

**4/02741/15/ROC - VARIATION OF CONDITION 26 (APPROVED PLANS) AND CONDITION 23 (REFUSE STORAGE FACILITIES) ATTACHED TO PLANNING PERMISSION 4/01010/13/MFA ( A MIXED USE DEVELOPMENT OF THE SITE TO CREATE 36 APARTMENTS, RETAIL FLOOR SPACE (CLASS A1) REPLACEMENT ELECTRICITY SUBSTATION AND ANCILLARY CAR PARKING AND LANDSCAPING.).**

**175-189, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD, HP3 9SQ.**

**APPLICANT: HILL PARTNERSHIP.**

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[Case Officer - Andrew Parrish]

### **Summary**

The application is recommended for approval. The proposed amendments are considered minor and will not impact adversely on the appearance of the development or the character of the street scene. There would be no harm to residential amenities. There are no other material changes in policy since the original grant of permission in 2014 that would indicate that permission should be refused. It is therefore recommended that permission be granted subject to conditions and a Deed of Variation under s106 of the Town and Country Planning Act 1990.

### **Site Description**

The site, which extends to 0.2 ha, is located in Apsley local centre. It is roughly rectangular in shape and is located on the corner of London Road and Storey Street. The site is currently being developed for a mix of residential and retail uses with associated car parking and landscaping / amenity provision following permission in March 2014. The proposed development comprises a 2½/3 storey C shaped building fronting London Road and wrapping around the two side streets of Storey Street and the new link road, Sealy Way.

Parking and a small amount of landscaping are accommodated to the rear with access off the two side streets utilising one way circulation through the site. Retail units occupy the ground floor corners including a return of the shop window around the two side streets. Residential development would comprise 15 x 1-bed flats and 26 x 2-bed flats occupying the ground, first and second floors with the provision of amenity space in the form of a roof garden accessible to all the flats via the communal staircases. The 36 dwellings would be for affordable rent.

The surrounding area comprises a mix of mainly older commercial and residential property along a rectilinear layout of roads. Residential uses are characterised by two-storey Victorian and Edwardian terraces and some detached and semi-detached villas in Weymouth Street and Storey Street. Florence Longman House occupies a position to the rear of the site, fronting both Weymouth Street and Storey Street.

### **Proposal**

In March 2014 planning permission was granted for a mixed use redevelopment of the site to create 36 apartments, retail floor space (class A1) replacement electricity substation and ancillary car parking and landscaping (4/01010/13/MFA). The permission has been implemented and is largely complete.

This current application seeks amendments to the approved scheme through section

73 of the Planning Act, wherein the condition listing the approved plans under Condition 26 and the condition referencing an approved plan under Condition 23 (refuse storage facilities) is amended to list the updated plan numbers and formalise the amendments to the scheme.

The amendments relate to:

1. Increase in first floor height by 1 metre to London Road frontage
2. Dormer face & cheeks, changed from brickwork to lead
3. Arches above windows, removed from end projections to front elevation (in rendered areas)
4. Brick cills, replaced with stone
5. Grey PVC, Gutter & downpipes now black
6. Front elevation, render to ground floor surrounding apartment entrance doors replaced with facing brick
7. Stainless Steel railings, replaced with black ppc railings. Vertical, not horizontal
8. Rear elevation, ground floor apartment entrance door now matching front elevation
9. Water butts added
10. Communal entrance doors revised, from double doors to single with fixed light adjacent
11. Chimney setting out revised
12. Hedges to parking under-crofts replaced with low brick walls
13. Parapet height revised
14. Windows on front elevation to Plots 6,7,8, 9 and 10 amended to become 1500mm high instead of 1350mm – in order to afford safe egress/ escape as required by LABC officer to comply with AD part B volume 2.
15. Services risers internally increased to allow for installation of M+E and supplies ie – water, electricity + communications riser sizes resulted in loss of cycle storage within bin store, therefore standalone cycle store was introduced (Sized to also accord with CFSH requirements).
16. Fascia over Shop Fronts and between Ground and First Floor on Front elevation to be increased in width to 750 mm.
17. Central fascia to be in monocouche render.

The following which have not been referenced in the schedule of changes are also proposed:

18. Introduction of copper gas pipes / meter housings to external elevations, to be hidden by RWP's where possible or painted to blend with brickwork.
19. Introduction of boiler flues to elevations.
20. Omission of pilasters to front entrances.
21. Refuse storage facilities amended and cycle storage building added to rear landscaped area.

