

ITEM 5.03

4/00779/15/MFA - DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING..

ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XL.

APPLICANT: HOUSING DEVELOPMENT TEAM.

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The proposal would provide 14 affordable units for rent. The proposal is considered acceptable in its design and layout; amenity provision and landscaping is satisfactory; adequate parking and access is available; the proposal would comply with sustainability principles and would mitigate the impacts of the development through provision of contributions to highway infrastructure in the area.

Site Description

The application site comprises a vacant three storey, new town, flat-roofed, 1960's office building within an irregularly shaped plot of 0.13ha located on the western side of Figtree Hill and to the rear of the High Street in the old town of Hemel Hempstead. There is a change in level across the Figtree Hill frontage of approximately 3 metres, the site sloping upwards from south-to-north. There is a more gentle downward change in levels from east-to-west.

The existing building is of rectangular form with a floorspace of 1,055m². The building is set in 3 sections with a front projecting central section. The roof includes a small fourth floor element giving access to roof plant. Adjoining the building to the north and set behind the front boundary hedge is a garage block which in turn adjoins a further block of three-storey flats on the neighbouring site. Apart from this garage block, and a row of 5 spaces on the southern boundary, parking is provided in a haphazard basis across the western side of the site which is entirely hard paved with tarmac.

The site is surrounded by residential properties (predominantly flats) to its north, east and south. The backs of properties along the High Street form the western boundary to the site, some of which have right of access through the site to their parking areas.

There is also a pedestrian right of way through to the High Street.

The site falls within the town centre.

Proposal

Permission is sought for the demolition of the existing office premises and garage block and the construction of a four storey block of 14 flats comprising 4 x 1 bed and 10 x 2 bed affordable units, together with parking to the rear, vehicular access as existing, amenity space and landscaping.

Referral to Committee

The application is referred to the Development Control Committee because the applicant is Dacorum Borough Council.

Planning History

4/00405/14/PR E CONSTRUCTION OF 15 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING
Unknown
25/02/2015

4/00142/13/M OA DEMOLITION OF THE EXISTING OFFICE PREMISES AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING COMMERCIAL USE AT GROUND FLOOR (RETAIL OR OFFICES) WITH 3 FLOORS OF RESIDENTIAL DWELLINGS PROVIDING ELEVEN TWO BEDROOM FLATS.
Granted
03/05/2013

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS15 - Offices, Research, Industry, Storage and Distribution
CS17 - New Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 19, 21, 37, 39, 51, 54, 58, 61, 62, 63, 100, 129

Appendices 1 (to be updated through the CPlan sustainability checklist), 3, 5 and 6

Supplementary Planning Guidance/Documents

Environmental Guidelines

Accessibility Zones for the Application of Car Parking Standards July 2002

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Sustainable Development Advice Note

Planning Obligations SPD April 2011

Affordable Housing SPD 2013

Advice Notes

Sustainable Development Advice Note (March 2011) *Note: This is in the process of being updated to reflect the content of the adopted Core Strategy*

Summary of Representations

Strategic Planning

The site lies in a Residential Area (Policy CS4) and adjacent to the Old Town which forms part of the extension of the Town Centre (Policy CS4). In principle, a residential use would be acceptable in this general location, particularly given planning permission has already been established for 11 flats through 4/0142/13/MOA. Furthermore, the original office building would generally benefit from permitted development rights (prior approval) to convert to housing.

We note the development is for affordable housing (Policy CS19) and this is welcomed in meeting local housing needs.

Our two principal concerns are:

- that the proposed 3-storey height of the building can be successfully accommodated within the wider surroundings (Policy CS12), and bearing in mind its proximity to the Conservation Area (Policy CS27). We note the applicant's information submitted showing the height of the existing office building and other taller structures on the periphery of the site. The views of the Design and Conservation team should be sought; and
- to ensure adequate amenities are provided (e.g. parking, space around the building, amenity space/landscaping, etc.) given that this is quite a tight plot for the level of development proposed. However, we would accept that some flexibility over standards would be reasonable as the site lies very close to facilities/services of the town centre/Old Town and its proximity to Gadebridge Park. Saved Policy 58 and Appendix 3 of the DBLP would allow for flexibility over parking and amenity space, respectively.

