

PLANNING COMMITTEE – 17 JANUARY 2019

PART I - DELEGATED

6. **18/1034/OUT: Outline Application: Demolition of existing college building and redevelopment for a residential development of up to 65 flats [Appearance, Landscaping, Layout and Scale reserved] at WEST HERTS COLLEGE, HOME PARK MILL LINK ROAD, STATION ROAD, KINGS LANGLEY, HERTFORDSHIRE, WD4 8LZ (DCES)**

Parish: Abbots Langley

Ward: Gade Valley

Expiry of Statutory Period: 21 August 2018
(extension agreed to 31 January 2019)

Case Officer: Adam Ralton

Recommendation: That Outline Planning Permission be granted following the completion of a Section 106 Agreement in respect of an Affordable Housing Review Mechanism.

Reason for consideration by the Committee: This application has been called to Committee by the Director of Community and Environmental Services.

1 Relevant Planning History

- 1.1 09/0388/FUL: Variation of Condition 6 of planning permission 06/1393/FUL to allow revised parking layout. Approved June 2009.
- 1.2 06/1393/FUL: Two storey extension and installation of mezzanine floors and change of use from Class B8/B1 to D1 for use as an educational skills centre. Approved October 2006.

2 Description of Application Site

- 2.1 The application site contains a two storey building, currently occupied by West Herts College. The building is fairly square and functional in design, with shallow pitched roofs hidden behind tall parapet walls. The building adjoins Pinnacle House, which is currently being converted to residential flats.
- 2.2 The site is on the south side of the Home Park Mill Link Road, which links Station Road and the A4251 Watford Road which provides access to Kings Langley High Street and the A41. Home Park Mill Link Road is bound to the north and south sides of its eastern end by large office and warehouse buildings, giving the visual appearance of an industrial estate.
- 2.3 To the west of the application site is Pinnacle House. This neighbouring site previously contained an office building, which received prior approval for a conversion to 91 flats. Planning permission was subsequently granted for external alterations to the building and building works are ongoing at the site. To the east of the site, on the other side of the River Gade, is a warehouse building.
- 2.4 The application site is within the Secondary Centre of Kings Langley and is adjacent to the Green Belt.

3 Description of Proposed Development

- 3.1 Outline Planning permission is sought for the demolition of the existing college building and the redevelopment of the site to provide up to 65 flats. This is an outline application with matters of appearance, landscaping, layout and scale reserved. Therefore, only access is for consideration as part of the current submission, along with matters which relate to the general principles of the redevelopment of the site.

- 3.2 The submitted illustrative site layout plan indicates the existing building would be replaced by an L-shaped building, with car parking to the front and side. Access would be taken from the existing vehicular access form Home Park Mill Link Road.
- 3.3 This application has been accompanied by a Design and Access Statement, EIA Screening Request, Phase 1 Geotechnical Desk Study, Flood Risk and Drainage Strategy, Historic Environment Desk Based Assessment, Preliminary Ecological Appraisal and Water Vole and Otter Survey, Statement of Community Involvement, Transport Statement and Affordable Housing Viability Appraisal and these have been considered as part of this assessment.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Concerns]

Members have concerns that, in conjunction with the redevelopment currently in progress on Pinnacle House, this would create an overdevelopment of this area within the Green Belt and cause an unacceptable level of increase in traffic on the local roads at peak times.

4.1.2 Kings Langley Parish Council: [Objection]

Kings Langley Parish Council wishes to register its objection to this planning application on the grounds that the proposed provision for parking falls woefully short of what it considers to be appropriate, and, indeed, Three Rivers District Council's policy.

4.1.3 Thames Water [No objection]

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

The proposed development is located within 15m of our underground waste water assets and as such we would like an informative attached to any approval granted.

4.1.4 Cadent Gas: [No objection]

The apparatus that has been identified as being in the vicinity of your proposed works is Low or Medium pressure (below 2 bar) gas pipes and associated equipment.

4.1.5 Canal and River Trust: [Comment]

This is an initial response. Our substantive response will be provided after further discussions with the applicant and council.

As mentioned in our response to the pre-application consultation, the Trust wish to discuss whether there is an opportunity to seek improvements to the nearby Canal

towpath. The applicants did not contact the Trust at pre-application stage despite our request that they do so.

The towpath will provide an accessible traffic free sustainable transport route for walking and cycling for future occupiers of the site to many local facilities and the applicant should consider the impact of the proposal on this important Green Infrastructure asset. The Trust feel that the additional usage of the towpath by future residents of the site justifies the improvement of towpath. The possible increased usage of the canal towpath as a sustainable transport route serving the site without suitable mitigation measures will result in further degradation of the towpath surface. General canal towpath improvements such as widening or resurfacing may be needed to cope with additional usage.

We note that the Transport statement mentions that there is no suitable off- road cycling route in the area. The Canal & River Trust wish to work with Hertfordshire County Council and Three Rivers District Council to continue to secure improvements to sustainable transport routes the area. We note that Policy PSP3, covering Kings Langley identifies that schemes should (I) improve provision of services ...improvement of cycling facilities and that several local facilities, including the existing public open space mentioned in the Design and Access statement, is accessible via the canal towpath.

The Canal & River Trust support the aims of the draft Hertfordshire LTP4 which has identified the need for improving sustainable transport routes throughout the county and the Trust has previously received support from Dacorum Borough Council to require s106 contributions for residential development to help provide towpath accessibility improvements and mitigation for additional usage caused by residents. We would welcome the opportunity to discuss whether a similar approach is suitable for this application.

The Trust can provide numerous examples of similar situations where developers have made accessibility improvements as a form of improvements to offset additional usage of the towpath to reach a site, or to link from a site to other facilities as a sustainable, traffic-free green transport route. In this case the towpath acts as a sustainable off road to the Primrose Hill playing fields, the nearest area of public open space.

The Trust feel that a contribution towards the improvement of the towpath is in accordance with chapter 4 of the NPPF and with reference to the approach to developer contributions contained in the Community Infrastructure Levy Regulations 2010 (CIL), we consider that a case can be made that a contribution is both necessary and directly related to the proposed development.

As mentioned above, we would welcome the opportunity to meet to discuss this issue further with the applicants and Council and will provide a further substantive response after that meeting.

Officer Note: Following receipt of the comments above, the Canal and River Trust were contacted by the LPA. The comments set out in detail below at 7.7.5 were explained. The CRT subsequently acknowledged receipt and did not offer any further comments.

4.1.6 Hertfordshire County Council – Highway Authority: [No objection]

Decision: 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:

Conditions:

Condition (construction management). The development shall not begin until full details of all proposed vehicle access, parking arrangements and mud / dust control facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan.

Reason;- To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition (site access design). The development shall not begin until details of the proposed turning manoeuvres (from both directions) for delivery and servicing vehicles (incorporating the proposed entrance gates for the site) is submitted to and approved in writing by the Local Planning Authority. The details submitted shall include a proposed construction programme confirming the delivery of the various proposed access arrangements.

Reason;- In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition (car park management plan). Prior to the first occupation of the development hereby permitted, a car parking management plan document shall be submitted to and approved in writing by the Local Planning Authority. The document is to include details of the allocation of vehicle parking spaces within the development; management and allocation of disabled parking spaces; and long term management responsibilities and maintenance schedules for all visitor parking spaces and vehicle manoeuvring areas.