### **Referral to Committee**

The application affects land in which the Borough Council has an interest.

### **Relevant Planning History**

Application site (Phase 2)

4/01010/13/MF A MIXED-USE DEVELOPMENT OF THE SITE TO CREATE 36  
A APARTMENTS, RETAIL FLOOR SPACE (CLASS A1)  
REPLACEMENT ELECTRICITY SUBSTATION AND ANCILLARY  
CAR PARKING AND LANDSCAPING.  
Granted  
12/03/2014

4/03963/15/DR DETAILS AS REQUIRED BY CONDITIONS 17 (NOISE  
C ASSESSMENT), 18 (SOUND INSULATION) AND 19 (AIR  
QUALITY) ATTACHED TO PLANNING PERMISSION  
4/01010/13/MFA (A MIXED-USE DEVELOPMENT OF THE SITE  
TO CREATE 36 APARTMENTS, RETAIL FLOOR SPACE (CLASS  
A1) REPLACEMENT ELECTRICITY SUBSTATION AND  
ANCILLARY CAR PARKING AND LANDSCAPING)  
Granted  
07/03/2016

4/00985/15/DR DETAILS REQUIRED BY CONDITION 4 (1:20 DETAILS)  
C ATTACHED TO PLANNING PERMISSION 4/01010/13/MFA - A  
MIXED-USE DEVELOPMENT OF THE SITE TO CREATE 36  
APARTMENTS, RETAIL FLOOR SPACE (CLASS A1)  
REPLACEMENT ELECTRICITY SUBSTATION AND ANCILLARY  
CAR PARKING AND LANDSCAPING.  
Granted  
06/07/2015

4/00871/14/DR DETAILS OF MATERIALS, HARD LANDSCAPING,  
C CONSTRUCTION MANAGEMENT PLAN, WHEEL WASHING,  
TURNING HEAD, CONTAMINATION AND REMEDIATION,  
SURFACE WATER DRAINAGE SYSTEM, SECURED BY DESIGN  
AND WASTE MANAGEMENT STATEMENT AS REQUIRED BY  
CONDITIONS, 2, 3, 7, 8, 9, 11, 12, 16, 20 & 22 OF PLANNING  
PERMISSION 4/01010/13/MFA (A MIXED-USE DEVELOPMENT  
OF THE SITE TO CREATE 36 APARTMENTS, RETAIL FLOOR  
SPACE (CLASS A1) REPLACEMENT ELECTRICITY  
SUBSTATION AND ANCILLARY CAR PARKING AND  
LANDSCAPING)  
Granted  
21/08/2015

Public Car park incorporating 175-177 London Road, Hemel Hempstead (Phase 1)

4/01561/09/MF MIXED USE DEVELOPMENT COMPRISING NEW GP SURGERY,  
A PHARMACY, RETAIL SPACE, 4 RESIDENTIAL APARTMENTS  
AND NEW LINK ROAD BETWEEN LONDON ROAD AND  
WEYMOUTH STREET, TOGETHER WITH CAR PARKING, CYCLE  
PARKING AND BIN STORAGE, REPLACEMENT PARKING FOR  
FLORENCE LONGMAN HOUSE AND NEW LANDSCAPING.

Granted  
11/08/2010

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS16 - Shops and Commerce  
CS17 - New Housing  
CS18 - Mix of Housing  
CS19 - Affordable Housing  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 51, 54, 58, 61, 62, 63, 76, 99, 100, 101, 111 and 129,  
TWA8  
Appendices 1, 3, 5, 6 and 8

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area HCA 12:  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency and Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

## Advice Notes and Appraisals

Refuse Storage Guidance Note 2015

### **Summary of Representations**

#### Conservation and Design

##### Comments on amended elevations

The elevations do not show the present position of gas pipes – confirmation is required that these will either be removed or hidden behind rwps.

The elevation shows there being flush flues at ground floor and not the projecting, clumsy and visually unacceptable white flues presently fitted.

The fascia to the recessed central section appears acceptable but has not yet been executed. The front of the 'wings' appear to show an additional band above the fascia – but no detail is given as to what this will be constructed of – this had not been discussed at site meetings, to my knowledge. No similar treatment of the side elevations appears on the drawings.

##### Comments on mock-ups

I visited the site today (4/04/16). The proposed mock ups are not what is required – the uPVC cladding used either horizontally or vertically with applied mouldings top and bottom make it appear as an awkward strip of cladding rather than a fascia. I recommended that they investigate a 750cm deep plain fascia (although they were arguing that only 500 deep uPVC cladding is available) I think we need to stick to the original concept and insist on a plain 750cm deep fascia.