Generally, we support the proposal subject to an assessment of the above two points.

Highway Authority (in summary)

Does not wish to restrict the grant of permission subject to informatives and conditions covering construction management plan, materials and equipment to be used during the construction to be stored within the curtilage of the site, consents for working on the Highway.

The Transport Statement indicates that the proposed residential redevelopment would result in a reduction of between 15 and 18 trips during the peak hours and 115 fewer trips on a daily basis. The proposals would not, therefore, adversely affect highway flow and safety.

No changes to the existing access arrangement are proposed. The existing access is acceptable on highway grounds.

The car parking layout will be revised to provide a total of 13 communal car parking spaces and 2 garages. The turning space between the car parking bay number 13 and the existing garages is likely to be inadequate: it appears to be narrow for vehicles to manoeuvre to the garages. The LPA as parking authority will determine the appropriate level of parking for this proposal, however the Highway Authority consider that the proposed level of parking should prevent any overspill on to the surrounding highway network.

The development has good connection to passenger transport routes and acceptable walking distances to shops and other local amenities.

In accordance with section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)', would seek a second strand (pooled) contribution of £9,250 towards improving the safety, efficiency and capacity of the B487 Queensway/ A4146 Leighton Buzzard Road roundabout. This junction is the main connection between the site and the local road network leading to the strategic network. It lies 340metres to the west of the site. The need for it to be able to cope with planned development in the area was identified in computer traffic modelling carried out by consultants SKM Colin Buchanan for Dacorum Borough Council in 2013. The local road network is likely to suffer from unacceptable levels of congestion if the roundabout is not improved for cyclists, pedestrians and vehicles.

The impact of the development has been assessed and would not have an unreasonable impact on the safety and operation of the adjoining highways.

Assistant Team Leader – Design & Conservation

This site affects Hemel Hempstead and the setting of a number of listed buildings. It is located directly to the rear of the Old Town and is currently occupied by a block of New Town development.

Given the existing design of the building on site I consider that the height and scale of the development is acceptable. I also consider that the design relates to the New Town character and would blend as a transition between the Old Town and the New Town.

The success of this proposal will relate largely to the quality of materials and the proposed windows and balconies. If you are minded to approve please would you condition:

- All materials
- Details of windows including materials, sections and profile
- Details of balconies
- Rainscreen cladding panels
- Rainwater goods
- External lighting
- Hard and soft landscaping

Trees and Woodlands Manager (in summary)

No objection.

The site presently contains very little vegetation, only a small number of low quality shrubs.

The proposed residential flats are shown on Drawing no. 032 'Proposed external works' with soft landscaping areas to each side. Detail should be submitted of proposed plants to be installed, their size and maintenance for assessment.

Herts Fire and Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made when we receive details of the Building Regulations application.

Crime Prevention Advisor (in summary)

Whilst not against the development there are some areas of the proposal that cause me concern.

1. Physical Security:

This should have been addressed in the Design and Access Statement (DAS), which only refers at 3.5.3 to secure bin and cycle stores. This is not adequate.

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

- All exterior doors to have been tested to BS PAS 24:2012 or STS 202 BR2
- All individual flat front entrance doors to BS Pas 24:2012 (internal specification).
- Ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows to include laminated glass as one of the panes of glass.
- Due to the number of flats, there should be access control at the pedestrian entrances to the block. Such access control must NOT have a Tradesman's Button fitted as this assists offenders to gain entry during the day to

break into the flats.

These standards are entry level security and meet the Secured by Design part 2 physical security standard. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.

Because security is not addressed I would ask that if this proposal is approved it is conditioned to achieve part 2 of the Secured by Design award.

