

PLANNING COMMITTEE – 25 FEBRUARY 2021

PART I – DELEGATED

6. **20/1858/AOD - APPROVAL OF DETAILS: Demolition of existing college building and redevelopment for a residential development of up to 65 flats in a five storey building (submission of reserved matters of appearance, landscaping, layout and scale for consideration pursuant to condition 1 of outline planning permission 18/1034/OUT) at WEST HERTS COLLEGE, HOME PARK MILL LINK ROAD, KINGS LANGLEY HERTFORDSHIRE WD4 8LZ (DCES)**

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 02.12.2020
(Extension of Time Agreed 05.03.2021)

Ward: Gade Valley
Case Officer: Scott Volker

Recommendation: (1) That in the absence of comments from HCC as Lead Local Flood Authority or in the event that their technical objection is maintained, that the application be deferred to a subsequent Committee Meeting; or (2) That subject to no objection from HCC as Lead Local Flood Authority (LLFA), the decision be delegated to the Director of Community and Environmental Services and that PLANNING PERMISSION BE GRANTED, subject to the conditions set out at section 8.2; subject to any conditions as requested by the LLFA;

Reason for consideration by the Committee: Outline application 18/1034/OUT was determined at Planning Committee in January 2019 and Members requested any subsequent Reserved Matters application be heard at Committee.

1 Relevant Planning History

- 1.1 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] – Approved August 2019.

2 Description of Application Site

- 2.1 The site contains a two storey building, previously occupied by West Herts College. The building is fairly square and functional in design, with shallow pitched roofs hidden behind tall parapet walls.
- 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 The building adjoins Pinnacle House to the west. 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 completed. To the east of the site, on the other side of the River Gade, is a warehouse building.

3 Description of Proposed Development

- 3.1 This application seeks the approval of details pursuant to Condition 1 of Outline planning permission 18/1034/OUT for the demolition of existing college building and redevelopment for a residential development of up to 65 flats in a five storey building. The mix of dwelling types would comprise 20 x 1-bed (2 person units) and 45 x 2-bed (9 x 3 person units and 36 x 4 person units). All the units would benefit from a private balcony or terrace area.

- 3.2 The access serving the new flatted development was approved as part of the abovementioned Outline application. The proposed building would have an 'L' shaped footprint which would include an undercroft arrangement to the rear to allow for parking at ground floor level with residential units above. The building would have a depth of approximately 53 metres. The front elevation would have a width of approximately 23.5 metres and maximum width of approximately 33 metres to the rear. For the majority of its depth i.e. the central section of the building, it would have a width of approx. 16 metres. As previously stated the building would comprise five storeys and would include a 'sawtooth' roof form measuring a maximum height of approximately 17 metres from ground level. The building would be set back from the highway by approximately 18.2 metres, set in a minimum of approximately 12.5 metres and 5.5 metres from the east and west boundaries respectively and approximately 9.5 metres from the rear of the site. The existing building is attached to Pinnacle House but the proposal would remove this attachment and would clad the flank wall of Pinnacle House with a green wall.
- 3.3 The development would provide 73 car parking spaces which would be primarily located along the western flank of the building although spaces are also provided around the north-eastern corner of the building. Within the south-eastern corner of the site it is proposed to de-culvert the Mill Stream and provide an area of communal amenity space. The public footpath which currently runs through the south-eastern corner of the site would remain and a new footbridge would be constructed across the opened up Mill Stream.
- 3.4 It is proposed to use dark grey brick at ground floor level with light grey brick (flecked with a mix of darker bricks) for the upper floors. A cantilevered bay within the northern frontage would form the entrance into the flatted development and this would be constructed using red brick to highlight the main entrance.
- 3.5 Amended plans were received during the course of the application to include the de-culverting of the Mill Stream.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Objection]

The members object to this development and share concerns submitted by residents. The development is very large and taller than other buildings in the area. The Pinnacle House development next to this site is three storey's high. There is no provision for affordable housing and the limited parking in the area is a concern. The area is prone to flooding from the historical mill stream which should also be addressed.

In addition to previous comments made on this application, the members are concerned about the risk of flooding with regards to the redirection of the mill stream. This area was previously a flood plain.

4.1.2 Canal and River Trust: [No comments to make]

4.1.3 Environment Agency (Initial Comment): [Initial objection overcome]

We OBJECT to the application as it does not open up the main river culvert on the site. This will reduce the benefits which come from the de-culverting of the river; namely to reduce flood risk and improve the biodiversity and nature conservation value of the site.

In addition, the proposals are not in line with Development Plan Policy DM6 section g) Watercourses and the aims of the Water Framework Directive (WFD).

Reasons

- a) *There is an opportunity to open up the culvert which provides benefits in reducing flood risk and increasing biodiversity and wildlife connectivity on the site. The applicant has not provided robust justification as to why this been removed from the proposal.*
- b) *Opening up the culvert would create further space with opportunities to enhance the channel to benefit wildlife. In the Drainage Statement accompanying the application it is outlined that removing the culvert is not an option due to engineering constraints but there is not sufficient evidence to justify this. When the culvert comes to the end of its design life we would ask for de-culverting at this stage.*
- c) *When de-culverting or daylighting a channel, the river does not have to follow the current course of the culvert but instead could be realigned to a more natural meandering character which may address concerns with regards to the proximity of the culvert to the eastern boundary. All options should be explored. If the applicant does not explore other options for de-culverting/ daylighting, or does not provide sound justification for why this is not included in the proposal, we are likely to maintain our objection.*
- d) *The proposals are contrary to the Development Plan Policy DM6 section g) watercourses. This states - Watercourses; any development adjacent to, over or in a watercourse needs to take into account consideration of the Water Framework Directive requirements and opportunities outlined in the Thames River Basin Management Plan. All developments should seek to improve the biodiversity of the site and contribute towards the riparian corridor's ability to be used by migrating species.*

The Thames River Basin Management Plan (TRBMP) gives 'de-culverting' as a current WFD action for this site.

I have provided further detailed comment on the Drainage Strategy Statement (Aug 2020) in the attachment (appendix 1).

If these proposals had been submitted with the Outline Application ref: 18/1034/OUT we would have objected to the application.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

If it were decided that de-culverting could not go ahead, we would be asking for some kind of mitigation as a result - likely a financial contribution through a section 106 agreement - in order to address the missed opportunity to enhance the river and undertake works in relation to the WFD.

Officer Comment:

Following the above comments, the applicant engaged with the EA and provided further information in an attempt to overcome their objection. The EA subsequently submitted the following comments:

4.1.4 Environment Agency (Further Comment): [No objection]

Following our meetings and a review of the amended plans, we are in a position to remove our objection. We have no objection to the application, subject to the condition below being placed on any planning permission granted.

Condition:

No development shall take place until a Fish & Eel Passage Report is submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The agreed actions from the Report shall be implemented as approved, and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The Report shall include as a minimum the following;

- *An assessment of the current Fish & Eel passage capability (to be used as a baseline from which to assess the options).*
- *An appraisal of all possible options to allow and enhance Fish & Eel passage through the site and justification of the chosen design.*
- *Evidence that the chosen design will not result in deterioration of the current Fish & Eel passage capability and will maximise passage where possible.*
- *An agreed design approach for the chosen option and an implementation plan.*

Reason: To allow Fish & Eel passage through the site and to take into account the considerations of the Water Framework Directive in line with Policy DM6 of the Local Plan.

4.1.5 Lead Local Flood Authority – [Holding Objection]

Thank you for consulting us on the above application Approval of Details: Demolition of existing college building and redevelopment for a residential development of up to 65 flats in a five storey building (Submission of Reserved Matters of appearance, landscaping, layout and scale for consideration pursuant to Condition 1 of Outline Planning Permission 18/1034/OUT) at West Herts College, Home Park Mill Link Road, Station Road, Kings Langley, Hertfordshire, WD4 8LZ.