This is particularly important as the really unfortunate decision not to paint the ground floor has left the poorly designed and executed door mouldings looking completely out of place. These either should be omitted (and the brickwork made good) – which will leave the ground floor looking stark and meanly designed – or the paint scheme re-introduced.

##### Comments on revised fascia options

The 750 option is an improvement – the 900 starts to be overwhelming.

#### Hertfordshire Highways

##### Comments on revised plans

We previously commented that further information is required to justify that the revised site layout is achievable and the proposed car parking spaces have sufficient manoeuvring space to ensure all vehicles can enter and exit the site, in a forward gear.

The additional information provided by the applicant indicates that vehicles will have sufficient space to enter and exit the site in a forward gear and the proposed parking arrangement is feasible.

Therefore, the objection from HCC can now be removed based on this additional information.

Initial comments (in summary)

Recommends that permission be refused. Further information is required to justify that the revised site layout is achievable and the proposed car parking spaces have sufficient manoeuvring space to ensure all vehicles can enter and exit the site, in a forward gear.

Site Layout: The revised site layout P-01 Rev 18 indicates that the access/turning head will be slightly altered from the approved plan (7868/001H). As a result it is unclear how vehicles will access the proposed disabled parking (parking bays 25 and 26). Further information is required to explain how these parking bays will be accessed.

In order to discharge the condition the applicant will need to submit more information justifying that the proposed car parking spaces have sufficient manoeuvring space to ensure all vehicles can enter and exit the site possible in a forward gear.

Cycle Parking: The revised site layout P-01 Rev 18 indicates that cycle storage will be located to the south of the site and accessed between car parking bays 7 and 8. This could result in conflict between vehicles parking in bays 7 and 8 and pedestrians/cyclists accessing the cycle storage space. Additionally, there may be visibility issues with cyclists leaving the cycle storage space. The applicant will need to ensure that visibility splays of 2x2 are provided for the proposed access to the cycle storage to ensure that there is sufficient pedestrian visibility.

Conclusion: Hertfordshire County Council objects to the application due to issues with the proposed parking layout. Further information is required to demonstrate that the parking arrangements are achievable.

Herts Fire & Rescue

No objections

HCC Ecology Advisor

No objection to the Variation of Conditions 23 and 26.

Crime prevention Advisor

On the basis of information available I am content with the proposals.

Trees and Woodlands

I have commented on this application previously at an earlier stage of development. No trees or landscape features are affected by the proposal at this stage.

Environmental Health

Does not wish to restrict the grant of permission

## SPAR

No comments

## Affinity Water

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Hunton Bridge Pumping Station. This is a public water supply, comprising of a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

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

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

## Contaminated Land Officer

Any comments received will be reported at the meeting

## Building Control

Any comments received will be reported at the meeting

## EDF Energy

Any comments received will be reported at the meeting

## Refuse Service Manager

Any comments received will be reported at the meeting

## Thames Water

Any comments received will be reported at the meeting

## Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None

## **Considerations**

### Key issues

The principle issue is whether the amendments to the floor levels, windows, materials, and other details would be detrimental to the appearance of the development, the

character of the street scene, highway safety or the amenity of adjoining residential occupiers.

Condition 26 lists the approved plans. It is therefore proposed to substitute some of these with amended plans.

### Background

Planning permission was granted in 2013 (4/01010/13/MFA). The principle of development has not changed since then and is still acceptable under Policy CS4 which encourages residential development in towns and large villages. The site is allocated for mixed uses under Proposal TWA8 of the Local Plan, the aim of which is to achieve the comprehensive and co-ordinated development of this site for a mix of uses, including offices and residential, incorporating a new road layout and closure of Storey Street. The planning permission achieves these aims.

The surrounding context (character area HCA12 Apsley) is characterised by small scale dwellings, with the exception of some more modern bulky developments such as Florence Longman House (FLH) to the rear of the site. In terms of design, the Victorian and Edwardian housing is simple and attractive, mostly in dark red brickwork. On the opposite side of London Road, there are one or two higher buildings such as Apsley Community Centre, which can be considered as “Landmark” buildings, but in vistas along London Road, buildings are predominantly two storey. There is some recent 3-storey development within the area at Apsley Mills, and of course Florence Longman House, but neither of these developments are prominent or figure strongly as a feature of London Road itself. On the south western side of London Road, adjoining the Phase 1 site, is a row of quite prominent 2 and a half storey gabled Victorian buildings which, due to levels, are set up at higher level than those 2 storey buildings opposite. The application for Phase 1 (4/1561/09/MFA) to the south, which has been completed, proposed 2½/3 storey buildings which are considered acceptable in the context of the adjoining gabled buildings.