2. Recess area in front of entrance to bin store and cycle store:

This entrance area is a large recess area with no overlooking from the flats above. This will facilitate crime and anti-social behaviour. I would ask that this recess is designed out and this will aid security for the bin and cycle stores.

3. New Through Route:

Mention is made at 3.5.1 of the DAS regarding a new through route through to the High Street. The area at the rear of this development should be seen as semi private and should not have a new through route through it. This will allow offenders easy escape routes and could even become an informal urinal area for users of the High street leaving any licensed premises. If it is kept it should be straight, well lit and have CCTV covering it.

Too much permeability of a development makes controlling crime very difficult, as it allows easy intrusion around the development by potential offenders. All planned routes should be needed, well used by generating adequate footfall at all times, well overlooked and well integrated. Underused alleyways, shortcuts, footpaths and a large number of minor access points can create hiding areas, create anonymity for offenders and if there is little to no natural surveillance over these areas, then they can become vulnerable to or facilitate crime as well as anti-social behaviour.

HCC Planning Obligations Officer (in summary)

Does not request any contributions.

HCC Minerals and Waste (in summary)

Recommends a SWMP (Site Waste Management Plan) be submitted as a condition.

Thames Water (in summary)

Recommends informatives with regards to surface water drainage.

Raises no objection with regards to sewerage infrastructure capacity.

Affinity Water

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

74 Fig Tree Hill

Strongly objects to this project going ahead.

The parking within the area is extremely bad at present, as this is the only road within the town's vicinity that is free parking.

Notes there will only be 14 spaces allocated, and asks what happens if there are 2 cars per flat. Concerned that these would be pushed out onto the road which currently has parking issues. The only way this can be resolved is by restricting the parking in Figtree Hill to residents only, like Alexandra Road.

Considerations

Policy and principle

The site falls within Hemel Hempstead town centre where, under Policies CS1 and CS4, a mix of uses is encouraged including residential. Outline permission was granted for residential with commercial on the ground floor in May 2013 and this is still extant. The principle of residential redevelopment is therefore considered acceptable in principle subject to complying with other relevant criteria.

Policy CS17 encourages the development of housing to meet the district housing allocation. Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011 encourages the use of urban land to be optimised.

Policy CS15 (Offices, Research, Industry and Distribution) states that a minimum area of land will be identified for B class uses including land in town and local centres. The policy adds that this minimum employment land supply will be managed so as to meet a target of around 131,000 sq m (net) additional floorspace.

The NPPF is relevant, particularly paragraphs 22 (on whether allocated employment sites should be retained) and 51 (on changes of use from B class use to housing). The advice from Roger Tym & Partners in their 2010 and 2011 Employment Land Update reports for the Council should also be taken into account. Paragraph 5.16 in the 2011 Update states that the forecast demand for offices may not materialise. Therefore, depending on actual take-up, market conditions and the latest economic forecasts, there may be managed release of office sites which are no longer attractive, viable or suitable for offices.

It is concluded that the very secondary location of Able House and the poor quality of the existing building in terms of current standards expected for office buildings mean that the loss of the existing offices should be accepted. The extant permission for residential redevelopment, albeit with an element of commercial on the ground floor, is also a material consideration.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in all development proposals. These are relevant to any residential development of this site.

The main considerations in this case relate to the suitability of the site to accommodate residential development, the impact in terms of the street scene and the adjoining Old Town Conservation Area, the impact on highway safety and convenience, the effect on surrounding residential amenities, and the impact in terms of the contribution the development should reasonably make to the environment and to the social and physical infrastructure of the area.

Suitability of the site to accommodate the development

The site falls within a fringe area to the Old Town between commercial uses with upper floor flats to the west and residential uses comprising purposes designed flats to the west. In the circumstances the site is well located with regards to a residential use of the land. It is also well related to existing services and facilities and in sustainability terms would have good pedestrian access to the town centre and other nearby facilities such as public open space (e.g. Gadebridge Park and the Water Gardens).