Following review of the submitted Drainage Strategy Statement (carried out by RSK, ref: 133834-DSS, rev: 02, dated: 09 June 2020) and the Proposed Drainage Layout (ref: 133834-RSK-DS-001, rev: P04, dated: 26.08.2020), we understand that the proposed drainage strategy is based on attenuation via tanked permeable paving, 3 attenuation tanks and a detention basin which will discharge into the Mill Stream located on site via flow control device and bio-retention feature. We note that following amendments to the scheme since the submission of outline planning permission (ref: 18/1034/OUT), the proposals no longer include the de-culverting of the section of Mill Stream flowing through the site.

We understand from the proposed drainage layout that the proposed basin has been located near to the existing culverted watercourse and therefore if the watercourse was de-culverted and opened up, this basin would not likely be feasible in this location. This is the same for the proposed bio-retention basin as the Typical Sections Through SuDs Features plan submitted (ref: 133834-RSK-DS-003, rev: P03, dated: 20.08.2020) shows that the side slopes to be constructed for both the bio-retention basin and detention basin are currently proposed over the existing culvert. Therefore, if the watercourse is opened, these cannot be built in this location.

We are aware that the Mill Stream is a main river and therefore is under the responsibility of the Environment Agency who have provided comments (ref: NE/2020/132302/01-L01, dated: 05.10.2020) and expressed concerns over the current proposals to leave the existing culvert in situ. As they are currently objecting to the application as 'it does not open up the main river culvert on the site', we would like to issue a holding objection until the drainage strategy has been confirmed as to whether or not the watercourse is being opened as the feasibility of the proposed drainage strategy will be dependent on this information. We would therefore recommend further consultation with the Environment Agency as we are unable to assess the drainage strategy until the matter has been resolved.

Informative to the LPA

Please note if the LPA decide to approve the application, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.6 Dacorum Borough Council: [Comments received]

With regards to parking I can see that there have been numerous objections. I would echo these concerns. Although the site is located close to the train station, the road is particularly busy noting the trucks and lorries that access the Masters Yard and other warehouse uses along Primrose Hill. This, combined with the additional traffic attracted by the train station, may result in highway issues if the parking associated with the development is allowed to spill onto the road. This must be carefully considered. Similar to the comments from Councillor Alan Anderson, I would suggest an increase in provision.

With regards to the viability assessment and the lack of affordable housing, I would suggest that Three Rivers, if not already done-so, have the assessment independently verified.

Considering the key location and number of units being proposed, I am wondering whether this scheme would benefit from an Urban Design Review to ensure that the sites potential is fully unlocked without any significant impacts on the surrounding area.

4.1.7 Herts Crime Prevention Design Officer: [No comments to make]

4.1.8 Herts County Council – Highway Officer: [Initial Comments - No objection subject to conditions]

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:

1. Waste Collection & Footpath Link

No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority, to illustrate the following:

- a. Confirmation as to how a waste collection vehicle would be able to access and turn around on site when the proposed parking barriers are closed (as indicated on drawing number D102);*
- b. Confirmation of the proposed pedestrian link arrangement between the site and public footpath Abbots Langley 068 (the link is shown in different locations on site plan D100 C and Landscape General Arrangement 32382/05/04 01).*

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Provision of Parking & Turning Areas

Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaces and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Travel Plan Statement

At least 3 months prior to the first occupation of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document Hertfordshire's

Travel Plan Guidance, shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Comments / Analysis

The application is a reserved matters application in relation to the development of 65 residential flats at West Herts College, Home Park Mill Link, Kings Langley. Home Park Mill Link is designated as an unclassified local access road, subject to a speed limit of subject 30mph and is highway maintainable at public expense. Public footpath Abbots Langley 068 runs adjacent to the south boundary of the site.

Vehicle Access & Parking:

There is an existing vehicle access into the site from Home Park Mill Link. The main access arrangements to the site have previously been approved as part of an outline planning permission (ref. 18/1034/OUT). A construction traffic management plan has also been previously approved as part of a discharge of condition (ref. 20/1418/DIS).

The proposal includes the provision of 73 on site car parking spaces and associated manoeuvring and turning space, the layout of which is shown on submitted plan no. D100C. The layout and dimensions of the parking areas/bays are acceptable and in accordance MfS and Roads in Hertfordshire and would enable parked vehicles to turn around and egress to the highway in forward gear.

The level of car parking is less than those levels as outlined in Three Rivers District Council's parking standards. HCC as Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of the surrounding highways due to the potential for parking on the highway. However it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view, particularly when taking into consideration the location of the development with potential to promote sustainable forms of travel (please see comments in relation to the requirement for a Travel Plan Statement) and existing parking prohibition and restrictions on the surrounding highways. Nevertheless TRDC as the planning/parking authority for the district would ultimately need to be satisfied with the level of parking.

Refuse Vehicle Access:

A Refuse Strategy Plan has been submitted as part of the application (drawing no. D102). The arrangements (including the swept path for a waste collection vehicle) is generally acceptable to illustrate that a vehicle would be able to access the site, turn around and egress to the highway in forward gear. Nevertheless there would need clarification as to how a waste collection vehicle would be able to access and turn around on site when the proposed parking barriers are closed.

Emergency Vehicle Access:

A Fire Strategy Plan has been submitted as part of the application, the details of which are considered to be acceptable by HCC as Highway Authority. Nevertheless due to the relatively large size of the proposals, we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed onto Herts Fire and Rescue for their attention and for any comments that they may have.

Sustainable Travel & Accessibility:

Kings Langley Railways Station is located approximately 300m south-east of the site and within an easy walking distance. The nearest bus stops to the site are located approximately 300m from the site at the railway station although bus services are limited when compared

to the main bus corridor on the A4251, of which the nearest bus stops are more than 400m from the site. The existing nearest bus stops have shelters and easy access kerbing.

There are existing pedestrian footways on the Home Park Mill Link and the other surrounding highways including a signalized pedestrian crossing point for pedestrians on Station Road in close proximity to the station. The proposed development includes a link from within the site to the public footpath at the rear of the site, which provides an alternative pedestrian route to Station Road/ railway station to using the pedestrian footway at the front of the site. There would need to be confirmation of the proposed pedestrian link arrangement between the site and public footpath Abbots Langley 068 (as the link is shown in different locations on site plan D100 C and Landscape General Arrangement 32382/05/04 01).

The proposals include the provision of 62 cycle parking spaces in a fixed two tier bike rack in the ground floor of the building, the layout and location of which is shown on submitted drawing no. D-102. HCC as Highway Authority would be supportive of this level and location of cycle parking to promote and encourage cycling as a form of travel to and from the site. HCC as Highways would recommend that consideration be made to the fact that the access will essentially act as a shared access for vehicles cyclists and pedestrians. Therefore appropriate signage, lighting and surfaces would be recommended within the site and at the site entrance to reflect this.

Following consideration of the size and use of the development and to ensure that sustainable transports options for residents are encouraged and maximized, a travel plan statement would be required to be submitted and approved in accordance with HCC's travel plan guidance. For further information please see the following link

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

Planning Obligations:

This development is situated within TRDC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transports schemes as outlined in HCC's Growth & Transport Plan would be sought via CIL if appropriate. HCC as Highway Authority would recommend that contributions are sought towards any improvements that may be required at Kings Langley Railway Station.

Conclusion:

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway and are acceptable. Therefore HCC has no objections on highway grounds to the application, subject to the details as outlined in the above planning conditions and informative.

Further Consultation:

Following receipt of the above comments the applicant confirmed it is proposed that a waste collection vehicle would have access to the site beyond the proposed barrier, which would be lifted by means of fob or inputted code depending on the Waste Teams' preference.

Furthermore, the updated Site Layout Plan (drawing ref. D100 Rev D) and Landscape General Arrangement Plan (drawing ref. 32382/05/04 01 Rev 02) have been amended so as to be consistent in showing the two gated accesses onto the footpath to the south of the site.

