

ITEM NUMBER: 5a

21/04556/MFA	Construction of 234 apartments and 1,486 sqm of commercial floor space, provided in three main buildings ranging from 5 to 9 storeys on two podiums, with associated car parking, landscaping, amenity space and service areas	
Site Address:	Plots 1 & 2 Maylands Avenue Hemel Hempstead HP2 4FQ	
Applicant/Agent:	Hightown Housing Association	Hayden Todd
Case Officer:	Andrew Parrish	
Parish/Ward:	Hemel Hempstead (No Parish)	Adeyfield East
Referral to Committee:	Referred under s.2.3.2 (1) of Part 3 of the Council's Constitution as the recommendation would have the effect of granting permission for matters previously refused by the Development Management Committee.	

1. RECOMMENDATION

1.1 That the decision be delegated to the Head of Development Management with a view to approval subject to the completion of a s106 agreement to secure the following:

- Provision of at least 35% Affordable Housing
- Financial contribution to DBC of £49,254 (index-linked) in respect of the Maylands Environmental Improvement Strategy
- Financial contribution of £50,000 to DBC to upgrade the existing LEAP at Datchworth Turn / Marchmont Pond to a NEAP
- Financial contribution of £73,588 to DBC to mitigate the net biodiversity loss from the site
- To enter into a s278 agreement with the Highway Authority to secure:
 - Upgrading of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;
 - Upgrading of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road;
 - Upgrading of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'; and
 - Off-site street tree planting along the outer verges of the A414 / A4147 roundabout as shown on plan
- Provision of a Framework Travel Plan for the entire site
- Travel Plan Evaluation and Support Fee of £1,200 per annum (overall sum of £6000, index-linked RPI March 2014) to HCC
- A contribution of £913.88 per dwelling is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
- A mitigation strategy or financial contribution as necessary towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

Subject to any minor changes to the wording of conditions as necessary, and its referral to the Secretary of State as a Departure from the Development Plan.

2. SUMMARY

2.1 The application is recommended for approval. An application for 268 residential flats and 1405 sq m of employment floorspace was refused by the committee in June 2019 and a subsequent appeal dismissed.

2.2 Approval is sought in this amended scheme for 234 one and two bed apartments and 1487 sq m of employment floorspace in a development of up to 9 storeys. 35% of the dwellings would be for affordable housing.

2.3 The proposals have been subject to extensive pre-application discussions with DBC officers, and were presented to the Community Review Panel in November 2020 and December 2021.

2.4 The proposals would result in the loss of employment land which is contrary to policies of the Development Plan. However, taking into consideration NPPF paragraph 122, a flexible approach to the use of site for residential and commercial is considered applicable as the proposal would offer significant benefits to the Borough which justify a departure from the Development Plan.

2.5 Balanced against the loss of employment land, the proposal would make a valuable contribution to the Borough's housing stock, which would greatly assist in meeting housing targets and prevent larger green belt releases. Substantial weight would be attached to this in the overall planning balance and the application of Para. 11 of the NPPF.

2.6 The scheme's residential and commercial mix is considered to accord with Policy CS18.

2.7 The proposed density of the scheme at 234 dph represents a reduction on the dismissed scheme of some 34 units, would make efficient use of land and is not considered to cause harm to the street scene or surrounding area.

2.8 The overall layout is considered acceptable and well considered, allowing for active frontage and a landscaped setting. Compared with the dismissed scheme, the proposed buildings have been reduced in scale and now range from 5 to 9 storeys (previously 6 to 12 storeys) and the overall height, design, scale and appearance is considered to accord with Development Plan policies and design guidance.

2.9 Whilst the development would require the removal of some 29 small landscape trees from the site plus two Poplars to which the Tree Officer raises no objection, the most significant vegetation is off site and comprises a belt of mature trees along the western boundary, which is to be retained. The loss of vegetation would be offset by a high quality landscaping scheme. Given the greater building set back from Maylands Avenue, the proposals provide for greater tree planting and landscaping opportunities than the dismissed proposal to the benefit of the public realm and street scene.

2.10 Provision of high quality private amenity space has been central to the design of the proposed development. The revised proposal would provide approximately 3000 sq m of communal amenity space, around 50% more than the previous scheme which had 2000 sq m. The revised scheme has fewer apartments, which will also help provide more appropriate levels of amenity space.

2.11 The predicted increase in traffic on local roads is within the daily variation of traffic and hence is considered to be not significant in traffic engineering terms. Moreover, when assessed against the permitted office use under the outline permission, the proposal generates less traffic. Improvements to existing sustainable transport infrastructure would be provided and Herts Highways raises no objection to the application subject to conditions, informatives and s106 contributions to travel plan monitoring and sustainable transport.

2.12 A total of 296 parking spaces plus 3 managed spaces would be provided within undercroft parking garages to serve the development which would accord with the Parking Standards SPD. EV hook up, cycle and refuse storage would accord with standards.

2.13 Whilst the development would be visible from properties at The Flags, Greenway, New Park Mews and Maddox Road, notably in winter when the foliage has dropped, the proposal would retain

sufficient separation distances so as not to result in any significant detriment to their residential amenities.

2.14 The results of a daylight and sunlight assessment on future residents indicate that internal daylight and sunlight will be largely compliant with the recommendations in the BRE guide and considered acceptable for approval.

2.15 All the proposed dwellings would meet the Nationally Described Space Standards (DCLG 2015). Given the Council has no current adopted policy on minimum internal space provision in new development, the proposed provision is welcomed.

2.16 Subject to the condition as recommended by the Environmental Health Officer, the proposals will provide an acceptable living environment from the point of view of noise and ventilation and would comply with relevant Policies of the Development Plan.

2.17 An air quality assessment concludes that with appropriate mitigation, as identified, construction phase impacts would be reduced to an insignificant level. Operational phase impacts on existing receptors were concluded to be negligible and the application site was determined appropriate for residential development, in terms of air quality with no air quality specific mitigation required. An addendum provides a damage cost value calculation for an existing receptor and a condition is recommended seeking details of the suggested mitigation.

2.18 In line with the 3 step hierarchy, the development takes on a fabric first approach, to limit internal gains/losses to use less energy, coupled with an all-electric heat pump led solution aimed at improving on Part L of the Building Regulations. The proposals will also include a comprehensive SUDs strategy, tree planting, maximisation of biodiversity opportunities, responsible sourcing of building materials, etc. to accord with sustainable design and construction principles.

2.19 A Biodiversity Net Gain Assessment states that there is a net loss to biodiversity from the development which is therefore not consistent with NPPF which requires a net gain. As this cannot be provided on site, mitigation options have been explored, and it has been agreed with the applicant that the net loss can be offset through financial contributions to fund an increase in biodiversity units of 1.73 BU at the nearby 'Prologis Maylands Compensation Site' south of the A414 Breakspear Way, together with a financial contribution to plug the financial gap needed to implement the existing Prologis EMP.

2.20 In terms of the overall planning balance, taking the 'tilted balance' in favour of sustainable development in accordance with Para. 11 of the NPPF, when assessed against the policies in the Framework taken as a whole the benefits are considered to significantly and demonstrably outweigh the adverse effects of the proposal.

2.21 Delegated approval subject to conditions, completion of a s106 agreement and referral to the Secretary of State as a Departure is recommended.

3. SITE DESCRIPTION

3.1 The 1 ha application site is situated on the western side of Maylands Avenue within the Maylands Gateway Regeneration area, as defined within the Maylands Masterplan. This employment area is located on the eastern side of the built up area of Hemel Hempstead, close to junction 8 of the M1 and some 3.5 km from the town centre.

3.2 The site comprises plots 1 and 2 of the Kier Park site, which covers approximately 1 hectare of land on a corner plot adjacent to the St Albans Road/Breakspear way roundabout. Site land levels fall by approximately 3 metres from north to south.

3.3 Plot 3 comprises the hotel and associated uses granted within app ref: 4/02124/08/MOA. Plots 1 and 2 of the site are currently vacant with some temporary landscaping to the edges of Plot 2. Plot 1 falls north of the existing access road and Plot 2 to the south.

3.4 The site falls within a General Employment Area. Bounding the site to the west is a tree belt and beyond this large residential areas comprising parts of the New Town expansion completed in the 1980s. To the north of the site is a cycle and footpath with a self-storage unit beyond this. Opposite the site to the east is the recently permitted 4 storey Prologis warehousing development and to the south is the Travel Lodge hotel.

3.5 The application site does not fall within a Conservation Area, nor are there any listed buildings within its boundary or in the vicinity. The site is not subject to any other environmental designations. The site is located in Flood Zone 1, the lowest risk flood zone.

4. PROPOSAL

4.1 Full permission is sought for 234 apartments and 1487 square metres of office floorspace provided within 3 main buildings ranging from 5 to 9 storeys on two podium decks, with associated car parking, landscaping, amenity space and servicing areas. The apartments would comprise a mix of 1 and 2 bed affordable housing units.

4.2 Access to the site would utilise the existing access road that serves the Travel Lodge.

5. PLANNING HISTORY

Planning Applications

4/02286/18/MFA - Construction of 268 flats and 1404.5 square metres of office space split across six blocks, with associated car parking, landscaping and amenity Space.
REFUSED - 20th June 2019

4/01031/15/MFA - Development of a building to comprise a Lidl foodstore with b1(a) office floorspace at first floor level, with associated car Parking.
REFUSED - 30th October 2015

4/02226/11/ADV - 2 internally illuminated post signs, 5 internally illuminated fascia signs, 1 non illuminated post sign and 4 floodlights
GRANTED - 29th February 2012

4/01901/11/DRC - Details of sustainability, tree protection and method statement, hard and soft landscape works, site waste management plan, external lighting and cctv, and wheel washing as required by conditions 3, 4, 6, 8, 9 and 11 of planning permission 4/00239/11 (ext
GRANTED- 2nd April 2012

4/01737/11/DRC - Details of contamination as required by condition 12 of planning permission 4/00239/11/ful (extension to approved access road, hard standing and relocation of electricity substation)
GRANTED - 10th July 2012

4/00239/11/FUL - Extension to approved access road, hard standing and relocation of electricity substation
GRANTED - 7th June 2011

4/00062/08/MFA - Development comprising hotel, offices, self-storage, retail and residential

WITHDRAWN - 15th April 2008

4/00237/98/FUL - Additional parking, alterations to site entrance and improved perimeter fencing
GRANTED - 15th April 1998

4/01026/96/FUL - Single storey vehicle bay extension to incinerator block and additional car parking
GRANTED - 30th September 1996

4/01485/92/FUL - Extension of car park
GRANTED - 23rd December 1992

Appeals:

20/00023/REFU - Construction of 268 flats and 1404.5 square metres of office space split across six blocks, with associated car parking, landscaping and amenity Space.
DISMISSED - 6th April 2021

6. CONSTRAINTS

Area Action Plan Boundary: East Hemel Hempstead AAP

CIL Zone: CIL3

Former Land Use (Risk Zone):

General Employment Area: Maylands Avenue, Hemel Hempstead

General Employment Area: Maylands Avenue, Hemel Hempstead

Open Land: OL/3 Tree Belt parrarrel to Maylands Avenue, Hemel Hempstead

Parish: Hemel Hempstead Non-Parish

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Hemel Hempstead)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

NP1 - Supporting Development

CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS15 - Offices, Research, Industry, Storage and Distribution
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS26 - Green Infrastructure
CS28 - Carbon Emission Reductions
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Soil and Water Quality
CS34 - Maylands Business Park
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Policy 10 - Optimising the Use of Urban Land
Policy 13 - Planning Conditions and Planning Obligations
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 31 - General Employment Areas
Policy 51 - Development and Transport Impacts
Policy 54 - Highway Design
Policy 57 - Provision and Management of Parking
Policy 63 - Cyclists
Policy 76 - Leisure space in New Residential Developments
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Policy 111 - Height of Buildings
Policy 118 - Important Archaeological Remains
Policy 129 - Storage and Recycling of Waste on Development Sites
Appendix 3 - Layout and Design of Residential Areas
Appendix 6 - Open Space and Play Provision

Supplementary Planning Guidance/Documents:

Maylands Master Plan PPS – Sept 2007
Maylands Business Park Design Strategy - May 2013
Maylands Gateway Development Brief - May 2013
Maylands Business Park Improvements Specification
Environmental Guidelines SPD (May 2004)
Strategic Design Guide SPD (February 2021)
Parking Standards SPD (Nov 2020)
Affordable Housing SPD (September 2013)
Affordable Housing SPD - Clarification Note (August 2019)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)
Water Conservation SPD (July 2005)

Energy Efficiency and Conservation SPD (July 2005)
Sustainable Development Advice Note (December 2016)
Policy Statement Sustainable Drainage (February 2015)
Refuse Storage Guidance Note (Feb 2015)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

- Background
- Pre-application Engagement
- Policy and Principle
- Residential Use
- Residential and Commercial Mix
- Impact on Street Scene and Surrounding Area
- Landscaping and open space
- Impact on highway safety and car parking
- Impact on residential amenity
- Sustainable design and construction
- Flood risk and SUDS
- Ecology and Biodiversity Net Gain
- Other material planning considerations
- Chiltern Beechwoods Special Area of Conservation (SAC)
- CIL and Planning Obligations
- The planning balance

Background

9.2 The application is an amended proposal following refusal of a similar scheme in June 2019 by the Development Management Committee. The committee resolved that the officer recommendation should be overturned on the grounds of poor daylight and sunlight levels, inadequate parking, overdevelopment, lack of architectural merit and that the application goes against Policy CS12: (a), (b) and (c). The reasons for refusal were as follows:

The proposed development would not result in the high quality landmark development envisioned for the gateway of the Maylands Business Park; contrary to the provisions of Policies CS10, CS12 and CS34 of the Core Strategy (2013), Maylands Gateway Development Brief (2013), Maylands Master Plan (2007), Maylands Business Park Design Strategy (2013), Saved Policy 111 of the Local Plan (2004) and paragraphs 124, 127 and 130 within the National Planning Policy Framework (2019) which focus on good design.

The shortfall of 72 residential car parking spaces would result in insufficient off street parking provision for the 268 proposed units. This shortfall would result in pressure for on street parking within the surrounding residential streets; contrary to paragraph 106 of the National Planning Policy Framework (2019), Policies CS8 and CS12 of the Core Strategy (2013), Saved Policies 51, 58 and Saved Appendix 5 of the Dacorum Local Plan (2004) and Accessibility Zones for the Application of Car Parking Standards (July 2002).

By virtue of the poor internal and external noise environment within the proposed units and serving balconies, lack of external amenity provision and insufficient daylight and sunlight standards for several units, the proposed development would fail to secure a good standard of amenity for future occupiers; contrary to paragraphs 127, 170 and 180

of the National Planning Policy Framework (2019) Policies CS12 and CS32 of the Core Strategy (2013) and Saved Appendix 3 of the Local Plan (2004).

For the reasons given above the dominant scale, insufficient parking provision, lack of external amenity space, small unit sizes and insufficient standards of daylight and sunlight received to future residents would amount to overdevelopment of the site which would be harmful to the character and appearance of the immediate and wider area; contrary to the National Planning Policy Framework (2019), Policies CS10, CS11, CS12 and CS34 of the Core Strategy (2013), Saved Policies 18, 21 and 111 (2004), Maylands Gateway Development Brief (2013), Maylands Master Plan (2007) and Maylands Business Park Design Strategy (2013).

9.3 A subsequent appeal was dismissed by the Inspector who concluded (in summary) as follows:

Design and street scene

9.4 that building A at 13 storeys is the pivotal element but its 'gateway role' would be undermined by its extension into building C which would be further diminished by the continuous building line to Maylands Avenue and the bookend of building E. The design of the scheme would fail to deliver a landmark building in line with Policies CS10 of the Core Strategy 2013 and Saved Policy 111 of the Local Plan 2004. The differentiation in materials was insufficient to break the uniformity of the buildings, which would be reinforced by the continuous building line. The industrial rhythm of regular spaced windows with recessed panels provide only granular distinctions in the design of the façade but where stronger design features are required. The siting adjacent to the back edge of footway adds to the schemes dominance which could have been addressed by a wider set back, a varied building line, and structural planting, which is not adequately addressed by the glazed curtain walling and hanging gardens.

9.5 Given the competition for the space, the access designed as a shared surface for vehicles and pedestrians, would not adequately function as a plaza and would conflict with Policy CS12. Only limited areas for incidental open space at ground level would be available, contrary to guidance for development to be in an open plan setting. At its heart the scheme fails to introduce a form of development required by policy which in turn can balance both concluded that the proposed scheme would conflict with Policies CS10, CS12 and CS34 of the Core Strategy 2013 and Saved Policy 111 and those parts of the National Planning Policy Framework (the Framework) which seek to promote high quality buildings and places.

Parking

9.6 The Inspector noted the overall shortfall of 72 spaces against the Appendix 5 standards but considered that the overall provision would be acceptable as 25 more spaces than required are included for the commercial element, that the appeal site was located in Zone 3, rather than Zone 4, reflecting a more accessible location, that the standards would allow flexibility in the amount of parking by up to 50% for the commercial element, and spaces for the commercial element could be conditioned for use by residents. The proposal would not therefore be in conflict with Policies CS8 or CS12.

Living conditions of future occupiers

9.7 In terms of noise, the Inspector noted that although within flats there would be adequate sound insulation, disturbance would arise when doors/windows facing Maylands Avenue have to be opened to allow adequate ventilation. This he considered critical given the large number of flats along this frontage that are single aspect and he did not accept the appellant's suggestion that mechanical ventilation would suffice. The proposal was therefore contrary to Policy CS32 and Appendix 3.

9.8 In terms of sunlight / daylight, the Inspector noted that only 69% of flats would meet average daylight factor BRE target values and 83% would meet the target values for daylight distribution. These failings would be significant for the studio flats. He also noted a large number of single aspect flats having a northerly aspect and concluded on this issue, despite the need to take a flexible approach in historic centres and high rise buildings, that neither of these scenarios apply in this case and that the proposal would be harmful to future amenities and contrary to Policy CS12 and saved Appendix 3.