The proposal is on split levels and includes direct access to three ground floor flats from the rear car park with communal stair access to the upper floor flats via two entrances from the front. Easy pedestrian access would be available to the car park around the north of the building. A separate entrance is provided from the car park side to a bin a cycle store area at ground floor. All flats would have either dual or single aspect orientation to east and/or west thereby affording good orientation with regards to sunlight / daylight.

The design of the flats will meet Homes and Communities Agency's Housing Quality Indicators (HQI's) with the internal floorspace exceeding the requirements.

Appendix 3 seeks private outdoor amenity provision equivalent to the floorspace of the proposal plus additional for each floor above 2 storeys. With regards to this, it is acknowledged that relatively little can be provided without reducing the footprint / increasing the height which would be likely to become either unviable or unacceptable in townscape terms. However, it is considered that a reasonable amount of private amenity space would be provided in the form of a small roof garden to the northern element of the building, together with a further small amenity area to the north of this at ground level. Furthermore, the design also incorporates private balconies to all but the ground floor units. The provision of these areas is welcomed as they help articulate the elevations whilst also providing essential private / semi-private amenity space for the occupants. On balance the amount of amenity space is considered acceptable given also the proximity of public parks.

The proposed layout would also provide a good amount of general soft landscaping around the building which would help soften and integrate the development into the

surroundings. There is however little scope for soft planting to the edges of the car park on account of it abutting the backs of existing buildings in the High Street and the need to maintain various vehicular accesses to those buildings and pedestrian ways through to the High Street. This is no different to the present situation which is currently tarmac. However, improvements to the appearance of the car park are proposed in the form of block paving, which is welcome in the context of this important pedestrian way through to the High Street Conservation Area.

A condition is recommended to seek details of the hard and soft landscaping.

Subject to satisfactory details being submitted, the proposal would be in accordance with Policy CS11, 12 and 13, and saved Appendix 3.

Impact on appearance of building, street scene and Conservation Area

This site adjoins the Old Town Conservation Area and would affect the setting of a number of listed buildings. Therefore the impact on these heritage assets is important.

In its layout and form, the design of the building is considered acceptable. It is broadly of the same form as the existing building on the site with a rectangular shape. The elevations would be modulated by small re-entrant courtyards and the roof articulated by variations in its height which would help reduced the bulk and massing of the building whilst providing improved interest within a local context.

The building would measure approximately 17 m wide by between 9 and 11 m deep with a flat roof over. It would have a height of 4 storeys with a lower element to the north of three storeys which would include a small roof garden. The part three / part four storey height is considered acceptable given the height of the existing building and given the surrounding context of three and some 4 storey flatted blocks. Due to split levels, from Fig Tree Hill it would appear as two and three storey. The Assistant Team Leader Design and Conservation has raised no objections in respect of the impact on heritage assets subject to control over the materials and details.

Materials would comprise a mix of brickwork, render, rainscreen metal cladding and translucent panels and balconies would be provided to the Fig Tree Hill and southern elevations.

The use of balconies, roof garden, and high quality materials would it is considered result in a significant enhancement to the existing building on the site. Conditions are recommended with regards to the details.

Subject to details of materials and design, the proposal would comply with Policy CS12 and CS27.

Parking and highway safety

The point of access, off Figtree Hill, is to remain generally unchanged although the opportunity has been taken to improve the pedestrian crossing point by introducing drop kerbs and material changes and a new footway. The Highway Authority has raised no objections, noting that the residential redevelopment would result in a reduction of between 15 and 18 trips during the peak hours and 115 fewer trips on a daily basis. The proposals would not, therefore, adversely affect highway flow and

safety.

Parking provision should accord with parking standards as assessed against saved Policy 58 and Appendix 5 of the Borough Plan. The site falls within Zone 3 of the Accessibility Zones for the Application of Car Parking Standards (July 2002) where full parking standards apply. For 1-bed dwellings, the requirement is 1.25 spaces per dwelling and for 2-bed dwellings the requirement is 1.5 spaces per dwelling, which equates to 20 parking spaces plus 1 long term cycle space per dwelling.