The Highways Officer was consulted and confirmed that the submitted details were reasonable and thus removed the need for their originally recommended condition 1.

4.1.9 Herts County Council Footpath Section: [No response received]

4.1.10 Herts & Middlesex Wildlife Trust: [No response received]

4.1.11 Herts Ecology: [No objection]

We have previously commented on development proposals at this site. The layout has been updated to account for de-culverting of the mill stream / water course, which will offer a more naturalised appearance and increase biodiversity within the development.

The application is supported by a Landscape and Ecological Management Plan (LEMP) prepared by RSK Environment and dated 26 August 2020. Witch hazel is listed in the Native Shrub Mix (page 7) but is not native to the UK. This should be replaced with a suitable native species or the heading changed. The wildflower meadow mix includes neutral to calcareous loving plants and the soil will need to reflect this for these plants to thrive. All grassland and planting mixes are pleasantly floristic.

The associated landscape plans describe adequate replacement and enhancement tree planting, including native species; new species-rich hedgerows and grasslands; and ornamental planting which will attract pollinators.

I am pleased to see reference is made to a green wall for the flank wall of the adjacent Pinnacle House and hope this is pursued as it would have multiple benefits, for ecology as well as other ecosystem services. An addendum to the LEMP or additional Technical Note should be provided for maintenance and management of any green walls on site.

Other than the above-mentioned points (underlined), I have no significant ecological concerns with this application to prevent determination.

4.1.12 Herts County Council Minerals & Waste Officer: [No comments to make]

4.1.13 Herts Archaeology: [No comments to make]

We have no specific comment to make on this submission of details in relation to condition 1. Please note that an extant archaeological condition remains (no.16).

4.1.14 Thames Water: [No objection]

Waste Comments

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

4.1.15 Local Plans Section: [Comments received]

The proposal 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) 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.

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, proposal for 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:

1. The existing facility can be satisfactorily relocated within the development; or
2. 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
3. The premises or site cannot readily be used for, or converted to, any other community facility and
4. 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 covering letter sets out that the loss of the existing education facility was justified on the basis that the application represents enabling development in support of the relocation of this part of the West Herts College to the existing Hemel Hempstead Campus. Therefore the proposal complies with Policy DM12 and Policy CP8 by relocating the education facility elsewhere.

Policy CP4 of the Core Strategy states that the Council seeks 45% of all new housing to be affordable housing. The proposal site is subject to an outline planning permission (18/1034/OUT) which was approved. As part of the agreed parameters in the outline application, it was accepted that the proposal would provide zero affordable housing. The accompanying covering letter cites non-viability as the reason for 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 application is proposing 31% 1 bedroom dwellings and 69% 2 bedroom dwellings. This signifies a significant overprovision of 1 and 2 bedroom dwellings and shortfall in the

provision of 3 and 4+ bedroom dwellings. Therefore, the proposal is not consistent with Policy CP3 in providing the necessary size of dwellings identified in the SHMA (2016). 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. If adjustment to the proportions of the housing mix set out in the SHMA (2016) is sought, sufficient information should be provided on how relevant factors have contributed to the mix of housing proposed.

4.1.16 Environmental Health Officer: [No objection subject to conditions]

Air Quality

I have reviewed the Air Quality Assessment prepared by RSK (Report ref. 443996/AQ/01).

The potential risk of construction phase impacts on local air quality is considered to be low. None of the screening criteria outlined in the relevant guidance are likely to be exceeded as a result of the development. It is considered unlikely that the development will have a significant adverse effect on local air quality, and ambient air quality is not expected to have significant adverse effect on future site users.

The assessment has been carried out in accordance with the relevant EPUK/IAQM guidance.

I would recommend that conditions requiring a Construction Environment Management Plan (including a Dust Management Plan); and provision of EV charging points be applied to any permission granted.

I would suggest informatives relating to the use of Euro 6 vehicles where possible.

Contaminated Land

The records provided to us by TRDC indicate that the site has had a previous potentially contaminative use (Pulp and paper manufacturing works, factory or works – use not specified).

Online historical mapping shows that the site was formerly the site of the Homepark Mill (paper) (1882), the site is labelled Homepark Mill on the map published in 1899 and on the available subsequent maps, the mill appears to have been expanded by 1925, no changes are shown on the subsequent maps.

The proposed development does not include any private gardens, an area of shared amenity space is proposed. The majority of the site will be covered by the footprint of the new building and hardstanding. However, whilst the risk associated with this type of development is generally lower than say for example a residential scheme with private gardens, the site has had a previous potentially contaminative use and future residents could be effected by contaminants of concern in the underlying soils.

An assessment of the risks associated with the site is therefore required.

The following contaminated land condition is recommended on this and any subsequent applications for the site.

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- *all previous uses*
- *potential contaminants associated with those uses*
- *a conceptual model of the site indicating sources, pathways and receptors*
- *potentially unacceptable risks arising from contamination at the site.*

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) 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.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) 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 express consent of the local planning authority. The scheme shall be implemented as approved.

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

2. *Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.*

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

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

3. *Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.*

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

Officer Comment

The conditions suggested by the Environmental Health Officer detailed above were conditioned under the Outline application 18/1034/OUT with some of the conditions already discharged and the works are required to be carried out in accordance with the approved details.

4.1.17 Herts County Council Fire Safety Inspector: [No objection]

We were asked by Herts Highways to consult on the above planning application and pass any comments to yourself. From looking at the plans and documents on the Three Rivers Planning website, access for firefighters appears to be adequate and we will comment further at the Building Control stage.

4.1.18 Urban Design Consultant: [Comments received]

Thank you for consulting me for advice (ref: 20/1858/AOD) pertaining to the Reserved Matters application associated with appearance, landscaping, layout and scale pursuant to Condition 1 of Outline Planning Permission 18/1034/OUT at the site of West Herts College, Home Park Mill Link, Kings Langley. I have reviewed all of the submitted information relating to the architecture, design and layout of the proposals and have the following observations to make.

The scheme has been through a design discussion and workshop and subsequently plans were amended to address a number of design points which were raised. Further to this a set of amended plans have been provided which now include de-culverting of the river.

Location & Accessibility

Despite being slightly removed (approximately 15 minutes' walk) from the centre of Kings Langley and the associated amenities, the site is ideally placed moments from the mainline rail station which provides the site with excellent accessibility both to London, Hemel Hempstead and beyond. There is an acceptance and promotion within National Policy that mid to high density schemes should be located close to public transport hubs, and given the direct connection by way of a public right of way along the southern boundary of the site to the station, I consider that the site is highly appropriate for this level and type of development and do not consider the site overdeveloped in its context.

Discussions were had pertaining to the level of car parking being provided at the site. Given its accessible location, and in light of the Climate Emergency declared by TRDC where lower levels of parking and promotion of active and sustainable modes of travel, the preference from a design perspective was to reduce the parking to a maximum of 1:1. It is understood that the proposals provide a total of 72 spaces for 65 units. Whilst I would have preferred to see this slightly reduced to 65 spaces, with the 7 spaces removed taken from the frontage of the site, I do not raise objection to this.

Layout

The design of the building has been amended following design discussions and consideration of a number of ways of approaching the layout to best accommodate the building, provide for appropriate amenity and to conceal as much parking as possible. Various options were investigated by the architect following the discussion, and rationale has been provided to clarify as to why some options were not viable. The resulting development now forms a mirrored 'L' shaped building with a large undercroft area with a considerable setback from the highway in keeping with the staggered approach taken by other buildings along Home Park Mill Link Road. Enhancements have been made to the arrangement of the space at the frontage, and whilst parking still remains fairly dominant in the street scene, it is considered acceptable as should all parking be provided undercroft there would either be a resulting impact of increasing the height by an additional storey or a greater coverage of site area by a large building.