9.9 In terms of amenity space, the Inspector noted a mix of roof top terraces, balconies and 2 public podium spaces within the scheme with the main area of dispute between the parties in relation to the amount and quality of the space. He regarded the provision of amenity space as important given almost 50% of the units were for family sized accommodation. He accepted the benefit of private balconies and roof terraces but considered that these have only limited value due to their small size, compounded due to noise issues along Maylands Avenue and the northerly aspect of blocks B and D. The podium spaces were of insufficient size to meet the Council's standards and did not show how they were designed to cater for the different needs of residents. Of the suggested alternatives, he felt only High Street Green would provide an alternative without the need to cross major roads, but would still be a long walk for parents with children. Overall he concluded on this issue that the proposal would conflict with Policy CS12.

Overdevelopment

9.10 Taking into consideration Council's objection to the size of the individual market flats when assessed against the Technical Housing Standards which provide a suitable benchmark in Policy 18 terms, he noted that a significant proportion of the market flats would fail the standard and that overall, with the other objections to the scheme, considered that the proposals would represent overdevelopment of the site, contrary to policies CS10, CS12, CS32 and CS34 which require new development to be of a high quality design, with measures to protect from noise and Policy 18 and Saved Appendix 3 of the Local Plan 2004.

Pre-application Engagement

9.11 NPPF advises that early discussion between applicants, the local planning authority and the local community is important and that applications that demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

9.12 Following the above appeal decision, the Council entered into extensive pre-application discussions with new applicants, Hightown Housing Association (20/02721/PPA), with regards to progressing proposals for an amended application that addressed the issues raised by the Inspector. These discussions have involved input from key technical consultees including Design Officers, Environmental Health, Herts IQ and presentation to the Dacorum Community Review Panel (CRP).

9.13 The scheme was presented to the CRP on 3rd November 2020 where in general the feedback was positive in respect of the architectural approach, and notably an improvement on the refused scheme, with the commercial space welcomed and positive comments in respect of the car parking and servicing. Some concerns were raised over the height and density, the adequacy and variety of opportunity for all ages in respect of amenity space.

9.14 In response to these comments, the scale and number of units was reduced to ensure the scheme was below the hotel and lower in comparison to the refused scheme, and stepped down towards the housing area to the west with Plot 2 and additional screening with Plot 1. Other detailed matters were also picked up. Following a further meeting with officers, a revised and updated scheme was presented to the CRP on 22nd December 2021 which included setting the building line

back from Maylands Avenue with room for street planting in front, alterations to the feature balcony element over the main block entrances (buildings B and D), giving more slender taller looking elements, an increase in height of building D to give a higher focal point (slightly higher than the Travelodge), alterations to the top floor of building C materials to refocus the scale of the facades to appear to step up towards the roundabout, and the addition of new face fixed balconies to enliven the elevations.

9.15 Following the 22nd December CRP, further design comments from officers, together with comments of the Local Enterprise partnership (via Herts IQ) and Environmental Health were taken on board, and in response to Herts IQ wish for the commercial space to fall within the EZ boundary (i.e. Plot 1) the commercial space was redesigned so that more units were in Plot 1 utilising the first floor with only a couple of units on the ground floor of Plot 2. This has resulted in a slight increase of commercial floorspace of 1487 sq m compared with 1405 sq m with the dismissed scheme. At the same time the number of dual aspect apartments was increased.

9.16 The scheme was presented to the Ward Councillors for Adeyfield East on 22nd September 2021.

9.17 Following submission of the application in December 2021, the design has been further developed in response to comments received from the Highway Authority and Parks & Open Spaces in respect of the access road width, bin stores, the need for a fire statement, cycle storage provision and play areas.

Policy and Principle

Employment Use

9.18 The site falls within the Maylands General Employment Area wherein, under Policies CS1, CS14, CS15, CS34 and CS4 of the DCS, saved Policy 31 of the DBLP and NPPF, there is a presumption against the loss or redevelopment of the site for non-B class employment uses as was set out within the committee report accompanying the previous application for the site in 2019.

9.19 Policy CS1 of the CS sets out the settlement hierarchy and confirms Hemel Hempstead will be the focus for new homes, jobs and strategic services. It makes reference to maintaining a balanced distribution of employment growth, with growth and rejuvenation in the Maylands Business Park.

9.20 Policy CS4 confirms that within General Employment Areas, appropriate employment generating development is encouraged.

9.21 Policy CS14 confirms that most employment generating development will be in towns, local centres and General Employment Areas. It reiterates the importance of focusing new economic development in Hemel Hempstead.

9.22 Policy CS15 of the Core Strategy sets out minimum floor space targets for business development. It notes that General Employment Areas will be protected for B-class uses and that new office uses will be directed to core office locations and town centres.

9.23 Policy CS34 relates specifically to the Maylands Business Park. The site forms part of the Maylands Gateway designation, which is intended to provide opportunities for new HQ offices and other complementary uses, such as hotels and conference facilities.

9.24 Saved Policy 31 of the Local Plan identifies the application site as a Core Office Location within a General Employment Area where business uses, and in particular office development, is directed.

9.25 The proposed residential led scheme does not strictly conform to the above policies. However, these policies were prepared in a different economic climate and the demand for high quality office floor space in Maylands has diminished to the point it is no longer viable.

9.26 The Marketing Report produced by Brasier Freeth, in support of the previous application, confirmed these findings and identified an oversupply and lack of demand for office floor space in the Maylands area. The Marketing Report identified several issues with the site that compromised its attractiveness to commercial developers, including the division of the two plots and its distance from the railway station. Rent levels in this area were found to be insufficient to make office led development viable in the short to medium term. These findings were all demonstrated through an extensive marketing campaign, where the application site did not receive any serious interest from commercial developers and by the fact the site has remained vacant for over 13 years. Indeed, this is why the outline application for hotel and office floorspace did not proceed further than the Travelodge.

9.27 Relevant economic reports (The South West Hertfordshire Economic Study Update (2019) and the Dacorum Employment Land Availability Assessment (2017)) demonstrate that there is currently limited demand for B1 office use, with the proposal, at approximately 5% of overall floorspace, maximising the amount of B1 use currently viable in the present market. The Economic Study confirms that whilst some rents have been increasing in Maylands, these are not at a level where new office led development is viable and given the scale of investment required to improve connections in this area, further large scale growth in high value office uses is unlikely in the foreseeable future. These issues have been compounded by the COVID pandemic, which is expected to have long lasting implications on the office market.

9.28 In considering the previous application, the DMC accepted that the site was no longer required or suitable for high quality office development. The principle of residential led development was supported, and did not form part of the reasons for refusal. The Council has also approved other residential, non-compliant schemes in Maylands, which conforms with NPPF Para 122 that seeks a flexible approach to outdated policies.

9.29 The emerging Dacorum Local Plan also recognised the changing market conditions and designated the site for approximately 250 dwellings and 1400 sq m of office floorspace. However, it is accepted that little weight can be attributed to this given it was not approved for the next stage of consultation.

9.30 Therefore, taking into consideration NPPF paragraph 122, a flexible approach to the use of site for residential and commercial is considered applicable if the proposal offers significant benefits to the Borough which would justify this departure from the Development Plan.

Residential Use

9.31 Balanced against the loss of employment land, the Council accepts that the proposal could make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17), including a large contribution to affordable housing (CS19), on a brownfield site which would greatly assist in meeting housing targets and prevent larger green belt releases in the future.

9.32 Policy CS1 states that Hemel Hempstead will be the focus for new homes.

9.33 Furthermore, para 120 of the NPPF encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed.

9.34 As noted above, para 122 of the NPPF states that planning policies and decisions should reflect changes in the demand for land and where no reasonable prospect exists of an application

coming forward for the use allocated in a plan, it should reallocate the land for a more deliverable use and in the mean-time should support applications for alternative uses on the land where the proposed use would contribute to meeting an unmet need for development in the area.

9.35 Para 74 of the NPPF requires councils to demonstrate how they can deliver the required housing levels through a housing trajectory, and how a five year supply will be maintained. The Council is currently unable to demonstrate a 5 year supply and therefore in accordance with Para 11 of the NPPF the tilted balance must be applied in favour of the development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.36 Para. 125 of the NPPF confirms where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

9.37 Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. The application site is situated within an urban area in relatively close proximity to shops and services at the Heart of Maylands and the infrastructure in the immediate area has been developed to provide good sustainable transport links for existing land uses that can be taken advantage of.

9.38 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17), which would greatly assist in meeting housing targets and prevent larger green belt releases in the future. As such the proposed residential scheme would attract substantial weight in the planning balance and the application of Para. 11.

Residential and Commercial Mix

9.39 Policy CS18 states that new housing will provide a range of housing types, tenures and sizes, housing for special needs and affordable housing in accordance with Policy CS19, the mix in any specific case being guided by SHMAs, housing needs surveys and site-specific circumstances. Saved Policy 18 states that the development of a range of dwellings (size and type) will be encouraged and units for small households needing 1 or 2 bedrooms will be sought by requiring the provision of some 1 and 2 bedroom units on large housing sites.

9.40 The proposals will deliver 234 residential units, comprising a mix of sizes as follows:

Dwelling Size	Plot 1	Plot 2	TOTAL
1-bed / studio	2	2	2
1-bed / 2 person	62	66	118
2-bed / 3 person	2	0	2
2-bed / 4 person	49	61	110
TOTAL	115	119	234

9.41 There is a high proportion of 2 bed dwellings, mainly 2 and 4 person and in addition all the dwellings would be accessible in compliance with Part M4(2) of the Building Regulations. Whilst the proposals have not included any larger family sized units, this is in response to the Council's previous comments that there is limited demand for 3 or more bedroom apartments in this area.

9.42 The proposals would provide 35% affordable housing (82 apartments), comprising 75% affordable rent and 25% intermediate housing. The proposals are considered acceptable with the mix ensuring a reasonably sustainable and balanced community and all dwellings exceeding National Minimum Space Standards.

9.43 B1 commercial floorspace (now class E2 (g)) of 1487 sq m would be split between the plots as follows with the provision on the ground floors of Plots 1 and 2 and on the first floor of Plot 1 only:

Unit No.	Plot 1 (sq m)	Plot 2 (sq m)	TOTAL (sq m)
Unit B1	398		398
Unit B2	292		292
Unit B3	156		156
Unit C1		197	197
Unit C2		131	131
Unit C3		313	313
TOTAL	846	641	1487

9.44 The commercial floorspace comprises a modest uplift on the refused scheme by 82 sq m and is considered to provide a reasonable contribution to commercial floorspace on the site taking into consideration the current market for office floorspace. Herts IQ has raised no objections to the revised distribution of floorspace that ensures the majority falls within the EZ boundary. It would be recommended that it be clarified by condition that the use be restricted to E2 (g) *“Uses which can be carried out in a residential area without detriment to its amenity”* and which accord with the expected (former B1 class) uses for the site.

Impact on Street Scene and Surrounding Area

9.45 The NPPF places emphasis on achieving good quality design. New development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

9.46 Policies CS10, 11, 12 and 13 of the CS are overarching policies applicable to all development which seek a high quality of design in all development proposals. It sets out a number of considerations at the settlement, neighbourhood, and site levels, and also in terms of the public realm. These policies are supported by the Strategic Design Guide SPD which was adopted in February 2021.

9.47 Policy CS34 of the Core Strategy relates to the Maylands Business Park and states that design should emphasise the importance of movement gateways through appropriate features and bolder building design, height and landscaping. It requires new development to distinguish between character zones and follow a co-ordinated approach to building design, movement and streetscape.

9.48 Saved Policy 111 of the Local Plan notes that tall buildings will be permitted provided there is no harm to the character of the area and that they make a positive contribution to the townscape.

9.49 The Core Strategy policies are supplemented by advice contained within the Maylands Masterplan, where the site falls within the 'Maylands Gateway' which is identified as a first rate business park where very high quality, individually designed buildings, set within a landscaped setting and utilising high quality materials is a defining principle. Buildings should create an active frontage, company signage should be integrated into the building design and car parking should be avoided on the frontages with the potential for undercroft provision explored.

9.50 The Maylands Gateway Development Brief (2013) and Maylands Business Park Design Strategy (2013) set out the Council's aspirations for the development of the Maylands Business Park, which include high quality and individually designed buildings with active frontages set within landscaped settings.

9.51 The application site is located within the Maylands Business Park, which consists of various building types, sizes and styles. The site adjoins the Travelodge, which is a high rise building of up to 9 storeys. There are numerous other large and tall buildings nearby, including the adjoining Lok'n Store, which is 4 commercial storeys high, the Prologis B8 warehouse concurrently under construction opposite the site, the BSI Building of 5 storeys and the two high rise apartment buildings on Woolmer Drive of 10 storeys. To the west of the site is two storey terraced and semi-detached housing dating from the construction of the new town. The surrounding area has a diverse character, which continues to evolve and provides a flexible environment for further changes and innovations.

Amount of Development

9.52 Policy CS11 seeks to ensure that development respects the typical density intended in an area and enhances spaces between buildings and general character. Saved Policy 10 encourages the effective use of urban land, although not at the expense of the character of the area and other environmental standards in the Plan. Saved Policy 21 states that densities should generally be in the range of 30 to 50 dph but that higher densities will be encouraged in locations where services and workplaces can be reached without the need for motorised travel or which are served well by passenger transport, for example at town and local centres.

9.53 The proposed scheme would have a density of 234 units per hectare. This represents a reduction on the dismissed scheme of some 34 units. The previous scheme was not specifically refused on density grounds, although concerns were raised that the proposals were an overdevelopment of the site on account of the combination of siting, design, lack of landscape opportunities, substandard parking, poor living conditions for future occupants, and substandard apartment sizes. These are all addressed as part of this revised application, not least a reduction in units, and should be balanced against the Inspector's finding that the site is relatively sustainably located in an urban location in close proximity to shops and other services at the Heart of Maylands with good sustainable transport links.

9.54 It is considered that the proposals would make efficient use of urban land in accordance with Para 124 of the NPPF which requires that decisions should take into account:

- ☐ the identified need for different types of housing and other forms of development,
- ☐ local market conditions and viability;
- ☐ the availability and capacity of infrastructure and services, including sustainable transport
- ☐ the desirability of maintaining an area's prevailing character and setting and
- ☐ the importance of securing well-designed, attractive and healthy places

9.55 Taking account of the above, and given the sustainable location that can justify increased densities, the proposals would not be considered to cause harm to the street scene or surrounding area, noting that Maylands Avenue serves an industrial area and the site is not seen in the context of the lower density residential development to the west. The proposals would therefore accord with saved Policies 10 and 21 and will assist the Council in meeting its future housing target.

Layout

9.56 The site layout has resulted from the site analysis and evaluation exercise which provides the main mass of the new buildings along the Maylands Avenue frontage with a smaller built element located on the western edge where the site is wider and allows for building without overlooking issues.

9.57 This arrangement with the main mass of buildings onto Maylands Avenue resolves a number of issues by providing:

- 5 a public hard edge and streetscape to the main road
- 6 a gateway/landmark building to the Maylands Area
- 7 protection to the more private residential areas to the rear
- 8 the north/south orientation helps maximise daylight for external areas and flats

9.58 The site is split by the existing access road which is to be retained and used for access into both plots. This ensures car parking and servicing requirements do not disrupt traffic movements along Maylands Avenue. The access road continues through the site to serve the Travelodge and attached retail units. Car parking to serve the development is provided by two / three floors of undercroft parking each side of the access. Refuse can be collected from refuse stores located at the front of these car parks and there is turning provision on site.

9.59 Communal amenity space above the undercroft car parks would be provided at podium level to serve the apartments, this ensuring a level of privacy from street level, and optimum use of the land.

9.60 The layout has been designed to allow room for landscaping and tree planting to all public realm frontages, including to the access road, the southern boundary facing the Travelodge and the cycle & footpath to the northern boundary. In addition, the communal amenity areas would be soft landscaped and additional tree planting provided adjacent to the existing tree belt to the west.

9.61 The northern extent of the buildings on Plot 1 would be sited in close proximity with the footpath & cycle route connecting Maylands Avenue to The Flags, which could result in the route being overshadowed and oppressively enclosed by buildings of significant height and mass between the adjacent self-storage unit and the site. Building A (4 storeys) would touch the northern boundary of the site whilst building B (7 storeys) would be approximately 2.4 m away. Nevertheless, the cycle & footpath is relatively wide, at 5.6 metres, and the residential units of blocks A and B would provide some natural surveillance for users of this footpath. Furthermore, the development has been designed with a recessed section of some 37 metres length together with a 12 metre gap between buildings A and B at podium level that would provide visual relief for users of this public right of way. In addition tree planting between the building and the right of way would help soften and mitigate the visual impact of these buildings. Therefore on balance it is considered that the relationship to the public right of way is acceptable and will receive sufficient sunlight and daylight.

9.62 The higher flat roofs of the development would be utilised for M&E equipment, close to building cores and concealed by parapet walls whilst the lower flat roofs (block A and block B) would be wildflower roofs.

9.63 The overall layout is considered acceptable and well considered, allowing for active frontage and a landscaped setting and would accord with Policies CS10, 11, 12 and 13, CS34, the Maylands Masterplan, Maylands Gateway Development Brief and the Maylands Business Park Design Strategy.

Design and Appearance

9.64 The main design concerns with the dismissed scheme related to the overall design quality and the lack of an appropriate landmark building for the entrance to Maylands Business Park. As noted above, there has been significant pre-application engagement with the Council's Planning Department in order to address the previous concerns. The design analysis and various iterative amendments to the proposals are comprehensively covered within the Design and Access Statement.

9.65 The proposed buildings have been reduced in scale and now range from 5 to 9 storeys (previously 6 to 12 storeys). The Maylands frontage would be 8 to 9 storeys (with one small element reaching 10 storeys), dropping down to 5 and 6 storeys to the western side. Whilst a significant amount of built form is proposed along the Maylands frontage, this is considered appropriate in order to provide a landmark and focal point at the entrance to the Maylands Business Park and to help provide suitable balance with the height and scale of the adjoining Travelodge across the roundabout apex. However, the applicants recognised that a large wall of development would need careful design in order to break down the mass of the building without detrimentally affecting the landmark concept. The building elevations and rooflines have therefore been broken down into smaller elements which help reduce their overall scale and massing by utilising the following devices:

- ☐ breaking up the roof line
- ☐ use of different external materials
- ☐ subdivision of elevations
- ☐ use of highlight features – balconies/glazing etc
- ☐ proportions of openings/windows

9.66 The design has evolved via an iterative process of change with close input and agreement with the Council's design officers.

