



**DEVELOPMENT CONTROL COMMITTEE**  
**Wednesday 29<sup>th</sup> April 2015 at 7.00 PM**

**ADDENDUM SHEET**

**5.01**

**4/01019/15/VAR - VARIATION OF S106 LEGAL AGREEMENT DATED 12 APRIL 2010 ATTACHED TO PLANNING PERMISSION 4/02419/04/FUL.**

**LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD, HP3 9SE**

Additional Consultation Responses

Highway Authority

Does not wish to restrict the grant of permission.

The site was allocated for residential development within the Dacorum Borough Local Plan 1991-2011. This, together with the Manor Estate Development Brief, required improvements to the current access arrangements including construction of a new bridge over to take westbound traffic over the railway line, improvement of an existing footbridge and other junction improvements around the site and London Road. The bridge was considered key to unlocking the site and its provision was required by the 200th unit under the S106 agreement.

When the site was sold on, the cost of constructing the bridge was reassessed and found to have serious implications for overall viability. In the subsequent negotiations the provision of the bridge was prioritised along with the provision of some affordable housing on site above the provision of other financial contributions. The improvements to the local highway network made through provision of the bridge is key to making this site acceptable to the highway authority. This proposed variation is therefore supported

The highway authority supports the requirement of the Local Planning Authority that an unwinding clause be introduced into the S106 agreement so that, should a situation arise whereby the bridge is not progressed (for example if the land were sold to another developer), the DBC would be able to claw back from the developer contributions equivalent to the value of the bridge work.

**Recommendation**

As per the published report.

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## 5.02

### **4/03585/14/MOA - OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS.**

#### **LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD**

##### **Letter from agent dated 26<sup>th</sup> April 2015.**

I am writing to you after your telephone discussion with Neville Spiers last week, and in relation to matters as set out in your email to me of 21<sup>st</sup> April and also in the officer's report to the Development Control Committee this coming week. I have also spoken at length again to Natasha Smith at the Environment Agency (EA) in recent days.

Firstly, can I wish you a speedy recovery and I hope that the pressures that you and others in the Department are under are lifted in the near future. I am grateful that you have confirmed to Neville that we are able to submit to the Council further information and rebuttals which you have agreed will be put to the Development Control Committee on the 29<sup>th</sup> April for members to take into account in their decision on this outlined application.

This flexibility is very important to use and we wish to offer you some further thoughts on the concerns you still have which we would wish you to put to the Committee for their consideration.

This letter effectively forms a rebuttal statement for the remaining issues raised in your email and the three reasons for refusal as set out in the Committee report.

I shall deal firstly with the EA and their remaining objection which forms the basis of reason for refusal no.1 Natasha Smith has reassured me that they are doing all they can to respond to you by the 28<sup>th</sup> April but that it is unlikely that their external consultants will have had the time to review and report back on the modelling files from Waterco by that date. This is extremely regrettable since I am sure that the outcome of that review of the modelling files would be that the EA's objection would ultimately be withdrawn, in conjunction with a range of planning conditions being required to be implemented by the EA, which the Trust has no objection to and some of which I have already discussed with Natasha Smith.

If the EA is not in a position to withdraw their objection by the 29<sup>th</sup> April, then can I suggest that if all other matters are satisfactory to the Committee on that night, members have the legal power to resolve to approve the application, subject to the EA confirming that have no objection in writing, and subject to a number of conditions they are also likely to seek being taken on board and implemented.

Then the decision notice of approval could be issued under the officer's delegated powers as soon as possible after the Committee meeting. The Trust would accept all reasonable planning conditions which the LPA and EA are likely to impose.

I would ask you formally therefore to put this option to the Committee chairman and ask him to consider this and adopt this approach at the Committee meeting if the EA objection still stands on the 29<sup>th</sup> April.

I turn now to the other issues you have still raised in reasons for refusal no 2 and 3. I shall deal firstly with the alleged impact on the setting of the listed building. Neville Spiers has spoken to Fiona Webb, you Conservation Officer about her concerns on the effect of the proposals on the setting of the adjacent listed building, The Cottage. She is still objecting however, and is not prepared to take into account the relationship and relevance of the pre-existing industrial/warehouse buildings with the Cottage, because they have not disappeared.