Reason;- In order to minimise danger, obstruction and inconvenience to users of the development and the adjacent highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Advisory Note:

AN1) The applicant should be advised that this development would attract a first strand sustainable transport planning obligation contribution of £130,000 (towards the delivery of improved pedestrian and cycle access between the site and Kings Langley) derived in accordance with the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)' which can be downloaded at <http://www.hertfordshire.gov.uk/yourcouncil/hcc/resandperf/hertsprop/planningobs/>.

Highway comments:

This application requests outline permission for the demolition of the existing college building and its replacement with a residential building containing 65 new dwellings and associated car parking. The details submitted with the application include a Transport Statement document (incorporating a Travel Plan Statement) giving information on the following:

Highway Access.

The site is accessed from Home Park Mill Link Road which is classified as a Local Access Road within Hertfordshire's road hierarchy at the site location. This road provides a link between A4251 Watford Road to the west and Station Road to the east. The proposal assumes the retention of the existing highway access arrangement which delivers an acceptable standard of visibility for the driver of a vehicle emerging from the site. However the Highway Authority will require that the existing access gates are removed or repositioned to ensure that vehicle manoeuvres to and from the site can take place without obstructing the passage of traffic on the adjacent highway.

The existing access is relatively wide and encourages faster turning movements from the highway.

There is no information provided in respect of the manoeuvring of delivery and servicing vehicles in relation to the proposed position of the entrance gates. The proposed layout also identifies areas for the storage of refuse bins but these will be positioned some distance from the highway. The Local Planning Authority is asked to confirm that the positions shown are suitable for collection purposes.

Car and Cycle Parking:

On-site parking for 72 cars and 33 cycles is proposed. The Local Planning Authority is asked to give consideration to this provision as part of its assessment of the planning application. On-street parking on Home Park Mill Link Road is prohibited (at any time). There are further on-street parking restrictions on Watford Road (to the west) and Station Road (to the east). Any car parking demand associated with the development that is not accommodated on site is therefore unlikely to migrate to the adjacent highway links. The physical constraints of the site are not expected to accommodate any significant increase in the proposed car parking capacity. The development will therefore need to promote strong sustainable travel options to offset the demand for travel by private car. It is also suggested that the level of proposed cycle parking is increased to reflect the promotion of sustainable travel options identified below.

Sustainable Travel Modes.

The National Planning Policy Framework requires that decisions on development proposals of this nature should consider whether opportunities for sustainable transport modes have been taken up and also that safe and suitable access to the site can be achieved for all people. The site is well located in relation to the Kings Langley train station providing access to and from London. The development is therefore likely to be attractive to commuters who would not require access to a car during working periods.

Bus stops are available on both Station Road and Watford Road within a reasonable walking distance of the development and travel by bus is another option for potential trips from the development.

Pedestrian routes between the development and the station / bus stops are accommodated by footways on Home Park Mill Link Road, Station Road and Watford Road. Central pedestrian refuge islands are also provided on this road and a traffic signal controlled crossing is located on Station Road (on the route between the site and the train station).

The site is positioned close to the Grand Union Canal and a towpath route is available to the north and south of the site. Pedestrian access is therefore available into Kings Langley to the north (via Water Lane) and Hunton Bridge to the south. The current status of the full length of the towpath restricts its use to pedestrian journeys (generally recreational). However improvements to the route have been undertaken to the north of Water Lane to facilitate use of the route by both pedestrians and cyclists. There are also proposals to upgrade the section of the route between Water Lane and Home Park Mill Link Road to a similar shared use facility. The delivery of this improvement will promote sustainable access between the site and the facilities available within Kings Langley. The delivery of this towpath improvement is seen as a key element towards sustainable travel options for future users of the development. The Highway Authority therefore considers that the re-development of the site should provide a financial contribution sufficient to ensure that this improvement can be delivered in a timescale commensurate with the travel demands of the development. It suggests that a contribution of £2000 per residential unit should be provided via a Section 106 Agreement with the Highway Authority.

Travel Plan Statement.

The proposed residential development on the site should generate an ongoing review of the travel planning implications for the site. The nature of development under consideration will require that the Travel Plan Statement is updated and refined to reflect the low level of on-site car parking provision. It is suggested that the cycle parking facilities within the site should be increased and that all residents should be encouraged to walk and cycle between the site and the facilities in Kings Langley. The development should also give consideration to the operation of a car club within the site as part of its Travel Planning initiatives.

Highway Consultation Summary.

The site is considered to be reasonably well located in terms of reducing the need for travel by private car. The promotion of travel by sustainable modes is an important consideration for this proposal and there are facilities local to the site to encourage travel by these modes. The Highway Authority requests confirmation of vehicle manoeuvres on the site access (and approval of them) prior to commencement of the development. The Highway Authority will also require that formal consideration is given to all construction activities to ensure that any inconvenience to users of the site and the adjacent highway is kept to a minimum. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning conditions and advisory note identified above.

4.1.7 Environment Agency: [No objection]

The proposed development will be acceptable subject to conditions. We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

4.1.8 Herts Ecology: [Further information required]

I am not aware of any notable ecological interest at the proposed development site, an opinion supported by the Preliminary Ecological Appraisal (The Ecology Consultancy, April 2018). The appraisal also confirmed the presence of more common and widespread ecological features including some afforded protection in policy and law. However, it also suggested that adverse effects on these features can be avoided, although this is dependent on the implementation of a range of mitigation measures.

I have no reason to disagree with these conclusions but note that there is no evidence to show that these measures have been incorporated into the development.

To address this, and to enable the LPA to meet the expectations of the NPPF to secure biodiversity gain from developments, I recommend the following Condition (or similar) is attached to any consent:

“No development shall take place (including demolition, ground works, site clearance etc.) until a landscaping and mitigation plan that adopts the measures described in Section 4 of the Preliminary Ecological Appraisal (TEC, 2018) has been submitted to and approved in writing by the local planning authority. This shall include, but not be limited to, the:

- a) Purpose and biodiversity objectives for the proposed works;
- b) Detailed design(s) and/or working methods necessary to achieve these objectives (including, the provenance of native trees etc.);
- c) Extent and location of proposed works shown on appropriate scale plans;
- d) Timetable for implementation;
- e) Persons responsible for implementing the works;
- f) Details of initial aftercare and long-term maintenance;

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To avoid adverse effects on biodiversity and provide biodiversity gain.”

However, the appraisal also recommended that further surveys were carried out to determine the status of abundance and distribution or otherwise of water vole and otter populations prior to evaluating the impact of the development and identifying mitigation needs. Both benefit from specific protection in law and in general terms, it can be offence to harm, injure or kill these species or destroy their places of shelter. These modest surveys do not appear to have been carried out and so it is unknown if the development will cause harm to either or both species of their resting places.

Existing guidance (para 99 of ODPM Circular 06/05) states clearly that:

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Because this evidence is lacking, it is my opinion that the Council is unable to determine this application and should request that the appropriate surveys are carried out promptly; note that seasonal restrictions may apply.

4.1.9 Herts Ecology (subsequent comment): [No objection]

Following receipt of additional information from the applicant regarding the presence of Otters and Water Voles, Herts Ecology have commented as follows:

Thank you for sending me the Otter and Water vole Survey report (The Ecology Consultancy, 5 October 2018) submitted in support of this application. This follows an initial Preliminary Ecological Appraisal undertaken in March 2018 when potential habitat was identified that could support Otters and Water voles, which have both been recorded in the area in the past.

A presence/likely-absence survey was carried out on 21 September 2018. Habitats within the development site and to the north of it were not suitable to support Otters or Water voles; habitats south of the development site were assessed as being suitable for both species. However, no evidence / field signs were found and it was concluded that these species are likely-absent from the surveyed area. No further surveys are considered necessary (unless the redline boundary changes).