9.67 Buildings B and C along the Maylands Avenue frontage, would be designed so that their higher elements would bookend either side of the access road and adjacent to the Travelodge, thereby helping to highlight these important focal points. With the set back of the buildings from Maylands Avenue, and the introduction of structural landscaping elements to the frontage to help break up the facade, it is considered that the buildings would appear visually settled in the street scene and not overbearing or dominant. Furthermore, the proposal would be viewed within the context of the adjoining hotel, large warehouses opposite and surrounding commercial buildings, where it would not appear overly large in this diverse area.

9.68 The variation in building heights, elevation treatment and articulation would help provide visual interest and individuality, whilst still appearing harmonious across the scheme. The introduction of feature bays and balconies would highlight main entrance positions whilst the introduction of double height glazing to the commercial spaces facing the roundabout and Maylands Avenue would provide a positive active frontage and commercial interface at street level. The glazing would provide the buildings with a lightweight and contemporary lower section, defining and reinforcing the commercial aspect of the scheme.

9.69 In terms of materiality, the surrounding area comprises a mix of buff and red brick for the new town housing to the west, with some painted render to 3 storey flats, grey with orange metal cladding for the Lok'n Store to the north, grey and white metal cladding for the Travelodge and further afield, a whole range of different cladding materials. The architects have responded by designing the building with a limited palette of materials but in a variety of ways to help break up the elevations whilst maintaining a cohesive whole. The primary facing material would be pale buff brickwork with feature areas highlighted with grey brick, glazing and metal cladding. The grey is used at high level to help reduce the apparent height of some elements and in vertical bands to provide a break

between main elements. The buff is used in banded and flat recessed panels. Bronze metal cladding would be used for the most visible corner of the development near the roundabout and Travelodge (10 storey element), to match the bronze colour of the window frames and balconies.

9.70 With the attention given to the details of design and materials, the proposals are considered to strike the right balance between maintaining a human scale to the development and the need to create a landmark building on this prominent site to act as an important gateway to the Maylands Business Area. The treatment of the facades in architectural and materiality terms is considered to be of high quality with appropriate relief and interest which, when combined with the scale of the proposals, would provide an attractive gateway development at the entrance to the Maylands Business Park.

9.71 Subject to details of materials, the overall height, design, scale and appearance is considered to accord with Policies CS10, 11, 12, 13 and CS34, saved Policy 111 and guidance within the Maylands Masterplan, Maylands Gateway Development Brief and the Maylands Business Park Design Strategy.

Landscaping and Open Space

9.72 CS12 of Core Strategy (2013) states that development should seek to retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges. Core Strategy Policy CS29 states new development should seek to incorporate at least one new tree per dwelling for climate mitigation purposes.

9.73 Core Strategy Policy CS13 seeks to ensure that new development provides natural surveillance over areas of public realm, promotes pedestrian friendly, shared spaces in appropriate places, and incorporate coherent palette of sustainable surface materials, planting and street furniture and soft landscaping.

9.74 Saved Local Plan (2004) Policy 99 seeks to retain and protect visually important trees and requires accurate tree surveys and details of proposed underground works and tree protection measures. Saved Policy 100 encourages the provision of trees, woodland and hedge planting in appropriate locations particularly as part of development landscaping schemes. All tree planting should, wherever possible, be with appropriate native broad-leaved species.

Tree Protection

9.75 The site has been disused for many years following demolition of previous buildings. There is no significant vegetation cover and the site is considered to be of low ecological value.

9.76 An arboricultural report by Duramen has been submitted with the application which identifies the existing tree constraints on and off site. Overall, no category A (high quality trees) were recorded on site, with two individual trees and one group (G5) identified as Category B (moderate quality) and the rest identified as category C (low quality). All of the trees surveyed were early mature to semi-mature and many have been planted within the last 7 or so years as an interim measure forming part of the adjacent Travelodge development.

9.77 The development would require the removal of all the small landscape trees within groups G1 to G4 of the site comprising some 29 trees. In addition two Poplars within the off-site tree belt have been agreed in principle with the Council's Tree Officer for removal as noted in the arboricultural report. Off-site trees T1 and T2 within the highway verge will be retained as will the two trees in G6 on the site. The most significant vegetation is off site and comprises a belt of mature trees along the western boundary, which is to be retained. However, the boundary trees within G5 within the off-site tree belt will need to be pruned and removal of the two Poplar trees immediately beside the

boundary hedge will be agreed with the Council on site, as necessary. Tree protection is proposed in respect of the retained trees T1, T2 and G6. Notwithstanding these details, it is recommended that full details of tree protection are sought by condition as the details are somewhat sketchy and the Tree Officer has raised concerns that conventional methods to construct hard surfacing for the car park adjacent to G5 would cause harm and should be avoided.

Landscaping

9.78 The Arboricultural Report notes that the plan of the proposed development shows compensatory tree planting to replace small landscape trees that will to be removed. Landscape proposals by Alban Landscape have been submitted. This proposes some 44 fastigiated street trees to the frontages, fastigiate forms of courtyard trees to the podium gardens, replacement native tree and hedge planting to the western boundary, planted crib-lock retaining walls and native multi-stemmed trees to the northern boundary and specimen shrubs to raised beds, in addition to grassed areas, wildflower mixes to green roofs and groundcover planting.

9.79 The main building line is to be set back from the footpath running along Maylands Avenue allowing the introduction of a planted buffer, in contrast to the dismissed scheme, between the busy street and the development. The planting is designed to be bold and simple with the use of fastigiate trees and specimen shrubs in mass groundcover planting, including clipped groundcover forms to create a unified effect, both in scale and in character with Maylands Avenue.

9.80 The access road would continue the above theme featuring fastigiate flowering trees within generous bands of groundcover and within planters, all composed to emphasise the linear space. The provision of rain-gardens utilising building and roadway run-off is to be explored by the design team as part of the SUDS strategy.

9.81 A small plaza surfaced with natural stone to create an attractive and functional space between the commercial units' southern outlook and the Travelodge would be created featuring a line of flowering trees to provide shade, height and form to the space. This would create a public realm space within the site that would also allow for a cohesive link between the three phases of development. This area would also provide some external amenity for the commercial units in accordance with Appendix 6 of the Local Plan.

9.82 Biodiverse green roofs will be incorporated onto the lower roofs of blocks A and B with a wildflower mix. These would enhance the local biodiversity of the site and provide visual interest to the residents residing at a higher level in blocks A and E. The green roofs and podium open spaces would also include a SUDs strategy to store and control the release of surface water back into the atmosphere.

9.83 New street planting is also proposed within and along the outer verges of the roundabout to create a distinctive and formal tree lined transport gateway to the town. It would be recommended that this be secured via s278 under the s106 agreement.

9.84 The proposed soft planting is strongly supported subject to further details of size, species, numbers / densities by condition.

9.85 In terms of hard landscaping, the proposals indicate high quality materials comprising a mix of porous resin bond paving, natural stone slab paving, raised deck areas, block paved parking bays / roadway, asphalt main access roadway, benches and privacy screens to deck level private terraces. Details by condition would be recommended, including details of benches, planters, privacy screens and any play area equipment / fencing.

9.86 Details of landscape implementation and management including long term management are provided within the Landscape Statement. This notes that a detailed Landscape Ecological Management Plan (LEMP) is to be prepared which should be captured by the landscape condition.

9.87 Given the greater building set back from Maylands Avenue, the proposals provide for greater tree planting and landscaping opportunities than the dismissed proposal to the benefit of the public realm and street scene. The overall effect of the landscape proposals will be to create a strong and unifying landscape structure on the site, both at ground level, on the podium gardens and also as part of the architecture itself, where biodiverse roofs are incorporated. The scheme will be planted using stock sizes that will give immediate impact and will mature to create a highly attractive setting for the built development, contributing positively to the urban realm along Maylands Avenue.

9.88 The Council's Trees and Woodlands Officer has raised concerns that no detailed planting scheme has been submitted and some anomalies on the Landscape Proposals in terms of the retention of G6. It is considered that the landscape condition can suitably pick these issues up.

9.89 Subject to the above recommended conditions, the landscaping and tree protection is considered acceptable and would accord with Policies CS12, 13 and saved Policies 99 and 100.

Amenity Space

9.90 A concern of the dismissed scheme was the lack of sufficient and good quality private amenity space to serve the development in accordance with saved Appendix 3 of the Local Plan.

9.91 Saved Policy 76 of the Local Plan (2004) also states that permission cannot be granted for new residential developments over 25 dwellings or 1 hectare in area unless public leisure space is provided. This leisure space contribution should meet a standard of at least 1.2 hectares (3 acres) per 1,000 population, or 5% of the development area, whichever is greater. This play space provision should meet local needs which varies according to the housing type in accordance with the specifications detailed in saved Appendix 6 of the Local Plan (2004).

9.92 Saved Appendix 6 states that starter homes (which this may be considered to fall under given 1 and 2 bed units) should provide general open space and toddlers play areas (LAP – Local Area of Play). However, the applicants also refer to the podiums catering for all ages including older children. On this basis the Parks and Open Spaces Officer recommended that the proposals should include a LEAP (Local Equipped Area of Play). However, given the podium open spaces will be closely surrounded by flats, officers consider that there would be noise and disturbance issues associated with having a LEAP so close on site. Also, there is an existing LEAP at Datchworth Turn / Marchmont Pond within 5 minutes walking distance which would serve the development. However, the Parks and Open Spaces Officer has advised that this facility is under equipped to serve the development and the area it is already serving (plus additional development in the area). He has therefore requested a financial contribution to its upgrade to a NEAP (Neighbourhood Equipped Play Area). This would be considered reasonable mitigation of the impact of the development and a contribution of £50,000 has been agreed by the applicant. In addition, the applicant has amended the plans to incorporate a fenced unequipped LAP of 100 sq m aimed at 4 to 6 year olds.

9.93 The 2019 amendments to the CIL regulations removed the requirement for a Regulation 123 list which was the previous reason for not seeking a contribution. The Council's CIL Officer has confirmed that if the funding of a play area is necessary to make the development acceptable in planning terms, this can be secured via s106.

9.94 Provision of high quality private amenity space has been central to the design of the proposed development. The buildings have been arranged around generously sized communal amenity areas. The revised proposal provides approximately 3000 sq m of communal amenity space, around

50% more than the previous scheme which had 2000 sq m. The revised scheme has fewer apartments, which has also helped provide more appropriate levels of amenity space.

9.95 Residents of each block would have access to communal amenity spaces located at podium level above the car parking areas. The podium decks will provide a high quality, protected area that will provide a more than adequate amount of amenity space. They will be overlooked by apartments/balconies and provide a secure and safe environment for children to explore and play. The distribution and orientation of the building masses ensures both noise protection from Maylands Avenue and good receipt of natural light. The size of these areas has been increased significantly with respect to the dismissed scheme. Apartments directly facing these podium areas would have access to private terraces which would be defined by low walls and privacy screens. Most other apartments will also have private balconies conforming to the minimum size requirements of 5 and 7 sq m respectively for 1 and 2 bed apartments, as set out with the Strategic Design Guide SPD. In total 77% of the apartments would have private balconies or terraces.

9.96 The podium gardens will provide a variety of different areas with seating, sculptural elements, hard landscaping, decking, intensively planted and lawned areas, providing a flexible space that can be used for a variety of uses. Planting would include fastigiated trees, helping to provide an element of shade and seclusion. A LAP (Local Area of Play) of 100m² will be provided on the north podium (between buildings A and B) for toddlers and children under the age of 6 in accordance with the requirements of Appendix 6. Play equipment will be included if necessary following consultation with Dacorum BC, which can be secured by condition.

9.97 Whilst the communal gardens would not meet the size requirements of Appendix 3 (area equal to the footprint of the buildings for 2 storey development, increasing with building height), given the increased provision over the dismissed scheme, the provision of a high proportion of the flats with useable private balconies or terraces, and the proposals for high quality landscape design, it is considered on balance that the proposals provide sufficient and useable open space for residents of the scheme.

9.98 The proposals would accord with Policy CS12 of the Core Strategy and saved Policy 76 and Appendices 3 and 6 of the Local Plan.

Impact on Highway Safety and Parking

9.99 Core Strategy Policy CS8 states all new development should contribute to a well-connected and accessible transport system which prioritise movement by sustainable modes of travel, i.e. walking and cycling, over private car use. Development should ensure safe and continuous footpath and cycle networks.

9.100 Policy CS34 of the Core Strategy (2013) requires developments in Maylands Avenue to support more sustainable forms of transport. Saved Policy 51 of the Local Plan (2004) outlines that development should have no significant impact upon the nature, capacity and use of the highway network, the provision of routes and facilities for pedestrians, cyclists and passenger transport users or on-street parking. Development proposal should take into consideration transport measures which would reduce the dependency on cars.

9.101 Policy CS12 of the Core Strategy requires a satisfactory means of access and sufficient parking provision for new development. The Council has adopted a new Parking Standards SPD Nov 2020 which supersedes saved Policy 58 and Appendix 5, on which the dismissed scheme was assessed, is now a material consideration.

9.102 Paragraph 109 of the NPPF (2019) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe. This severe impact would need to be demonstrated by evidence.

Access and circulation

9.103 The main vehicular access to the site is to utilise the existing access from Maylands Avenue.

9.104 The Transport Assessment identifies an increase in traffic on the local road network of between 0.7% - 1.3% with the exception of the short section of Maylands Avenue between the site access and the A414 roundabout of 2.6% against the 2026 base + committed. This increase is within the daily variation of traffic and hence is considered to be not significant in traffic engineering terms. Moreover, when assessed against the permitted office use under the outline permission, the proposal generates less traffic.

9.105 HCC Highways raises no objection to the application subject to conditions, informatives and s106 contributions to travel plan support monitoring and sustainable transport.

9.106 Herts Highways originally objected to this proposal primarily on the grounds that the proposals did not follow pre application advice given by HCC with regards to maximising levels of accessibility and permeability in and around the site and therefore the proposals were not in compliance with Policy 1: Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's LTP4 (May 2018). The key concerns were as follows:

1. The internal access roads were wider than the standard recommended in pre-application advice, Roads in Hertfordshire and Manual for Streets. The applicant has now provided amended plans that address concerns around the excess width of the access and refuse collection.
2. Inconsistencies were identified with regards to the cycle parking on site. This has been clarified by email and through the provision of drawing 1728 (SK) 220127(03) which resolves Herts Highways issues with regards to cycle parking.
3. The Transport assessment failed to identify the opportunity to enhance the adjoining public right of way connecting The Flags with Maylands Avenue by widening it (within the site if necessary) to LTN 1/20 standards.
4. Herts Highways has also identified an opportunity to upgrade the cycle and footpath surfacing from the junction of the Flags/New Park Drive to Leverstock Green Road.

Both items 3 and 4 are considered essential to making the site acceptable in line with national and local policies aimed at promoting sustainable development, and are part of a key connection to local schools within the Adeyfield area as well as the first part of a route to the Hemel Hempstead railway station.

5. A further improvement identified by Herts Highways is the upgrade of the nearby uncontrolled crossing of Maylands Avenue to a formal toucan crossing for pedestrians and cyclists.

9.107 Whilst the applicant initially committed to providing a contribution to the works under points 3 and 4, Herts Highways consider that the project can more effectively be delivered via a s278 agreement and has recommended conditions to this effect. It is considered that the s278 works should be secured through an s106 agreement since the works fall outside the boundaries of the site on third party land and securing them by Grampian style condition prior to any works commencing would not seem reasonable.

Travel Plan

9.108 Para 113 of the NPPF states that all developments which generate significant amounts of movement should be required to provide a travel plan and transport statement / assessment so that the likely impacts of the proposal can be assessed. Saved Policy 51 also states that for developments which generate a substantial demand for movement, a framework for a 'Green Travel Plan' should be presented and be capable of incorporation into a planning obligation.

9.109 A Framework Travel Plan has been submitted alongside the planning application to further support a shift away from car use. The Travel plan seeks a reduction in car usage, traffic speed and road safety and more environmentally friendly delivery and freight movements. Measures would include a welcome pack for new residents, promotion of an onsite car club scheme, promotion of cycling, use of public transport, cycle facilities and training, walking, etc. Herts Highways has recommended a condition to secure additional information in an updated Travel Plan prior to occupation. This would also require individual Travel Plans for each land use of the site that exceeds the relevant threshold set out within HCC's Travel Plan Guidance with clear correlation between the Framework TP and Individual TPs. A Framework Travel Plan, setting out overall outcomes, targets (including for modal shift) and indicators for the entire site that sets out how these will be effectively monitored for each year of TP implementation is to be secured via an s106 agreement, in addition to a Travel Plan support and monitoring fee.

9.110 Subject to the above, the proposals would be acceptable and would comply with saved Policy 51 and HCC TP Guidance.

Car Parking

9.111 The previous application was refused on grounds of a shortfall of parking for the residential element by 72 spaces which would result in pressure for on street parking within the surrounding residential streets. The refused application provided a total of 334 car parking spaces for 268 apartments (private with 20% AH) and 1,405 sq m of commercial space, of which 268 were for the residential element and 66 for the commercial element.

9.112 However, in considering the appeal the Inspector did not support the Council, considering the overall provision acceptable as 25 more spaces than required are included for the commercial element. In addition he noted that the appeal site was located in Zone 3, rather than Zone 4, reflecting a more accessible location, and that the standards would allow flexibility in the amount of parking by up to 50% for the commercial element, and spaces for the commercial element could be conditioned for use by residents. He therefore considered that the proposal would not be in conflict with Policies CS8, CS12 or Appendix 5.

