

4/03378/16/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03120/16/NMA - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)).

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

APPLICANT: Bovis Homes (Northern Home Counties) Ltd.

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The proposal relates to the erection of 325 dwellings and associated open space, landscaping, footpath links and highway improvement works (including new railway crossings). Amendments are sought in respect of approved levels relating to Phase 6 (lower end of Maxted Field) adjacent to the railway lines in order to accommodate access and highway requirements. There are minor consequential amendments to the design of the apartment blocks and street scene. There are also consequential amendments to hard and soft landscaping layout, means of enclosure, contours, roads and footpaths already approved under details pursuant to conditions.

The proposal is considered acceptable in its design and layout; The level changes with respect to the nearest residential properties in Edward Court would cause no material detriment to residential amenities. There would be no harm to the street scene or character of the development. Car parking, access, landscaping and public open space provision (including NEAP) would all be acceptable and not materially different to that already approved. A deed of variation to the existing s106 agreement will be required to incorporate the current application.

Site Description

The site, which was largely green field, extends to 19.52 hectares and is located to the south and west of the existing built-up area of Apsley between the West Coast Main Line railway and A41. The site is bounded by the A41 to the west, Featherbed Lane to the north and the mainline railway to the east. Two Waters Infant and Junior School is located adjacent to the existing urban area and indents into the site. To the south the Shendish Manor Estate and Golf Course and a number of residential properties bound the site. The site forms a C shape and is currently being built out in accordance with the permission (4/02419/04/FUL) that was granted in 2010 for 325 dwellings

The area of amendment the subject of the current application relates to the extreme eastern end of the southern arm of the site (Maxted Field) which slopes down broadly from west to east. The boundary immediately abuts the railway line and rear gardens of properties fronting on to High Ridge Road together with the boundary with Shendish Manor to the south. This part of the site has vehicular access from King Edward Street via Featherbed Lane. Exclusive pedestrian access to the site is from Kents Avenue to the north of the railway line via an existing footbridge. This provides access to Footpath No. 73, which has been diverted around the edge of Maxted Field to link with the Shendish boundary, and to open countryside beyond.

The majority of the site is excluded from the Green Belt by virtue of proposals TWA3 and TWA4 of the Dacorum Borough Local Plan which allocate these areas for residential development. The remainder of the site is either within the Green Belt (viz: Home Wood (east and west) and land forming part of the embankment to the A41) or allocated as open land (viz: the TWA21 area).

Proposal

In May 2010 planning permission was granted for residential development of 325 dwellings, provision of open space, landscaping, footpath links and associated highway improvement works including new railway crossings (vehicular and pedestrian) (4/02419/04/FUL).

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 2 of 4/03120/16/NMA is amended to list the updated plan numbers and formalise the amendments to the scheme.

The amendments relate to the reworking of approved levels across Plots 1-20 and 45-55 facing the railway line. The reason given is that:

"the approved engineering solution in this particularly challenging part of the site did not work. In order to enable the sensible construction and access to these plots we are proposing a change in the design to the apartment block (plots 7-20); and an amendment to the street scene facing onto the railway line (plots 55-45 & 1-20 (reading left to right))."

There are a number of minor consequential changes to landscaping, ground contours, means of enclosure, layout of car parking/footpaths etc. that are also proposed in preference to conditioning these items again.

Referral to Committee

The application is referred to the Development Control Committee because the proposal relates to a large scale major development (over 200 units) which is linked to an existing agreement under s106 of the Town and Country Planning Act 1990.

Planning History

4/00202/17/DRC DETAILS REQUIRED BY CONDITION 13 (SURFACE WATER DRAINAGE SYSTEM) ATTACHED TO PLANNING PERMISSION 4/02419/04/FUL - RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Delegated

4/03120/16/NM NON-MATERIAL AMENDMENT TO PLANNING PERMISSION
A 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))
Granted
08/12/2016

4/03342/15/NM NON MATERIAL AMENDMENT TO PLANNING PERMISSION
A 4/02419/04/FUL - RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
04/03/2016