As Otters and Water voles are not confirmed within the application site or adjacent habitats, their favourable conservation status will not be negatively impacted by these development proposals, and no mitigation is required. Consequently, they should not be regarded as constraints to these development proposals. I consider the LPA now has sufficient information to fully consider Otters (European Protected Species) prior to determination.

Wall cotoneaster was recorded on site. This plant is listed as an invasive species in Schedule 9 of the Wildlife and Countryside Act 1981, and precautionary control measures should be put in place to prevent it spreading further.

I advise the Recommendations in the report are followed.

4.1.10 Hertfordshire County Council Historic Environment - Archaeology: [No objection]

The proposed development is located adjacent to Area of Archaeological Significance no. 43, as identified in the Local Plan. This covers the remains of a medieval moated site, interpreted as a possible royal hunting lodge (Historic Environment Record no. 800), which is a Scheduled Monument. The boundary of the Scheduled area lies circa 100m to the south west of the proposed development site.

The development site is just over 100 metres to the south-south-west of the remains of a Roman villa (HER no. 510) that was partly excavated in the 1820s and 1960s, revealing a tessellated pavement, Roman pottery and building materials. Further salvage excavation in 1981-2 revealed the almost complete plan of a corridor villa and part of a separate bath house.

The existing college building is built on the site of John Dickinson's 19th century Home Park paper mill, the earliest building of which was constructed in 1826 (HER no. 5761). The Mill Stream follows an unaltered course along the eastern edge of the site. The mill buildings were still standing in 1966, but were subsequently demolished and replaced by new industrial buildings.

Although this re-development may have caused some disturbance to the site, it still has the potential to contain archaeological remains (heritage assets with archaeological interest) of Roman and later post-medieval date, in particular. An archaeological desk-based assessment (DBA) submitted by the applicant (RSK 2018) has concluded that there is some archaeological potential at the site, and that archaeological mitigation is likely to be required.

With the above in mind, I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological monitoring of all groundworks associated with the demolition of any existing buildings, specifically any grubbing out of foundations or removal of slab, including a contingency for preservation or further investigation of any remains encountered;
2. the archaeological field evaluation, via trial trenching of the proposed development site, post demolition of the existing structures, but prior to any new development on site;
3. such appropriate mitigation measures indicated as necessary by this evaluation These may include:
 - a. the preservation of any remains in situ, if warranted,
 - b. appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d. such other provisions as may be necessary to protect the archaeological interests of the site
4. analysis of the results of the archaeological work with provisions for subsequent production of a report(s) and/or publication(s) of these results & an archive;
5. such other provisions 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. 141, etc. of the National Planning Policy Framework, 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 three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

4.1.11 Hertfordshire County Council – Lead Local Flood Authority: [No objection]

I have reviewed the Flood Risk & Drainage Strategy Part 1 and 2 produced by GHD dated May 2018 and the Amended proposed drainage layout and Amended summary of surface water drainage systems. I have treated these amendments as superseding the relevant parts of the Flood Risk & Drainage Strategy Part 1 and 2. Based on this information we are confident that the risk of flooding will be appropriately managed and therefore we have no objection to outline planning permission being granted.

The proposal is for surface water to be discharged to the Mill Stream at a maximum discharge rate of 5.0 L/S. The surface water flows generated by the site will be attenuated to this rate by a sealed cellular attenuation tank.

We recommend two conditions to the LPA should planning permission be granted.

4.1.12 Hertfordshire County Council – Minerals and Waste Team: [Comment]

The site is located within the sand and gravel belt as shown in the adopted Minerals Local Plan. The site also sits partially within the draft sand and gravel Mineral Safeguarding Area included in the Reg. 18 Draft Minerals Local Plan.

Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. The relevant Policy 5 within Hertfordshire Minerals Local Plan Review 2002-2016, adopted March 2007 states that mineral extraction will be encouraged prior to other development taking place where the mineral would otherwise be sterilised.

On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to

the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

- Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;
- Policy 2: Waste Prevention and Reduction: &
- Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at: <http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council.

4.1.13 Three Rivers Local Plans Team: [No objection]

The application seeks to demolish and replace the existing West Herts College campus with one residential building, consisting of up to 65 residential units. The application site is located within the Kings Langley employment area, which is allocated as a mixed use employment site and a housing site in the Site Allocations LDD (adopted 2014) (sites E(e) and H(1) respectively). Policy SA2 of the Site Allocations LDD states that sites allocated as having potential for mixed use development may provide for mixed use development including, but not limited to business, industrial and storage/distribution and residential or community uses. The introduction of a residential use to the site therefore complies with the site's mixed use allocation, raising no objection to Policy SA2. The Site Allocations LDD states that individual employment sites within the broad Kings Langley employment area have not been specifically identified. Therefore, both residential and employment use is acceptable within the broad area. The promotion of mixed use development is a core planning principle of the National Planning Policy Framework (NPPF) and should be encouraged in local decision-making.

However, if granted planning permission, the proposal would result in the loss of the site's existing use as an education facility. Policy CP8 of the Core Strategy states that development will offset the loss of any infrastructure, including education, through compensatory provision. The loss of the existing education use at the application site also raises a policy objection to Policy CP1(k) of the Core Strategy. Policy CP1(k) states that development will contribute to the sustainability of the District by taking into account the need to protect and enhance existing community, leisure and cultural facilities. According to Policy DM12 of the Development Management Proposals LDD, proposals for the redevelopment of any premises resulting in the loss of facilities or services that support the local community will only be permitted where the Council is satisfied that:

- i. The existing facility can be satisfactorily relocated within the development; or
- ii. The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or
- iii. The premises or site cannot readily be used for, or converted to, any other community facility and

iv. The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.

The proposal for the demolition and replacement of the college with residential dwellings means that the existing facility cannot be relocated within the development and subsequently Policy DM12(i) cannot be met. In order to still comply with Policy DM12, the applicant would need to demonstrate through evidence that the education use is no longer economically viable, that there is no longer a demand for the educational use of the site or that the site cannot be used or converted to another community facility. In addition to any of these circumstances, the loss of the education facility would need to be adequately supplied or met by an existing or new facility in an appropriate alternative location, in order to comply with Policy DM12. It is proposed that the existing facility in Kings Langley will be relocated to the West Herts College campus in Hemel Hempstead and combined into the campus redevelopment planned to take place here. Although the relocation of the education facility is not proposed within Three Rivers, Hemel Hempstead is considered an appropriate alternative location in the South West Herts area, served by sustainable transport modes. Point ii of Policy DM12 is considered to apply to the proposal, as the educational use of the site will be provided through the means of its relocation to the Hemel Hempstead campus. This can also be considered as compensatory provision, thereby complying with Policy CP8.

If granted planning permission, the proposal should comply with policies relating to housing mix, density and affordability. Policy CP4 of the Core Strategy states that the Council seeks 45% of all new housing to be affordable housing. The application proposes no affordable housing provision and therefore does not comply with the requirements set out in Policy CP4, raising a policy objection to the proposal. The accompanying Design and Access Statement cites non-viability as the reason this; Policy CP4 states that when assessing affordable housing requirements, the Council will 'treat each case on its merits', taking into account site circumstances and financial viability. The financial viability assessment accompanying the application will need to be considered by an independent assessor in order to make these considerations.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the District's range of housing needs, in terms of the size and type of dwellings, as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

The SHMA has identified the following indicative targets for affordable sector dwelling size within the Three Rivers District:

- 1 bedroom 40.9% of dwellings
- 2 bedrooms 28% of dwellings
- 3 bedrooms 29% of dwellings
- 4+ bedrooms 2.1% of dwellings

Evidence will be required at a later stage to confirm the proposal's provision of the necessary size and type of dwellings identified in the SHMA (2016). If adjustment to proportions of housing mix is sought, sufficient information should be provided on how relevant factors have contributed to the mix of housing proposed

4.1.14 Three Rivers Sustainable Projects Officer: [Comments received]

Paragraph 1.8 of the Design and Access Statement refers to an 'energy efficient building' however there is no information to support this statement.