9.113 Appendix 5 has since been superseded by the Parking Standards SPD. On-site parking provision should now accord with parking standards as set down in the SPD. The parking standard is as follows for (the new) Zone 3, all unallocated:

	Units	Flsp (m2)	SPD Standard	Requirement	Provision
1-bed / studio	4		1 space / unit	4	
1-bed / 2 person	118		1 space / unit	118	
2-bed / 3 person	2		1.2 spaces / unit	2.4	
2-bed / 4 person	110		11.2 spaces / unit	132	
Commercial (B1)		1487	1 space / 35 m2 GEA	42.5	
Visitor			None required as all unallocated	0	
Total	234	1487		298.9	296

9.114 A total of 296 spaces would be provided. The proposals are therefore 3 spaces short of the requirement. However, there are 3 No. additional managed spaces not included in the above (originally excluded as they blocked entrances). However, following amendments to the siting of the commercial units, these can now be included in the number as they are in Plot 2 – where the commercial units are now located - and they can be easily managed by the commercial tenants - which was deemed acceptable in the previous application. On this basis the proposal meets the standard, and it is also noted that Hightown schemes generally have less demand for parking than private development. Additionally, if required, residents could potentially use the commercial spaces outside normal working hours and there is the additional benefit of a car club space, and Travel Plan measures which will help reduce the demand for parking spaces. It would be recommended that details of parking management be secured by condition. In addition, an element of motorcycle parking is also proposed with 6 spaces for the residential element and 2 spaces for the commercial element which will help offset car parking demand. Therefore overall the proposals are considered to accord with the SPD and there is justification for the slight under-provision. The parking provision is a significant improvement over the refused scheme and is not likely to lead to any on street parking issues in surrounding streets or within the development. In addition the following points should be noted:

- ☐ The site is within and in close proximity to the largest employment area in the County which should reduce the need for residents to rely on private cars as much for employment purposes.
- ☐ The proposal will be in close walking proximity of existing and proposed services and facilities in the Heart of Maylands. There is an Aldi supermarket close by and there are other shops and services at Maylands Plaza.
- ☐ Maylands Avenue has an existing cycle / footpath and the site adjoins an east west foot & cycle path between Maylands Avenue and The Flaggs and beyond giving access to schools and other facilities.
- ☐ The s106 will secure upgrades to the existing right of way to the north of the site and beyond, and improved crossing facilities for pedestrians and cyclists on Maylands Avenue.
- ☐ In addition, a Travel Plan will be required by condition and s106 which is intended to secure a modal shift by residents for journeys which can be undertaken by sustainable modes of transport.

9.115 Based on the above, it is considered that the site is sustainably located and that with the enhancements to sustainable transport, the proposal complies with Policies CS8 and CS12 and the SPD.

Electric vehicle charging

9.116 The SPD requires provision at least 50% of all parking spaces to have active charging points for parking associated with apartments with the remainder as passive provision. In addition, the commercial floorspace standard is 20% active / 30% passive EV provision. The proposals will accord with these standards, the distribution of which is shown on the layout plans in the Design and Access Statement Section 5.1. The details are considered acceptable and it is not considered necessary to condition further details, only for a compliance condition.

Cycle parking

9.117 Secure cycle parking is required at the rate of 1 space / dwelling and 1 space / 20 dwellings for short term parking. For the commercial space, the long term requirement is 1 space / 10 FT staff members and 1 space / 500 m2 floorspace for short term cycle parking in accordance with the SPD.

9.118 Cycle stores will be located at ground and first floor levels accessible from the car parks with short term parking located close to residential and commercial entrances. Two tier cycle racks will be used for long term storage with Sheffield hoops for short term parking which is considered acceptable. Their siting is shown on the relevant floorplans and on the layout plans in the Design and Access Statement Section 5.2 and it is not considered that further details are required. Details of their appearance can be secured as part of the landscape condition. A compliance condition would be recommended.

Refuse strategy

9.119 In accordance with the Refuse Storage Guidance Note, appropriate refuse storage facilities are required to serve flats schemes. The applicant has had regard to this and will provide bin storage as follows:

9.120 Each separate building core contains a refuse store at ground floor level sized to provide requisite space in accordance with the standards for food, mixed and non-recyclable bin types. Commercial provision will be separate from residential provision.

9.121 Refuse storage areas will be at ground level within the undercroft parking areas, with access from the main access road. 3 of the refuse stores will be within 25 m of the access road and can be accessed by the refuse collection service directly from the road via the car parking level. The remaining 3 stores are beyond 25 m and site management staff will therefore place from these stores within temporary holding areas internally adjacent to the access road laybys. Commercial waste will be similarly handled with an agreement as necessary with the private refuse contractor.

9.122 The details as shown on the relevant floorplans and on the layout plans in the Design and Access Statement Section 5.3 are considered acceptable and Herts Highways has not raised any concerns. A compliance condition would be recommended.

Impact on Residential Amenity

9.123 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy, seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space.

9.124 The previous application was refused on grounds of presenting a poor standard of amenity for future residential occupiers by virtue of a poor internal and external noise environment, lack of external amenity space and insufficient daylight and sunlight standards for a number of the units. The adequacy of communal amenity space has already been discussed above. No objections were raised in respect of the impact on neighbouring residential amenities.

Impact on surrounding properties

9.125 The application site sits on Maylands Avenue which comprises predominately employment, retail and warehouse uses. The only residential properties within the immediate vicinity of the site are to the west of the site within Adeyfield South residential character area.

9.126 Block A would be located some 35 metres away from the flank wall of the closest property No. 27 The Flags, and over 40 metres from the rear elevation of 26 / 26a The Flags, which is 3 metres greater than the refused scheme. This block would be 5 storeys high, rising to 6 storeys at its southern end, at a height of 17 to 20 metres. DBC have no side to rear separation distance standards but would comply with the minimum 23 metre back to back distance. Given the 15 metre high boundary trees at this location this relationship is considered to be acceptable in outlook and

privacy terms, and as demonstrated on the CGI, the building would not be visible above the trees from The Flags.

9.127 Block B on the Maylands Avenue frontage would further away at over 80 metres distant.

9.128 The south western corner of Building C of the proposed development would be located approximately 54 metres away from the side elevation of the closest property No. 8 Greenway, which is 3 metres greater than the refused scheme. This separation distance is considered sufficient and raises no significant concern in regards to loss of outlook or privacy serving this or any other property. The remaining part of this building would be over 80 metres distant.

9.129 Whilst the development would be visible from properties at The Flags, Greenway, New Park Mews and Maddox Road, notably in winter when the foliage has dropped, the proposal would retain a sufficient separation distance so as not to result in significant detriment to their residential amenity.

9.130 A daylight and sunlight assessment has been carried out which reviews the likely impact of the development on existing external amenity areas to determine whether any additional overshadowing would occur. However, given the distance and orientation, it was concluded that there would not be any increase in the level of overshadowing currently experienced. This report also assessed the impact on daylight and sunlight receipt at surrounding receptor sites comprising 46 windows (34 rooms) assessed for Vertical Sky Component and 12 windows assessed for Annual Probable Sunlight Hours which concluded that these would continue to meet target values as set out in the BRE guide.

Impact on Daylight and Sunlight of Future Residents

9.131 Turning to the living conditions of future residents, this was a point of refusal on the previous scheme.

9.132 The applicants have addressed this item by providing a high number of dual aspect apartments compared with the refused scheme and orientating the majority of the single aspect apartments on a north-south axis to maximise the amount of natural light. With all apartments having south, east or west facing windows – i.e. no north facing only rooms, the number of failing rooms / apartments has been reduced. The applicants have also designed the apartments to have full height floor to ceiling windows to maximise the amount of natural daylight.

9.133 A Daylight and Sunlight Assessment was carried out with respect to the proposed apartments. With regards to internal daylight of the 580 rooms assessed for Average Daylight Factor (ADF), 79% would meet the target suggested in the BRE guide and, with respect to Daylight Distribution (DD), 82% would meet the target. This represents an improvement over the refused scheme (previously 69% ADF and 83% DD).

9.134 In terms of internal sunlight, of the 580 rooms assessed, 368 would have at least 1 window falling within 90 degrees of due south and therefore has a reasonable expectation of enjoying direct sunlight. 300 (82%) will meet the BRE guide target value with 68 falling marginally short of the BRE target. However, it is stated that 15 of these are bedrooms which the BRE guide says are less important than other habitable rooms. Furthermore, where access to sunlight is limited, this is offset by access to well sunlit external amenity areas.

9.135 With regards to overshadowing of external amenity areas, 30 apartments on the second floor were assessed, with a finding that 9 apartments failed the standard, including 2 apartments receiving no sunlight at all on the spring equinox of 21st March. However, the occupiers of these apartments will have access to communal amenity space which does meet the target, so these occupiers will not be without suitable amenity.

9.136 Regard should also be given to para 125 of the NPPF which states that local planning authorities when considering applications for housing, should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site.

9.137 In summary, the results of the assessment indicate that internal daylight and sunlight will be largely compliant with the recommendations in the BRE guide and considered acceptable for approval.

9.138 Concerns were also raised in respect of the refused scheme in regards to the quality of environment within the northern enclosed gallery access to flats facing the PROW in terms of natural light serving this corridor and potential anti-social behaviour which may result. However, this is now designed out of the scheme and is no longer an issue.

9.139 Within plot 1 the relationship between Building A and B flats would be sited some 32 to 35 metres from opposing windows which is considered acceptable and an improvement on the previous scheme and is considered to secure a sufficient level of amenity provision to prevent overlooking between apartments. The relationship between flats at internal corners of the development with respect to all the buildings has been carefully designed with respect to room types and window positions to prevent any materially harmful overlooking issues between flats and balconies.

9.140 The west facing units with Building A would be located approximately 10 to 15 metres from the adjacent 15 metre high tree belt. This distance is considered sufficient to secure a reasonable outlook from the primary living rooms / balconies of the corner sited flats. The north facing flats within Buildings A and B would be located between 10 and 14 metres approximately from the adjacent self-storage unit, which although not an ideal relationship due to close proximity, is not considered sufficiently harmful to future residents' outlook to warrant refusal of the application, noting that all but 2 units on each floor also have a south, east or west facing aspect.

Unit Sizes

9.141 A large proportion of the 1 bedroom and 2 bedroom apartments on the dismissed scheme were noted as below the Nationally Described Internal Space Standards which are as follows:

1 Bed Studio 39 sq.m
1 Bed/ 2 Person 50 sq.m
2 Bed/ 3 Person 61 sq.m
2 Bed/ 4 Person 70 sq.m

9.142 Whilst all the affordable units met the standard, only 4 of the 1 bed market units and 47 of the 2 bed market units would have met the standard, which the Council considered to be indicative of overdevelopment, and with which the Inspector agreed.

9.143 Whilst the Council has not currently adopted the nationally described space standards through policy (this was proposed as part of the Regulation 18 Local Plan), nevertheless the above figures were considered a further indication of the poor standard of amenity that many residents would experience as part of their new home.

9.144 The applicant has addressed this issue in the current application with all the proposed dwellings now meeting the Nationally Described Space Standards (DCLG 2015). Given the Council has no current adopted policy on minimum internal space provision in new development, the proposed provision is welcomed.

Noise

9.145 One of the reasons for refusal in respect of the previous proposal was in relation to noise which the Council considered would result in a poor internal and external environment for a number of the occupants of the development, in particular in relation to those flats facing road traffic noise on Maylands Avenue and facing other sources of noise within this employment area.

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

9.147 Saved Appendix 3 of the DBLP states that for new dwellings, a good internal standard to achieve is around 40 dB(A). Externally, a reasonable part of the garden should not be subject to noise levels exceeding 55 dB(A). It goes on to say:

“The impact of noise can be minimised by careful attention to layout, landscaping and noise-screening measures, particularly if residential schemes are located in noisy areas.”

9.148 Para. 170 of the NPPF notes that planning decisions should contribute to and enhance the natural and local environment by, inter alia:

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

9.149 NPPF Para. 180 also states that planning policies and decisions should:

“a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;”

9.150 The applicant acknowledges that when the windows are opened, the rooms fronting Maylands Avenue would not meet internal acoustic targets. However, BS 8233 recognises that it will not always be possible to comply with the guidelines in certain areas where development is desirable. It notes that in these cases, development should be designed to achieve the lowest practical levels and should not be prohibited.

9.151 The site layout has been designed with the main mass of the buildings fronting onto Maylands Avenue providing an acoustic shield to the amenity areas set behind. Less acoustically sensitive uses such as the commercial areas are located on the ground and first floor levels where the noise levels are highest. The residential layouts have also been redesigned to provide dual aspect apartments enabling the majority of apartments (96%) to have access to the shielded areas (not facing Maylands Avenue) direct from the apartments.

9.152 In addition, the specification of the buildings includes masonry cavity wall construction, acoustic standard double glazing, mechanical ventilation to roadside facades but with opening windows to residents the option, natural ventilation to shielded facades, balconies with sound absorbing soffits, and buildings set back from the road with street tree planting to help visually and acoustically mitigate the impact of the road.

9.153 A noise report has been submitted in support of the application which indicates compliance with BS8233 in respect of the internal environment. With regard to the external amenity areas, noise levels within the communal spaces which are shielded from the roadside would not exceed recommended maximum noise levels of 50 to 55 dB LAeq, However, balconies on the roadside are

predicted to exceed this threshold but as noted above suitable mitigation and design specifications would ensure that the impact on residents amenities would be minimal.

9.154 Subject to the condition as recommended by the Environmental Health Officer, the proposals will provide an acceptable living environment from the point of view of noise and ventilation and would comply with Policies CS12 and CS32.

Air Quality

9.155 The site does not fall within an Air Quality Management Area. An Air Quality Impact Assessment report 2020 has nevertheless been prepared by specialist consultant AECOM.

9.156 The assessment considers the impacts air pollution (dust and vehicle emissions) during the construction and operational phase of the development and makes recommendations to reduce any air pollution generated by the construction of the development.

9.157 The air quality assessment concludes that with appropriate mitigation, identified in the assessment report, construction phase impacts would be reduced to an insignificant level. Operational phase impacts on existing receptors were concluded to be negligible and the application site was determined appropriate for residential development, in terms of air quality with no air quality specific mitigation required.

9.158 Despite the above, DBC requested that a damage cost value calculation be provided in support of the Proposed Development, following Defra guidance, in order to mitigate the impact on an existing receptor close to the A414/A4147 roundabout which already exceeds the annual mean Air Quality Strategy objective. An addendum was therefore prepared to identify the cost which was calculated at £46,882 over a 5 year period, and mitigation spending on site, for example encouraging cycling, uptake of EV, car club provision, improved cycle / footpaths, etc.

9.159 The Environmental Health Officer has requested a condition for an air quality assessment. However, given this has already been provided, we have asked the EHO to review his requirements and an update will be provided. In the absence of this, it would be recommended that a condition seeking further details of mitigation to satisfy the air quality damage cost value be submitted.

Sustainable Design and Construction

9.160 The NPPF states that the planning system should support the transition to a low carbon future and in determining applications (Para. 154) ensure that new development complies with development plan policies on local requirements for decentralised energy supply and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Para. 163 seeks to ensure that new development does not increase flood risk elsewhere and that major development should incorporate sustainable drainage systems (Para. 165).

9.161 All new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 and saved Policy 129 of the Local Plan, together with Supplementary Planning Documents for Energy Efficiency and Conservation, and Water Conservation.

9.162 Policy CS29 is particularly relevant together with the Sustainable Development Checklist and advice note. The proposals should seek to follow the 3 step energy hierarchy of Figure 16 in the Core Strategy – be lean, be clean, be green. Applications should be accompanied by a Sustainability Statement as required by Para 18.22 of the Core Strategy and Policy CS29. In addition, the criteria within Policy CS29 should be met and should be demonstrated via a Sustainable Design and Construction Statement.

9.163 The application is supported by a CS29 Sustainability checklist, together with an Energy Statement, a sustainability section within the Design and Access Statement and a Drainage Strategy. There are no specific requirements for decentralised energy supply in current policy. However, emerging policy includes requirements for a proportion of renewable energy in residential schemes.

9.164 In line with the 3 step hierarchy, the development takes on a fabric first approach, to limit internal gains/losses to use less energy, coupled with an all-electric heat pump led solution. The all-electric heat pump application is in direct response to the decarbonisation of the grid and the UK's transition away from fossil fuels. The all-electric strategy will passively see improvements to operational carbon over time as the grid decarbonises. For Maylands Avenue, with cost being the major driver in providing affordable housing, a zero carbon development is not viable. Instead, the sustainable measures will be such as to minimise operational carbon as far as reasonably possible through low-carbon solutions such as heat pumps and a fabric first approach. These measures are aimed at improving on Part L of the Building Regulations.

9.165 In terms of being clean, decentralised energy sources such as District Heat and Combined Heat and Power systems have been considered but are not feasible due to scale and cost considerations.

9.166 In terms of being green, active renewable technologies have been considered but with the present site configuration these are not considered practical due to the impact on the site and costs. With a decarbonising grid, the benefit of PV in reducing operational CO2 would reduce. Furthermore, with flatted schemes, it is difficult to serve individual dwellings with PV due to cabling / electrical issues, therefore the occupants would not see a benefit.

9.167 As well as energy conservation measures, the proposals will include a comprehensive SUDs strategy, tree planting, maximisation of biodiversity opportunities, responsible sourcing of building materials from verified sustainable sources, recycling and reduction of construction waste, minimisation of water use during construction, limiting residential indoor water consumption to 105 litres per person / day, incorporation of long life and adaptable internal layouts, etc.

9.168 CS29 seeks the planting of one tree per new dwelling in residential schemes to help mitigate climate change. The landscape design provides for a high level of tree planting, however, the available area for tree planting is limited due to the density of building on the site. Therefore Hightown has confirmed it will contribute to off-site tree planting to compensate for the under-provision on site. This is considered further below in respect ecology and biodiversity net gain.

9.169 The proposal accords with Policy CS29. A compliance condition would be recommended in respect of the submitted Checklist and Energy Statement.

Flood risk and SUDS

9.170 The site falls within Flood Zone 1, an area considered to be at the lowest risk of flooding from all sources and most suitable for residential development.

9.171 The flood risk has been modelled to demonstrate that there are no impacts from on-site surface water flooding at the 1:100 year plus 40% climate change event. The Drainage Strategy includes SuDS based on intensive green roofs and gardens/landscaped areas to capture and slow water runoff, including permeable surfaces. However, due to poor infiltration geology (Oadby Member clay), the proposals rely on surface water attenuation of runoff through use of underground water storage and restricted discharge to the public receiving system. The specified rate is 5.5 l/s which is 26% less than 3 times QBAR greenfield runoff rate and less than the brownfield QBAR runoff rate.

9.172 The Lead Local Flood Authority did not respond due to ongoing resourcing issues. However, it is understood the strategy has been developed in liaison with the LLFA and follows the recommended disposal hierarchy. Nevertheless, given that HCC advice is that runoff should be at a flow rate no greater than greenfield runoff (which in this case is 2.2l/s), it would be recommended that the final design and discharge rates be agreed with the LLFA as a condition of approval.