Internally there is a higher provision of single aspect units as opposed to dual aspect, primarily as a result of the L shaped building. Whilst a higher provision of single aspect is not ideal, in considering the extent of private amenity and large format windows, I do not consider this level objectionable. The proposal does include one single north facing single aspect apartment which I would have been preferred to be designed around, either by making the two other north facing apartments larger on the northern elevation, or through projecting the north facing central unit further from the predominant fabric of the building to create corner turning windows for example.

At ground floor, I consider the location of refuse, cycle store and plant to be best located facing directly out onto the car parking area, as this would not have a provided for a positive outlook from private amenity at ground floor. I also welcome the provision of two staircases for emergency exit purposes. The entrance to the development is also appropriately on the northern elevation, however it would be enhanced through the removal of parking space 42 and replacement with soft landscaping as having the view towards the entrance concealed by a parked car, and the path to the entrance being situated between two parked cars is not ideal. I would also question as to whether the arrival space could appear more as a public realm space or 'square' as opposed to a large expanse of hard standing as currently proposed. A simple solution to this could be to continue the block paving across this space to help it tie in with the rest of the surfacing around the building.

Height

With the exception of Pinnacle House, the area surrounding the site is currently occupied by a range of office and commercial uses within large footprint buildings which range in height generally between 2 and 4 storeys. Due to the varying topography in the area, the perception of these buildings changes as one navigates the area, with buildings on Station Road appearing more dominant from the site due to their raised position. It is notable and pertinent to this application that height is given due consideration in this context, and particularly given that the site lies within a level area of land which rises away from the site towards the east and west.

The proposal is for a building of five storeys and given the context of the site and the lack of sensitive receptors to height (such as traditional residential streets, listed assets) I do not consider the height to be excessive. It is my opinion that the building will sit comfortably within its context, and that the additional storey height beyond that maximum prevailing height in the immediate area is justified through positive and visually attractive design which will complement the areas as opposed detracting. It is important to consider that whilst the 'sawtooth' style roof, reminiscent of mill building vernaculars, does also contribute slightly to height, the fact that it is a relatively slack pitch and provides a broken, non-continuous roofline which in some views will be the only noticeable part of the building in longer views, helps adds interest and give the site a distinct sense of identity.

Amenity & Landscape

The latest iteration of the scheme shows a de-culverting of the river as opposed to a 'decked' area of amenity shown previously. Throughout the design discussions I was keen to emphasise that de-culverting the river would be seen highly favourably as a way of naturalising the watercourse and helping to tie up with the way which the river flows through the development to the north. By opening up the river, there is the opportunity to enhance the sites biodiversity as well as providing a highly attractive outlook for residents with east-facing apartments as well as from communal landscaping either side of the river.

In considering the advantages and disadvantages on amenity as a result of de-culverting the river (e.g. a reduction in communal amenity space provision) I believe that the advantages far outweigh the disadvantages in this instance. Given the close proximity of parkland space and the fact that private amenity provided with all apartments is considerably above what would be suggested as a minimum for private external amenity (5sqm) with the minimum being provided at the site being 10sqm, I am more than happy to

accept this compromise. I am also pleased to see that the ground floor apartments include private external amenity space by way of considerable terrace spaces with appropriate hedging boundary treatments to ensure a sense of privacy and defensibility.

Given the proximity of the site to a watercourse, I am also pleased to see that permeable paving has been provided within the parking areas which will help to assist with run off from the site.

Design Quality

The design has improved considerably from the originally submitted plans and now provides an attractive building which strongly references the past history of the site through its mill style gables and roofline. The building is bold yet fairly simple in its approach and style, and I consider it to be a high quality proposal which will contribute positively to its surroundings and help to promote an uplift in design quality for buildings of this scale in the District.

The predominant grey/brown toned brick is considered appropriate and sits comfortably with its surroundings as well as helping to 'soften' the elevations. I welcome the use of a darker brick tone to the ground floor as discussed in design workshops as this helps to 'ground' the building, as well as helping to create the effect of lightening the tone of the building through the change in brick type as it continues vertically. The proposed materiality for the balconies and terraces is also positive and works well with the proposed brick type. The north facing red brick gable is positive and helps to provide a strong sense of identity for the building and is complemented well by the large format 'Millworks' signage running vertically on this feature gable which helps to draw attention to the buildings primary entrance.

It is not clear where rainwater goods run on the elevations, as they do not appear to be shown. From this I would expect that they are largely hidden from view inset within the building fabric and behind the parapets, however I would seek clarity on this. I would also wish to see the building materials conditioned with sample wall panels provided.

Summary

In summary, I feel that the building is well designed and represents a high-quality proposal which I am happy to endorse on design grounds which has evolved positively through ongoing engagement with the applicant team. I trust the information contained in this letter is helpful. If you have any queries regarding the information stated above, please do not hesitate to contact me.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 111

4.2.2 No of responses received: 25 objections, 0 letters of support

4.2.3 Site Notice: Posted - 13.10.2020 Expired - 03.11.2020

Press notice: Published - 25.09.2020 Expired - 16.10.2020

4.2.4 Summary of Responses:

- Insufficient parking provision.
- Site not as sustainable as claimed.
- Allocation of 1.25 spaces per unit will create parking problems on the streets.
- Number of flats should be reduced.
- Five-storey building out of keeping with other neighbouring buildings and dwellings.
- Overlooking from outside balconies to flats.
- Lack of services to meet demand of new occupants of flats.
- No affordable housing provision is against national policy.

- Size and scale of development is an overdevelopment of the site
- Dominant feature within this part of the Kings Langley village.
- Height should be reduced by one-storey to be more in keeping with neighbouring buildings and to limit its effect on the openness of the Green Belt which borders southern boundary of site.
- Reduction in height would reduce no. of units and therefore increase parking provision for remaining flats
- Development of college provided insufficient parking and causing disruption and this will happen again unless number of flats are reduced.
- Traffic levels in this area are already high and this development would exacerbate this.
- Amenity space is set at the minimum level
- The design of the building is too high and out of character.
- Additional strain on local infrastructure

5 Reason for Delay

- 5.1 To enable discussions between the LPA, applicant and the Environment Agency to address the Environment Agency's initial objection.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 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 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 Development 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, DM7, 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. Policy SA1 and sites E(e) and H(1) are relevant.

6.3 Other

Open Space, Amenity and Children's Play space Supplementary Planning Document (December 2007).

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 Background/Principle of Development

7.1.1 Outline planning permission 18/1034/OUT was granted in August 2018 for the demolition of existing college building and redevelopment for a residential development of up to 65 flats (Appearance, Landscaping, Layout and Scale reserved). Therefore the principle of the redevelopment of the site for the provision of a flatted development containing 65 units has been established, as has the use of the access shown on the submitted plans.

7.1.2 For clarity 'access' is defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) (Order 2015) as:

'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

7.2 Housing Mix

7.2.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

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 The proposed development would provide 31% 1 bedroom dwellings and 69% 2 bedroom dwellings. This signifies a significant overprovision of 1 and 2 bedroom dwellings and shortfall in the provision of 3 and 4+ bedroom dwellings. The submitted Planning Statement states that the particular location of the site (being close to Kings Langley station, and within an area identified for mixed, commercial and residential uses in Policy SA2) means that the prevalence of 2 bedroom units is considered to be appropriate in this instance.

7.2.3 Whilst the proposal is not consistent with Policy CP3 in providing the necessary size of dwellings identified in the SHMA (2016), 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. It is not considered that a development of this mix would prejudice the ability of the Council to deliver overall housing targets.

7.3 Affordable Housing

7.3.1 Policy CP4 of the Core Strategy (adopted October 2011) requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. Policy CP4 sets out that 45% of all new housing should be affordable and that as a guide, 70% of the affordable housing should be provided as social rented and 30% should be intermediate. However the policy does set out that in assessing affordable housing requirements, the Council will take each case on its merits taking into account site circumstances and financial viability.