Paragraph 3.19 of the Design and Access Statement states that 'The layout is orientated to provide the maximum number of apartment with views out over the fields to the south, and Mill Stream to the east'.

Further, the illustrative proposed site plan shows a number of the proposed 65 1-2 bedroom apartments with a single aspect, of particular concern would be the proposed significant proportion with a single southerly aspect. This would reduce potential natural ventilation flows, increase the potential solar gain and therefore increase the risk of overheating. As such there is significant concern that there is potentially a 'high' risk of summertime overheating in a majority of the flats. If this is not addressed through the design it is very likely that the occupants will increase their energy use through mechanical cooling which would have a subsequent impact on the energy demand. The impact of this must be considered in the carbon calculations for the development.

Paragraph 3.28 of the Design and Access Statement states that 'The Applicant will meet the Building Regulations baseline requirements in relation to energy efficiency. It is intended at the Reserved Matters stage that this will be achieved through the use of a number of energy efficiency methods, such as, good u-values and air tightness and effect heating controls, 'A' rated appliances, low water usage fittings and electric car charging points.' This would fall below the requirement to 'demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) having regard to feasibility and viability'.

The Illustrative Proposed Massing indicates that the development will have a flat roof. A flat roof can be ideal for the installation of solar PV as the panels can be orientated to maximise electricity generation. The potential for the generation of renewable energy through options such as solar water heating, solar PV, ground or air source heat pump should be explored.

The outline planning documents proposals do not provide sufficient details on how the development will meet the requirements. To prove compliance with the policy, the developer is required to submit an Energy Statement. The statement shall include the following details as a minimum:

1. The development's predicted energy demand in kWh/year. This figure should be based on SAP or SBEM calculations and separated by fuel type (this is the DER or BER value)
2. The total carbon dioxide (CO₂) emissions resulting from the above energy demand (kgCO₂/year).
3. Proposals to reduce the energy demand. Specifications of any decentralised energy source and/or low or renewable energy systems proposed for the development shall be included.
4. The reduction in carbon dioxide emissions resulting from the above measures. The Energy Statement should be presented in a way that is easy to read and understand. It should clearly state that the proposals meet the policy criteria and it should also be clear where data has been obtained from. It is preferable if this statement is produced by an accredited Energy Assessor.

Water Use

National Policy Framework paragraph 94 states that local authorities should take full account of water supply and demand considerations.

Policy DM8 relating to Water Resources states that the Council will support development where efficient use is made of water resources and account taken of climate change. This means incorporating all or some of the following measures as part of development:

- Rainwater harvesting techniques (for example providing water butts fitted to drainpipes and underground water storage as part of new development)
- Harvesting and recycling greywater (wastewater from baths, showers, washbasins, kitchen sinks)
- Using water efficient appliances (for showers, taps, washing machines, toilets etc)
- Using water efficient landscaping and irrigation measures (for example by using drought tolerant plants)
- New development adjacent to water courses should seek to include river restoration and de-culverting.

Building Regulations Part G – Sanitation, hot water safety and water efficiency applies to new dwellings. G2 (2) requires that the potential wholesome water consumption per person occupying a new dwelling must not exceed 125 litres per day. A variety of alternative sources of water, such as harvested rainwater or reclaimed greywater, may be suitable for some uses of water such as toilet flushing or irrigation.

4.1.15 Dacorum Borough Council: [Comment]

We would advise that in assessing and determining this application that consideration is given to the following live applications at West Herts College Dacorum Campus which were considered by Dacorum's Development Management Committee (on 12 April 2018):

Application 4/00473/18/MFA for development of an educational building, with associated landscaping, boundary treatments, parking and access arrangements including widened access to Dacorum Way and infrastructure at West Herts College, Dacorum Campus, Marlowes, Hemel Hempstead HP1 1HD; and

Application 4/00472/18/MOA for residential (Class C3) development following demolition of existing Block A building (outline application with all matters reserved except access) at land north of Dacorum Way, West Herts College, Dacorum Campus, Marlowes, Hemel Hempstead, HP1 1HD.

These proposals were assessed based on the enabling development case put forward by the applicant, specifically that the sale of the residential site (identified under 4/00472/18/MOA) with outline planning permission would assist in funding the second phase of the new college (submitted under 4/00473/18/MFA). As such, the application for residential development at the Dacorum Campus was considered by officers and members, accepting the case presented for enabling development, as an all-private scheme. The redevelopment of the Kings Langley Campus contributing to funding the new college was not a consideration and on this basis we would advise that the application is assessed on local and national policy with respect to affordable housing provision.

With respect to the level of parking provision proposed under the application at the Kings Langley Campus, we would advise that an assessment is made against the local policy standard to ensure this is met on-site; or if not met, that the applicant should provide evidence that the development would not result in severe impacts off-site including the highway network (reference to paragraph 109 of the revised National Planning Policy Framework). There would be concern locally given the amount of major development proposed in Kings Langley (in both authorities) and the surrounding area.

On all other matters Three Rivers District Council should have regard to the provisions contained within the relevant national and local development management policies.

4.1.16 Three Rivers District Council - Environmental Health (Contamination): [No objection]

There is enough information at this outline stage. We would require a full intrusive survey though as and when a detailed application is made, with respect to treatment of soft landscaping and any gardens (communal and private).

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 18

4.2.2 Site Notice: Displayed 1 June 2018, expired 22 June 2018

4.2.3 Press notice: Published 1 June 2018, expired 22 June 2018

4.2.4 No of responses received: Two comments have been received, one from a TRDC Councillor and one from a Councillor from Dacorum. Their comments can be summarised as follows:

- Concerns regarding increased traffic in the area from developments to the north (ie Apsley). Conversions in the area are increasing car ownership, which means there are cars spilling onto the road.
- Development has inadequate parking for households with more than one car, which makes parking overspilling into the Link Road more likely.
- The site is too far from shopping facilities to be reached within a reasonable walk so residents would rely on public transport. 1.5 spaces per dwelling would be an absolute minimum.

5 Reason for Delay

5.1 Late receipt of ecology information, and detailed reviews into the affordable housing assessment.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM12, DM13, Appendix 2 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policies SA1 (Site H(1)) and SA2 (Site E(e)) are relevant.

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 As noted above, this application seeks outline planning permission for the demolition of the existing college building and the construction of a block of flats. Policy DM12 of the Development Management Policies (DMLDD) relates to Community, Leisure and Cultural facilities and sets out that proposals for the redevelopment or change of use of any premises resulting in the loss of facilities or services that support the local community will only be permitted where the Council is satisfied that:

- i) The existing facility can be satisfactorily relocated within the development; or
- ii) The use concerned is not economically viable, could be provided by some other means, or it can be demonstrated that there is no longer a demand for the use; or
- iii) The premises or site cannot readily be used for, or converted to, any other community facility and:
- iv) The facility or service which will be lost will be adequately supplied or met by an easily accessible existing or new facility in an appropriate alternative location, served by sustainable modes of transport.