9.173 Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development. In the circumstances, Thames Water has requested a condition to deal with this problem requiring that all foul water network upgrades are in place prior to occupation or that phased occupation has been agreed.

9.174 Subject to the above, the proposed development is considered to accord with the principles outlined in the NPPF, together with Policy CS31.

Ecology and Biodiversity Net Gain

9.175 The NPPF emphasises the need to contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity. In line with the NPPF, at the local level, Core Strategy Policy CS29 states that new development should minimise impacts on biodiversity and incorporate positive measures to support wildlife. New development should also incorporate at least one new tree per dwelling for climate mitigation purposes.

9.176 Core Strategy Policy CS26 expects new development to contribute towards the conservation and restoration of habitats and species, the strengthening of biodiversity corridors and the creation of better public access and links through green space.

9.177 The application is supported by a Preliminary Ecological Appraisal 2021. The field survey results show that the Site is dominated by semi-improved grassland, scrub and amenity grassland. The site was appraised as having suitability for breeding birds, and the adjacent woodland for bats, breeding birds and invertebrate species. The grassland on site has some potential for reptile habitat but unlikely due to site isolation. The Site is suitable for construction of badger setts, though none was recorded as being present.

9.178 A pre-commencement walkover survey is recommended to determine the presence of invasive species and badgers. As a precaution, it is recommended that on-site grassland is maintained to prevent colonisation by reptiles.

9.179 Ecological enhancements are incorporated into the proposed landscape design in terms of green roofs, native tree and understorey planting adjacent to the western boundary, modular walling with climbers along the northern boundary, roadside and entrance tree planting, off-site tree planting adjacent to the roundabout and ornamental planting in raised beds, lawns, evergreen hedge frontages and ground cover.

9.180 The PEA recommends log piles or loggeries along the western boundary to benefit invertebrates, and that enhancements are detailed in a LEMP (Landscape and Ecological Management Plan). A condition to secure this, together with a walkover survey would be recommended.

9.181 The Herts and Middx Wildlife Trust highlighted in their comments that no assessment of measurable biodiversity net gain using the Natural England metric had been provided, therefore contrary to the NPPF.

9.182 A Biodiversity Net Gain (BNG) Assessment was subsequently submitted. This states that there is a net loss to biodiversity from the development which is therefore not consistent with NPPF which requires a net gain. A net gain is a 10% increase in biodiversity units as set out in the Environment Bill. There are two options – a biodiversity offset from the developer for the required number of biodiversity units or provision of a sum to Dacorum to provide the net gain on its behalf. Herts Ecology endorses this requirement, but considers that as the Environment Bill will not be enacted until 2024, there is no mandatory requirement for a 10% improvement.

9.183 The applicant has confirmed, despite initial assurances that the net gain could be provided on another site, that this is proving difficult and has asked that the Council review whether this can be mitigated with a financial contribution to provide the BNG on its behalf. Herts Ecology has calculated that this would be £24,000 to ensure no net loss but has noted that this is likely to underestimate the cost of creating new habitat considerably. It is noted in this regard that an SPD is currently in preparation by HCC for BNG which would have a cost calculator incorporated but that this is not yet adopted Council policy. Therefore any contribution would be on an informal basis that CSG are able to accept a financial contribution for BNG units and moreover that it has sites earmarked for biodiversity gain / enhancement where the money could be targeted.

9.184 The applicant has also indicated in their submitted Landscape Strategy some off-site street tree planting within and along the outer verges of the A414 / A4147 roundabout (subject to Dacorum BC and Herts CC agreement) to create a distinctive and formal tree lined transport gateway to the town. From a planning perspective this is welcomed and is recommended to be secured by s278 agreement via the s106. This could help offset the biodiversity loss as this is not currently included in their Assessment. However, this would be subject to Herts Highways final agreement. There is also the possibility that the money could be targeted at the Maylands Environmental Improvement Strategy for tree planting. However, neither of these options are ideal from an ongoing management / monitoring viewpoint of BNG in the Borough since 1) it is not under DBC control, 2) there would be potential double counting issues with DBCs own BNG requirements, and 3) accepting small parcels of disparately located land would create management and auditing difficulties.

9.185 Pursuing the option of a financial contribution to DBC to provide the biodiversity units on Hightown's behalf, it has been suggested that the £24k could be pooled with the resources already received in respect of the Prologis Maylands compensation site (south of the A414 Breakspear Way) to enable an uplift in biodiversity units of 1.98 BU. This site is currently stalled due to insufficient monies from the Prologis development. However, an offer from Hightown to make good the shortfall would enable CSG to implement the Ecological Management Plan (EMP), thereby providing a site for the 1.98 BU uplift. To this end, work to assess what could be achieved has been undertaken with the following results:

1. Baseline ecological value of the Prologis site – 10.3 BU
2. Net gain achievable through the original EMP for the site – 2.07 BU
3. Uplift achievable on the Prologis site – 1.73 BU

9.186 There would be a shortfall of 0.25 BU against the required 1.98 BU. However, Hightown has offered an additional contribution of £34,588 to make good the £45k already paid by Prologis in 2018 (but deemed insufficient) that would more than offset that shortfall. That would unlock the site which is currently stalled due to insufficient finances and would thereby enable the uplift of 1.73 BU to be provided in mitigation of Hightown's shortfall. It should be noted that without the implementation of the original Prologis EMP, it would not be practical in isolation to implement the 1.73 units on that site, and Hightown would be without anywhere for the additional £24,000 to be spent.

9.187 Allowing for inflation, insurance and management / monitoring / reporting costs over 30 years, a total contribution of £73,588 has been agreed which should be secured via an s106 agreement.

9.188 An Ecological Management Plan would also be recommended by condition which sets out in detail the measures that will need to be actioned on the site (after the initial EMP is implemented) to provide the uplift of 1.73 biological units. This is essential so that CSG know what needs to be implemented.

9.189 Subject to the above, the proposals would comply with Policies CS26 and 29, and Para. 174 of the NPPF.

Other Material Planning Considerations

Affordable Housing

9.190 Core Strategy Policy CS19 seeks affordable housing at 35% of the total number of units. As set out in the Council's Affordable Housing SPD (2013) the Council's expected tenure split is 75% affordable rent and 25% shared ownership.

9.191 The proposed scheme provides for 234 dwellings, comprising 1 and 2 bed apartments. Hightown has committed to 35% affordable units on the basis that Dacorum has previously advised that it didn't want 100% affordable housing due to the need to create mixed communities, and because on a large site such as this, a high proportion of affordable units would be tantamount to a clustering which the SPD seeks to avoid. The applicant has also advised that it does not want to commit to any more than the 35% policy requirement, as it affects its ability to secure Homes England grant funding. Additionally, there are viability issues which retaining some private units may help address, but will be determined by market conditions at the time of development. The mix of affordable units will comprise 75% affordable rent and 25% intermediate housing which will ensure a reasonably sustainable and balanced community. All of the affordable apartments are located in Block C, using either Core C2 or Core C3. The majority of the Intermediate Housing is accessed via Core C2 and all of the rented are accessed by Core C3.

9.192 All apartments have been designed in full compliance with AD part M4(2) – Category 2: Accessible and adaptable dwellings of the Building Regulations. The design makes reasonable provision for most people to access each apartment and incorporates features to make them potentially suitable for a wide range of occupants. Including older people, those with reduced mobility and some wheelchair users. All communal areas will also comply with relevant standards of accessibility. Therefore it is considered that all of the units would be suitable for affordable housing in accordance with the SPD and Strategic Housing requirements.

9.193 The affordable housing, tenure mix and distribution should be secured by an s106 legal agreement for at least 35% affordable housing.

In consideration of the above, it is considered that the provision of affordable housing is in accordance with Core Strategy Policy CS19.

Archaeology

9.194 The site is adjacent to an Area of Archaeological Significance No. 38 an area of prehistoric and Romano-British occupation that includes a substantial Romano-Celtic temple and related religious complex dating to the 1st and 2nd centuries A.D.

9.195 Saved Policy 118 of the Local Plan states that on archaeological sites or monuments of more local importance and their settings, physical preservation in situ will be the preferred option and applications may be refused. The County Archaeological Group will be consulted on all planning applications affecting areas of archaeological significance and archaeological potential.

9.196 Policy CS27 of the Core Strategy states that Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

9.197 The Historic Environment Officer has advised that, based on previous archaeological evaluations and excavations in the area, the site has the potential to contain currently unknown archaeological finds and deposits. As such she recommends archaeological conditions covering submission of a WSI (Written Scheme of Investigation) and completion of site investigation and post investigation archaeological assessment, etc.

Contaminated land

9.198 Policy CS32 of the Core Strategy (2013) seeks to maintain soil, water and air quality standards and ensure any contaminated land is appropriately remediated.

9.199 Para. 183 of the NPPF seeks to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

9.200 The Scientific Officer has been consulted and recommends the imposition of the standard contamination condition given the development is for a residential end use on a previously developed commercial site where contamination may be present.

Crime Prevention

9.201 Paras 92 and 130 of the NPPF seek to ensure that decisions aim to achieve healthy, inclusive and safe places where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.202 Policy CS11 states that developments should incorporate natural surveillance to deter crime and the fear of crime.

9.203 The design has been developed in consultation with the Hertfordshire Constabulary and will accord with Secure by Design standards and Approved Document Q of the Building Regulations. A number of passive security measures have been incorporated such a perimeter block layout providing a high level of surveillance of public areas, large double height glazed areas onto the street and footpaths giving an active frontage, private defensible front garden space to ground floor apartments in Building A, 1.8 m high railings and brick wall to the cycle path to the north together with building mounted external lighting, replacing the steel palisade fence with 1.8 m high mesh security fencing to the western boundary, and roller shutter doors and vehicle barriers to the parking entrances to prevent unauthorised parking. In addition to the above a number of detailed physical security features in respect of doors, lighting, CCTV, lifts, stairwells, etc. are to be specified.

9.204 The Crime Prevention and Design Advisor has been consulted and is content that security and crime prevention have been addressed for this application as detailed in the Design and Access statement. A compliance condition would be recommended.

Chiltern Beechwoods Special Area of Conservation (SAC)

9.205 The proposal would result in a net increase in dwellings; which, in turn, could result in greater recreational pressure at the SAC. Financial contributions in respect of Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural Greenspace (SANG) will need to be secured by way of a section 106 agreement prior to any grant of planning permission. The tariff per dwelling is as follows:

SAMM: - £913.88

SANG: - £4,251.71

TOTAL: - £5,165.59 (per dwelling)

9.206 SANG is finite and the Council cannot guarantee that this will be available to serve a development of this size, as to do so would rapidly diminish its availability for smaller developments (1-9 units), medium sized schemes (less than 50 units) or wholly affordable schemes, which are less able to arrange their own provision, or which we want to prioritise. It would be expected that for a development of this size the applicant should be seeking to contribute to its own provision. Before Dacorum decides whether the site could benefit from the Council's own SANG, there would need to be a formal request through the SAC mailbox and officers would need to be satisfied that Hightown has adequately explored options to source and provide additional land for SANG itself. There would otherwise need to be compelling reasons to use Dacorum SANG. In the event that this is not followed, the application for housing would be unlikely to be accepted.

Community Infrastructure Levy (CIL) and Planning Obligations

9.207 Policy CS35 requires all new developments to provide the on-site, local and strategic infrastructure required to support the development, which may be in-kind or through financial contributions. In Dacorum, since 1st July 2015, these contributions will normally extend only to the payment of CIL. The Council has adopted a CIL Charging Schedule and the development would be liable for the payment of CIL. However, this does not extend to affordable housing or infrastructure requirements arising as a direct result of the development.

9.208 The recommendation to grant is subject to the completion of an s106 agreement that secures a number of financial and non-financial contributions from the development.

9.209 An s106 agreement to secure the following obligations has been agreed and is currently being processed by DBC and County:

- a) Provision of at least 35% Affordable Housing
- b) Financial contribution to DBC of £49,254 (index-linked) in respect of the Maylands Environmental Improvement Strategy
- c) Financial contribution of £50,000 to DBC to upgrade the existing LEAP at Datchworth Turn / Marchmont Pond to a NEAP
- d) Financial contribution of £73,588 to DBC to mitigate the net biodiversity loss from the site
- e) To enter into a s278 agreement with the Highway Authority to secure:
 - a. Upgrading of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;
 - b. Upgrading of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road; and
 - c. Upgrading of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'
 - d. Off-site street tree planting along the outer verges of the A414 / A4147 roundabout as shown on plan
- f) Provision of a Framework Travel Plan for the entire site
- g) Travel Plan Evaluation and Support Fee of £1,200 per annum (overall sum of £6000, index-linked RPI March 2014) to HCC
- h) Payment of SANG and SAMM as necessary.

The Planning Balance

9.210 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Therefore, it should take the 'tilted balance' in favour of granting planning permission (Paragraph 11 (d) of the Framework will apply).

9.211 General policies not related to housing supply will continue to have the full weight of S38(6) of the Planning and Compulsory Purchase Act 2004, and planning decisions are to be made *“in accordance with the plan, unless material considerations indicate otherwise.”*

9.212 The tilted balance requires that any applications are determined against the Framework. The balance is consequently tilted in favour of the presumption in favour of sustainable development except where:

- The application of policies in the Framework that protect areas or assets of particular importance provides clear reason for refusing the development; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

9.213 The application of the tilted balance does not imply that planning permission should be granted in all cases. The presumption in favour of sustainable development is not an unconstrained approach. For example, the NPPF gives full weight to the Green Belt, Chilterns AONB and other historic and environmental assets. Applications that do not constitute sustainable development should normally be refused. Adverse impacts are to be assessed against the full scope of guidance in the NPPF.

9.214 The benefits of the scheme should clearly be shown to outweigh the negatives for any scheme to be considered as sustainable development.

9.215 There are significant benefits associated with the proposal in terms of the provision of 234 dwellings of which 35% would be affordable homes with an anticipated tenure split of 75% social rented and 25% shared ownership. Given the emphasis within the NPPF of addressing housing needs, this would attract substantial weight. The revised proposals which have been negotiated would also be considered to optimise under-utilised land by using a suitable brownfield land that has been vacant since 2007 in a relatively sustainable location in an urban area which attracts significant weight. The proposal would also provide 1487 sq m of employment floorspace within the scheme which whilst modest is nevertheless a benefit, and the mixed use development would also help provide community cohesion and activity.

9.216 In design terms, the proposals would provide a development of landmark quality which would complete this part of the Maylands Gateway entrance to the business park and should attract reasonable weight. The dwelling units would be well-designed and sustainable homes which include internal living space to National Described standards, provision of reasonably generous communal open space, children's play, and extensive high quality landscaping, provision of SUDs and EV charging. There would also be contributions to improving off-site play facilities. Sustainable transport infrastructure would be upgraded as a result of the proposals to the benefit of residents and would help mitigate the propensity for increased car journeys, and would therefore be environmentally sustainable. These would all be expected as part of any development and should therefore weigh neutrally in the balance.

9.217 There would also be support for local trades and employment during the construction of the site itself and significant benefits to the local economy through ongoing support of local shops, and other services. Modest weight is given to this.

9.218 In terms of negatives, these are relatively very few. There would be a loss of employment land to residential thereby resulting in the loss of employment infrastructure to the immediate area and an increased deficit in Dacorum's employment target, to which Maylands Business Park, and Maylands Gateway specifically makes an important contribution. Although a small element of employment provision would be provided, the scheme would not deliver the amount of economic gains expected for this location which would weigh against the proposal. There would also be a loss of net

biodiversity from the site although this would be mitigated off-site. The loss from the site would however represent a small negative. There would also be a small potential increase in traffic generation on local roads but this is not considered detrimental and limited weight in the planning balance is attached to this.

9.219 In officers' view, the above identified harm would not be significant and would be more than outweighed by the overall benefits of the proposal. As a result sustainable development would be achieved through this development. When assessed against the policies in the Framework taken as a whole the benefits would significantly and demonstrably outweigh the adverse effects of the proposal. Any conflict with the development plan (loss of employment land) is considered to be outweighed by other considerations including the Framework and as such sustainable development would be achieved in line with Para. 11 of the NPPF.

10. CONCLUSION

10.1 The proposed residential use of this site would result in the loss of employment land in this Gateway location, serving the Maylands Business Park, which is a departure from the Development Plan. However, factors such as the current market demand for office space, and NPPF policy that seeks a flexible approach to the use of sites where policies are outdated, is considered applicable in this case and with significant benefits to the Borough in terms of meeting housing targets in particular, is considered to justify a departure from the Development Plan.

10.2 The scheme is also considered acceptable in terms of making a positive contribution to the street scene and the character of the area, securing a good standard of amenity for future residents, not harming adjoining residential amenities, satisfying parking standards, causing no material harm to highway safety or its operation, providing 35% affordable housing, improvements to sustainable transport infrastructure, improvements to children's play facilities, and other relevant matters.

10.3 In terms of the overall planning balance, and applying the 'tilted balance' which presumes in favour of sustainable development where a 5 year supply of deliverable housing land is not available, sustainable development would be achieved through this development, with the benefits significantly and demonstrably outweighing the adverse effects of the proposal.

Subject to completion of an s106 planning obligation to secure the matters listed below and relevant conditions, the proposal is considered to accord with the NPPF, policies of the Core Strategy (2013), saved policies and appendices of the Local Plan (2004), and relevant design and other advice contained with SPG, SPD and advice notes.

11. RECOMMENDATION

11.1 That the decision be delegated to the Group Manager Development Management with a view to approval subject to the completion of an s106 agreement to secure the following:

- Provision of at least 35% Affordable Housing
- Financial contribution to DBC of £49,254 (index-linked) in respect of the Maylands Environmental Improvement Strategy
- Financial contribution of £50,000 to DBC to upgrade the existing LEAP at Datchworth Turn / Marchmont Pond to a NEAP
- Financial contribution of £73,588 to DBC to mitigate the net biodiversity loss from the site
- To enter into a s278 agreement with the Highway Authority to secure:
 - Upgrading of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;
 - Upgrading of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road;

- Upgrading of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'; and
- Off-site street tree planting along the outer verges of the A414 / A4147 roundabout as shown on plan
- Provision of a Framework Travel Plan for the entire site
- Travel Plan Evaluation and Support Fee of £1,200 per annum (overall sum of £6000, index-linked RPI March 2014) to HCC
- A contribution of £913.88 per dwelling is secured towards Strategic Access Management and Monitoring of the Chilterns Beechwoods SAC
- A mitigation strategy or financial contribution as necessary towards Suitable Alternative Natural Greenspace as an alternative to use of the Chilterns Beechwoods SAC

Subject to any minor changes to the wording of conditions as necessary, and its referral to the Secretary of State as a Departure from the Development Plan.