7.3.2 The need to provide affordable housing was considered as part of the outline planning application and is not a consideration for this reserved matters application, Outline application 18/1034/OUT was granted on the basis of a zero affordable housing contribution, justified by the submission of a viability appraisal which was independently reviewed by two separate viability assessors on behalf of the Council. Outline permission was granted subject to the completion of a legal agreement to secure an Early and Late Stage review mechanism to allow for the viability of the development to be revisited to enable any change in circumstances to be taken into account.

7.3.3 The Early Stage review mechanism clause has been triggered, because the floor area of this Reserved Matters scheme exceeds the floor area used in the assumptions as part of the original scheme. A review has been undertaken of the applicant's amended viability appraisal as a result, and this concludes that it remains unviable for the development to provide any affordable housing.

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 CP3 stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. Policy CP12 of the same document 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 At the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

7.4.3 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 'back land', 'infill' or other forms of new residential development which are inappropriate for the area. Development will be 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.)

- 7.4.4 The Design Criteria at Appendix 2 of the Development Management Policies document set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.4.5 As previously described at section 2 of this report, 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, however the neighbouring Pinnacle House has recently undergone a change of use from office space (Class B1) to 91 residential units (Class C3) along with elevation changes permitted under applications 16/1078/PDR and 17/0538/FUL respectively. The buildings have large footprints and generally range between two and four storeys, some of which contain large expanses of glazing to their elevations, such as Concept House located opposite the application site. Due to the varying topography in the area, the perception of these buildings changes as one navigates the area, with buildings on Station Road appearing more dominant from the site due to their raised position.
- 7.4.6 The submitted Design and Access Statement provides background context into the history of the site and justification for the chosen design put forward under this application. Prior to the site being used as an educational facility for West Herts College, the site was home to one of John Dickinson's paper mills, which were prolific in the valley of the River Gade. Home Park Mill, Kings Langley, was the third paper mill developed by John Dickinson. There are no longer any signs of the mill at the site following several redevelopments of the area. The subsequent design approach aims to take inspiration from the historic paper mill which once existed on site and provide a visually attractive feature within Home Park Mill Link Road and wider area.
- 7.4.7 The development would involve the construction of a five storey block following the demolition of the existing building. Unlike the indicative scheme put forward at Outline stage, the building has been repositioned to shift the built form away from Pinnacle House. The resulting development now forms a mirrored 'L' shaped building with a large undercroft area with a considerable setback from the highway in keeping with the staggered approach taken by other buildings along Home Park Mill Link Road. The positioning of the building now creates separation distances from Pinnacle House ranging between 5.8 – 7.9 metres at its closest points at the front and rear. Taking these distances coupled with the separation distance from the eastern boundary (12.5 metres) the development would create spacing between neighbouring buildings, preventing the building from appearing cramped and allow for views through the site.
- 7.4.8 Given the number of storeys proposed consideration needs to be had to the height of the flatted development in the context of the wider street scene, and particularly given that the site lies within a level area of land which is a relatively low point in the topography set next to the River Gade in a very shallow valley that rises away from the site towards both the east and west. An Urban Design Consultant ("UDC") was instructed by the Local Planning Authority and consulted on the application and they commented that given the site context and the lack of sensitive receptors to height (such as traditional residential streets, listed assets) they did not consider the height to be excessive in this case. The UDC considered that the building would sit comfortably within its context, and that the additional storey height

beyond the maximum prevailing height in the immediate area is justified through positive and visually attractive design which will complement the area as opposed to detracting from it.

- 7.4.9 Paragraph 131 of the NPPF states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.4.10 The development as proposed results from multiple design discussions at the pre-application stage, and consideration of a number of ways of approaching the layout to best accommodate the building, provide for appropriate amenity and to conceal as much parking as possible.
- 7.4.11 The proposed design of the building is reminiscent of mill building vernaculars and strongly references the past history of the site through its mill style gables and roofline. The inclusion of a “sawtooth” style roof contributes slightly to the overall height of the building, however the UDC commented that the relatively slack pitch provides a broken, non-continuous roofline which in some longer views will be the only noticeable part of the building. The roofline also helps to add interest and give the site a distinct sense of identity. The UDC considered the building to be bold yet fairly simple in its approach and style, considering it to be a high quality proposal which will contribute positively to its surroundings and help to promote an uplift in design quality for buildings of this scale in the District. The predominant grey/brown toned brick is considered appropriate and sits comfortably with its surroundings as well as helping to ‘soften’ the elevations. The use of both dark brick tones at ground floor and lighter tones above helps to create the effect of lightening the overall tone of the building vertically. The north facing red brick gable is positive and helps to provide a strong sense of identity for the building and is complemented well by the large format ‘Millworks’ signage running vertically on this feature gable which helps to draw attention to the buildings primary entrance. Whilst the design is considered acceptable a condition would be attached on any consent requiring details and samples of the chosen material types to be agreed in writing by the LPA.
- 7.4.12 Whilst the UDC has commented that the parking is fairly dominant in the street scene, they considered this acceptable as if all parking were provided within an undercroft there would either be resulting impact of increasing the height by an additional storey or a greater coverage of site area by a large building. The UDC did suggest that the development would be better enhanced through the removal of parking space 42 and its replacement with soft landscaping and block paving to improve the visuals of the main entrance into the building, however this would result in the loss of the parking space. Parking provision would be assessed later in this report however it is considered that the need for providing the same number of parking spaces as proposed at Outline scheme outweighed the betterment of redesign the entrance to the building.
- 7.4.13 The Outline application included works to de-culvert the Mill Stream and whilst this current application initially omitted the de-culverting works from the proposal, amended plans were received during the course of the application to include these works. The de-culverting of the Mill Stream is a betterment to the development and provides a way of naturalising the watercourse and enhances the site’s biodiversity as well as providing a highly attractive outlook for residents with east-facing apartments as well as from communal landscaping either side of the river.
- 7.4.14 The proposed built form is being shifted away from Pinnacle House and as a result the west elevation of this building would be exposed. The UDC suggest a green wall if possible, in the form of brickwork to match the other elevations of Pinnacle House with greening in front of the elevation would be a suitable solution. A suggested condition is attached to require the submission of details in relation to what the wall will look like and require its completion prior to the first occupation of the development.

- 7.4.15 The proposed flatted development, by reason of its increased height in comparison to the existing built form on site would become more visible from the wider area. The site itself is not located within the Metropolitan Green Belt, however the southern boundary of the site abuts land which is designated Green Belt. Whilst the proposed building would be visible from the wider landscape, it would be read in conjunction with the built up surroundings of Home Park Mill Link Road, and it is therefore not considered to be harmful to the Green Belt or wider area.
- 7.4.16 In conclusion, whilst the proposed building is of a massing larger than that of Pinnacle House and other neighbouring buildings in this part of Home Park Mill Link Road, it is not considered that the proposed development would result in demonstrable harm to the character and appearance of the street scene. The UDC considered that the building overall is well designed and represents a high-quality proposal. As such, it is considered that the proposed development is acceptable and in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policies DM1 and Appendix 2 of the DMP LDD.
- 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'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.5.2 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved.
- 7.5.3 In this case, Pinnacle House is the closest residential development. The submitted Site Layout Plan (D-100 REV-D) indicates the relationship between the proposed development and this neighbouring flatted development. The relationship is such that the proposed building would not project beyond the rear wall of this neighbouring building and whilst it would project forward of the front building line by approx. 6 metres, given the separation distance between the two buildings at the front (approx. 12 metres) it is not considered that the proposed building would give rise to any unacceptable levels of loss of light or become overbearing towards the residential amenities of the flats which have an outlook from to the north.
- 7.5.4 The proposed development proposes balconies and glazing to all elevations, some of which would face or allow views towards Pinnacle House. However, they would primarily face onto the blank east elevation of Pinnacle House which would contain no glazing. Furthermore, the glazing and balconies which project forward of the front building line of Pinnacle House would overlook the parking areas within the site frontages of both the application site and that of Pinnacle House. As such, it is not considered that the proposed development would cause demonstrable harm in terms of overlooking towards the occupants within Pinnacle House.
- 7.5.5 There are no other residential properties in close proximity of the application site that would be affected by the proposed development.
- 7.5.6 In summary, it is not considered that the proposed development would result in significant detrimental impact to the residential amenities of neighbouring properties and is therefore considered acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Quality of accommodation & amenity space provision for future occupants