7.1.2 Where a use is no longer economically viable, the Council will require supporting information setting out reasons as to why the use is no longer viable and cannot be made viable in the foreseeable future. This may include details of previous use, accounts and marketing information demonstrating that the premises has been marketed for use as a community facility for a reasonable length of time and that no suitable user has been/or is likely to be found. The supporting text to the policy makes it clear that community uses include educational uses

7.1.3 The applicant (West Herts College) has included a supporting statement with this application. It explains that the current facility at Kings Langley campus provides teaching to 600 full time students and 400 adults across day and evening courses. At present 85%

of students at Kings Langley campus come from outside the local area, with 70% of those from Watford and Hemel Hempstead and 15% from north London. This reflects the college's wider role and appeal. Demographic expansion in South West Hertfordshire will see 12% increase in the number of 16-18 year olds over the next 6 years, increasing the demand for the existing provision. There is also a need for the college to meet employers demands for modern skills, which requires the college to expand and develop the teaching based at Kings Langley. The existing small footprint inhibits the ability to do this.

- 7.1.4 The applicant has explained that combining the Kings Langley provision with that in Hemel Hempstead made the most strategic sense, and will be based in state of the art facilities for high demand skills in technology, engineering and modern methods of construction. This creates a regional centre of excellence which remains accessible to local students including those living in and around Kings Langley. This would also increase the number of people employed by West Herts College.
- 7.1.5 The comments in the applicant's supporting statement indicate that the use concerned could be provided by some other means, namely at an alternative facility in Hemel Hempstead which will be state of the art and purpose built for its intended use, creating a regional centre of excellence. Dacorum Borough Council have brought to the LPA's attention their planning application reference 4/00473/18/MFA for "development of an educational building, with associated landscaping, boundary treatments, parking and access arrangements including widened access to Dacorum Way and infrastructure at West Herts College, Dacorum Campus" which has been granted permission. Therefore, it is considered that the proposal would accord with Policy DM12(ii). In respect of DM12(iv), the service which will be lost will be supplied by an easily accessible new facility in an appropriate alternative location. Hemel Hempstead is outside of Three Rivers District. However it is a large and accessible built up area, identified in Dacorum Borough Council's 2013 Core Strategy as being the main centre for development and change in the borough. Hemel Hempstead is accessible by rail from Kings Langley Station and has numerous bus routes, and the new facility referred to would be around five miles north of the existing.
- 7.1.6 Therefore it has been demonstrated that the loss of the existing facility would be acceptable, as a suitable alternative facility is to be provided in an appropriate alternative location served by sustainable modes of transport. Therefore, the principle of the loss of the college is considered acceptable.
- 7.1.7 The application site forms part of a wider employment site allocation. However the LPA is satisfied that the existing use is not a business, industrial, storage or distribution use. Furthermore, as set out above the existing use would be re-provided elsewhere, and would not therefore result in a loss of employment. The specific land allocation for the site (Kings Langley Employment Area) notes the site has a mixed use allocation. Policy SA2 sets out that sites allocated as having potential for mixed use development may provide for mixed use development including residential. It is not considered that the proposal would conflict with Policy SA2.
- 7.1.8 Policy SA1 sets out that allocated housing sites will be safeguarded for housing development, and that sites should be developed at an overall capacity which accords generally with the dwelling capacity given for that site. The housing allocation for the site notes a capacity of 100, and the proposed development would not exceed this. It is not considered that the application site in isolation is capable of accommodating 100 residential units.
- 7.1.9 Having regard to Policies SA1 and Policy CP2, and the justification above in respect of the loss of the community facility, it is considered that the redevelopment of the application site for residential purposes is acceptable in principle, subject to compliance with other relevant Development Plan policies.

7.2 Housing Mix

7.2.1 Policy CP3 of the Core Strategy states that the Council requires housing proposals to take into account the district's range of housing needs, in terms of the size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District as being:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

7.2.2 This application is submitted in outline only, with details of appearance, landscaping, layout and scale reserved. No details are included in the current application documents or form setting out the proposed dwelling mix. However, the submitted Affordable Housing Viability Appraisal is based on the premise of this development providing 40 one-bedroom dwellings (62% of total) and 25 two-bedroom dwellings (38% of total). This relatively limited split would not comply in full with Policy CP3. However it is recognised that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors. Whilst the housing mix would not strictly accord with Policy CP3, it is not considered that a development of this mix would prejudice the ability of the Council to deliver overall housing targets. Further consideration would be given to any alternative proposed mix of units as part of a Reserved Matters submission.

7.3 Affordable Housing

7.3.1 Policy CP4(a) of the Core Strategy states that the Council seeks 'an overall provision of around 45% of all new housing as affordable housing'. Policy CP4(b) goes on to state that as a guide, the Council seek 70% of all the affordable housing provided to be social rented and 30% to be intermediate. On this basis, in order to comply with Policy CP4 this development of up to 65 flats should provide 29 affordable units.

7.3.2 The application does not propose any affordable housing. The applicant has submitted a Financial Viability Appraisal with this application to justify the zero provision of affordable housing. The appraisal is based on this development providing 65 flats, (40 one-bedroom flats and 25 two-bedroom flats). However, it should be noted that as this is an outline application with only matters of access to be considered, it has not been shown at this stage that a development at this site could accommodate 65 units to a satisfactory and policy compliant standard in terms of appearance, layout or scale. The assessment below is based on the viability appraisal as submitted, and it should be noted that should a future reserved matters application be submitted with alternative unit numbers, it would be necessary for the viability to be rerun.

7.3.3 The applicant's submitted appraisal concludes that the scheme cannot viably afford to provide any affordable housing, concluding there would be a deficit of some £4.8million. The submitted appraisal has been reviewed by the Council's independent assessor and they have challenged a number of the assumptions relied upon. Despite the challenges, the Council's assessor has established that even on the basis of 100% market housing, the scheme shows a deficit of approximately £862,000, which confirms that the scheme cannot viably afford to provide any affordable housing either on site or by commuted sum. Both the applicant and the council's assessor have agreed that one key reason for this is the costs involved, which include the demolition of the existing building, undertaking works to the existing culvert and river wall, and the potential for complex party wall issues. The conclusion reached has been reviewed internally by the Property Services team, and they have concurred with the conclusions of the appraisal.

7.3.4 In order to provide an additional level of assurance, the applicant's original viability appraisal has been reviewed by a second independent viability assessor on behalf of the LPA. That assessor has focussed their review on the applicant's submitted appraisal rather than seeking to build upon or amend the LPA's original assessor's report.

7.3.5 The second viability review considered the applicant's suggested Benchmark Land Value to be reasonable, as it was not considered that the existing building would be in a poor condition considering its existing and ongoing use. It is agreed that if the current occupant were to vacate, the building would be of interest to other D1 and B1/B8 users such that the site would have a substantial Existing Use Value. In respect of the suggested sales values for the proposed dwellings, the review notes that there is good competition for flatted properties locally, and considers that the suggested pricing is commensurate with the top end of the local market.

7.3.6 In respect of Build Costs, the second review does consider that the applicant's build costs can be reduced, however the amount they could be reduced by would not be sufficient to overcome the viability deficit of £4.8 million. The second formal review therefore agrees with the overall finding put forward by both the applicant and the LPA's first review that the scheme cannot reasonably deliver any affordable housing, based on present day costs and values. In terms of an explanation, the review notes the following:

In general terms, viability in this type of location (Home Counties, M25 Corridor) is commonly hampered by high local build costs (as shown by BCIS's location factor) and have sales values that are not sufficient to overcome these costs to the extent that a substantial residual land value can be generated, such that if a site happens to have a substantial value in its existing use then this can jeopardise scheme viability – as is the case with this Kings Langley Campus scheme.