Conditions and Reasons:

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

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

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

P01C
P02K
P03F in DAS only
P04J in DAS only
P05J in DAS only
P06K
P07J in DAS only
P08J in DAS only
P09J in DAS only
P10J in DAS only
P11J in DAS only
P12J in DAS only
P13J in DAS only
P14F in DAS only
P15F in DAS only
P16F in DAS only
P17F in DAS only
P18D in DAS only
P19D in DAS only
P20D in DAS only
P21D in DAS only
P22F in DAS only
P23F in DAS only
P24F in DAS only
4745-TR-11
1728 (SK) 220127(03)

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

3. The use of the commercial floorspace hereby permitted shall be limited to Class E2(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt as to the uses permitted and in the interests of ensuring a minimum base of employment opportunities are provided in accordance with the former B1 Office use of the site and extant policies.

4. **No development (excluding demolition, tree protection works, groundworks / investigations) shall take place until samples of the materials (together with summary details) to be used in the construction of the external surfaces of the development 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. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

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

5. **Notwithstanding any details submitted, no above ground development shall take place until 1:20 details of the following shall have been submitted to and approved in writing by the local planning authority.**

- Windows / panels (including set back and cross sections through the openings)
- External doors (including car park roller doors and cross sections through the openings)
- Curtain wall joinery details
- Balconies
- Balustrades
- Canopies
- Car park screens
- Rainwater goods
- Eaves / parapet wall / freestanding wall details
- Brickbond patterns

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

6. **Notwithstanding any details submitted, no development shall take place until an updated Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) setting out how trees shown for retention shall be protected during the construction process, shall be submitted to and approved in writing by the Local Planning Authority. No equipment, machinery or materials for the development shall be taken onto the site until these details have been approved. The works must then be carried out according to the approved details and thereafter retained until completion of the development and No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved drawing. The details are required before commencement to ensure that tree protection is in place from the start of development.**

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

- 7. Notwithstanding any details submitted, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until updated details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:**
- o hard surfacing materials;**
 - o means of enclosure;**
 - o benches, planters, privacy screens and any play area equipment / fencing;**
 - o soft landscape works including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
 - o trees to be retained;**
 - o proposed finished levels or contours;**
 - o habitat enhancement for bats and other wildlife;**
 - o minor artefacts and structures (e.g. furniture, play equipment, signs, refuse or other storage units, etc.); and**
 - o submission of a Landscape Ecological Management Plan.**

The approved landscape works shall be carried out prior to the first use of the development hereby permitted and retained fully in position.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character and ecology of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12, 13 and 29 of the Dacorum Core Strategy September 2013.

- 8. Notwithstanding the details submitted, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until full details (in the form of scaled plans and / or written specifications) shall have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:**
- i) Roads, footways**
 - ii) Cycleways**
 - iii) Foul and surface water drainage**
 - iv) Visibility splays**
 - v) Access arrangements**
 - vi) Parking provision in accordance with adopted standard**
 - vii) Loading areas**
 - viii) Turning areas.**

The development shall be carried out, and thereafter retained, in accordance with the approved details.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), saved Policy 54 of the Dacorum Borough Local Plan 1991-2011 and the Car Parking Standards Supplementary Planning Document (2020).

- 9. Prior to the first occupation / use of the development hereby permitted the vehicular access improvements, as indicated on drawing numbers 1728 (P) P04 J & 4745-TR-11, shall be completed and thereafter retained in accordance with details/specifications which shall first have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 10. Prior to the first use of the development hereby permitted, arrangements shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 11. Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the vehicular access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.**

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018), Policy CS12 of the Dacorum Borough Core Strategy (2013), and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 12. The dwellings / commercial floorspace hereby permitted shall not be occupied until the Electric Vehicle Charging Points and associated infrastructure shall have been provided in accordance with the details in Section 5.1 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. The Electric Vehicle Charging points and associated infrastructure shall thereafter be retained in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the charging of electric vehicles in accordance with Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

- 13. The dwellings / commercial floorspace hereby permitted shall not be occupied until the short and long term cycle parking facilities shall have been provided in accordance with drawings 1728 (P) P03 F, P04 J, P05 J and 1728 (SK) 220127(03), Trade literature - Two Tier Bike Rack - With Gas Strut (BDS), and the details provided**

in Section 5.2 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. The cycle parking facilities shall thereafter be retained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the parking of bicycles in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018, Policies CS8, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Car Parking Standards Supplementary Planning Document (2020).

- 14. The dwellings / commercial floorspace hereby permitted shall not be occupied until the relevant refuse storage facilities serving that use shall have been provided in accordance with drawing 1728 (P) P04 J and the details in Section 5.3 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22. The refuse storage facilities shall thereafter be retained and managed in accordance with the approved details.**

Reason: To ensure that adequate provision is made for the disposal and collection of refuse from the development in accordance with Policy CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the Refuse Storage Guidance Note (Feb 2016).

- 15. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP / Statement shall include details of:**

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

The construction of the development shall be carried out in strict accordance with the approved CTMP.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018). The details are required before commencement to ensure that all waste can be suitably managed from the start of development.

- 16. Prior to the commencement of development a Demolition and Construction Management Plan (DCMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCMP / Statement shall include details of:**

- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- o measures to control the emission of dust and dirt during demolition and construction;
- o a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site.
- o hours of demolition and construction work
- o control of noise and/or vibration
- o measures to control overspill of light from security lighting

The approved DCMP / Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.

Reason: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties from the start of development in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

- 17. Works audible at the site boundary shall not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.**

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

- 18. Notwithstanding the submitted damage cost value calculation Addendum Report, no development (excluding demolition, tree protection works, groundworks / investigations) shall take place until further details of mitigation to satisfy the air quality damage cost value shall have been submitted to and approved in writing by the local planning authority. The details as approved shall be implemented in full prior to the first occupation of the development and retained where appropriate at all times thereafter.**

Reason: Given the locality of the proposed development to industrial units and the A414, details are required in the interests of safeguarding residential amenity and to protect public health in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

- 19. Prior to the commencement of development (excluding demolition, tree protection works, groundworks / investigations) a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and thereafter maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.**

Reason: Given the locality of the proposed development to industrial units and the A414, details are required prior to the commencement of development in the interest of

safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

- 20. The development hereby permitted shall be carried out in accordance with the submitted and approved Sustainable Development Checklist, Energy Statement and the details provided in Section 5.7 of the Design and Access Statement Oct 2021 Rev 06 received 25/08/22.**

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

- 21. Notwithstanding the submitted Drainage Strategy and Drg. Nos. C13154 0101 P2, 0102 P1 and 0103 P1, no development shall take place until the final design and surface water discharge rates from the site shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy CS31 of the Dacorum Borough Core Strategy (2013) and Paragraph 169 of the National Planning Policy Framework (2021). Details are required prior to the commencement of development to ensure that satisfactory drainage can be made available to serve the development.

- 22. The development shall not be occupied until confirmation has been provided that either:**

1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or

2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

- 23. No development shall take place until the results of a walkover survey, together with a Landscape and Ecological Management Plan (LEMP) for the site, as recommended in the Preliminary Ecological Appraisal 2021, shall have been submitted to and approved in writing by the Local Planning Authority, to include appropriate ecological enhancements. The development shall be carried out in accordance with the approved details prior to first occupation.**

Reason: To provide suitable ecological enhancement of the site having regard to Policy CS26 of the Dacorum Borough Core Strategy and Paragraph 174 of the National Planning Policy Framework (2021). The details are required before commencement to ensure that demolition and groundworks do not destroy ecological features prior to survey.

- 24. The development shall not be occupied until a comprehensive Ecological Management Plan (EMP) in respect of the Prologis Maylands compensation site (south of the A414 Breakspear Way) shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out in detail the proposals and measures that will need to be actioned on the site to achieve a BNG of 2.07 BU in accordance with the original EMP for that site together with a further uplift of 1.73 BU.**

Reason: To provide a suitable EMP that when implemented by DBC will compensate for the net loss to biodiversity on the application site of 1.98 BU, in accordance with Paras. 174 and 180 of the NPPF (2021).

- 25. The development hereby permitted shall be carried out in accordance with the crime prevention measures as detailed in the Design and Access Statement Oct 2021 Rev 06 received 25/08/22 (Section 5.4).**

Reason: To ensure the security of the site in accordance with the aims of Policy CS11 and 12 of the Dacorum Borough Core Strategy (2013), and Paragraphs 92 and 130 of the National Planning Policy Framework (2021).

- 26. No demolition/development shall take place until an Archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

Development shall take place in accordance with the approved WSI.

Reason: To ensure that below ground archaeology is properly investigated, analysed, recorded and archived in accordance with the National Planning Policy Framework (2021), saved Policy 118 of the Local Plan (2004) and the guidance contained in the Historic Environment Planning Practice Guide. The details are required before commencement to ensure that demolition and groundworks do not destroy archaeological features and artifacts.

- 27. The development / or phases of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the WSI approved under condition XX has been completed. The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis, publication and dissemination of results and archive deposition in accordance with the programme set out in the Written Scheme of Investigation approved under condition**

XX has been secured and the details submitted to and approved in writing by the local planning authority.

Reason: To ensure that below ground archeology is properly investigated, analysed, recorded and archived in accordance with the National Planning Policy Framework (2021), saved Policy 118 of the Local Plan (2004) and the guidance contained in the Historic Environment Planning Practice Guide.

- 28. A. No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site shall have been submitted to and approved in writing by the Local Planning Authority.**
- B. 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.**
- C. 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:

o 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.

o 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.

o 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, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2021). The details are required before commencement to ensure that all land can be properly investigated and decontaminated.

- 29. All remediation or protection measures identified in the Remediation Statement referred to in Condition 28 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 that 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, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2021).

- 30. Any contamination, other than that reported by virtue of Condition 28 above encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site. Works shall be temporarily suspended, unless otherwise agreed in writing during this process because the safe development and secure occupancy of the site lies with the developer.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2021).

- 31. No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013), saved Policy 129 of the Dacorum Borough Local Plan 1991-2011 and Policies 1, 2 and 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The details are required before commencement to ensure that all waste can be suitably managed.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

Where permission is sought for works to be carried out outside the hours stated in the above condition, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

3. Under no circumstances should waste produced from construction or demolition work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately. These details should be included in the CMP/DMP referred to in the above condition.
4. Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Strategic Planning & Regeneration (DBC)	I have looked at the revised plans and confirm that Herts IQ does NOT OBJECT to the application dated 26th November 2021.
Conservation & Design (DBC)	<p>We are supportive of this application and have no objections. We believe this development will deliver high quality homes and improve the character, connectivity and biodiversity in the area through an attractive integrated public realm scheme. We believe the appearance of the two blocks to be visually articulate and well designed which appropriately optimise density in this urban location.</p> <p>We recommended proposal should be subject to conditions as set out below to ensure design quality is delivered:</p> <ul style="list-style-type: none"> - Building materials & Hard Landscaping - Typical Balcony details - External Thresholds - Details of Entrance Canopy <p>Comments:</p> <p>Design & Appearance:</p> <ul style="list-style-type: none"> o We are overall supportive of the design of the building and believe it will create an attractive gateway building to the Maylands area. Design of the façade has sufficiently accommodated officer recommendations regarding appearance during pre-application discussion o The two blocks are attractive in appearance and utilise

techniques such as massing setbacks at different levels, recessed cores and setback brick and metal panels in the façade bays to add visual interest and break down the scale of the building.

- o Proportions of the building work harmoniously with a vertical emphasis in double height bays at the ground floor. The pattern of window grid and bays with vertical brick and metal panels appear elegant and assist in creating a smaller scale of urban grain.

- o The projecting balconies add visual interest to streets, frontages and the courtyard and should assist in activating the street whilst in use by residents

- o We support the materials specified in the proposal. Primary material of buff / beige brick works well in relating the the smaller scale residential houses and apartments along New Park drive / Maddox Road neighbourhoods. The grey toned brick adds a playfull approach referenceing tones similarly found on roofs of local houses and articulates the top of the building well

- o We believe the two tones of brick with the upper levels set back work well to visually reduce the scale and height of the two blocks in the street scene visuals provided

- o Ironmongery and window palette works subtly and harmoniously with the brick tones

- o Textured brick panels will add visual interest and contribute to a smaller scale of appearance.

- o Entrances are well designed with integrated canopy and signage which will create a sense of place for residents.

Layout:

- o We are supportive of the proposals layout and believe will improve connectivity through increase in walking routes around the site

- o Public realm is attractive and well designed and will improve the greening of the area through planted rows of street trees, new verges and wildflower planters

Scale & Massing

- o We are supportive of the scale and height of the two blocks which align closely with the scale of the adjacent Travel lodge building and warehouses.

- o Whilst we note this development will have a visual impact from surrounding residential streets such as Maddox Rd this is largely mitigated through the mature tree band illustrated in views on pages 155, 156, 157, 158 of DAS

Design of Homes:

	<p>o We are satisfied with the overall design of units in this development which meet NDSS and DBC size requirements for private amenity space as well as meeting M4(2) accessibility standards</p> <p>o Large communal gardens are to be provided in the development which will provide a well designed amenity space for residents which is well overlooked with attractive planting.</p> <p>Sustainability:</p> <p>We are supportive of the energy design response principals set out in the DAS integrating features such as heat pumps, water efficient fittings and a fabric first approach into the scheme</p>
Hertfordshire Highways (HCC)	<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:</p> <p>CONDITIONS</p> <p>1) No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:</p> <ul style="list-style-type: none"> i) Roads, footways. ii) Cycleways. iii) Foul and surface water drainage. iv) Visibility splays v) Access arrangements vi) Parking provision in accordance with adopted standard. vii) Loading areas. viii) Turning areas. <p>Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).</p> <p>2) Existing Access</p> <p>Prior to the first occupation / use hereby permitted the vehicular access improvements, as indicated on drawing numbers (1728 (P) P04 H & 4745-TR-11 Rev -), shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.</p> <p>Reason: To ensure construction of a satisfactory access and in the interests of highway safety,</p>

traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3) Surface Water: Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level* shall commence until a detailed scheme of highway improvements is submitted to and agreed with the LPA in consultation with the Highway Authority. The said scheme shall include:

- o Upgrade of the segregated foot/cycle path adjacent to the northern border which runs to The Flags residential area to full LTN 1/20 standard;
- o Upgrade of the foot/cycle path from The Flags/ New Park Drive junction to Leverstock Green Road; and
- o Upgrade of the existing uncontrolled crossing of Maylands Avenue 20m north of the Development access road to a signalised 'toucan crossing'

4B) Implementation / Construction

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

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

5) Provision of Visibility Splays - Dimensioned in Condition

Prior to the first occupation / use of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway

carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is

satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's

Local Transport Plan (adopted 2018).

6A) Residential Electric Vehicle (EV) Charging Points

Prior to the first occupation of the residential development hereby permitted, each residential dwelling

shall be provided with an active (ready to use) EV charging point which shall thereafter be

provided and permanently retained.6B) Commercial Electric Vehicle (EV) Charging Points as % of total car parking spaces

Prior to the first use of the commercial development hereby permitted, provision shall be made

for 20% of the car parking spaces to have active provision for EV charging and 30% of the 45 car

parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable

development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan

(adopted 2018).

7) Cycle Parking

Prior to the first commencement of the development hereby permitted, a scheme for the

parking of cycles including details of the design as detailed on the drawing 1728 (SK) 220127(03),

shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme

shall be fully implemented before the development is first occupied (or brought into use) and

thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the

proposed development and in the interests of encouraging the use of sustainable modes of

transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan

(adopted 2018)

8) Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and

approved in writing by the Local Planning Authority. Thereafter the construction of the development

shall only be carried out in accordance with the approved Plan: The Construction Management

Plan / Statement shall include details of:

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

9) Travel Plan - Requested Prior to Use

At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan / Travel Plan for the each land use shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of

Hertfordshire's Local Transport Plan (adopted 2018).

10) Source of Illumination - General

Prior to the first use of the development hereby permitted the intensity of illumination shall be provided at a level that is within the limit recommended by the Institution of Lighting

Professionals in the publication 'Technical Report No 5: Brightness of Illuminated

Advertisements' and 'Guidance Note for the Reduction of Obtrusive Light GN01:20'.

Reason: To ensure construction of a satisfactory development and in the interests of highway

safety in accordance with Policies 17 and 21 of Hertfordshire's Local Transport Plan (adopted

2018).

APPROPRIATE INFORMATIVES

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway

informative to ensure that any works within the highway are carried out in accordance with the

provisions of the Highway Act 1980:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be

obtained from the HCC website:

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

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the

construction of this development should be provided within the site on land which is not public

highway, and the use of such areas must not interfere with the public highway. If this is not possible,

authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

[https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-inf](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx)

[ormation/business-licences/business-licences.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx) or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any

person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a

highway or public right of way. If this development is likely to result in the public highway or public

right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

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

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a conditionsuch as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to

obtain their permission and requirements. Further information is available via the County Council website at:

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

AN7) Roads to remain private: The applicant is advised that the access roads marked on the submitted plans associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN8) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety

(CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

AN9) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the

proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.

This should be carried out prior to any new apparatus is placed within the highway. AN10) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website

www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN11) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5

years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March

2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards

supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

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

COMMENTS/ANALYSIS

Plots 1 & 2 Maylands Avenue have a relatively long planning history having been part of a wider application in 2008 for a hotel and 6,455sqm of offices (4/02124/08). However only the hotel element

(a Travelodge) was actually constructed and further applications considered a mainly residential use in replace of the granted offices. This current application considers 234 apartments and 1,486.5sqm of commercial uses on the site adjacent to the Travelodge. In the interim Transport Policy has changed significantly and whilst credence is made to the level of development that was approved in 2010, the current application is also considered in light of that policy update, particularly Hertfordshire County Council's 4th Transport Plan (LTP4, 2018). HCC originally objected to this current proposal primarily on the grounds that the proposals did not pre application advice given by HCC with regards to maximising levels of accessibility and permeability in and around the site and therefore the proposals were not in compliance with Policy 1: Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's LTP4 (May 2018).