- 4/02499/15/NM A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02419/04/FUL - RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
29/07/2015
- 4/01804/15/DRC DETAILS OF BOUNDARY TREATMENT AS REQUIRED BY CONDITION 9 OF PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
02/07/2015
- 4/01019/15/VAR VARIATION OF S106 LEGAL AGREEMENT DATED 12 APRIL 2010 ATTACHED TO PLANNING PERMISSION 4/02419/04/FUL.
Granted
28/09/2015
- 4/02479/14/DRC DETAILS OF BOUNDARY TREATMENTS AS REQUIRED BY CONDITION 9 OF PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))
Refused
22/12/2014
- 4/02285/14/DRC DETAILS OF MATERIALS AS REQUIRED BY CONDITION 3 OF PLANNING PERMISSION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
24/10/2014
- 4/00863/13/DRC DETAILS OF MATERIALS TO BE USED AS WEATHERBOARD ON BLOCK A. REQUIRED BY CONDITION 4 OF PLANNING APPLICATION 4/02419/04/FUL (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
26/06/2013

- 4/01992/11/DRC DETAILS OF A SCHEME FOR FOUL AND SURFACE WATER (PHASES 2, 3, 4 & 5) AS REQUIRED BY CONDITION 13 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN WAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
06/01/2012
- 4/01961/11/DRC DETAILS OF WINDOWS/FRAMES AS REQUIRED BY CONDITION 4 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
21/05/2012
- 4/01963/11/DRC DETAILS OF HARD AND SOFT LANDSCAPE WORKS (EXCEPT FINISHED LEVELS/CONTOURS) AS REQUIRED BY CONDITION 7 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))
Granted
12/05/2014
- 4/01767/11/DRC DETAILS OF FINISHED LEVELS/CONTOURS, SLAB, FINISHED FLOOR AND RIDGE LEVELS AS REQUIRED BY CONDITION 5 (Phase 2, 3, 4 & 5) OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
12/01/2012
- 4/01474/11/DRC DETAILS OF HARD AND SOFT LANDSCAPE WORKS PHASE 1 AS REQUIRED BY CONDITION 7 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)
Granted
12/05/2014
- 4/01479/11/DRC DETAILS OF MATERIALS AS REQUIRED BY CONDITION 3 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING,

FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)

Granted
08/12/2011

4/01163/11/DRC DETAILS OF TREE PROTECTION MEASURES, PRIVACY PROTECTION MEASURES, TRANSLOCATION OF GRASSLAND AREAS AND ECOLOGICAL PROTECTION AS REQUIRED BY CONDITIONS 6, 10, 17 AND 18 OF PLANNING PERMISSION 4/02419/04/FUL(RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))

Granted
12/12/2011

4/01398/11/DRC DETAILS OF CYCLE STORAGE, SUSTAINABILITY AND CRIME REDUCTION MEASURES AS REQUIRED BY CONDITIONS 11, 12 AND 16 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))

Granted
08/12/2011

4/01370/11/DRC DETAILS OF FINISHED LEVELS/CONTOURS, SLAB, FINISHED FLOOR AND RIDGE LEVELS (PHASE 1) AS REQUIRED BY CONDITION 5 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))

Granted
04/05/2012

4/01134/11/DRC DETAILS OF FOUL AND SURFACE WATER DRAINAGE (PHASE 1) AND SMELL AND NOISE MITIGATION FOR FOUL WATER PUMPING STATION AS REQUIRED BY CONDITIONS 13 & 15 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))

Granted
10/11/2011

4/01131/11/DRC DETAILS OF ENCLOSURE AND WHEEL WASHING FACILITIES AS REQUIRED BY CONDITIONS 9 AND 20 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS,

PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))

Granted

13/09/2013

4/00957/11/NM A RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN) - NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/02419/04

Granted

20/07/2011

4/01044/11/DRC DETAILS OF PHASING PLAN, NOISE AND VIBRATION REPORT AND MITIGATION MEASURES AND CONTAMINATION AS REQUIRED BY CONDITIONS 2,14 AND 21 OF PLANNING PERMISSION

4/02419/04(RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))

Granted

10/08/2011

4/01031/11/DRC DETAILS OF ARCHAEOLOGICAL INVESTIGATION AS REQUIRED BY CONDITION 19 OF PLANNING PERMISSION 4/02419/04 (RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN))