7.3.7 The secondary reviewer does comment as follows in respect of the future situation:

The applicant may be depending on expectations of future growth in sales values to improve viability and move the proposed scheme into a viable position (or expecting that developers seeking to purchase the site with consent in place would themselves have a positive outlook on future growth). Residual valuations are highly sensitive to changes in costs and values over time, therefore we recommend that the Council considers seeking agreement to a deferred contributions mechanism, based on outturn costs and values, so that if improvements in viability result in a profit surplus being generated, this can trigger the payment of affordable housing contributions.

7.3.8 On the basis of the above, it is considered that the use of a review mechanism, to enable the viability to be revisited in the future and a possible financial contribution sought in the event the viability position does change, would be directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has agreed to the principle of entering into a legal agreement to secure such a mechanism. Subject to the completion of this agreement and a review mechanism being secured, it is considered that the applicant has demonstrated that at the present time the proposal cannot viably afford to provide any affordable housing contribution, but that the viability can be revisited in the future to enable any change in circumstances to be taken into account.

7.4 Impact on Character and Street Scene

7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness

of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.4.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic;
- iv. Loss of residential amenity;
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.4.3 As previously noted, this application has been submitted in outline with only matters of access to be considered. Matters of appearance, scale, layout and landscaping are reserved for later consideration. Notwithstanding this, the indicative plans submitted with the proposal indicate a building of a massing larger than that of Pinnacle House. In the absence of detailed elevations the LPA is not able to fully assess whether this massing would be acceptable or unacceptable. The full assessment would be made as part of a future reserved matters application.

7.5 Impact on amenity of neighbours

7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. As already noted, this application is submitted in outline with only matters of access to be considered in detail. An indicative site layout plan has been submitted which indicates that the site could accommodate a development set sufficient distance from the nearest neighbouring properties. The acceptability of the site's layout relative to Pinnacle House would be assessed in full as part of the submission and assessment of a reserved matters application.

7.5.2 There are no other residential properties in close proximity of the application site that would be affected by the proposed development.

7.6 Quality of accommodation for future occupants

7.6.1 The application only provides indicative details of the layout of the site, and therefore a full assessment of the quality of the accommodation and quantum and quality of amenity space cannot be made at this time. However, it is considered that given the nature and location of the site, it would be possible to design a development to provide sufficient levels of amenity space in accordance with the requirements of Appendix 2. This would be fully considered as part of any subsequent Reserved Matters application.

7.7 Assessment of Access

7.7.1 Policy CP10 of the Core Strategy sets out that development will need to demonstrate that it provides a safe and adequate means of access and requires development to make adequate provision for all users, including car parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians.

- 7.7.2 The application site benefits from an existing vehicular access from Home Park Mill Link Road. This provides access to the adjacent Pinnacle House site (which has approval for 91 flats) and to the application site. The application has been accompanied by a Transport Statement, which has been reviewed by Hertfordshire County Council as Local Highway Authority. They note that the existing access delivers an acceptable standard of visibility for drivers emerging from the site, however the existing access gates should be removed or repositioned to ensure manoeuvres to and from the site can take place without obstructing the passage of traffic on the adjacent highway. A condition has been recommended requiring details of manoeuvring within the site. It is noted that this would relate in part to the site layout which is a matter reserved for later consideration.
- 7.7.3 The submitted Transport Statement sets out that the proposed development would facilitate a reduction in vehicular trips when compared to the existing use.
- 7.7.4 The Local Highway Authority conclude that the site is considered to be reasonably well located in terms of reducing the need for travel by private car, and note that the promotion of travel by sustainable modes is an important consideration for the proposal. Subject to conditions, no objections are raised by the Highway Authority.
- 7.7.5 It is noted that the Local Highway Authority have recommended a contribution of £2000 per residential unit should be provided via a Section 106 agreement to enable improvements to be delivered to the canal towpath between Water Lane and Home Park Mill Link Road, to promote sustainable access between the site and the facilities available within Kings Langley. It is acknowledged that the Highway Authority consider the delivery of the towpath improvement to be a key element toward sustainable travel options for future users of the development. However, the improvements for which a contribution is sought are not located within the Administrative Area of Three Rivers District Council, and therefore it is not considered that a contribution can be justified. It is noted that an area of towpath within Three Rivers' administrative area is within the scope of an ongoing project. However this is in an area south of Red Lion Lane, over a mile from the application site. It is not considered that a contribution to this element would be compliant with Paragraph 56 of the NPPF, which requires planning obligations to be necessary to make the development acceptable in planning terms, and directly related to the development. In addition, it is also acknowledged that the development has demonstrated that it would not be viable to provide any contribution (either financial or on-site) toward the provision of affordable housing within the District. Were any surplus available as part of this scheme, it is considered that using it toward the provision of affordable housing would be of a higher priority than using it for improvements to the towpath, because of the acute need for affordable housing in the District. The development is considered, as set out in this report to be acceptable in planning terms and therefore a contribution toward towpath improvements in this area is not considered 'necessary to make the development acceptable in planning terms'. In addition, given the distance between the proposed length of towpath within Three Rivers' administrative area and the application site, it is not considered that a contribution would be 'directly related to the development', thereby not complying with the tests set out in the NPPF.

7.8 Car Parking

- 7.8.1 The submitted application form sets out that the site as existing contains 50 car parking spaces, and the site as proposed would contain 72 car parking spaces. The submitted outline application form contains no details of the sizes of individual proposed flats, however the submitted Affordable Housing Viability Assessment is based on a scheme for 40 one-bedroom units and 25 two-bedroom units. The provision of 72 car parking spaces would result in a provision of no more than 1.1 car parking spaces per flat.
- 7.8.2 Appendix 5 of the Development Management Policies sets out car parking requirements. For residential flats, the requirement for 1 bedroom dwellings is 1.75 spaces per dwelling (1 assigned space), and for 2 bedroom dwellings 2 spaces per dwelling (1 assigned

space). Based on the tenure split set out in the submitted viability appraisal as detailed above, the development would require a total of 120 parking spaces (of which 65 should be allocated). Therefore the scheme has a shortfall of 48 parking spaces, or is providing 60% of the required parking spaces. If the proposal were to provide 65 one bedroom flats (ie accommodation with the lowest parking requirement), it would require a total of 113 parking spaces (of which 65 should be allocated), and would therefore have a shortfall of 41 car parking spaces. If a policy compliant 120 parking spaces was to be provided, this would equate to a ratio of 1.8 parking spaces per unit. Appendix 5 sets out that in areas of high accessibility and good service provision a reduction in the levels of parking for C3 residential may be appropriate.

7.8.3 To this extent, the applicant has sought to demonstrate that the application site is accessible. The Transport Statement notes that the site is within walking distance (300m) of Kings Langley Railway Station, convenience stores and health facilities. All local roads have footway provision, street lighting and crossing facilities. There are a wide range of employment opportunities in Kings Langley, and the railway provides access to Central London, as well as Watford and other employment areas. A bus stop approximately 400m west of the site provides access to Watford and Aylesbury with reasonable frequency, with local busses also available from the bus stop at Kings Langley Station. The applicant's Design and Access Statement sets out that the proposal provides for a mix of apartments with car parking in line with market research. The submitted summary of the market research makes it clear that providing car parking is of primary importance as it features in all responses. The statement makes reference to the zonal reduction for car parking, however this percentage reduction is only relevant for non-residential development. The applicant argues that the site is located in a highly sustainable location given its proximity to the railway station and bus stop noted above, and has connectivity to public rights of way, and on this basis seeks to promote car parking provision at 1.1 spaces per unit.