The approved scheme (4/01010/13/MFA) for the application site relates to a single building showing a positive, continuous frontage to London Road, wrapping around the side streets with parking and amenity space to the rear, and a roof garden. It had a traditional appearance featuring steep pitched tiled roofs over a short span, sash windows and use of traditional brick, with a small element of painted render at the focal corner elements. The proposal had a height of 2½ storeys with rooms in the roof, increasing to 3 storeys at the main corners and dropping back to 2½ storeys on the return elevations facing Storey Street and Sealy Way.

Concerns were raised at the time by the Conservation and Design team to the height and scale of the building. However, the modulation of the roof heights together with their animation with chimney stacks was considered to satisfactorily integrate the building with the street scene and to be in scale with the adjoining Phase 1 Lincoln House development, whilst not appearing significantly out of scale with the adjacent 2-storey development in the area.

### Discussion

The application proposes a number of amendments (retrospectively) which are considered in turn below in the context of the above.



### Increase in first floor height by 1 metre to London Road frontage

This is considered to be perhaps the most contentious issue of all the amendments. The proposed amendments effectively relate to an increase in first floor height in relation to pavement level by 1 metre. The reason for this is understood when looking at the submitted section drawing comparing the amended with the approved scheme. It appears that levels were surveyed incorrectly when the original drawings were submitted and approved, thus the scheme was designed on the basis of London Road being 1 metre higher than it actually is. As a consequence the applicants have now sought to deal with this discrepancy (after virtual completion of the development) by lowering the whole ground floor relating to the frontage units whilst leaving the rear as approved.

The applicant states that it was brought to officers attention in June 2014 that there was a levels issue with the development compared with that approved. However, the case officer does not accept this. Whilst it is acknowledged that the issue of the retail side doors was mentioned in relation to immediately adjoining pavement level on Storey Street in that meeting there was no suggestion that there were wider levels issues that would require the whole ground floor to be lowered.

The above notwithstanding, the consequential increase in brickwork between ground and first floor windows is considered to result in an excessive solid to void ratio that harms the proportions of the building, appears overbearing / overwhelming in the street scene and out of scale with existing buildings in the vicinity. It is also noted that the amount of wall above the second floor windows on the west elevation (rendered section) is greater than the east, but moreover the eaves height appears to have increased compared to the approved elevations.

These concerns were relayed to the applicants following which a meeting on site was held on 22nd February 2016 with a view to seeking solutions to address this issue and others. The Conservation and Design Officer was involved in order to help find solutions short of demolishing and redesigning floor levels. It was agreed that the large gap between ground and first floor windows could be visually reduced by increasing the width of the proposed fascia band running just above the ground floor windows. Subsequently, two options were produced showing a 900 mm band and a 750 mm band. However, the former was considered to be rather overwhelming and it was agreed that the 750 mm band would present a reasonable compromise. Materials were also subsequently discussed but the mock ups on site in uPVC were considered unacceptable in detail by the Conservation and Design Officer. Subsequently it was agreed with officers that a through-coloured (Monocouche) render would be a better treatment to the central fascia band than uPVC. It was also agreed that there should be no change to the approved materials (painted timber) for the shop front fascias, except to increase the width to match the central fascia band.

Amended plans have now been submitted on this basis. Whilst the loss of the original proportions of the solid to void ratio on the front and side elevations and the increase in overall building height by 1 metre is disappointing considering how hard officers worked with the architect on the original approved scheme to maintain the modest character of this part of Apsley High Street, the amendments nevertheless help to mitigate the worst of the harm.

It must also be recognised that Apsley is not a conservation area and furthermore, in serial views looking south along London Road, the site cannot be seen until the last minute. Therefore its wider harm is arguably limited and the main view is terminated by the Phase 1 development of Lincoln House Surgery.

The proposal is therefore considered acceptable for approval in respect of levels and the consequential changes to the fascia width and detailing.

*Dormer face & cheeks, changed from brickwork to lead*

*Arches above windows, removed from end projections to front elevation (in rendered areas)*

*Brick cills, replaced with stone*

*Grey PVC, Gutter & downpipes now black*

These changes followed agreement with officers (including Conservation and Design) at a meeting in August 2015 and are considered acceptable in materials and design terms.