Granted

11/11/2011

4/00745/10/MFA RESIDENTIAL DEVELOPMENT OF 37 DWELLINGS (AMENDED LAYOUT)

Granted

09/08/2010

4/02419/04/FUL RESIDENTIAL DEVELOPMENT OF 325 DWELLINGS, PROVISION OF OPEN SPACE, LANDSCAPING, FOOTPATH LINKS AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS INCLUDING NEW RAILWAY CROSSINGS (VEHICULAR AND PEDESTRIAN)

Granted

11/05/2010

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Adopted Core Strategy

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

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 19, 21, 37, 39, 51, 54, 58, 61, 62, 63, 100, 129
Appendices 1 (updated through the sustainability checklist), 3, 5 and 6

Supplementary Planning Guidance/Documents

Environmental Guidelines
Accessibility Zones for the Application of Car Parking Standards July 2002
Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Planning Obligations SPD April 2011
Affordable Housing SPD 2013

Advice Notes

Sustainable Development Advice Note (Dec 2016)
Refuse Storage Guidance Note (Jan 2015)

Summary of Representations

Highway Authority

Does not wish to restrict the grant of permission.

HCC highways are aware of this about re design works which was brought to their attention by Osbournes due to matters arising from the design of the road as being built compared to that approved for the bridge. The estate road will be required to tie into the swan neck junction.

HCC with the other stakeholders have come together to agree a compromise that achieves the correct tie in and maintains drainage.

All the above works are being supervised, design checked as part of the legal agreement for this development.

Design Out Crime Officer

It appears as though rear garden access alleyways are open to casual intrusion, which means they can become a gathering point for youths causing damage and Anti-Social Behaviour (ASB). I therefore ask that rear garden access alleyways to dwelling rear gardens are fitted at their entrance with a full height gate fitted with a suitable lock so residents can enter and leave from either side being able to unlock and lock the gate.

Parks and Open Spaces Officer

No objection

HCC Fire & Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate. Further comments will be made when we receive details of the Building Regulations application.

Historic Environment Officer

I have no comment to make on the application.

Rights of Way Officer

Any comments received will be reported at the meeting

Trees and Woodlands

Any comments received will be reported at the meeting

Building Control

Any comments received will be reported at the meeting

Refuse Services Manager

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

7, 9 and 12 Edward Court; object:

- Increased height of flats causing loss of privacy
- Car lights may shine into bedroom windows
- Overbearing and intrusive development
- Loss of light and overshadowing
- Inadequate parking provision causing the area to be dominated by cars
- Insufficient safe turning and visibility for residents' vehicles and service vehicles
- Could lead to subsidence due to steep slope and lack of proper drainage
- Consideration should be given to controlling hours of building operations, and providing a site compound for operatives

Considerations

Key issues

The principle issue is whether the adjustment of levels across the lower part of the site adjacent to the railway line together with alterations to the design of the apartment blocks in response to the change in levels would be detrimental to the appearance of the scheme, the functioning of the site and residential amenities.

Condition 2 of 4/03120/16/NMA lists the approved plans. The ones that describe this section of the site are:

P002 rev M Site layout Sheet 1
P046 Rev D Plots 7-20 Plans
P047 Rev D Plots 7-20 Elevations
P051 Rev A Street Elevations (Elevation 13)

It is proposed to substitute these with amended plans showing the alternative levels, layout and elevations as follows:

AP 7-20-02 G - Ground Floor Structural
AP 7-20-03 G - First Floor Structural
AP 7-20-04 G - Second Floor Structural
AP 7-20-08 C - Front & Side Elevations
AP 7-20-09 A - Rear & Side elevations
APSL-06-107 B - Apsley Phase 6 Proposed plans and Sections
APSL-06-108 B - Apsley Phase 6 Proposed Finished Floor Levels & Street Scene 13

The following drawings provide updated detail regarding the landscaping and fencing of the Phase 6 area..