7.8.4 The neighbouring site, Pinnacle House, is currently being converted to provide 91 residential flats (12x two-bedroom and 79x one-bedroom). That site originally contained 136 car parking spaces, with that number reduced to 116 spaces as part of the development. That represents an average of 1.2 car parking spaces per unit. To meet the requirements of Appendix 5, the site required 162.25 parking spaces, and therefore provided a shortfall of 46 spaces in relation to the council's standards (eg the site is providing 71% of the parking spaces required by policy). In justifying the grant of prior approval, the officer report noted the following:

The application site is located within 400m of Kings Langley Train Station and within walking distance of bus stops along Station Road close to the train station. Furthermore, the parking provision would provide one allocated space per unit with the provision of 28 visitor spaces. Thus, although the development would provide a shortfall in parking relative to Local Plan standards the site is considered to be in a sustainable location where the reduction proposed would, on balance, be acceptable. Due to the fact that the site is located along a busy link road providing access to the M25 and that the proposal would result in a reduced amount of parking relative to current standards a condition requiring a parking management plan to be submitted is suggested to ensure sufficient parking will be allocated to the occupants of the building. This condition would ensure that the on-site parking will be solely allocated to the residents occupying the building.

7.8.5 In addition to this, it is noted that Home Park Mill Link Road contains double yellow line parking restrictions, prohibiting parking along its length. The Council as Parking Authority has recently consulted on a Traffic Regulation Order for a 40 metre length of Home Park Mill Link Road on the northern side of the road and west of the application site, to introduce parking bays. In a decision dated 17 December 2018 the proposal to introduce this Traffic Regulation Order was withdrawn. Therefore, there remain very few opportunities for any overspill car parking to have an adverse impact on highway safety or the free flow of traffic.

7.8.6 The current application scheme and that approved at Pinnacle House are comparable, with both providing one parking space per flat, plus spaces for visitors. As previously stated, this outline application does not formally include details of the sizes of the proposed units or the total number but the potential unit size split has been considered. This outline application relates to the principle of up to 65 flats. Paragraph 7.8.2 above assesses the parking requirement based on the split of unit sizes tested as part of the affordable housing viability exercise. Whilst there is a shortfall in parking space provision, having regard to the site circumstances and location, and the limited opportunities for additional on-street car parking, it is not considered that the parking shortfall would result in any demonstrable harm or danger to highway users or to the free flow of traffic, and on this basis no objections are raised. Any future proposal submitted as part of a Reserved Matters application would be required to provide an absolute minimum of 1.1 car parking spaces per unit, but additional parking is encouraged.

7.9 Wildlife and Biodiversity

7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist and a preliminary ecological appraisal.

7.9.3 The key issues arising from the appraisal are that the section of Mill Stream in the south east corner of the site provides suitable habitat for otter and water vole, and further surveys are required. In respect of breeding birds, the areas of scrub, trees and buildings on site have potential to support widespread breeding birds which would be impacted by the development. Habitat with low potential to support reptiles were present at the site. Recommendations are made in respect of enhancing the biodiversity of the site.

7.9.4 The appraisal has been reviewed by Herts Ecology. They concur with the conclusions within the submitted appraisal, and note that a condition is necessary to ensure a mitigation plan is submitted to and approved in writing by the LPA, and implemented thereafter. With specific regard to Otters and Water Vole, a report has been submitted by the applicant and Herts Ecology have confirmed that they are satisfied with the content of the report, and that the report's recommendations should be followed.

7.10 Trees and Landscaping

7.10.1 The indicative layout of the building indicates no obvious need for tree removals. However, a detailed consideration of matters of layout and landscaping, and the resultant impact on trees within the site would be considered as part of a reserved matters submission.

7.11 Flood Risk and Drainage

7.11.1 Core Strategy Policy CP1 sets out that development should avoid areas at risk from flooding. Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding.

Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere. Where practicable, existing flood risks should be reduced.

- 7.11.2 The Environment Agency and Lead Local Flood Authority have been consulted on this application. Having received additional information, neither statutory consultee has any objections to the proposal subject to the imposition of a number of conditions relating to the proposed drainage strategy and details of the proposed landscaping following de-culverting the river.

7.12 Contamination

- 7.12.1 Core Strategy Policy CP1 also states that development should manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies document advises that the quality of groundwater resources should be protected from aquatic pollution and Policy DM9 sets out that permission will not be granted for development which would or could give rise to polluting emissions to land, air and/or water. In addition, permission will not be granted for development which would be subject to unacceptable noise levels or disturbance from existing noise sources.

- 7.12.2 The application has been accompanied by a Phase 1 Desk Study, to assess the geological and land contamination conditions on and beneath the surface of the site. The study identifies that the site historically has only been used for industrial purposes, and that potential contaminants that may be present within soils and ground water include gasses, organic and inorganic contaminants from alluvial soils, hydrocarbons, oil and diesel, and historic landfill material. The report notes there is potential for a high water table, and there is potential for soil contamination to be present due to the history of manufacturing works being undertaken in this location. There is also potential for ground gas to affect the proposal. The study concludes that further assessment is required, and ground investigation works should be undertaken.

- 7.12.3 Subject to conditions requiring these works to be undertaken, with details of any proposed mitigation submitted to the LPA for its approval and implemented in full, it is considered that the proposal would not have an unacceptable risk to future occupants.

7.13 Refuse and Recycling

- 7.13.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

- 7.13.2 The layout of the site would form part of the consideration of a subsequent Reserved Matters application and this would set out the accessibility and turning space for refuse collection vehicles, as well as storage facilities for containers. However, it is considered that sufficient space would be available within the site to provide acceptable opportunities for waste and recycling facilities to serve the residential development.

7.14 Sustainability

- 7.14.1 Paragraph 93 of the NPPF states that "Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability

and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.14.2 Policy CP1 of the Core Strategy requires all applications for new residential development of one unit or more to submit an Energy Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.14.3 Policy DM4 of the Development Management Policies document requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. From 2016, Policy DM4 advises that residential development should demonstrate it will meet a zero carbon standard as defined by Government. However, the Government are not currently pursuing zero carbon targets and as such the requirement would remain a 5% carbon dioxide saving over Building Regulations Part L (2013) standards.

7.14.4 As this application is for outline permission with all matters reserved, an Energy Statement has not been submitted with the application. This would form part of the consideration of any subsequent Reserved Matters application.

7.15 Safety and Security

7.15.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.

7.15.2 The Hertfordshire Constabulary Crime Prevention Design Advisor has not commented on the application. However this is an outline application with matters of site layout reserved. The detailed design of the site should take into account Crime Prevention advice and this matter would be dealt with as part of a future reserved matters application submission.

7.16 Impact on Heritage Assets

7.16.1 The submitted Historic Environment assessment confirms that the site is within 100m of a Scheduled Monument (Little London moated site and surrounding earthwork enclosures, located within the administrative area of Dacorum Borough Council) and is close to a number of Grade II Listed Buildings. The site is also adjacent to an Area of Archaeological Significance.

7.16.2 In terms of the impact of the proposal on the listed buildings, the closest listed building (Home Park Lock House) is approximately 50 metres from the application site. Given its location and separation from the application site and the mixed character of the locality, it is not considered that the proposal would adversely affect the setting or significance of this listed building.