*Front elevation, render to ground floor surrounding apartment entrance doors replaced with facing brick*

This change was agreed with the applicant in October 2015 following concerns regarding the maintenance of previously agreed painted brickwork. The change would cause no harm to the street scene or appearance of the building.

*Stainless Steel railings, replaced with black ppc railings. Vertical, not horizontal*

The approved railings would present a climb risk, and therefore this change was agreed with the applicant in May 2014.

*Rear elevation, ground floor apartment entrance door now matching front elevation*

Approved planning drawings indicated a fully glazed entrance door to plot 3. As this is directly off a car park, privacy for this unit would be an issue. To ensure Continuity and security/ safety, this is proposed to be amended to be a black coloured entrance door to match those to plots 6-10 fronting onto London road. This detail is acceptable and raises no major design / street scene issues.

*Water butts added*

This has been added to comply with Code for Sustainable Homes compliance and is welcome.

*Communal entrance doors revised, from double doors to single with fixed light adjacent*

Approved planning drawings show a pair of double doors. In order to achieve a part M compliant clear width, both doors would need to open as a single leaf would not provide sufficient clear width. As such, this arrangement has been amended to be a single compliant width door with fixed sidelight. This change raises no major design /

street scene issues.

#### Chimney setting out revised

This follows a structural issue in trying to build this chimney half in the higher roof and half in the lower roof. It is now proposed to reposition the chimney to be completely within the higher roof section. This minor change was agreed in November 2014 and presents no street scene issues.

#### Hedges to parking under-crofts replaced with low brick walls

Due to the availability of existing gas services and means of providing gas to upper floor units, a dwarf wall is proposed in place of hedges to allow sufficient wall space to site gas meters. This was at the requirement of the gas board and was agreed with officers in October 2014.

#### Parapet height revised

Parapets are proposed to be increased in height by 225mm in order to suit the required thermal makeup of the roof in line with building regulations. This increase is minor and not considered to materially affect the appearance of the building.

#### Windows on front elevation to Plots 6,7,8,9 and 10 increased in height

The windows serving the above plots on the ground floor have been amended from 1350mm to 1500mm high. This is apparently to afford safe means of escape as required by the Building Control officer to comply with AD part B volume 2. This change would be a positive improvement as traditionally ground floor windows would assume greater importance through size.

#### Refuse storage facilities amended and cycle storage building added to rear landscaped area

The introduction of cycle storage in a separate building to the rear landscaped area instead of within the building as approved followed the installation of enlarged service risers internally to accommodate water, electricity + communications, resulting in the loss of cycle storage from the combined undercroft bin storage area. Therefore a standalone cycle store has been introduced (sized to also accord with Code for Sustainable Homes requirements).

The displacement of cycle storage into a separate building to the rear would result in the loss of part of the limited soft landscaping to serve the development which is disappointing given the original limited provision. Unfortunately there are now limited options. On balance, with changes to the design and siting of the structure, this change is considered acceptable.

Following the submission of additional information, the Highway Authority now raise no objection to these amendments in relation to the impact of the cycle storage facility on car parking and visibility matters.

#### Introduction of vents, flues and copper gas pipes / meter housings to external elevations

It was noted by the case officer that numerous flues and vents had been introduced 'scattergun effect' to all elevations and appeared to relate to the then concurrent application for MVHR. In addition, it was also noted that numerous lengths of copper pipe had been applied (apparently randomly) to the external face of the building.

These have not been referenced in the schedule of changes proposed and were only brought to officers' attention following the case officer's visit to the site in connection with this application.

Whilst normally the addition of such small items might be considered "de minimus", in this case given their number and extent it is considered that these are a material change from the approved plans and require permission.

These flues and pipes add clutter to the elevations and are considered to visually disrupt and detract from the appearance of the building. The appearance of domestic copper gas pipes is certainly an unexpected feature to be found on the external face of any apartment block, despite the contractors' assertions that this was quite normal in their experience. However, the case officer has not seen any other buildings where this has been applied, at least not in this area.

The above notwithstanding, it is understood that the copper gas pipes cannot be run internally as they need to be accessible independently to each flat, therefore must run outside to a separate gas meter serving each flat at ground floor level.

The gas meters at ground floor level would be screened and softened by proposed planting as part of the approved landscaping scheme. Therefore these can be mitigated through planting and would not appear unduly intrusive to the street scene. However, with regards to the flues, vents and gas pipes these cannot be screened in this way and therefore officers sought proposals from the applicants in order to help mitigate the impact of these on the external appearance of the building.