APS6-02-300 K - Apsley Phase 6 fence key plan
JBA 11-249-06 Rev B - Apsley Phase 6 detailed plots and POS

The following drawings have also been submitted to help describe the changes but will not be approved drawings as such:

P001 A Location Plan
APSL_06-104 Approved and Proposed Sections Comparison
APSL_06_105 Approved and Proposed Levels

Discussion

Reference should be made to the report on 4/02419/04/FUL which granted permission for the development of the site for 325 dwellings in 2010 (see Appendix).

In considering 4/02419/04/FUL it was noted that a traditional style of dwelling was proposed which would provide some continuity with the existing estate through the use of materials and traditional details. It was also noted that a consistent style was proposed throughout the scheme and that the design of the units was attractive in their own right. It was further noted that the affordable housing (plots 1-41 on Phase 6) was designed using the same architectural details and palette of materials to ensure that it was indistinguishable from the open market units, and officers were satisfied that the proposals would not lower the quality of the development.

The proposed amendment to levels would not significantly alter the design or layout of the dwellings themselves and the approved materials would not change. The main change relates to the street scene fronting the railway line. The approved street elevation 13 had a significant

dip centred on plot 6 whilst the proposed street elevation now evens out the dip across the length of the street scene from left to right. This is shown on the revised Elevation to the Railway Line (Street scene 13). However, officers were keen to ensure that the scheme retained interest by an appropriate response to levels across the site by maintaining an element of roof articulation to the scheme. Although less evident than on the approved scheme it is considered that this has been suitably achieved in the revised scheme and will ensure a satisfactory appearance to the development from the proposed open space in front as well as in views from passing train passengers.

The change in levels across the site is shown in cross sections on Drg. No. APSL-06-107 B. This indicates that finished floor and roof levels would vary from that approved by between plus 1.7 metres and minus 2.3 metres. Plots 1-7 within the central part of the street scene would see a rise of up to 2.3 metres. However, there would be no impact on any existing adjoining residential amenities. Plots 45-55 would see a fall of between 1.3 and 0.5 metres. To the rear of this range, plots 42-44 would see a fall of 1.6 metres, and plots 50-54 a fall of up to 2.2 metres. To the rear of this range level changes would commensurately reduce until a zero change is achieved where the plots meet road 9 (spine road).

Importantly, it should be noted that the apartment blocks (plots 7-20) nearest Edward Court properties would see no change in finished floor level or main ridge height, and a lowering of ridge height by a full storey in respect of the west (front) wing of the northern block nearest Edward Court. This would result in the loss of an apartment from the top floor but its replacement at ground floor where there was previously none. Accordingly, there would be no increase in overlooking of Edward Court properties and the visual impact will be less. It should be noted in this respect that the distance is well over the minimum 23 metres and land between the apartment block and Edward Court would be landscaped with trees which will mitigate any harm.

A consequence of level changes around the apartment block is that the rear elevation facing onto the focal square would increase from 1.5 to 2.5 storeys. The key reason for this is that ground levels in the focal square would fall from that approved. Clarification is sought from the agent regarding the reason for this as it is unclear from the cross sections how this affects the relative heights of the other blocks surrounding the square, as this has not been demonstrated in cross section or street scene. The applicant has promised a street scene so that the impact can be considered and an update will be provided at the meeting.

There would be no material change to the functioning of the site as a result of these amendments as access and parking provision would remain as approved and landscaping and public open space provision would only marginally alter in response to level changes. The overall area of public open space and landscaping would be as approved and no adverse comment has been received from the Parks and Open Spaces Officer. Consequential changes to fencing, landscaping, footpaths, contours are shown on Drg. Nos. APSL_06_300 rev K, 108 rev B and JBA 11/249-06 rev B.

The proposed amendments are considered acceptable and would comply with Policies CS12 and 13 of the CS and saved Policy 100 of the Local Plan.

Other matters

A deed of variation to the existing s106 agreement will be necessary to refer to the current application number.

The development has been implemented. Condition 1 is therefore not relevant anymore.

Conditions 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 relating to phasing, materials, 1:20 details, levels (as amended by this application), tree protection, hard and soft

landscaping (as amended by this application), means of enclosure (as amended by this application), protection of privacy of 8-22 Manorville Road, secure cycle storage, energy efficiency and conservation measures, foul and surface water drainage, noise scheme, scheme to control odour and noise from pumping station, crime prevention measures, translocation of grassland, accommodation of protected species, archaeological WSI, wheel washing, contamination assessment have been discharged. Compliance conditions are recommended.