15 parking spaces would be provided to the rear in approximately the same locations as existing, including reuse of two garage spaces and provision of one disabled space.

An objection from a neighbour has been received with regards to parking numbers. The provision of 15 spaces is below the maximum standard of 20 spaces under Appendix 5. However the following factors need to be taken into consideration:

- The site is in a town centre location and a very convenient walking distance to services and public transport links. There have been numerous developments of flats along the High Street with no off-street parking provided.
- Strategic Planning have on the previous application stated that 1 space per flat would be acceptable and this scheme would exceed that figure. They have also accepted that some flexibility over standards would be reasonable and is allowed for under Policy 58.
- The proposal is for 100 % affordable housing and Policy 58 states that parking provision may be omitted or reduced on the basis of the type and location of the development (e.g. special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport.
- Whilst the Highway Authority has stated that the LPA as parking authority will determine the appropriate level of parking for the proposal, nevertheless the Highway Authority considers that the proposed level of parking should prevent any overspill on to the surrounding highway network.
- The proposed 15 parking spaces would still provide a minimum of 1 parking space per dwelling.
- Informally there are further unmarked spaces which could be used as is currently the case.
- The provision is favourable when compared to the existing office which would generate a requirement of some 33 spaces for the 1,000 square metres, but is served by only 18 spaces. Therefore compared to the existing building at maximum capacity the proposed residential use would experience a reduction in parking pressure and this is supported by the calculated reduction in daily trips.

The Highway Authority notes that the turning space between the car parking bay number 13 and the existing garages appears to be narrow for vehicles to manoeuvre into the garages. There is no obvious alternative layout that doesn't result in a sub-standard layout. However, it would be possible to resite space 13 parallel to the amenity space which would improve manoeuvrability. An amendment has been received to address this request.

For the above reasons, and subject to amended parking layout, it is considered, on balance, that the proposed scheme is acceptable on highway safety and parking grounds.

The proposal would accord with Policy CS12 and saved Policies 51 and 58.

Impact on neighbours

The site adjoins residential properties on all sides.

The proposal includes balconies (as well as windows) and therefore it is necessary to consider privacy / overlooking issues and whether any harm would result.

In terms of the western neighbours to the site (in the High Street) the rear of Nos. 19, 21 and 25 have no windows facing the site, while No. 23 only contains one small and secondary rear window. Nos. 27 and 29 do have rear facing windows facing the site, but these properties are 22 metres and 23.5 metres distant from the property, at an oblique angle from the proposed building, and screened to some extent by the projection of No. 25. Moreover, these properties are already overlooked by the office building windows and by passers by. Accordingly, it is not considered that there would be any material harm.

In terms of the eastern neighbours in Fig Tree Hill, the separation distance is 18 metres, at the southern end of the building only, but more importantly is an existing front to front relationship and therefore in these terms no worse than the existing situation.

With regards to the flats at Nos. 64 and 74 Fig Tree Hill to the immediate south, there would potentially be some overlooking from bedroom windows and lounge balconies on the southern elevation. However, the facing flank wall of this neighbouring block has no windows. Therefore there would be no direct loss of privacy. With regards to Nos. 66 and 82, 68 and 80, 70 and 78 and 72 and 76, these are more than 25 metres away, but are also shielded to an extent by 64 and 74 and therefore it is not considered that any undue loss of privacy would result to these flats or their shared amenity area.

With regards to the neighbouring flats to the north of the site at Nos. 40 and 42, 38 and 44 and 36 and 46, these are considered to be the most likely candidates to suffer any loss of light or privacy given their distance of just 11 metres from the north elevation of the development. This potential was however picked up at pre-application stage and the plans amended accordingly to eliminate any harm. Secondary windows in the first and second floor flats serving the respective lounges are indicated to be translucent, rather than clear, and therefore, subject to an appropriate condition, would not result in any overlooking.