- 7.6.1 Policy DM11 of the Development Management Policies LDD states that developments of 25 or more dwellings or 0.6ha (whichever is greater) should make provision on site for open space and play space. 10% of the site area should be set aside as open space, and where the development is likely to be occupied by families with children 2% of the site area should provide formal equipped play facilities. Where open space is provided on site, the Council will also seek to ensure the proper maintenance of the space and guidance on the provision and maintenance of open space and children's play space is set out in the Open Space, Amenity and Children's Play Space Supplementary Planning Document.
- 7.6.2 The site area measures approx. 3,923m² and 10% equates to 392.2m².
- 7.6.3 The proposed development proposes communal and private amenity space as detailed below, however the development would not provide on-site open space and would therefore fail to accord with Policy DM11.
- 7.6.4 Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom. This would result in an indicative requirement of 1,815m².
- 7.6.5 As previously mentioned, amended plans were received during the course of the application to de-culvert the Mill Stream. As a result, this has impacted on the amount of open amenity space provided within the site.
- 7.6.6 The proposed development provides a total area of approx. 1,456m² of amenity space (Communal area of open space equates to 494.2 m² in area whilst private amenity space equates to approx. 962m²) The communal area does not include the river but those areas of soft landscaping surrounding it, such as the area to the north which includes bench seating overlooking the river and areas to the south of the building adjacent to the public footpath. The submitted planning statement details that whilst balcony sizes vary by property, the average private amenity space for the 1-bed flats is 13.79m² and the average private amenity space for the 2-bed flats is 15.25m².
- 7.6.7 The proposed development would result in a shortfall of 359m² of amenity space. Whilst the level of amenity provision falls short of the standards detailed within Appendix 2 the UDC commented in considering the advantages and disadvantages on amenity as a result of de-culverting the river they believed that the advantages far outweigh the disadvantages in this instance. Given the close proximity of parkland space located on the northern side of Home Park Mill Link Road (approx. 0.4miles or a 4 min walk by using the available road crossing on Home Park Mill Link Road) and the fact that size of the private amenity balconies provided (minimum 10m²) makes them both accessible and useable. Furthermore, they acknowledged that the ground floor apartments include private external amenity space by way of terrace spaces with appropriate hedging boundary treatments to ensure a sense of privacy and defensibility. Furthermore, by opening up the river this provides a highly attractive outlook for residents with east-facing apartments as well as from communal landscaping either side of the river.
- 7.6.8 As such, whilst the amenity space standards have not been met it is considered that adequate provision of private amenity space has been incorporated for each individual unit which is also supplemented by the enhancement of the de-culverting of the Mill Stream which would provide an attractive feature and communal space for future occupants.

- 7.6.9 In terms of internal layouts of the units within the building and their prospective outlook there is a higher provision of single aspect units as opposed to dual aspect, primarily as a result of the 'L' shaped footprint. The UDC commented that whilst a higher provision of single aspect is not ideal, in considering the extent of private amenity and large format windows, they do not consider this level objectionable. The proposal does include one north facing single aspect apartment which the UDC would have preferred to be designed in a different way. Whilst this is acknowledged, it is not considered sufficient reason to justify refusal of the planning permission in this regard.
- 7.6.10 Policy DM9 of the Development Management Policies LDD states that the Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.
- 7.6.11 The application is supported by a Noise Assessment to determine the impact of road traffic, mechanical plant (plant on the roof of Concept House and Imagination Building, immediately to the north of the site) and industrial activities (HGV movements adjoining the site to the east) upon the site. The report concluded that whilst noise is an important factor in the design of the site for development it has been shown that with suitable mitigation the internal noise levels can be achieved and therefore it is possible to achieve compliance with national guidance.
- 7.6.12 With regard to internal noise, it is proposed that suitable glazing and acoustic trickle ventilation be installed to the residential units on the northern, southern and eastern façades to ensure that the appropriate day and night time noise levels are achieved. A suitably worded condition found a C14 is attached to ensure the development is implemented in accordance with the Noise Assessment.

7.7 Wildlife and Biodiversity

- 7.7.1 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.
- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. Policy DM6 also states that any development adjacent to, over or in a watercourse needs to take into account consideration of the Water Framework Directive requirements and opportunities outlined in the Thames River Basin Management Plan. All developments should seek to improve the biodiversity of the site and contribute towards the riparian corridor's ability to be used by migrating species.
- 7.7.3 Ecology baseline surveys were completed for the Outline planning application, which included a preliminary ecological appraisal and an otter and water vole survey. The otter and water vole survey found no evidence of either species on site or close to the site; however the habitats that will be created through the landscaped areas of the development would avoid any adverse impacts on the potential for these species to use the Mill Stream watercourse.
- 7.7.4 As part of the Outline application it was proposed to de-culvert the Mill Stream however the initial scheme submitted under this current application did not include this within the

proposal. The Environment Agency raised an objection to the application stating that failing to undertake such works would reduce the benefits which come from the de-culverting of the river; namely to reduce flood risk and improve the biodiversity and nature conservation value of the site. Furthermore, the EA did not consider the proposal to be in line with Development Plan Policy DM6 section g) Watercourses and the aims of the Water Framework Directive (WFD).

7.7.5 In light of these comments the applicant amended the scheme to re-instate the works to de-culvert the Mill Stream and the applicant engaged with the EA during the application process. In light of the amended plans and the discussions, the EA removed their objection on the application subject to a condition (C3) requiring the submission of a Fish and Eel Passage Report to be submitted to and approved in writing by the Local Planning Authority.

7.7.6 The submitted planning statement details that nest boxes are proposed within the development to mitigate for the loss of the areas of continuous scrub and tress on site that may currently support common species of breeding birds. In addition, opportunities for reptile species will be provided through the mini-mosaic habitat mix of wildflower grassland, damp meadow grassland, amenity grassland and ornamental planting proposed as part of the development.

7.7.7 The application has been submitted with a Biodiversity Checklist and a Landscape and Ecological Management Plan (LEMP) prepared by RSK Environment and dated 26 August 2020. Both Herts & Middlesex Wildlife Trust and Herts Ecology were consulted on the application. The latter provided comments and raised no ecological objections to the proposed scheme. A condition was attached to the Outline planning permission requiring the submission of an LEMP. Details have been submitted to discharge this condition and are currently being considered under application 20/2522/DIS.

7.8 Trees and Landscaping

7.8.1 Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

7.8.2 Policy DM6 of the Development Management Policies LDD states that development should result in no net loss of biodiversity value across the District as a whole. Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.8.3 The proposed development would not result in the loss of trees. The de-culverting of the Mill Stream provides a more naturalised channel which enhances the landscaping through the site. In addition within the car parking areas, opportunities have been sought to maximise the provision of soft landscaping. This is indicated on the submitted Soft Landscaping Plans P32382/05/06.1 REV-02 and P32382/05/06.2 REV-02 which would be conditioned to be implemented in accordance with. As such, the proposed development is considered acceptable in accordance with Policy DM6 of the Development Management Policies LDD.

7.9 Highways, Access and Parking

7.9.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. 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.

