive within the market. It is important to ensure the site is a viable investment and that it is deliverable.

When looking at the proposed and prospective tenants for the commercial units, it is important to consider that it is critical for nearly all logistics occupiers to be able to operate on a 24/7 basis as the logistics and distributions market works around around the clock in terms of both the inward flow of goods from ports, airports and manufacturers and the outward flow of goods to retail units and commercial/domestic customers.

As stated in the noise section of this report, the proposed development has given specific regard to the relationship between the proposed residential element and the existing employment units which fall outside of the application boundary (on Upper Bourne End Lane), which are to remain.

The fabric of the buildings will act as a screen to any noise taking place inside and the additional cladding proposed to the rear of Unit 28, Upper Bourne End Lane following the removal of the building immediately adjoined to it, will further mitigate for any internal noise. The cladding to proposed unit 5 and the existing unit 28 will be the subject of a planning condition, following advice from the Council's Environmental Health Team, to secure acoustic performance well above that required by Building Regulations.

The Noise Assessment that has been submitted in support of the application demonstrates that noise from the existing employment units is relative low. Where noise was experienced (in external areas) this is associated with deliveries which were limited and short in duration. The Assessment demonstrates that the noise levels measured from the remaining employment units is capable of being appropriately

reduced through the inclusion of acoustic screening along this boundary with the residential element and through the inclusion of appropriate building design in the proposed residential properties. Noise to be created from traffic travelling to and from the proposal site has been calculated to be within recommended guidance without the need for further mitigation.

Overall it is considered that the mix of uses proposed and the layout of the proposed development is considered to result in minor if not negligible noise impacts that are capable of being appropriately mitigated where necessary through appropriate acoustic screening and building design.

The Environmental Health Department have considered the application and have raised no objections to the proposals. It should be noted that there are currently no hours of use conditions imposed on the existing industrial premises on the estate, which operates on an unrestricted basis. Given the above it is considered that the Council could not reasonably impose a conditions restricting hours of work at the site.

Residential area

Whilst the residents association support the principle of the establishment of the residential element of the scheme, and the associated access arrangements, they have some concerns over the number of units proposed, and believe a figure of 40 dwellings would be more realistic.

It should be noted that the proposed residential development is submitted in outline form only. However, in order to allow for a robust assessment to be carried out of the potential impact of the scheme, a series of development parameters have been set including (i) a maximum number of residential dwellings (45); and (ii) buildings to be no more than 2.5 storeys in height.

The proposed development puts forward the minimum quantum of residential to enable the delivery of the commercial element, along with the required environmental improvements at the site. The residential component is integral to the delivery of the employment scheme and officers have accepted this approach, as set out in this report. The quantum of development has been assessed by independent surveyors as part of the independent review of the agent's viability assessment, and has been found to be reasonable and acceptable.

The proposed quantum of residential development, up to 45 dwellings, is considered to be appropriate, reasonable and acceptable for the overall proposed scheme, and is supported.

Lighting

An indicative lighting scheme has been submitted in support of the application for the commercial element of the scheme. This shows that, through appropriate lighting design, light spill beyond the service yard and circulation areas will be minimised, and landscaped areas will be kept largely free from artificial light to the benefit of biodiversity and visual amenity.

Officers are satisfied with the indicative lighting scheme. However, Further details of lighting will be required via condition.

Conclusions

The proposals are considered to be in compliance with the NPPF and the relevant policies of the Development Plan and are therefore recommended for approval.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions and subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 with the following Heads of Terms:

Bus Stops

The "owner" covenants with "the Council" to pay the sum of £24,000 towards the cost of upgrading the two bus stops nearest the Property on the A4251 London Road, including the movement of the nearest eastbound bus stop in order to improve footway width, allow provision of easy access kerbing and a shelter and upgrading the nearest west bound bus stop to provide for easy access kerbing.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun 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 Application(s) for approval of reserved matters (namely layout, appearance, scale and landscaping) shall be made no later than three years beginning with the date of this permission and the development shall be commenced not later than 2 years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990 and to ensure that there will be no greater impact on the Green Belt

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

Proposed Demolition and Party Wall Elevation (3860-36-A);
Existing and Proposed Site Sections (3860-33-A);
Proposed Site Layout Employment (3860-37-A);
External Finished to Employment (3860-39-A);
Units 1+2 Floorplans (3860-50-A);
Units 1+2 Elevations (3860-51-A);

Units 1+2 Sections (3860-52-A);
Units 1+2 Roof Plan (3860-53-B);
Units 3+4 Floorplans (3860-60-A);
Units 3+4 Elevations (3860-61-A);
Units 3+4 Sections (3860-62-A);
Units 3+4 Roof Plan (3860-63-B);
Unit 5 Floorplans (3860-70-A);
Unit 5 Elevations (3860-71-A);
Unit 5 Sections (3860-72-A); and
Unit 5 Roof Plan (3860-73-A).
Street Furniture (RF15-249 D01);
General Arrangement (RF15-249 L01D);
Planting Strategy (RF15-249 L02D);
Site Sections 1 of 2 (RF15-249 L04B);
Site Sections 2 of 2 (RF15-249 L05B); and
ITM10013-GA-032 Rev B
Phasing Plan 3860-07 C
Design and Access Statement
Transport Assessment
Employment Framework Travel Plan
Residential Framework Travel Plan
Bat Survey Badger and Nesting Bird Survey
Flood Risk Assessment and Drainage Strategy
Landscape Assessment
CS29 Checklist
CPLAN Sustainability Statement
CPLAN Energy Statement

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

- 4 **The development hereby approved should be carried out in accordance with the approved phasing plan 3860-07 C unless varied with the prior written approval of the Local Planning Authority. The Phasing Plan defines the following Phases:**

- **Phase 1: site preparation and demolition 1**
- **Phase 2: construction of employment units**
- **Phase 3: site preparation and demolition 2**
- **Phase 4: construction of residential units**

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

- 5 **No relevant Phase shall commence until a plan defining the extent and timing of that phase is first submitted and approved by the Local Planning Authority.**

Reason: To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect

of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

- 6 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the employment units hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development.