With regards to the roof garden, a privacy screen is to be incorporated to prevent any overlooking of these flats. This is indicated to be approximately 1.8 metres high. However, it is recommended that details of the design and height be submitted as a condition.

With regards to the potential for loss of light, the new building would be kept two storey at its northern end in the same position and would therefore be no worse than existing. There would therefore be no material loss of light to these flats.

The proposal would comply with Policy CS12.

Affordable housing

The Council's planning policies indicate that a housing scheme at this site should include 35% affordable housing, in accordance with Core Strategy Policies CS18 and CS19 and the recently adopted Affordable Housing Supplementary Planning Document. The proposal is a DBC scheme for 100% affordable housing, all for social rent. The proposal would therefore accord with these policies and will need to be secured by a s106 agreement.

Physical and social infrastructure requirements

The proposal for 14 dwellings would generate additional social and infrastructure requirements and therefore, in accordance with saved Policy 13 of the Local Plan and Policies CS23 and 35 of the Core Strategy, the Council can seek financial contributions towards the reasonable public facilities, services and infrastructure that the development would generate. In view of the introduction of pooling rules from April 2015, generic tariff style contributions as sought under the Council Planning Obligations SPD are no longer legitimate and specific projects must be identified.

The Highway Authority has requested contributions towards improving the safety, efficiency and capacity of the B487 Queensway/ A4146 Leighton Buzzard Road roundabout which is located to the west of the site.

A contribution is considered necessary to enable the junction to cope with planned development in the area which was identified in computer traffic modelling carried out by consultants SKM Colin Buchanan for Dacorum Borough Council in 2013. The Highway Authority has indicated that the local road network is likely to suffer from unacceptable levels of congestion if the roundabout is not improved for cyclists, pedestrians and vehicles. The Hertfordshire Toolkit generates a second strand (pooled) contribution of £9,250 towards sustainable transport. This is considered proportionate having regard to toolkit evidence and methodology and would help mitigate the impacts of the development.

It is recommended that the above is secured by a s106 planning obligation.

Sustainability

Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy.

The application should be accompanied by a Sustainability Statement and Energy Statement as required by Para 18.22 of the Core Strategy and Policy CS29. This should be completed on-line through C-Plan. On-line statements have not been submitted in this case. The principal sustainability credential of this proposal is that it is located in a town centre location. However, given that the proposal is new build, there are many sustainability measures that can be introduced. A brief sustainability statement is contained within the submitted Design and Access Statement which appears to indicate that the building will look to target CFSH Level 4 as a minimum, will maximise use of natural daylight, will use low energy light fittings, will utilise natural ventilation via windows incorporating trickle vents, will incorporate management and energy efficiency systems in the heating system, will incorporate covered secure cycle storage, provide bins for both general and recycling waste, and will incorporate

renewable energy in the form of PV panels on the roof, concealed by a raised parapet.

The above measures are welcomed as far as they go. However, the statement does not cover certain important aspects such as SUDS or Construction Waste, nor is it clear on the energy aspects because it is also indicated that the client's requirement is CFSH level 3, not 4. However, in accordance with Table 10, an additional 5% CO2 reductions on CFSH Level 3 (or equivalent) should be demonstrated as a minimum.

C-Plan Sustainability and Energy Statements have been requested and an update will be provided at the meeting.

A compliance condition would be recommended.

Other matters

The Crime prevention Advisor has noted a number of issues with the layout and in response to these, amended plans address items 2 and 3 whilst a further statement has been added to the Design and Access Statement in reference to item 1, as follows:

Item 1 – Physical security - a statement has been added to the DAS with regards to the measures requested by the Crime Prevention Advisor. A compliance condition is recommended.

Item 2 - Recess area in front of entrance to bin store and cycle store - this has been addressed by relocating the main door to the face of the building. This is acceptable and does not have a significant visual impact on the rear elevation.