Condition 9 relates to a landscaping scheme for the "Additional Land" in the south western corner of the site. However, this land was never acquired by the applicants and therefore a landscaping scheme was never submitted. Instead, an alternative layout was approved for the "Purple Land" in recognition of this in accordance with the s106 agreement which ensures that a suitable area remains for public open space in compensation (4/00745/10/MFA).

Condition 21 relates to contamination but is no longer relevant as no contamination was found that needed remediation. It is relevant only in so far as identifying the approval.

Condition 22 requires compliance with the remediation statement but is no longer relevant given there was no remediation required.

Condition 23 requires on site storage and parking by contractors and remains relevant.

Condition 24 requires compliance with vehicle parking and access proposals and remains relevant.

Condition 25 requires compliance with refuse storage facilities and remains relevant.

Condition 26 requires the approved roadway, access, turning and circulation areas within any separate phase to be laid out to base course level before any dwelling is occupied and remains relevant.

Condition 27 requires compliance with the Air Quality Assessment Report and remains relevant.

Condition 28 relates to construction hours and remains relevant.

Condition 29 removes permitted development for certain classes from certain plots and remains relevant subject to referencing the latest GPDO.

Condition 30 removes requires obscure glass to be fitted to certain plots and remains relevant in the interest of residential amenity.

Condition 31 requires garages to be kept available at all times for parking and not to be converted or adapted for form living accommodation and remains relevant in the interests of highway safety and convenience.

Condition 32 requires development to be carried out fully in accordance with the approved plans unless approved otherwise by way of a further planning application or a non-material amendment. However, the condition is not strictly necessary as any development not in accordance with approved details would be a breach of planning anyway.

An additional condition will need to be added to require compliance with the non-material amendments approved under 4/00957/11/NMA, 4/02499/15/NMA, 4/03342/15/NMA and 4/03120/16/NMA for the avoidance of doubt.

Condition 2 of 4/03120/16/NMA lists the approved plans which should be updated to refer to the revised plans and listed as a new condition under this application.

RECOMMENDATION

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

That reference is made to planning application 4/03378/16/ROC in the current s106 agreement relating to 4/02419/04/FUL.

Suggested Conditions

- 1 **The development shall be carried out in accordance with the details of phasing approved under application reference 4/01044/11/DRC.**

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

- 2 **The development shall be carried out in accordance with the samples / details of materials approved under application references 4/01479/11/DRC and 4/02285/14/DRC.**

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 **Unless otherwise approved in writing by the local planning authority, all window frames shall be finished in white and recessed 90 mm from the face of the elevation in which they are set, all doors shall be painted/stained timber, all fascias, bargeboards, and other joinery shall be white painted/stained timber, and all juliet balconies shall be finished black, and the development shall be carried out in accordance with the details of windows/frames approved under application reference 4/01961/11/DRC and materials approved under application reference 4/00863/13/DRC.**

Reason: To ensure a sustainable form and satisfactory appearance to the development in accordance with Policies CS10, 11, 12, 13 and 29 of the Dacorum Core Strategy (September 2013).

- 4 **The development shall be carried out in accordance with the details of levels/contours, slab and finished floor levels approved under application references 4/01370/11/DRC (Phase 1) and 4/01767/11/DRC (Phases 2, 3, 4 & 5), except in-so-far as may be varied as part of the current application.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 5 **The development shall be carried out in accordance with the details of tree protection approved under application reference 4/01163/11/DRC. No materials, plant or equipment shall be stored or deposited and no mixing of materials shall take place within the area(s) so protected.**

Reason: To ensure that damage does not occur to the trees during building operations in the interests of the appearance of the development and to safeguard the visual character of the immediate area in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

- 6 **The development shall be carried out in accordance with the details of hard and soft landscaping approved under application reference 4/01474/11/DRC and 4/01963/11/DRC. The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season means the period from 1 October in any one year to 31 March in the next following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any parts of the landscaping scheme which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established. For the purposes of this condition each separate phase area shall be as approved under Condition 1 above.**