At the meeting of 22nd February 2016, it was agreed by all that the installed positions do not reflect the original design intentions and that these would be amended and "cloaked" or positioned by rainwater pipes wherever possible and horizontal runs reduced. It was also suggested that where horizontal runs were impossible to avoid (due to Gas Safety requirements), these would be painted in a colour to match the brickwork.

This is considered to be an acceptable compromise in principle. However, whilst the revised plans note "external Gas feed pipes to be hidden by dummy RWP's or painted out to match wall finish behind", nevertheless, we would expect to see the drawing updated to show the proposed position of these pipes on elevation as it is necessary that the LPA is clear what it is being asked to approve, and ultimately to provide a record of what has been approved (assuming permission is granted).

Amended plans have been requested and an update will be provided at the meeting. In the absence of this, it is recommended that details of their position be submitted for approval as a condition of permission.

With regards to the air vent grilles, these are now shown on the revised plans to be same colour as the render / brickwork and are not considered to be unduly intrusive.

With regards to the boiler flues, with the exception of the recent introduction of extended flues to the ground floor frontage (see below), these will be self coloured black thereby merging into the background brickwork. It is understood that the gas vents to the rear elevation against the cream coloured render cannot be sourced in any colour other than black, and cannot be painted either. However, given their location to the rear, they will not significantly detract from the street scene. On balance the flues / vents are considered not to significantly detract from the appearance of the building and can be approved as an amendment.

There remains the extended flues on the frontage, recently added, which are in white, in contrast to the brickwork behind. The Conservation and Design Officer notes that the elevation drawing shows there being flush air vent grilles at ground floor and not the projecting, clumsy and visually unacceptable white gas flues presently fitted. These are considered unduly intrusive, as well as not shown on elevation, and in view of this, we have asked the applicants to put forward suggestions for mitigating the impact of these, if not omitting them altogether, and an update will be given at the meeting. In the absence of this it is recommended that details be submitted for approval as a condition of permission.

#### Omission of pilasters to front entrances.

Having removed the requirement (see above) for the painting of the brickwork to the lower elevation on London Road, this left an awkward detail in relation to the pilaster columns (door mouldings) still on the planning drawings. The applicant therefore suggested that these mouldings should be omitted altogether. This was agreed with the applicant in March 2016, and shown on the revised elevations, although has not been acknowledged in the schedule of amendments.

#### Residential amenities

With regards to residential amenities, there would be no change in relationship with Florence Longman House to the rear. The site is separated from surrounding residential properties by roads. Properties on Storey Street are two storey residential. On the original permission it was noted that, given the limited height difference of the development facing these properties and the separation formed by Storey Street, it was considered the relationship to be satisfactory in light, privacy and visual terms. The amendments will clearly have the effect of raising the height of the building in relation to these properties. However, given that the increase in height by a full 1 metre will only affect the side elevation nearest the London Road frontage, with the height difference reducing the further up Storey Street one goes, and given that the nearest facing property (No. 1 Storey Street) is located some distance up Storey Street, it is considered that the actual increase in height experienced by that property will be less than half a metre. In view of this, it is not considered that the proposal would appear overbearing, or result in a significant loss of light, or result in any significant increase in overlooking.

The proposal would therefore comply with Policy CS12 of the Core Strategy.

#### Other matters

Since the grant of permission under 4/01010/13/MFA, the Dacorum Core Strategy has

been adopted. However, in considering that application the Council took into account the Dacorum's Pre-submission Core Strategy with Modifications. It is not considered that there are any material changes in the adopted Core Strategy since the consideration of that application that alter the original principle to grant permission or that otherwise indicate that the permission should be modified in some way.

The regulations for minor material amendments state that a new planning permission should be issued with a new planning reference that sits alongside the original permission. In the circumstances it will be necessary to make changes to the signed and completed s106 agreement in respect of 4/01010/13/MFA to ensure that it includes reference to the new permission number 4/02741/15/ROC. A Deed of Variation would be sufficient to do this.

The conditions on 4/01010/13/MFA will continue to be in force as the ROC pertains to Condition 23 and 26 only and the reference to the full approval is in the description of this approval. However, it is considered more straight forward that a new permission be granted in this case replicating the previous conditions as appropriate. Pre-commencement conditions have all been discharged. Therefore it is only needed to cross reference the relevant approvals. As the original permission remains extant but the three year time period in Condition 1 has been met, Condition 1 is not relevant anymore.