Item 3 - New through route - the path at the north of the building between the front entrances and the car park was introduced in response to pre-application advice in order to maintain the permeability of the site. In this respect, it should be noted that the route and steps is overlooked by the flats opposite, only 11 metres away, which have balconies overlooking the path. It is however considered that details of lighting and CCTV should be incorporated by condition in order to limit the opportunity for concealed escape by potential offenders, as recommended by the Crime Prevention Advisor. These details can be added to the landscaping condition and, in addition, details of enclosure to the adjoining amenity area are considered expedient to ensure that this area allows an uninterrupted line of vision from the aforementioned flats.

An initial Desk top study for contamination indicates there to be potentially significant pollution linkages from former foundry and grave yard uses and therefore it is recommended that further site investigation is required. Any comments received from the Scientific Officer will be reported at the meeting.

RECOMMENDATION

1. That the application be DELEGATED to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.
2. That the following Heads of Terms for the planning obligation be agreed:

- The provision of 100% affordable housing for rent.
- A financial contribution of £9,250 towards improving the safety, efficiency and capacity of the B487 Queensway/ A4146 Leighton Buzzard Road roundabout.

Suggested Conditions

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

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

- 2 No development shall take place until samples and / or details of the materials 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. The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 3 The development shall be carried out in accordance with the approved plans and elevations and no development shall take place until 1:20 details of the design of the following shall have been submitted to and approved in writing by the local planning authority:**

- all windows, doors and openings (including materials, finishes, profiles and vertical cross sections through the openings);
- all balconies, railings, balustrades;
- rainwater goods;

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy (September 2013).

- 4 No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

5 **Notwithstanding any details submitted, no development shall take place until full 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:**

- **hard surfacing materials;**
- **soft landscape works (including tree planting) which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **external lighting;**
- **CCTV to the pedestrian through route;**
- **means of enclosure to the ground level amenity space;**
- **means of screening to the roof garden;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

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 species, size and maturity to be approved by the local planning authority.

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

6 **The development hereby permitted shall be carried out in accordance with Section 7 (Sustainability and Environment Statement) of the Design and Access Statement, the approved CS29 Sustainability Checklist, C-Plan Sustainability Statement and Energy Statement. No development shall take place until evidence has been submitted to and approved in writing by the local planning authority to show that the CO2 reductions indicated within the Energy Statement will be achieved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

- 7 **The development shall be carried out in accordance with the measures set down in Section 3.5 (Crime Prevention) of the Design and Access Statement. The measures shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

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

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

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

- 9 **No development (including demolition) shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- the parking of vehicles of site operatives, contractors and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction access arrangements;
- wheel washing facilities;
- measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

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

- 10 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, cycle parking, circulation, turning and access shown on Drawing No. 14003/025 Rev C shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate access and parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highways, and to encourage the use of sustainable modes of transport in accordance with saved Policy 51

and 58 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 11 **Notwithstanding any details submitted with the application, no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the local planning authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it shall include:**

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

(ii) an assessment of the potential risks to:

- (a) human health;**
- (b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**
- (c) adjoining land;**
- (d) groundwater and surface waters; and,**
- (e) ecological systems.**
- (f) archeological sites and ancient monuments;**

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

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

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

- 12 **No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, proposed preferred option(s), and a timetable of works and site management procedures. The scheme shall ensure that the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013.

- 13 **Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the local planning authority for its written approval.**

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

- 14 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 10, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 11. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 12.**

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

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

14003/020
14003/021
14003/022
14003/023
14003/024
14003/025 Rev D
14003/026 Rev B
14003/027 Rev A
14003/028 Rev C

14003/029 Rev D
14003/032 Rev B
14003/033

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

INFORMATIVES:

Thames Water

Waste Comments

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

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.

Affinity Water

You should be aware that the site is located within the groundwater Source

Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".