- 7.9.2 The access for the proposed development was agreed in principle under the outline application 18/1034/OUT and there are no changes proposed to the access serving the flatted development.
- 7.9.3 Paragraph 109 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe.
- 7.9.4 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD as follows:
- 1 bedroom dwelling - 1.75 spaces per dwelling (1 assigned space)
 - 2 bedroom dwelling - 2 spaces per dwelling (1 assigned space)
 - 3 bedroom dwelling - 2.25 spaces per dwelling (2 assigned spaces)
 - 4 or more bedroom dwelling - 3 spaces per dwelling (3 assigned spaces)
- 7.9.5 Based on the above requirements the development should provide 125 spaces (65 assigned).
- 7.9.6 The development would provide 73 parking spaces which is one more than proposed at Outline stage and equates to 1.1 spaces per unit (58% of the required provision). This proposed development results in a shortfall of 52 spaces, however, all assigned spaces would be provided. Discussions were had during the course of the application process to ascertain whether further parking spaces could be provided on site however it was clear that any increase in on-site provision would have an impact on the deliverability of adequate communal open amenity space.
- 7.9.7 In terms of cycle storage provision Policy DM13 states that 1 long-term space per two flats – a requirement of 32.5 spaces. The development provides 63 spaces and all spaces are weather and security protected which would exceed policy requirement.
- 7.9.8 The Highway Authority raised a concern with the aforementioned shortfall of car parking spaces as to what impact that would have on the free and safe flow of the surrounding highways due to the potential for parking on the highway. However, they noted that it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view, particularly when taking into consideration the location of the development with potential to promote sustainable forms of travel and existing parking prohibition and restrictions on the surrounding highways. The also noted that TRDC as the planning/parking authority for the district would ultimately need to be satisfied with the level of parking.
- 7.9.9 Whilst the standards for residential development may not be adjusted according to zone, Appendix 5 does indicate that in areas of high accessibility and good service provision a reduction in the levels of parking for residential may be appropriate.
- 7.9.10 In this case 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.
- 7.9.11 The neighbouring site, Pinnacle House, has been converted to provide 91 residential flats (79 x 1-bed and 12 x 2-bed). 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 resulted in a shortfall of 46 spaces in relation to the council's standards (e.g. 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.'

7.9.12 Furthermore, regard is also had to a recent appeal decision at nearby Shannon House, Station Road, Kings Langley for the conversion of an existing office (Class B1) to 74 residential units (Class C3) (PINs Ref: APP/P1940/W/20/3252855 LPA Ref: 20/0369/PDR). This scheme required a policy compliant provision of 129.5 car spaces however proposed only 15 spaces – a shortfall of 114.5 car parking spaces. In determining the appeal the Inspector noted that the appeal site was located within the Secondary Centre of Kings Langley, which the Core Strategy recognises to be well located with regard to accessing adjoining centres and public transport facilities. The Inspector then commented the following:

'In particular, the appeal site lies within 160 metres of Kings Langley Train Station and there are bus stops in close proximity on Station Road which collectively provide frequent transport links locally and further afield.

The scheme would also result in the provision of 80 cycle spaces, which is in excess of that required under Appendix 5 of the Development Management Policies Plan (1 space per 2 units, which equates to 37 cycle spaces). Furthermore, the appeal site is in reasonable walking distance of shops and facilities on the High Street.

The appeal site also falls within a controlled parking zone area where on-road parking is heavily restricted and there is no evidence before me demonstrating significant on-road parking stress in the locality. Although the appellant has offered a unilateral undertaking restricting future occupiers from applying for car-parking permits, there is no evidence before me of demand for these significantly exceeding supply, but even if there were, this is a matter for the local highway authority to administer. I do not therefore consider such a restriction on future occupiers to be necessary.

As a consequence of the heavily restricted level of parking facilities available on-site, I am satisfied that there would be limited car movements by future occupiers and visitors to and from the building, and that the development would not therefore be harmful to the surrounding highway network or pedestrian safety.

In view of the above, I conclude that despite the substantial shortfall of car-parking spaces, future occupiers would have good access to sustainable modes of transport other than the private car and that the scheme represents an opportunity to promote walking, cycling and public transport as set out in Paragraph 102 of the Framework. The scheme would also comply with Policy CP10 of the Core Strategy which seeks, amongst other things, major development to be located in areas highly accessible by the most sustainable modes of transport.'

7.9.13 The above appeal decision is considered relevant in the determination of this Reserved Matters application as the appeal scheme was allowed despite the substantial shortfall of parking provision totalling 114.5 spaces. In comparison this application has a shortfall of 52 spaces. The application also provides 63 cycle parking spaces which exceeds the policy standard set out in Appendix 5 and is also more than the 37 provided in the appeal scheme. The future occupiers of the proposed development would therefore have good access to sustainable modes of transport (train, bus, walking and cycling) other than the private vehicle. It is considered that the proposed development represents another opportunity to promote these alternative methods of transport in accordance with paragraph 102 of the NPPF to which the Inspector gave weight to in allowing the appeal.

7.9.14 In summary, in light of the recent appeal decision, despite the fact that 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.

7.10 Sustainability

7.10.1 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”.

7.10.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability 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.

7.10.3 Policy DM4 of the DMLDD 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. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.10.4 The supported Energy Statement prepared by Abbey Consultants dated August 2020 (Ref: PA-ES-BH-WHKL-20-02) considered various options to supply low carbon and renewable energy generation. Due to the density and scale of the development and the ability to integrate the technology easily within the scheme, Solar Photovoltaic panels (PVs) are proposed. 244 PV cells would be laid horizontally on the flat roof areas.

7.10.5 As a result of these measures, the total energy improvement over baseline is 36.24% and the total reduction in carbon emissions is 5.35%. The development is therefore considered acceptable in accordance with the requirements of Policy DM4 of the Development Management Policies LDD.

7.11 Flood Risk and Drainage

7.11.1 There is a requirement for the provision of Sustainable Drainage Systems (SuDS) for the management of surface water in all new major developments. This is in accordance with Policy CP1 of the Core Strategy which states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems (SuDS). This policy also states that there is a need to 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 LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage.

- 7.11.2 The application has been accompanied by a Drainage Strategy prepared by RSK dated 15th October 2020 referenced 133834-DSS-(03). The LLFA placed a holding objection on the application in light of the initial objection raised by the EA based on the initial proposal to not de-culvert the Mill Stream. The EA subsequently removed their objection subject to condition following the submission of amended plans proposing to open up the watercourse. The LLFA were re-consulted on the amended plans and also informed that the EA have since removed their objection. The LLFA are currently reviewing the information and the Committee will be verbally updated of any comments received.

7.12 Refuse and Recycling

- 7.12.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

- 7.12.2 A refuse and recycling storage area is located at ground level accessed via an entrance within the west flank elevation of the building s indicated on the Refuse Strategy Plan (D-102). The plan also details the required number and type of bins. The Highway Authority considered that the arrangements (including the swept path for a waste collection vehicle) is generally acceptable to illustrate that a vehicle would be able to access the site, turn around and egress to the highway in forward gear. They required further clarification as to how a waste collection vehicle would be able to access and turn around on site when the proposed parking barriers are closed and suggested a condition. The applicant provided further information confirming that a waste collection vehicle would have access to the site beyond the proposed barrier, which would be lifted by means of fob or inputted code depending on the Waste Teams' preference. The Highway Authority considered this acceptable and therefore agreed to remove the suggested condition.

7.13 Contamination & Air Quality

- 7.13.1 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.

Contaminated Land

- 7.13.2 Policy DM9 of the Development Management Policies LDD states that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land; and there will be no adverse impact on the quality of local groundwater or surface water quality.