I feel that some weight must surely be given to the heritage context and history of the relationship between the previous buildings here and The Cottage, and that it would surely be noted by an appeal Inspector, if ever an appeal was lodged, that the setting of the listed building here has always been constrained and limited in extent and area to the curtilage of the Cottage only, because of the presence of those large scale pre-existing industrial/warehouse buildings close by.

In addition, the listed building itself is proposed to be retained, not lost. The approval of this application will allow the Trust to continue and manage the listed building and it will not be put at risk. This too is a factor that I feel Fiona has not given any weight to.

I would therefore ask the Committee to set aside this particular reason for refusal, and to accept that special circumstances do indeed apply here and that the setting of the listed building would not in practice be harmed. In this regard I would ask Mark Eddison's previously submitted email/paper on this particular aspect is also circulated to all members with their Committee papers, As well as this rebuttal paper.

Finally, in relation to the other reason for refusal, you are still in essence, arguing that the separation distance between two of the blocks here is not sufficient and that the distance should be 23m. I had thought that the detailed notes on the revised plans we sent you were clear, and showed that with the increase in height of some of the screens to certain balconies and the application of obscured glass to those screens then there could not possibly be any overlooking or loss of privacy to the flats in question opposite, or to the users of the JDEC offices nearby or vice versa to the flats on that particular corner of the river frontage facing units.

However I would ask therefore that the Committee also take into account the following further information on this specific point.

The separation distance you would normally seek to apply to new residential development is 23m. However Appendix 3 to the 'saved' Local Plan wherein that standard is set out, also advises that exceptions may be made and are possible in individual circumstances. Therefore the LPA is able to apply flexibility in this regard.

I would argue that flexibility and a reduction in the separation distance of two blocks to 21m between bedroom windows of a limited number of the flats, together with alterations to certain screens on the balconies of even fewer flats is perfectly acceptable in combination, in the context of these proposals. This is because:

- These are 1 number bedroom flats in a high density urban context, not suburban detached houses with private rear gardens where a 23m separation distance might be needed to protect privacy between first floor windows and to avoid direct overlooking of private rear garden amenity/patio spaces opposite;
- The areas that the balconies of the flats in question look down on are a communal spaces, no private gardens;
- The screening on the balconies in question together with the use of the obscured glazing panels would completely avoid any overlooking of the balconies or flats opposite in practice. A diagram attached, demonstrates that conclusively and also shows the distances between windows in the most affected flats is 21m as scaled – only 2m below your guideline separation distance standard.
- If you wanted to even preclude the possibility of bedrooms being 21m apart in two blocks concerned, then a planning condition could be imposed at this stage requiring the internal layout of those flats to be revised before any work commenced on the development.;
- The number of flats affected by a reduced separation distance (12no) are a significant minority of the units;
- The separation distance between the relevant flats' windows is actually 21m and not 18m. This is better than the separation distance of 20m from first floor window to window that other LPAs accept elsewhere for housing layouts;
- The JDEC building is an employment and small business centre. It has no residential units and the flank wall windows are not in residential or habitable room use. The Centre is not in use in the evenings or overnight;
- This is an outline application and such a matter would, reasonably in any case, be considered to be a part of the reserved matters applications.

Finally, I would ask you to note that the standard you are seeking to impose is set out in an Appendix to the 'saved' Local Plan and does not form part of any Policy in the Local Plan. This is an important point that should not be overlooked.

The Trust not ignoring the separation distance and guidelines standard of 23m separation distance between the windows you normally try to secure, but we would ask the Committee agree that in the circumstance of the high density and urban nature of the site and the nature of these proposals, together with the mitigation measures proposed, and the terms of Appendix 3 that flexibility should be acceptable and this reason for refusal not be accepted.

I have to say in conclusion that I am very disappointed in the recommendation and feel that the officers have not applied the sort of flexibility and balancing of the issues that they do normally and which could be applied lawfully to this outline application. This is very surprising and concerning given the potential serious outcome for the Trust should the recommendation or refusal be accepted by the Committee.

Please think again, and resolve to approve the application should the EA's objection be withdrawn, subject to conditions.