In the first instance the internal access roads were wider than the standard recommended in the pre application advice and HCC's Roads in Hertfordshire and MfS. Within the pre application advice it was acknowledged that the existing access road is wider than the standard and provides access to some existing uses, however consideration would need to be given to reducing the width to 5.5m in some locations to provide a narrower crossing point within the site for pedestrians and would also promote slower driving speeds within the site. This originally had not been done, however the applicant has updated their access design accordingly (4745-TR-11 Rev -) and HCC are now satisfied that this will help to reduce motor vehicle dominance of the site and promote sustainable transport in line with the Policies of LTP4. Additionally the revised layout addressed concerns HCC had about refuse collection.

Secondly, whilst the supporting Transport Assessment (TA) attached to the application identifies the presence of the segregated cycle path along the northern border of the site, it failed to identify the opportunity to enhance it in line with the given pre application advice. It is considered by HCC Highways that there is an opportunity to upgrade this cycle path from the site to The Flags

Residential area to full LTN 1/20 standard with widening within the site boundary if necessary. There is also an opportunity to upgrade the cycle path from the junction of The Flags with New Park Drive to Leverstock Green Road. Whilst due to residential properties it is unlikely it can be widened to LTN1/20 standards, there is an opportunity to upgrade the segregated surfacing.

Both paths combined provide a key connection to local schools within the Adeyfield area of Hemel Hempstead and form the initial part of a journey to the Hemel Hempstead Rail Station. A good quality/ attractive sustainable link to these key trip attractors are considered essential in making the site acceptable in line with policies both national and local aimed at promoting sustainable development, particularly Policy 1: Transport User Hierarchy and Policy 5: Development Management of Hertfordshire's LTP4 (May 2018).

Directly outside the site there is an uncontrolled crossing of Maylands Avenue there also appears an opportunity to upgrade this to a formal toucan crossing enabling safe access for pedestrians and cyclists from the development to the employment area on the eastern side of the road.

The applicant has initially committed to providing a contribution for the foot/ cycle path works, however HCC consider that the project can be more effectively delivered via a S278 agreement and thus have recommended the condition 4A) and 4B) above. If the developer accepts this condition it is considered by HCC Highways Development Management that the Policies of LTP4 and the pre application will have been met and the council would remove its prior objection.

Additionally HCC Highways Development Management in its previous response identified a number of inconsistencies with regards to the cycle parking on site; this has been clarified in email and through the provision of the drawing 1728 (SK) 220127(03) and thus HCC considers issues with regards to cycle parking are resolved.

Travel Plan

HCC's travel planning team have reviewed the supporting Draft Framework Travel Plan and consider that it will require the additional information in an updated Travel Plan, prior to occupation.

- o TPC contact details are required to be provided prior to occupation.

- o Secondary contact is required to be provided.
- o Information on time allocated to TPC role and frequency of TPC on site should be provided.
- o A steering group should be formed on site comprising of key stakeholders. Information should be given on the meeting arrangements.
- o HCC cycle training is recommended to be promoted.
- o Residential travel pack contribution is required to provide sustainable travel vouchers (£50 per flat, £100 per house) - see HCC travel plan guidance.
- o Baseline data collection is required to be completed within 3 months of first occupation or at 50% occupation.
- o Modal shift targets are required to for each mode of transport for each year of travel plan implementation.
- o Monitoring frequency should be annual rather than the in years 1,3,5.

o Travel plan review frequency should be annual, a report should be submitted to HCC within 3 months of data collection.

o An evaluation and support contrition of £1,200 per annum for 5 years is required if the TP is secured by S106.

It is also recommended that it be indicated in a S106 agreement that for a mixed-use development with multiple occupants a Framework Travel Plan, setting overall outcomes, targets and indicators for the entire site, will be required in addition to individual Travel Plans for each land use that exceeds the thresholds laid out in Hertfordshire County Council's Travel Plan Guidance. Furthermore, clear correlation between the Framework Travel Plan and Individual Travel Plans is required.

Full guidance is available at: www.hertfordshire.gov.uk/travelplans or for more guidance contact: travelplans@hertfordshire.gov.uk

Construction Management Plan

As indicated by HCC within the pre application in the event of a full planning application a Construction Management Plan is required (this requires to be to the CLOCs standards) given that this has not been provided at this stage in the event of planning permission it will require to be secured via an appropriately worded condition if the development does proceed.

S106 Agreements/ Contributions

	<p>HCC Highways operate two levels of S106 agreements, with items directly mitigating the impact of a development agreed through Strand 1 S106 agreement and those items mitigating the wider cumulative impact of development on non car networks being addressed in a Strand 2 S106 agreement.</p> <p>In the first instance (Strand 1) HCC would envisage that the agreed improvements and travel plan support and monitoring fee (£1,200pa for 5 years, indexed via the RPI from May 2014) are delivered via a Strand 1 S106 agreement.</p> <p>In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/developer-per-infrastructure-contributions-guide/technical-appendix-1-transport.pdf). The National Trip generation database TRICS suggests that on average (looking at sites in England and Wales within the last 5 years and excluding those in Greater London) 1,486.5sqm of offices would employ 80 employees which would nominally attract a Strand 2 payment of £33,760. 234 Residential dwellings according to the toolkit would attract a nominal Strand 2 payment of £1,597,284. Therefore, the combined nominal figure for Strand 2 contributions which would be allocated to the Plots 1&2 Maylands Avenue Development would be £1,631,044.</p> <p>An element of this will be offset against the provision via S278 of the aforementioned improvements to the sustainable transport network (upgrades to the connection to Adeyfield and the signalised crossing of Maylands Avenue), which although Strand 1 mitigation measures would also serve the wider population and would address in part cumulative impact upon it. The remainder would be allocated to packages within the emerging South West Hertfordshire Growth and Transport Plan.</p> <p>HCC estimate the value of the sustainable transport upgrades to be in the region of £500,000, therefore the contribution would be reduced to £1,131,044.</p>
<p>Crime Prevention Design Advisor</p>	<p>I am content that security and crime prevention have been addressed for this application as detailed in the Design and Access statement (Section 5.4).</p>

<p>Environmental And Community Protection (DBC)</p>	<p>4/01/22</p> <p>Following receipt of consultation, please find the below conditions this department feels should be applied to the above planning application.</p> <p>1. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works</p> <p>REASON: Details are required prior to the commencement of development in the interests of safeguarding highway safety and residential amenity of local properties in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p> <p>Informative: The Statement required to discharge the Demolition and Construction Management Plan condition of this consent is expected to cover the following matters:</p> <ul style="list-style-type: none"> o the parking and turning of vehicles of site operatives and visitors; o loading and unloading of plant and materials; o storage of plant and materials used in constructing the development; o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; o details of measures to prevent mud and other such material migrating onto the highway from construction vehicles; o wheel washing facilities; o measures to control the emission of dust and dirt during demolition and construction; o a scheme for waste minimisation and recycling/disposing of waste resulting from the demolition and construction works, which must not include burning on site. o design of construction access o hours of demolition and construction work o control of noise and/or vibration o measures to control overspill of light from security lighting
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2. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

3. Prior to the commencement of development an air quality assessment to assess the impact of local air quality on occupiers of the proposed development against the National Air Quality Standards and Objectives shall be submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall identify exceedances of the air quality objectives in addition to any mitigation measures required to reduce exposure. Once approved the mitigation measures shall be implemented in full prior to the first occupation of the development and retained where appropriate at all times thereafter.

REASON: Given the locality of the proposed development to industrial units and the A414, details are required prior to the commencement of development in the interest of safeguarding residential amenity and to protect public health in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

Informative: Any exceedance of the air quality objectives is considered to be significant and will require mitigation. This Council does not accept the use of the EPUK Guidance on quality assessment. Mitigation includes site and building layout and design as well as active filtered ventilation where necessary. It is strongly recommended that the applicant agrees the nature and scope of the assessment with the LPA.

The assessment may be performed using a suitable dispersion model as specified in LAQM.TG(16). The modelled data must be validated and corrected against monitoring data from at least 3 months (preferably 6 months) in accordance with LAQM.TG(016). The assessment must ascertain concentrations of NO₂ and PM-10 at the building facade. As NO₂ concentrations have not been decreasing year on year as previously predicted, it is expected that a sensitivity test will be undertaken to establish the discrepancy between future-year

concentrations with the previously expected emission reduction and without.

4. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Given the locality of the proposed development to industrial units and the A414, details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).

Informative:

It should be noted that the Local Authority, in considering compliance with the noise scheme condition has regard to both internal and external amenity space noise levels. Applications may be refused where the external noise levels or internal noise levels with open windows do not meet the standards required. Whilst there is some flexibility to the standards outlined in BS8233:2014 this can only be applied where planning policy supports the need for the development.

The applicant shall have regard to the suitability of the type of residential accommodation in the proposed location and its design and layout before consideration of glazing and ventilation specifications.

The scheme can be informed by measurement and/or prediction using noise modelling provided that the model used has been verified. Only an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives contact details of acoustic consultants - www.ioa.org.uk.

Please also find the below informative comments to be added to the decision notice please.

Noise and Working Hours Informative

Contractors and sub-contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974.

Where permission is sought for works to be carried out outside the hours stated in the above condition, applications in writing must be made with at least seven days' notice to Environmental and Community Protection Team ecp@dacorum.gov.uk or The Forum, Marlowes, Hemel Hempstead, HP1 1DN. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside these hours may result in the service of a Notice restricting the hours as above. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.

Waste Management Informative

Under no circumstances should waste produced from construction or demolition work be incinerated on site. This includes but is not limited to pallet stretch wrap, used bulk bags, building materials, product of demolition and so on. Suitable waste management should be in place to reduce, reuse, recover or recycle waste product on site, or dispose of appropriately. These details should be included in the CMP/DMP referred to in the above condition.

Air Quality Informative.

We appreciate the details in regards to offset of Carbon Emissions detailed in the Energy Statement and Overheating Report. As an authority we are looking for all development to support sustainable travel and air quality improvements as required by the NPPF. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance. This is also being encouraged by DEFRA.

As a result as part of the planning application I would recommend that the applicant be asked to propose what measures they can take as part of this new development to support sustainable travel and air quality improvements and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph) 35 "incorporates facilities for charging plug-in and other ultra-low emission vehicles". Therefore an electric vehicle recharging provision across the

development is expected. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development, in agreement with the local authority.

Please note that with regard to EV charging for residential units with dedicated parking we are not talking about physical charging points in all units but the capacity to install one.

Invasive and Injurious Weeds - Informative

Weeds such as Japanese Knotweed, Giant Hogweed and Ragwort are having a detrimental impact on our environment and may injure livestock. Land owners must not plant or otherwise cause to grow in the wild any plant listed on schedule 9 of the Wildlife and Countryside Act 1981. Developers and land owners should therefore undertake an invasive weeds survey before development commences and take the steps necessary to avoid weed spread. Further advice can be obtained from the Environment Agency website at <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

31/12/21

Having reviewed the documents submitted in support of the above planning application and having considered the ECP Team records I am able to confirm that there are no objections to the proposed development based on land contamination issues.

However, because the proposed development is for a residential end use on a previously developed commercial site it will be necessary for the applicant to demonstrate that the potential for land contamination has been appropriately assessed.

As such the following planning conditions should be included if permission is granted.

Contaminated Land Conditions:

Condition 1:

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

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable

likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology.

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

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

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

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

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

Condition 2:

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

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

	<p>with Core Strategy (2013) Policy CS32. Informative: The above conditions are considered to be in line with paragraphs 174 (e) & (f) and 183 and 184 of the NPPF 2021.</p> <p>Guidance on how to assess and manage the risks from land contamination can be found here https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p>
<p>Lead Local Flood Authority (HCC)</p>	<p>Thank you for your consultation on the above application but the Lead Local Flood Authority (LLFA) is currently unable to respond to any new planning consultations. LLFA guidance is available under Policies and Guidance on our website: https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#. We recommend that any new development site follows the LLFAs policies on SuDS, which are contained within the Local Flood Risk Management Strategy 2 (LFRMS2). The Guidance for developers contains a Developers Guide and Checklist for developers to understand requirements. A climate change allowance note for Hertfordshire is also provided on the website. The surface water drainage webpages also contain links to national policy and industry best practice.</p> <p>If the site contains an ordinary watercourse, we advise that: Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and/or temporary works, regardless of any planning permission. For further advice on Ordinary Watercourses, please visit our Ordinary Watercourse webpage via the following link: https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#</p> <p>When we have cleared our backlog of consultations, we will be working on the principle of addressing the most significant cases; triaging and prioritising. This means that for many applications we will not be able to provide detailed comments or input.</p> <p>This is not a message we had wanted to deliver and appreciate this is far from satisfactory but is necessary.</p>
<p>Thames Water</p>	<p>Waste Comments Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to</p>

	<p>accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. . In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.</p> <p>Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.</p> <p>Supplementary Comments Waste-The problem with this application is that the proposed development belongs to a developer cluster at the area which already suffered from flooding. Therefore we would propose a hydraulic modelling study to be conducted prior to the construction. Furthermore, more information regarding the surface water strategy are required. In accordance with the Building Act 2000 clause H3.3. Positive connection to a public surface water will only be consented when it can be demonstrated that the hierarchy of disposal methods have been examined and proven to be impracticable. The disposal hierarchy being ;- 1st Soakaways; 2nd Watercourses; 3rd Sewer.</p>
Trees & Woodlands	12/05/22

The information submitted is suitable to ensure retained are offered appropriate protection. However, there doesn't appear to be any specific planting scheme addressing tree species, size, aftercare and replacement for new trees. This shouldn't be an issue as this can be conditioned and submitted prior to planting.

7/02/22

Thanks for the information. I can't recollect the site but obviously have dealt with this before. Consequently, I'm happy to go along with my previous recommendations that these poplar trees should be removed if the application is given consent.

14/01/22

Thank you for the information. I have examined the tree report and have the following concerns:

. According to section 5.2 of the Tree Report tree roots emanating from G5 will be encroaching into the development site along the western boundary of the northern plot. The site plan suggests the placement of a 'Parking Court' directly adjacent to G5. Conventional methods to construct hard standing parking areas involve excavation into the subsoil, damaging structural and fibrous tree roots. This action can cause either the reduction a trees lifespan or cause trees to become destabilised and should be avoided.

. The landscape proposal indicates a number of new trees to complement the development site. However, no 'Planting Scheme' has been submitted indicating tree species, size, planting method, necessary aftercare and replacement in the event of failure. In order to ensure these trees are afforded the best chance of survival post development I require further information in the form of a Planting Scheme. This should be in accordance with current guidance BS8545:2014 Trees: from nursery to independence in the landscape.

. According to section 7.2 tree group G6 will be retained. However, according to the Landscape Proposal submitted G6 is not included as 'Existing Trees'. Consequently, I require the applicant to confirm if tree group G6 is being retained and, if so, what protection measures will be incorporated to ensure these trees survive the development process.

. The Tree Report advises in section 6.1 an agreement has been reached with Dacorum Borough Council to remove the two hybrid poplars along the western edge of the northern plot. I require the applicant to confirm the individual advising on behalf of the Council who has agreed these removals.

Historic Environment (HCC)	<p>Please note that the following advice is based on the policies contained in the National Planning Policy Framework.</p> <p>The proposed development site is adjacent to Area of Archaeological Significance no. 38, as identified in the Local Plan. This denotes an area of prehistoric and Romano-British occupation that includes a substantial Romano-Celtic temple and related religious complex dating to the 1st and 2nd centuries A.D. (Scheduled Monument No. 27921), south of Wood Lane End. Excavations in advance of housing development in 1982 and 1983 identified remains including a temple or mausoleum, a bath house and several other buildings [Historic Environment Record no. 94].</p> <p>Archaeological evaluation in 2016, followed by archaeological excavations c.250m to the north east of the site, in 2017, have revealed the remains of several Roman corn-driers, a tile kiln, a lime kiln, and other industrial evidence [Maylands Gateway - HER no. 31265]. It is likely that these features can be linked to the construction of the temple-mausoleum complex, and that they together comprise an archaeological site of considerable significance.</p> <p>An archaeological evaluation was undertaken by Oxford Archaeology in 2007 which sampled approximately 5% of the whole of the then development site (i.e. Plots 1, 2 and 3). The results of this investigation suggest a high level of disturbance across the site, particularly where the construction of the former GPO buildings has had a considerable impact. However, despite this a number of significant, albeit truncated, archaeological features were identified. The site therefore has the potential to contain currently unknown archaeological finds and deposits.</p> <p>I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:</p> <ol style="list-style-type: none">1. the archaeological supervision of the removal of soil and overburden to the archaeological horizon, via a 'strip and record' exercise, in areas to be agreed in consultation with the Historic Environment Team - and the investigation and recording of any archaeological features or deposits thereby revealed, prior to the commencement of any groundworks associated with the development;2. the archaeological monitoring and recording of all other remaining ground works associated with the proposed development - including foundations, service trenches, landscaping, etc. (and also including a contingency for the further investigation and recording of any remains then encountered);
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3. a contingency for the rapid archaeological investigation of any remains encountered during the monitoring programme,
4. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, the publication of the results, as appropriate,
5. such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework (2018), and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis

	<p>in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>If planning consent is granted, then this office will be able to provide detailed advice concerning the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.</p> <p>I hope that you will be able to accommodate the above recommendations.</p>
British Pipeline Agency	<p>Planning Application 21/04556/MFA - Not Affected</p> <p>Thank you for your correspondence regarding the above noted planning application.</p> <p>Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.</p> <p>However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.</p> <p>Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.</p> <p>Yours sincerely Lands Department</p>
Parks & Open Spaces (DBC)	<p>24/01/22</p> <p>I think the LEAP nearby is pretty under equipped to serve the new development and the area it is already serving(Plus housing are building a big development right next to it). It is simply too small to accommodate all of this. If you think we can't justify a LEAP on site, it would be good to get a contribution to upgrade this play area to a NEAP.</p> <p>20/01/22</p> <p>I couldn't see any detailed landscaping plans in amongst all the documents on the planning app so I don't know what the podiums are. If they think these podiums will cater for all ages then it may be more appropriate to have a LEAP as a minimum.</p>