7.13.3 The Environmental Health Officer was consulted on the application and commented that online historical mapping shows that the site was formerly the site of the Homepark Mill (paper) (1882), the site is labelled Homepark Mill on the map published in 1899 and on the available subsequent maps, the mill appears to have been expanded by 1925. Whilst the risk associated with this type of development is generally lower than a residential scheme with private gardens, given that an area of shared amenity space is proposed and the site has had a previous potentially contaminative use and future residents could be effected by contaminants of concern in the underlying soils, an assessment of the risks associated with the site is therefore required. These matters are already secured by conditions attached to the Outline permission 18/1034/OUT and as such do not need to be duplicated on this application.

Air Quality

7.13.4 Policy DM9 also states that development will not be permitted where it would have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

7.13.5 The application is supported by an Air Quality Assessment prepared by RSK (Report ref. 443996/AQ/01) which has been reviewed by the Environmental Health Officer. The assessment has been carried out in accordance with the relevant EPUK/IAQM guidance. The assessment concluded that the potential risk of construction phase impacts on local air quality is considered to be low. The EHO officer commented that none of the screening criteria outlined in the relevant guidance are likely to be exceeded as a result of the development. It is considered unlikely that the development will have a significant adverse effect on local air quality, and ambient air quality is not expected to have significant adverse effect on future site users. The EHO recommended that conditions requiring a Construction Environment Management Plan (including a Dust Management Plan); and provision of EV charging points be applied to any permission granted. These conditions are found at C2 and C10. They also suggested informatives relating to the use of Euro 6 vehicles where possible.

7.14 Safety & Security

7.14.1 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.

7.14.2 The Hertfordshire Constabulary Crime Prevention Design Advisor has commented on the application however they had no comments to make on the application.

7.14.3 The Herts County Council Fire Safety Inspector was consulted on the application and commented that access for firefighters appears to be adequate and they would engage further at the Building Control stage.

7.15 Impact on Heritage Assets

7.15.1 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.

7.15.2 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.

7.15.3 In respect of archaeology, the county archaeology service raised no further specific comments on this current application however requested that condition 16 attached to the Outline permission be attached to any subsequent grant of permission. 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. The suggested condition is attached to the Outline permission and remains relevant but does not need to be duplicated on this subsequent Reserved Matters permission.

7.16 Infrastructure Contributions

7.16.1 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.

7.17 Planning Balance

7.17.1 In summary, the proposed development is considered to be of a suitable design which reflects the historic former paper mills which previously existed on the site and would create an attractive feature within the area. The UDC supported the scheme considering that the development was well designed and represents a high-quality proposal. Whilst it is acknowledged that the proposal results in a shortfall in both amenity and parking space provisions, officers consider that for the reasons detailed in sections 7.6 and 7.9 respectively, sufficient justification is provided to consider that the shortfalls are acceptable in this case and would not result in any significant resultant harm. Officers consider that the proposed development put forward provides a good balance between amenity space and also a good level of car parking provision to adequately serve the site.

7.18 Tilted Balance

7.18.1 The LPA cannot demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking *“the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites”*. The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, *“Plans and decisions should apply a presumption in favour of sustainable development... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”*.

7.18.2 The NPPF identifies that there are three dimensions to sustainable development; social, economic and environmental. The social benefits of the scheme would include a medium contribution towards making up the shortfall in housing in the district therefore facilitating the Government’s aim of boosting the supply of housing. The economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using the amenities in Kings Langley. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (i.e. Green Belt, ANOB – see footnote 6 of the NPPF).

- 7.18.3 Whilst some individual elements of the proposal, taken in isolation, may not fully accord with TRDC policy or standards, the proposal requires assessment as a whole. Any shortfalls must be viewed in this context. Overall the proposal is an opportunity to provide much needed housing within the Key Centre of Kings Langley in accordance with the requirements of Policy PSP3 of the Core Strategy (adopted October 2011) and is therefore recommended for approval.
- 7.18.4 Taking into account all of the considerations forming part of this application, it is concluded that any adverse impacts of granting planning permission would not outweigh the benefits and on this basis approval is recommended.
- 7.18.5 Notwithstanding the above, if an alternative recommendation is reached, consideration will be required as to whether any identified adverse impacts would significantly and demonstrably outweigh the benefits of the development.

8 Recommendation

- 8.1 That in the absence of comments from HCC as Lead Local Flood Authority (LLFA) or in the event that their technical objection is maintained, that the application be deferred to a subsequent Committee Meeting, Or;
- 8.2 That subject to no objection from HCC as Lead Local Flood Authority (LLFA) the decision be delegated to the Director of Community and Environmental Services and the APPROVAL OF DETAILS BE GRANTED, subject to the conditions set out below; subject to any conditions as requested by the LLFA:

C1 Plans

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

D-003
D100 REV-D
D-101 REV-C
D-102
D-103
D-200 REV-B
D-201 REV-B
D-202 REV-B
D-203 REV-B
D-204 REV-B
D-205 REV-B
D-206 REV-B
D-207 REV-B
D-208 REV-B
D-209 REV-B
D-210 REV-B
D-300
D-400
D-401
D-402
D502 REV-A
133834-RSK-DS-001 REV-P05
133834-RSK-DS-002 REV-P05
133834-RSK-DS-006 REV-P01
P32382/05/04 REV-02
P32382/05/05 REV-02
P32382/05/06.1 REV-02
P32382/05/06.2 REV-02

114822-IBI-XX-XX-XX-PL-A-200-01
114822-IBI-XX-XX-XX-PL-A-200-07
TRDC 001 (Existing Ground Floor Plan)
TRDC 002 (Existing First Floor Plan)

C2 Dust Management Plan

Prior to the commencement of the development hereby permitted, a Dust Management Plan, shall be submitted for the written approval of the Local Planning Authority. The Dust Management Plan shall include best practicable means to be incorporated to minimise dust caused by the permitted operations and to prevent the emission of dust from the site. The management of dust emissions shall thereafter be carried out in accordance with the approved plans.

Reason: This is a pre-commencement condition in the interests of surrounding occupiers during the construction of the development and to meet the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2019).

C3 Ecology

Before any building operations above ground level hereby permitted are commenced, a Fish & Eel Passage Report shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The agreed actions from the Report shall be implemented as approved, and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The Report shall include as a minimum the following;

- An assessment of the current Fish & Eel passage capability (to be used as a baseline from which to assess the options).
- An appraisal of all possible options to allow and enhance Fish & Eel passage through the site and justification of the chosen design.
- Evidence that the chosen design will not result in deterioration of the current Fish & Eel passage capability and will maximise passage where possible.
- An agreed design approach for the chosen option and an implementation plan.

Reason: To allow Fish & Eel passage through the site and to take into account the considerations of the Water Framework Directive in line with Policy DM6 of the Local Plan.

C4 Materials

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials, including those to be used on the flank wall of Pinnacle House, Home Park Mill Link Road, shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the buildings being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2018).

C5 Landscaping

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with soft landscaping plans P32382/05/06.1 REV-02 and P32382/05/06.2 REV-02.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner. If

any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C6 Travel Plan Statement

At least 3 months prior to the first occupation of the approved development a detailed Travel Plan Statement for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance, shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

C7 Cycle and Bin Stores

The development hereby permitted shall not be occupied until the cycle and bin stores have been implemented in accordance with the approved details and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C8 Boundary Treatments

Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C9 Parking and Turning Areas

Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaces and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

C10 Electric Charging Points

Prior to the first occupation of the development hereby permitted, the details and design of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to provide sustainable development in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C11 Energy Statement

The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C12 Fire Hydrants

Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C13 Noise Assessment

All glazing for the residential development hereby permitted must achieve BS 822:2014 internal noise ambient levels, as set out in the Noise Impact Assessment dated January 2016 (approver pursuant to HPP 16/0005/FUL).

Reason: In the interests of amenity of future residents in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C14 Lighting

No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

8.3 **Informatives:**

I1 Standard Advice:

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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 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 Construction Hours:

The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, 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 Positive & Proactive:

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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions and amended plans were submitted during the application, which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.