Photographs submitted by Agent





### Letter from Education Manager, Apsley Paper Trail

'What a WONDERFUL day we all had and every child came away the richer for sure.'- Berkhamsted Preparatory School November 2014

As a resident of Nash Mills and the Education Manager at Frogmore Paper Mill, I wish to express my concern at the potential closure of our charity as a consequence only of delayed planning permission. To lose a site of not just local or national importance, but international scientific, cultural and historical importance seems alarming. Paper is easily ignored, easily taken for granted but with a 2000 year history, 200 years in mechanised form commencing at Frogmore Mill in 1803; it is surely the cultural jewel in the crown of Hemel Hempstead, frequently dismissed as just a New Town.

The charity offers immense value for money and educational enrichment to schools across the county and beyond. School visits by primary and secondary students exceeded 1,300 in the calendar year 2014, supporting learning outside the classroom with a range of curriculum linked workshops and school Eco Clubs. Specialist graduate and postgraduate students such as those from The Courtauld Institute in London and groups from America and Canada visit annually.

Both our adult arts (calligraphy, drawing, genealogy, textiles) and IT courses, and family learning offering, aid community cohesion, family life, improve wellbeing and job prospects. Jobseekers are referred to us by JobCentrePlus with whom we have a strong relationship.

We host revered Royal Institution Engineering Masterclasses assisting the government initiative to increase the number of young people taking up STEM careers. Our industrial training courses seek to redress the dwindling paper industry skills gap, giving paper machine men a hands-on opportunity unique in this country. Closure would mean the loss of the living history of paper manufacture in the area, (our own Paper Valley), our papermakers unique expertise, the production of specialists paper stocks not possible elsewhere, loss of an extensive historical record of the many hundreds of paper makers, their families and their employment with one the largest local 'greats' of the industrial revolution, a local history and sense of local identity, a community centre-piece for a regenerating Apsley, employer of 11 staff, apprenticeship training and extensive volunteering opportunities; in short the loss of a national treasure.

On a personal level and as someone who has faced economic difficulty, I cannot express loudly enough the need for increased housing. A look at the Moving with Dacorum website highlights the demand for social housing and the need for smaller properties for those wishing to join the housing ladder is well documented.

Jacky Bennett FRSA, Chair of Trustees, Apsley Paper Trail

I am writing in support of The Paper Trail's planning application for the land, recently purchased by Dacorum BC. I was pleased to hear that the charity's development land had been sold to Dacorum Borough Council for much needed housing. It is particularly good to see this sensible use of brown field land which will give such a good opportunity for the Council to provide social housing and if the application is granted, enable the charity to continue its great work.

I have worked with this wonderful organisation over several years to deliver many training and learning sessions for beneficiaries both locally and outside the Borough.

They are a valuable charity to the voluntary and community sector and their facilities, quality of services provided and welfare of the service users is of a high standard.

It gives me great pleasure to endorse their application.

### **Recommendation**

As per the published report

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### **5.03**

**4/00371/14/FUL - DEMOLITION OF EXISTING GARAGE AND WORKSHOP BUILDINGS AND CONSTRUCTION OF 1 NO. 4 BEDROOM DWELLING, DETACHED CAR PORT AND BIN STORE AND ASSOCIATED HARD AND SOFT LANDSCAPING.**

**R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1**

## Additional comments

### **English Heritage**

Thank you for consulting Historic England about the proposed development of a new house to the rear of numbers 114-138, Piccotts End.

Piccotts End is a small but very attractive village on the edge of Hemel Hempstead. The application is relevant to Historic England as the site of the proposed house is close to numbers 130-136, Piccotts End. This row of timber-framed cottages was built in the 15th century probably as a single range. Repeatedly altered since its construction, it would remain a building of considerable architectural and historic interest even were it not for the remarkable survival of a very important late 15th century wall painting in number 132. It is the latter which accounts for the inclusion of the building in the highest grade of listing - grade I.

It is proposed to build a house on a site to the rear of the cottages. This would be a simple brick structure beneath a tiled or slated roof. The design might loosely be described as "traditional", but in various ways it would fall short of the quality of traditional buildings of this sort. The sash windows, for example, both have "horns" and are divided into multiple panes: horns were a 19th century device to support the weight of heavy plate glass, and small-paned windows cannot be constructed sympathetically if double-glazed. The fact that the large sash window to the right of the front door would be glazed with obscured glass as it would light a lavatory suggests that the design has not been fully thought through.