## **Conclusions**

In conclusion, there is no objection to this minor material amendment.

On balance, subject to clarification over the details of the copper pipes and extended flues the frontage, the proposals are considered to accord with Policies CS10, 11, 12 and 13 of the Dacorum Core Strategy, together with proposal TWA8 and character appraisal HCA12 of the Borough Plan.

## RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager Development Management and Planning with a view to approval subject to the completion of a Deed of Variation to the existing planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the Deed of Variation, or such other terms as the Committee may determine, be agreed:

That reference is made to planning application 4/02741/15/ROC in the current s106 agreement relating to 4/01010/15/MFA.

- 1 The Development hereby permitted shall be carried out in accordance with the details of materials which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

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

(September 2013).

- 2 **The development shall not be occupied until details of the position of external gas feed pipes on the development, and details of proposals to mitigate the appearance of or position of the extended flues on the ground floor front elevation, shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 3 **The Development hereby permitted shall be carried out in accordance with the details of landscaping which was submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted or within such other timescale as may be agreed with the local planning authority. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy (September 2013) and saved Policy 100 of the Dacorum Borough Local Plan 1991-2011.

- 4 **The Development hereby permitted shall be carried out in accordance with the details of the following which were submitted to and approved by the local planning authority under planning reference 4/00985/15/DRC on 6th July 2015.**

- all external boundary walls;
- secure cycle stores;
- bin stores, including refuse provision for the commercial units;
- all windows, doors and openings (including materials, finishes, cills, window headers and vertical cross sections through the openings);
- all dormer windows;
- fascia / soffit / eaves;
- all balconies, railings, balustrades;
- the shop fronts (including materials and vertical cross sections through the shop fronts).

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

(September 2013).

- 5 **All windows shall be vertical sliding or shall otherwise be designed to prevent opening lights disrupting the visual appearance of the facades, and window frames shall be recessed a minimum of 90 mm, unless otherwise agreed in writing with the local planning authority.**

Reason: To provide strong visual relief and to prevent opening lights from disrupting the visual appearance of the facades in accordance with Policies CS10, 11 and 12 of the Dacorum Core Strategy (September 2013).

- 6 **The development shall not be occupied until the arrangements for car park accesses, parking, circulation, and turning areas shall have been constructed, surfaced and permanently marked out, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway(s), or the amenities and convenience of existing local residents and businesses in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policies 51 and 58 of the Dacorum Borough Local Plan 1991-2011.

- 7 **The Development hereby permitted shall be carried out in accordance with the details of contractors compound on-site for the storage of all materials, plant and equipment, together with parking to be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: In the interests of Highway safety and efficiency and to ensure the adequate and satisfactory provision of off-street construction-related facilities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 8 **The Development hereby permitted shall be carried out in accordance with the details of means of cleaning the wheels of all vehicles leaving the site which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway, in order to minimise the impact of construction vehicles and to improve the amenity of the local area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 9 **The Development hereby permitted shall be carried out in accordance with the details of the turning head to be provided at the end of Storey Street together with details of the permanent closure of Storey Street**



**with London Road (including environmental enhancements) and measures to make the service road within the site one way (including measures to enforce this) which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To ensure that a turning facility is available at the end of Storey Street in association with the closure of Storey street in the interests of highway safety and convenience, and to ensure that the works will enhance the appearance of the street scene in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy (September 2013) and saved Policy 51 and proposal TWA8 of the Dacorum Borough Local Plan 1991-2011.

- 10 **The development hereby permitted shall be carried out in accordance with the approved C-Plan Sustainability Statement and preliminary SAP and Code for Sustainable Homes Energy 1 and Energy 2 Tool which were submitted under application reference 4/01010/13/MFA.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para 18.22 of the Dacorum Core Strategy (September 2013).

- 11 **The extent and nature of contamination is as submitted and approved under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: For the avoidance of doubt and to ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 12 **The Development hereby permitted shall be carried out in accordance with the details of remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The remediation scheme shall be implemented in accordance with the approved timetable of works.**

Reason: To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment

Agency recommendations)

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

Reason: To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 14 **In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 7 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination, development shall be halted on that part of the site. An assessment shall be undertaken in accordance with the requirements of Condition No 11, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority in accordance with the requirements of Condition No 12. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report shall be submitted to and approved in writing by the local planning authority in accordance with Condition No 13.**

Reason: To ensure that risks from land contamination to the future users of the land, and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013) and to protect groundwater in line with Paragraphs 109, 120 and 121 of the National Planning Policy Framework. (Refer to Scientific Officer and Environment Agency recommendations)

- 15 **Piling or any other foundation designs using penetrative methods is not permitted other than with the express written consent of the Local Planning Authority, which may only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To protect groundwater in line with the National Planning Policy

Framework, Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013), and the Thames River Basin Management Plan. (Refer to advice of Environment Agency).