Hertfordshire Ecology	<p>A lack of time means this letter addresses just two aspects of this application as follows: Biodiversity net gain (BNG); and Recreational pressure on the Chilterns Beechwoods Special Area of Conservation (SAC).</p> <p>I have not reviewed the Preliminary Ecological Appraisal that accompanies this application.</p> <p>Regarding the former, the applicant has supplied a summary of the BNG assessment (Brooks Ecological, 16 March 2022). This identifies a shortfall of 1.98 biodiversity units post development. Policy and law are clear that all development should deliver a net gain. Whilst Herts Ecology and the Wildlife Trust have different opinions regarding the scale of gain required (the Trust argues for 10% whereas we believe this is not yet mandatory) we both agree that that a net gain is required.</p> <p>Consequently, granting consent now would be contrary to contemporary planning policy. The Trust has provided options to you via its most recent email. I endorse these suggestions and recommend that you encourage the applicant to takes the necessary steps to deliver one or the other. Until such time as a satisfactory approach is committed to, I cannot recommend that you grant consent.</p> <p>Turning to the Chilterns Beechwoods, Natural England wrote to the Council on 14 March 2022. It related to concerns that increases in recreational pressure from new residential growth could lead to harmful effects on this highly protected site. It stated the following: In light of the emerging research, we recognize that there could be a significant potential conflict between the plans for new housing provisions in the areas around Chilterns Beechwoods SAC, and the conservation objectives for the site.</p> <p>It went on to add that within a 12.6km radius around the SAC: ... likely significant effects on the SAC from net increases in development due to recreational impacts cannot be ruled out, triggering the need for an Appropriate Assessment. We are advising that in such cases, adequate mitigation measures to avoid additional recreational impacts from net increases in development will be needed, in order for the Appropriate Assessment (AA) to be able to conclude that there will be no adverse effects on the integrity of the SAC...</p> <p>The Council subsequently declared an effective moratorium on new residential development within this zone until mitigation measures could be identified and implemented. The proposed development falls within this zone and is affected by it.</p> <p>This means that no new residential development should be consented until the Council's mitigation measures are in place or if each development provides its own mitigation. If the latter approach is pursued, the development will need to be accompanied by a Habitats Regulations Assessment (which it currently lacks).</p>

	<p>Until such time as impacts on the SAC are resolved, it is clear that consent should not be granted.</p> <p>Given these circumstances, I recommend that you consult Natural England.</p> <p>Assuming that it provides the same advice as I have immediately above, should you still be minded to grant consent against its advice, you must give it 21 days' notice to provide the opportunity for Natural England to respond.</p> <p>I'm copying this letter to Natural England.</p>
Herts & Middlesex Wildlife Trust	<p>Apologies for not replying sooner but I have been on leave. The Biodiversity metric states that there is a net loss to biodiversity from the development. This is not consistent with NPPF which requires a net gain. A net gain is a 10% increase in biodiversity units as set out in the Environment Bill. In this case the proposal is 2.32 habitat units short of providing a biodiversity net gain. The LPA therefore have 2 options to comply with policy. They can either require the developer supply details of a biodiversity offset for the required amount; or require that they provide a suitable sum for the LPA to deliver the offset on their behalf. The habitat required should be calculated by using the off site biodiversity baseline and creation tabs in the metric. Once this is known a bespoke habitat creation and maintenance cost can be generated to ensure that the LPA have sufficient funds to deliver the offset required.</p> <p>HMWT is happy to help you with calculating this if required but DBC will also need to liaise with Herts Ecology to formulate costings and delivery mechanisms.</p>

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
44	17	0	17	0

Neighbour Responses

Address	Comments
14 Greenway Hemel Hempstead Hertfordshire HP2 4QG	<p>A similar application was rejected a couple of years ago and I cannot see how the new plans differ enough to warrant this development going ahead.</p> <p>My main objection is to the height, a 9 storey building will be far taller than the current travel lodge building particularly due to the elevated site, this is totally unacceptable to neighbours as we will lose privacy</p>

	<p>and light. The development will also be far taller than the current tree line. There is still inadequate parking for the number of flats and the increase in traffic will create additional congestion at busy times. The Maylands roundabout and adjoining roads are already gridlocked at certain times of the day.</p> <p>I thoroughly object to this development and cannot understand how such a similar proposal to the last one has been allowed to be submitted.</p>
<p>9 Greenway Hemel Hempstead Hertfordshire HP2 4QG</p>	<p>I have lived right next to this area for 40 years and there has been noise pollution / anti social happenings since the travel lodge went up . I spoke to a man from Hightown housing surveying in the wooded area that was grown as a screen to help with noise etc from Maylands . It would be extremely awful for the houses so near and along that area on other side to be without that woodland in place, It has affected wild life already in that area , have not seen a badger this last year and bird sightings are at a low . Its noisy over there at all sorts of hours , starting every morning with deliveries and beeping from 4.30 am . Dont think it would be good for residential area and we need more houses not flats so kids can experience gardens . PLEASE if it goes ahead dont build so many and keep the wooded area in place ,its terribly upsetting ,and maybe consider more houses instead of people stuck in flats while there kids are growing up please consider my thoughts , sincerely [but badly written , sorry] MS B Bean</p>
<p>21 The Flags Hemel Hempstead Hertfordshire HP2 4QH</p>	<p>We object to planning permission as there is not enough information on the project and request full details to be uploaded.</p>
<p>31 The Flags Hemel Hempstead Hertfordshire HP2 4QH</p>	<p>I object as this was rejected when similar plans were put forward and now it has been sold to Hightown similar plans have been put forward and the residents who previously applied are being ignored! 9 story's high on podiums is going to be more than 9 story's high, how tall will they actually be?</p> <p>Little parking information- will there be enough for all residents and visitors or will local roads be congested??</p> <p>As well as poor infrastructure in the area , poor bus service and local services all stretched extra traffic and pollution to local people, I do not think adding 238 flats to the area should be considered!</p>
<p>24 The Flags Hemel Hempstead Hertfordshire HP2 4QH</p>	<p>A similar application that had been submitted on the same site was rejected a couple of years ago and I cannot see how the new plans differs that much from the original.</p> <p>Although there has been a reduction in the number of flats and an increase in residential parking spaces, there has also been an increase in commercial space with 21 less parking spaces for this use. There is potential that 230 of the flats (that can accommodate 2 adults) will have 2 cars, as most families do now. The parking would therefore overflow into surrounding streets, The Flags being the most likely as it is one of the main roads closest to this proposed development and there is an alleyway directly to the street. I see this as a danger to our children in</p>

	<p>the street, having an increase in traffic. There are children who play out in the street and some of which have no choice due to no outdoor space at their own flats.</p> <p>The traffic into Maylands is currently horrendous at rush hour times with very long queues. To increase the traffic to accommodate these new dwellings would not only put a strain on an already busy and congested route but also dramatically increase pollution caused by the extra vehicular activity.</p> <p>I also feel there is not enough outdoor space provided for the flats, given that nearly 50% of the accommodation could house families with children, the nearest outdoor spaces would need families, or even children alone, if old enough, to navigate dangerous roads to access these.</p> <p>I am also concerned that the proposed height of the development is still going to overlook our properties and invade on our privacy. A lot of the balconies are facing towards residents in the local area. It states in the application that the development will be blocked by the trees currently there and therefore obscuring us (The Flags) from their view. The buildings on the development will be taller than the trees and for 50% of the year the trees have no foliage, therefore will provide no privacy at all. The pictures provided throughout the application are deceiving of height and have also been taken during the spring/summer months when they are in full foliage.</p> <p>I would also like to question if there is adequate need for yet more commercial space in the area? There has been no evidence provided to suggest there is a need and also has enough thought gone into providing the public with sufficient parking to access these businesses.</p> <p>I would also like a note to be made that this application was made on 7th December 2021, yet a letter wasn't written and dated to residents until 15th December 2021. I myself only received this correspondence from Dacorum borough council on the 24th December 2021 with a closing date for appeals on the 5th January 2022. This being Christmas means that many people may have been away, and not have had enough time to respond on returning. Also, upon asking many of my neighbours, some haven't even received the details of this planning application at all. These are properties that would be directly impacted by this development. I would ask that an extension is made on the closing date of this and that all local residents are informed, not just a handful. It states that only 44 properties in the local vicinity have been consulted, owing to the fact that there are 34 properties in The Flags alone I don't believe that enough of the local residents have been able to voice their concerns and opinions.</p> <p>I have taken recent photos showing the view from The Flags, across the new proposed development and also the current self storage unit next to it. These show the lack of privacy that will be available to local residents currently insitu behind the development.</p>
<p>13 Greenway Hemel Hempstead Hertfordshire HP2 4QG</p>	<p>We object because there is no information beside the title of the application.</p> <p>The only information we can get from the title, is that there are 34 less flats than previous application done by Keir. This is not enough information to comment, thus we assume Hightown Pretorian Hosuing Association is the same application done by Keir but they might have</p>

	<p>reduce the tallest tower by 4 floors, which previously was the strongest objection.</p> <p>We do not know if the application is addressing all the previous objection or not.</p> <p>Sincerely, Marga Pelli and Jose Zavala from 13 Greenway.</p>
<p>10 Greenway Hemel Hempstead Hertfordshire HP2 4QG</p>	<p>It seems very strange that this application has been provided, asking residents for comments by 5th January when there are no documents to understand the full impact of the proposal. Frankly this is completely unacceptable.</p> <p>Whilst there are 34 fewer apartments now planned, the commercial space has expanded from the previous Kier proposal. We have no details as to how many 9 storey buildings are planned. Frankly one of these is too high. We already suffer from the noise and light issues from the Travelodge which would be adjacent. Having two or three large structures directly next to that hotel will have a terrible effect on the overall landscape, light blockage and pollution and place tremendous pressure on the local infrastructure,</p> <p>The plan provides no details as to how many parking spaces are being provided, there is no updated transport plan, we have no details of the commercial proposal.</p> <p>There is no way we are prepared to accept any proposals until we are treated respectfully and provided with the necessary details to make informed decisions.</p> <p>We await an update with correct proposal details so we can understand exactly what is planned.</p>
<p>61 Masons Road Hemel Hempstead Hertfordshire HP2 4QU</p>	<p>I strongly object to the height of the proposed development of nine storeys, which is not in keeping with the area. Also far too many properties are being proposed with not enough parking spaces for them. Mayland's avenue is very very busy already and it will increase further traffic, congestion and noise as well as put a strain on the current utilities in the area.</p>
<p>15 Rathlin Hemel Hempstead Hertfordshire HP3 8TP</p>	<p>It's too close to the A414 and Maylands Avenue. So by building all these flats there would be extreme congestion on all the roads in the surrounding areas. Then to go out to the M1, there would be very heavy congestion on A414 especially during the morning rush hour. Then in the evening there would be heavy congestion on the A414 coming in from M1 and A414. This would create a back log congestion onto the M1. As there are no feeder roads in or out of Hemel Hempstead, this would be a very chaotic situation which would lead to road rage incidents.</p> <p>With the construction of 234 flats the population of humans in that development would increase by at 1000 people and at least 234 vehicles. The vehicles could be more than this if there are two vehicles per flat. All this would put a heavy strain and burden on the local community and the people living in those flats.</p>

	<p>I strongly object to this development as there are no feeder roads to ease the vehicle congestion that will inevitably happen. So this application should be denied by all means.</p>
<p>57 Leverstock Green Road Hemel Hempstead Hertfordshire HP2 4HH</p>	<p>This development is 11 stories high including the parking floors, which are not below ground. This will dwarf the Travelodge (which is on lower ground). It will be twice the height of the building on the other side and the development still goes to the back of the plot. In short none of the issues that local residents were concerned about with the Keir development have been addressed. It will not be behind the tree line even in summer. It will cause congestion in backing streets, and on Maylands, invasion of privacy, light pollution, and many other issues. It is a bitter disappointment to see such similar plans to the Keir development from Hightown.</p> <p>This development is 11 stories high including the parking floors, which are not below ground. This will dwarf the Travelodge (which is on lower ground). It will be twice the height of the building on the other side and the development still goes to the back of the plot. In short none of the issues that local residents were concerned about with the Keir development have been addressed. It will not be behind the tree line even in summer. It will cause congestion in backing streets, and on Maylands, invasion of privacy, light pollution, and many other issues. It is a bitter disappointment to see such similar plans to the Keir development from Hightown.</p> <p>I have now twice submitted the comments below, but I cannot see them on the portal. Are other peopl's comments not shown? How can we know?</p> <p>This development is 11 stories high including the parking floors, which are not below ground. This will dwarf the Travelodge (which is on lower ground). It will be twice the height of the building on the other side and the development still goes to the back of the plot. In short none of the issues that local residents were concerned about with the Keir development have been addressed. It will not be behind the tree line even in summer. It will cause congestion in backing streets, and on Maylands, invasion of privacy, light pollution, and many other issues. It is a bitter disappointment to see such similar plans to the Keir development from Hightown.</p>
<p>9 Market Oak Lane Hemel Hempstead Hertfordshire HP3 8JN</p>	<p>How is the building of more housing to this extent and others applied for in Dacorum sustainable.</p> <p>The infrastructure of the town cannot sustain this level of accommodation.</p> <p>Parking, ecology, education, health etc are all impacted and already at breaking point.</p> <p>Dacorum is already a deprived area how is investing in making more rabbit hutch housing going to improve this?</p> <p>It is also proposed to be what is too high foe the area</p>
<p>14 Highland Drive Hemel Hempstead Hertfordshire HP3 8PT</p>	<p>Strongly object to proposed application, as building too tall, too many flats , not enough parking , not enough green space , pollution , traffic and massive lack of parking , already too many housing developments on Marylands avenue , affecting local businesses and ecology let alone pollution.</p>

<p>37 Highland Drive Hemel Hempstead Hertfordshire HP3 8PT</p>	<p>I cannot believe that I have to appeal against this proposed development yet again as permission was denied last time. I am also concerned that last time I was informed personally by letter of the impending planning request, this seems to have been omitted this time!</p> <p>The new proposal has a very small reduction in the number of dwellings from 268 to 234 but now it has an additional 1,486 sqm of commercial floor space, how does this make it any better? The problems with this site have not changed. This area of Maylands Avenue has huge congestion problems especially at rush hour. The access road for this site will cause immense problems due to its proximity to the very busy roundabout, if traffic lights are added to allow access it will worsen the current 'gridlock' situation, local users of this area will understand this issue all too well. If traffic lights are not installed it will undoubtedly cause an accident 'black spot', either way the resulting extra traffic and gridlock issue will result in these vehicles bellowing out more exhaust fumes. I live local to this site and can attest to the horrendous pollution levels already existing at this point. The proposed towering blocks of flats, the tallest being 9 storeys plus extra storeys for parking will overlook and overshadow existing properties and the surrounding streets will undoubtedly end up being used for overflow parking if there is more than one vehicle per dwelling.</p> <p>I realise new homes are needed but I cannot understand how this over congested plan was ever allowed to reach this point. Perhaps the council need to consider quality of life for their residents above financial gain for property developers.</p>
<p>93 Leverstock Green Road Hemel Hempstead Hertfordshire HP3 8PR</p>	<p>I object to this development as the traffic in this area is already too heavy, causing long queues to build up which also causes poor air quality for residents living nearby. Has the air quality in this area been checked at busy times? The local infrastructure is unsuitable for the number of people already living here. The quality of life for the residents of Hemel Hempstead is not being taken into consideration. Far too many apartments planned and already erected.</p>
<p>1 Greenway Hemel Hempstead Hertfordshire HP2 4QG</p>	<p>This site is not suitable for this density of residency (Is greed dictating this ?) This site is still basically Hemel Hempstead's industrial area and therefore suitable for employment purposes. Where would all the children play? In factory car parks! I am also concerned about the welfare or the local bat colony. This development could be detrimental to these little fellows. We need the experts to assess this.</p>
<p>57 Leverstock Green Road Hemel Hempstead Hertfordshire HP2 4HH</p>	<p>Much higher than the highest building in the area, which is already too tall. The area is not suitable for such a skyline. Not enough parking to support building. This will cause parking issues for existing residents in the area.</p>
<p>Herts and Middx Wildlife Trust, Grebe House St Michaels Street</p>	<p>Objection: No objective assessment of measurable biodiversity net gain using the NE biodiversity metric provided. Application therefore does not demonstrate net gain and is not consistent with the NPPF</p>

St Albans
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requirement for measurable net gain.

There is no in principle objection to this development but it still needs an ecological appraisal. No ecological survey has been supplied that demonstrates how the development is capable of being consistent with NPPF in demonstrating a measurable biodiversity net gain.

The NPPF states:

'174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value
- d) minimising impacts on and providing net gains for biodiversity

The object of an ecological report submitted in support of a planning application should be to demonstrate how the proposals are capable of being consistent with NPPF and local planning policy. Therefore the ecological report should state, what is there, how it will be affected by the proposal and how any negative impacts can be avoided, mitigated or compensated in order to achieve 'measurable' net gain to biodiversity.

In order to prove net gain to biodiversity, the ecological report must include a 'measurable' calculation of the current ecological value of the site and what will be provided following the development. BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

- h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

The most objective way of assessing net gain to biodiversity in a habitat context, as incorporated into the Environment Act 2021, is the application of the Natural England Biodiversity Metric. The use of the metric is endorsed in the Environment Act and national planning guidance.

<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

In order to meaningfully and measurably accord with planning policy to achieve net gain to biodiversity, the applicant will need to use this metric. The development must show a net positive ecological unit score of a minimum of 10% to demonstrate compliance with policy. Habitat mitigation can be provided on or off-site.

All ecological mitigation, compensation or enhancement measures suggested in the ecological report must be definitively stated. For example, if integrated bat boxes and bird boxes are recommended the report must state what model, how many and where they will be

deployed and clearly mark this on plans. Landscape plans should contain species lists of native and appropriate species with management regimes. In order to properly understand what is being proposed, all ecological enhancement/mitigation/compensation measures must be clearly proposed and marked on maps. BS 42020 states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

A clear indication of all ecological measures that will be delivered by the development must be provided.

All mitigatory or compensatory habitat provision must show exactly what management regime will be applied to it or how it will be sustained in perpetuity to offset the permanent ecological impacts. Habitat provision is only as good as the management that it receives, in order to achieve the desired condition. Sufficient information must be supplied to show exactly how these habitat creation areas will be maintained, by whom or how it will be financed.