- 7 **The employment scheme shall be constructed in accordance with those details set out within the approved Flood Risk Assessment (October 2015) namely:**

- **Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;**
- **Providing attenuation measures to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;**
- **Implementing those SuDS measures set out on illustrative drawing S1256-Ext-02F dated 03 July 2015;**
- **The discharge of surface water Drainage into the deculverted Bourne Gutter.**

The above measures should be fully implemented prior to occupation of the employment units.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 8 **Construction of the residential units shall not commence until the following details are first provided and approved in writing with the Local Planning Authority in general accordance with the principles set out in the approved Flood Risk Assessment (October 2015):**

- **Means by which to limit the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;**
- **Attenuation measures to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;**
- **Appropriate SuDS measures in accordance with the principles set out on illustrative drawing S1256-Ext-02F dated 03 July 2015;**
- **A drainage strategy based on attenuation and discharge into the**

Bourne Gutter and those principles set out in the Flood Risk Assessment.

The approved details should be fully implemented prior to occupation of the residential units.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 9 **Prior to the commencement of any phase of the development hereby permitted details of how the proposed drainage scheme for that Phase is to be maintained and managed after completion shall be provided and agreed with the Local Planning Authority. The drainage scheme shall thereafter be maintained and managed fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 10 **The cladding to Unit 5 of the employment scheme hereby approved (as shown on Proposed Site Layout Employment (3860-37-A)) shall be of an acoustic performance of Rw 45 dB.**

Reason: To prevent potential noise nuisance from the proposed employment units and causing noise nuisance to adjacent properties.

- 11 **A landscape management plan for each relevant phase of the development hereby approved, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of any phase of the development for its permitted use. The landscape management plan shall be carried out as approved.**

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the immediate area and to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

- 12 **No relevant Phase shall be occupied until information on the number and position of fire hydrants relevant to that Phase are submitted to and approved in writing with the Local Planning Authority. The relevant details shall include information on how the hydrants will be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The scheme(s) shall be implemented prior to occupation of the relevant Phase.**

Reason: In the interests of health and safety.

- 13 **No relevant Phase of the development hereby approved shall be occupied until a scheme for the management of operational waste for that Phase has first been submitted to and agreed with the Local Planning Authority. The scheme(s) shall be implemented in accordance with the approved details.**

Reason: to ensure the safe operation of the development.

- 14 **No relevant Phase of the development hereby approved shall be occupied until details of the required highway improvement works relevant to that Phase, have been implemented in accordance with a scheme to be first approved in writing by the Local Planning Authority in consultation with the Highway Authority. These highway works referred to above include:**

- (i) the closing off of access into the site from Bourne End Lane;
- (ii) the means of preventing vehicular access between Bourne End and Upper Bourne End Lane;
- (iii) the provision of traffic calming measures along Upper Bourne End Lane.

Reason: In the interests of highway safety.

- 15 **No relevant Phase of the development hereby approved shall be occupied until the visibility splays shown on drawing ref ITM10013 – GA – 032 Rev B that are relevant to that Phase are provided.**

Reason: In the interests of highway safety.

- 16 **No relevant Phase of the development hereby permitted shall be occupied until details for the future management and maintenance of the proposed internal roads associated with that Phase are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The internal roads shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.**

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

- 17 **No relevant Phase of the development hereby approved shall commence until a scheme of on-site parking for construction workers relevant to that Phase is submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented throughout the construction period.**

Reason: To ensure adequate off-street parking during construction in the

interests of highway safety.

- 18 **No relevant Phase of the development hereby permitted shall commence until a Construction Traffic Management Plan and Access Route relevant to that Phase (which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway) is submitted to and approved in writing with the Local Planning Authority in consultation with Hertfordshire County Council Highway Authority together with proposals to control and manage construction traffic using the A41 and A4251.**

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

- 19 **No relevant Phase of the development hereby permitted shall commence until details of wheel cleaning facilities for construction vehicles relevant to that Phase are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: To prevent extraneous material being deposited on the highway.

- 20 **No employment unit shall be occupied until a Full Travel Plan relevant to that unit is submitted and agreed in writing with the Local Planning Authority in consultation with the Highway Authority. Each relevant Travel Plan should be in general accordance with the Framework Travel Plan for the employment scheme hereby approved.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 21 **No residential unit shall be occupied until a Full Travel Plan relating to the residential scheme is submitted and agreed in writing with the Local Planning Authority. The Travel Plan should be in general accordance with the Framework Travel Plan for the residential scheme hereby approved.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 22 **Prior to the commencement of any phase of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

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

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

- 23 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 22 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 24 **Details of any floodlighting on the employment element of the development hereby permitted shall be submitted to and approved in**

writing by the local planning authority before the use hereby committed commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.