7.16.3 In respect of archaeology, the county archaeology service have commented that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, and a condition is therefore recommended to protect this asset.

7.17 Infrastructure Contributions

7.17.1 As noted above, the proposed development cannot reasonably afford to provide any contribution toward affordable housing in the District. The site is within CIL Charging Area B, wherein residential developments are subject to a CIL charge of £120 per square metre (plus indexation). No other contributions are applicable.

7.18 Conclusion

- 7.18.1 In summary, it is considered that the principle of the proposed development would be acceptable in planning policy terms, and that the proposed point of access would be sufficient to serve a development of the size set out in the submitted documentation. Detailed matters of the appearance, landscaping, layout and scale of the proposal would be reviewed at a later date. Whilst no affordable housing contribution is proposed, it is considered that the application has demonstrated that the proposal cannot reasonably afford to provide any contribution. The applicant has agreed to the principle of a review mechanism being secured, which would enable the viability to be revisited at a later date to capture any additional value that may arise. On this basis, subject to the completion of the legal agreement and to the conditions set out below, the proposed development is considered to be acceptable and in accordance with the Development Plan.

8 **Recommendation**

- 8.1 That OUTLINE PLANNING PERMISSION BE GRANTED subject to the completion of a Section 106 and subject the following conditions:

- C1 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- C3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing Nos. 114822-IBI-XX-XX-XX-PL-A-200-00 (Location Plan), 200-01 (Existing Site Plan), 200-08 (Proposed Access Plan).

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP6, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, and DM9 of the Development Management Policies LDD (adopted July 2013) and Policy SA2 of the Site Allocations LDD (adopted November 2014).

- C4 The total number of residential units provided within the scheme shall not exceed 65.

Reason: For the avoidance of doubt, in the interests of planning, and to ensure the development remains within the scope and parameters of the submitted and reviewed Affordable Housing Viability Appraisal assumptions to accord with Policies CP1 and CP4 of the Core Strategy (adopted October 2011).

C5 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. An updated preliminary risk assessment which has identified:
 - all previous uses;
 - all proposed activities
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: This is a pre commencement condition to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C6 Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

C7 The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: This is a pre commencement condition to ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with paragraph 170 of the

National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C9 No infiltration of surface water drainage into the ground at this site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C10 Piling and other foundation designs, deep excavations, investigation boreholes and ground source heating and cooling systems using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the proposed piling and foundations, installation of groundwater boreholes do not harm groundwater resources in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C11 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the borehole. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reasons: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with paragraph 170 of the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (July 2013).

- C12 No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented as approved.

The scheme shall include the following elements:

- Provide detailed cross sections for the new proposed section of river. The upstream culvert and downstream bridge width on site will constrain flows, meaning the width of the new section of river should take this in to account.
- Provide information on the bank gradients, material and planting regime

- Provide information regarding the substrate of the river
- Provide a method statement for the river works
- Provide details of timescales/timetabling for the works to take place
- Detail extent and type of new planting (NB planting to be of native species)
- Details of maintenance regimes
- Provide information on whether a new bridge is proposed for this development. If a new bridge is proposed, we would require the abutments to be set back.

Reasons: This is a pre commencement condition to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with paragraph 170 and 175 of the National Planning Policy Framework and Policies DM6 and DM9 of the Development Management Policies LDD (July 2013).

- C13 The development shall not begin until full details of all proposed vehicle access, parking arrangements and mud / dust control facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan. The construction works shall thereafter be implemented only in accordance with the details as approved by this condition.

Reason: This is a pre commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C14 The development shall not begin until details of the proposed turning manoeuvres (from both directions) for delivery and servicing vehicles (incorporating the proposed entrance gates for the site) is submitted to and approved in writing by the Local Planning Authority. The details submitted shall include a proposed construction programme confirming the delivery of the various proposed access arrangements. The development shall be implemented only in accordance with the details approved by this condition.

Reason: This is a pre commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the first occupation of the development hereby permitted, a car parking management plan document shall be submitted to and approved in writing by the Local Planning Authority. The document is to include details of the allocation of vehicle parking spaces within the development; management and allocation of disabled parking spaces; and long term management responsibilities and maintenance schedules for all visitor parking spaces and vehicle manoeuvring areas. The development and management of the car parking shall thereafter be implemented and maintained only in accordance with the details approved by this condition.

Reason: In order to minimise danger, obstruction and inconvenience to users of the development and the adjacent highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C16 No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing.

A The scheme shall include an assessment of archaeological significance and research questions; and:

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

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C17 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk & Drainage Strategy Part 1 and 2 dated May 2018 and the Amended proposed drainage layout [drawing no. 12501247-GHD-DR-C-5602] and Amended summary of surface water drainage systems produced by GHD, including:

1. Discharge of surface water to the Mill Stream at a maximum rate of 5.0 L/S.
2. The outfall to the Mill Stream to be kept at 65.76m so that it is above the modelled flood level for a 1 in 100 year fluvial event + 20% for climate change.
3. A sealed cellular attenuation tank to provide sufficient storage to manage surface water upto the 1 in 100 plus 40% for climate change rainfall event.
4. Out of system flooding limited to circa 1.5m³ from the critical 1 in 100 year + 40% for climate change rainfall event, contained within the development and without flooding to buildings.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants, to comply with Policy DM8 of the Development Management Policies Local Development Document (LDD).

C18 No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth, cross section and any inlet and outlet features including any connecting pipe runs.
2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
3. A plan to show the extent and depth of anticipated out of system flooding following the 1 in 100 year critical rainfall event plus 40% for climate change.

Reason: This is a pre commencement condition to prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants, to comply with Policy DM8 of the Development Management Policies Local Development Document (LDD).

C19 No development shall take place (including demolition, ground works, site clearance etc) until a landscaping and mitigation plan that adopts the measures described in Section 4 of the Preliminary Ecological Appraisal (TEC, 2018) and the measures within the Otter and Water Vole Survey (The Ecology Consultancy 2018) has been submitted to and approved in writing by the local planning authority. This shall include, but not be limited to, the:

- Purpose and biodiversity objectives for the proposed works;
- Detailed design(s) and/or working methods necessary to achieve these objectives (including, the provenance of native trees etc);
- Extent and location of proposed works shown on appropriate scale plans;
- Timetable for implementation;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance;

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: This is a pre commencement condition in the interests of safeguarding protected species and to provide biodiversity gain, to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C20 Prior to the commencement of development, including any demolition, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

8.2 **Informatives:**

11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or

altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that 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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 15 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Mill Stream/River Gade, designated a 'main river'. Details of lower risk activities that

may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk.

- 16 The applicant is advised that wall cotoneaster was recorded on site. This plant is listed as an invasive species in Schedule 9 of the Wildlife and Countryside Act 1981, and precautionary control measures should be put in place to prevent it spreading further.

8.3 Refusal if no S106 Agreed

- 8.3.1 If a S106 agreement is not completed by 17 April 2019, or agreement in respect of the terms of the S106 agreement is not reached, unless otherwise agreed in writing with the Head of Regulatory Services outline planning permission be refused for the following reason:

R1 Agreement regarding the nature and type of affordable housing review mechanism has not been reached at this time and the application has not demonstrated that it would not be viable to meet the Council's affordable housing policy requirement. Accordingly the development conflicts with the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011).

8.4 Informative if no S106 Agreed:

- 11 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst the applicant and the Local Planning Authority discussed the scheme during the course of the application, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.