- 16 **The Development hereby permitted shall be carried out in accordance with the details of surface water drainage system which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To protect groundwater in line with the National Planning Policy Framework, Policies CS31 and CS32 of the Dacorum Core Strategy (September 2013), and the Thames River Basin Management Plan. (Refer to advice of Environment Agency)

- 17 **The Development hereby permitted shall be carried out in accordance with the details of noise assessment which was submitted to and approved by the local planning authority under planning reference 4/03963/15/DRC on 7th March 2016. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the mechanical extraction plant or ventilation extraction system does not, at any time, increase the ambient equivalent continuous noise level.**

Reason: To protect the amenities of proposed and adjoining development. To ensure that any extraction plant comprising the residential artificial ventilation system or servicing the commercial retail units does not cause noise complaints in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 18 **Before any mechanical extraction plant or ventilation extraction system is used on the premises it shall be enclosed with sound insulating materials and installed using appropriate anti-vibration mountings in a way that minimises the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority.**

Reason: To prevent detriment to the amenity from the transmission of structure borne vibration in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 19 **The Development hereby permitted shall be carried out in accordance with the details of measures to be included in the development to ensure that rooms fronting London Road achieve suitable air quality standards which were submitted to and approved by the local planning authority under planning reference 4/03963/15/DRC on 7th March 2016.**

Reason: The area is an Air Quality Management Area (AQMA) and residential use would not normally be recommended in such an area.

Mitigating measures are required to ensure that the development limits its impact on air quality in this area and of traffic pollution on the occupants of and visitors to the development in accordance with Policy CS32 of the Dacorum Core Strategy (September 2013).

- 20 **The Development hereby permitted shall be carried out in accordance with the details of measures to be incorporated into the design of the development to meet secured by design principles which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015. The measures shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.**

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

- 21 **Before any new access permitted is first brought into use the existing access(es) shall be stopped up and closed by removing the vehicle crossover, raising the kerb and reinstating the footway surface.**

Reason: In the interests of highway safety and to ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 22 **The Development hereby permitted shall be carried out in accordance with the details of measures to recycle and reduce construction waste which may otherwise go to landfill which were submitted to and approved by the local planning authority under planning reference 4/00871/14/DRC on 21st August 2015.**

Reason: To accord with the waste planning policies of the area and Policy CS29 of the Dacorum Core Strategy (September 2013).

- 23 **No part of the development hereby permitted shall be occupied until the refuse storage facilities shown on Drg. No. C1962 / P-01 Rev 18 shall have been provided, and such facilities shall thereafter be retained and adequately maintained at all times for this purpose.**

Reason: To ensure satisfactory provision for refuse storage in the interests of residential and visual amenities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 24 **Shop window displays shall at all times be maintained to the retail units and no window film shall be applied that would obscure the windows. Any security shutters shall be by means of internal open grilles only.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS13 of the Dacorum Core Strategy (September 2013).

- 25 **The retail units hereby permitted shall only be used for retail purposes within Class A1 of the Town and Country Planning (Use Classes Order) 2005 (or any order revoking and re-enacting that Order).**

Reason: For the avoidance of doubt and to reinforce the retail character of this part of Apsley in the interests of enhancing the vitality and viability of Apsley local centre in accordance with Policy CS13 of the Dacorum Core Strategy (September 2013), Proposal TWA8 of the Dacorum Borough Local Plan 1991-2011 and the objectives of the Two Waters and Apsley Inset.

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

**C1962 / P-01 Rev 18  
C1962 / GA-11 Rev A  
C1962 / GA-04\_OP1D  
C1962 / A-12 Rev A**

**together with the following plans approved under 4/01010/13/MFA:**

**7868/001H  
7868/002E  
7868/003E  
7868/004E  
7868/007A  
7868/008D  
7868/009A  
7868/010B  
7868/011B  
7868/012  
M/1041850/002/002  
Topographic Survey**

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

#### INFORMATIVE

The development hereby permitted is an amendment to the permission granted under planning permission 4/01010/13/MFA.

#### Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the application process which lead to improvements to the scheme to enable permission to be granted. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.