The National Planning Policy Framework states that the conservation of the historic environment, or of heritage assets, forms part of sustainable development and is one of the core objectives of planning (NPPF, 7, 14, 17). Local planning authorities should give great weight to the conservation of designated heritage assets when determining planning applications (NPPF, 132). The Framework also states that good design is a key aspect of sustainable development, and requires local planning authorities to consider the quality of design when determining planning applications (NPPF, 56, 64).

Historic England consider that the proposed development could be compatible with the conservation of the setting of numbers 132-136, Piccotts End. Historically there were brick cottages of 18th or 19th century date on this site, and a thoughtfully designed house of appropriate character could sit well with the adjacent historic buildings. What is proposed, however, although broadly appropriate in its scale, massing and materials, is poorly detailed and would be likely to detract from the character of its surroundings.

In the light of these considerations Historic England advise your Council that it should either approve this application subject to conditions requiring the approval of all details of the building's construction, or refuse the application and invite the applicants to give further consideration to the design of the proposed building.

### **Recommendation**

As per the published report



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**5.04**

**4/01076/15/FUL - GARAGE CONVERSION WITH FIRST-FLOOR EXTENSION ABOVE.**

**5 THE OLD FORGE, TRING ROAD, LONG MARSTON, TRING, HP234RL**

**Additional Neighbour Comment**

The Old Forge' is situated on the incredibly busy crossroads of Astrope Lane, Station/Tring Road and Cheddington Lane. It is very difficult to cross safely on foot here (On a couple of occasions children/adults have walked/run onto the crossroads from in between parked cars. It's even trickier to manoeuvre in a car having to pull in or out blindly as you can't see round buildings and parked cars, this especially evident when turning into Astrope lane with cars often parking very close to and at times directly on the junction. The only way to pass is on the wrong side of the road, if there are vehicles approaching you have to completely stop, blocking the crossroads causing a backup of traffic. This can be particularly evident at school drop off/collection times and during the morning and evening rush hours.

I attach some photos of the cars parking on the public highway already in this area and very close to a junction. Increasing the size of this building and its level of occupancy I feel could only make this worse.



It is so difficult to pull out left from our parking area onto to Astrope Lane as cars are on the wrong side of road to get round all the parked cars. The first photo attached was taken at 9.10 on Monday 13th April 2015, there was no school this day as you can imagine when the school starts it is even worse. The other photo was taken later but shows that pulling out left onto Astrope line is very tricky especially with cars turning in blind at the crossroads. The cross roads are very small with limited view from all angles so all these parks make it already difficult to manoeuvre. As I mentioned in my letter I have had a view near misses with pedestrians walking and sometimes children running to Long Marston School or the other way to the school bus that parks outside the queens head. The community bus also stops nearby.

**Recommendation**

As per the published report

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**5.05**

**4/00463/15/FUL - CHANGE OF USE FROM MARKET SQUARE TO CONTRACTOR'S COMPOUND FOR THE DURATION OF WORKS ON THE MARLOWES, BRIDGE STREET AND WATERHOUSE STREET.**

**THE SQUARE, MARLOWES, HEMEL HEMPSTEAD,HERTS**

**Recommendation**

As per the published report

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**5.06**

**4/01076/15/FUL - INSTALLATION OF EXTERNAL BRICK CLAD LIFT SHAFT TO ACCESS EXISTING BLOCK OF FLATS. LOCATED ON NORTH ELEVATION.**

**DUDLEY HOUSE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NR**

**Recommendation**

As per the published report

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**5.07**

**4/01482/15/FUL - CONSTRUCTION OF TICKET / INFORMATION OFFICE AND TWO PUBLIC TOILETS (AMENDED SCHEME).**

**LAND ADJ. DACORUM INFORMATION CENTRE, MARLOWES, HEMEL HEMPSTEAD, HP1 1DT**

Amendment to wording of report:

The existing bus station is currently leased by Arriva. The lease is due to expire in 2017 but DBC would like Arriva to relinquish the lease early to release Market Square for redevelopment. Arriva is agreeable to this subject to the provision of an alternative unit for their ticketing facility and six months' notice. If the ticketing facility is no longer required by Arriva in the future this space could be converted to an additional toilet, retail space or storage space as deemed appropriate at the time. The Council's proposed lease/**licence** arrangements with Arriva for the new ticketing facility allow for this.

**Recommendation**

As per the published report

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