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

- 7 **The development shall be carried out in accordance with the details of enclosure approved under application references 4/01131/11/DRC and 4/01804/15/DRC.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

- 8 **The development shall be carried out in accordance with the details of the measures to protect the privacy of Nos. 8 to 22 Manorville Road inclusive from the "Swan-Neck" running between Featherbed Lane and King Edward Street approved under application reference 4/01163/11/DRC.**

Reason: To ensure a satisfactory appearance to the development and to safeguard residential amenities in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 **The development shall be carried out in accordance with the details of cycle security approved under application reference 4/01398/11/DRC.**

Reason: In the interests of providing secure facilities for cycle parking/storage in the interests of a sustainable form of development in accordance with Policy CS29 of the Dacorum Core Strategy (September 2013).

- 10 **The development shall be carried out in accordance with the details of energy efficiency and conservation measures approved under application reference 4/01398/11/DRC. All approved measures shall be incorporated into each individual house or flat before it is first occupied.**

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

- 11 **The development shall be carried out in accordance with the details of foul and surface water drainage approved under application reference 4/01134/11/DRC (Phase 1) and 4/01992/11/DRC (Phases 2, 3, 4 and 5) together with 4/00202/17/DRC. Before any house or flat is first occupied within any separate phase of the development, the approved drainage measures within that phase area shall be provided. For the purposes of this condition each separate phase area shall be as approved under Condition 2 above.**

Reason: To ensure the satisfactory disposal of foul and surface water, to ensure sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Document, "Water Conservation."

- 12 **The development shall be carried out in accordance with the mitigation scheme for noise and vibration from the railway approved under application reference 4/01044/11/DRC. No affected dwelling shall be occupied until the works which form part of the approved scheme which relate to that specific dwelling shall have been completed.**

Reason: In accordance with PPG24 in the interests of the amenity of residents in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 13 **The development shall be carried out in accordance with the details of mitigation measures for smell and noise nuisance from the foul sewage pumping system approved under application reference 4/01134/11/DRC.**

Reason: In the interests of residential amenities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 14 **The development shall be carried out in accordance with the details of crime reduction measures approved under application reference 4/01398/11/DRC.**

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).

- 15 **The development shall be carried out in accordance with the details of translocation of areas of important grassland approved under application reference 4/01163/11/DRC.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and ecological heritage in accordance with Policies CS10, 12 and 29 of the Dacorum Core Strategy (September 2013).

- 16 **The development shall be carried out in accordance with the details of ecological protection approved under application reference 4/01163/11/DRC.**

Reason: To ensure the appropriate accommodation of protected species and their habitat within the development in accordance with Policies CS10, 12 and 29 of the Dacorum Core Strategy (September 2013).

- 17 **The development shall be carried out in accordance with the details of**

archaeological investigation approved under application reference 4/01031/11/DRC and prior to the occupation of the last residential unit of the development a fully detailed report of all on-site archaeological work shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with Policy CS27 of the Dacorum Core Strategy (September 2013).

- 18 **The development shall be carried out in accordance with the details of wheel washing approved under application reference 4/01131/11/DRC and the wheel washing facilities shall be operated and maintained, along with measures for the disposal and removal of mud, in accordance with the approved details for the duration of construction works.**

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

- 19 **All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities in the interests of highway safety in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011.

- 20 **No house or flat shall be occupied until the facilities for vehicle parking and access (including cycle storage) for that house and/or flat shall have been provided in accordance with the details shown on the approved plans, and such facilities shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate access and parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highways, and to encourage the use of sustainable modes of transport in accordance with saved Policy 51 and 58 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 21 **The refuse storage facilities for the blocks of flats shown on the approved plans shall be provided before any flat in any block to which they relate is first occupied.**

Reason: In the interests of providing satisfactory facilities for the storage of refuse in accordance with Policy CS12 and 29 of the Dacorum Core Strategy September 2013.

- 22 **Before any house or flat is first occupied within any separate phase of the development, the approved roadway, access, turning and circulation areas within that phase area shall have been laid out and constructed to base course level. For the purposes of this condition each separate phase area shall be as**

approved under Condition 1 above.

Reason: To ensure that adequate access is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highways, in accordance with saved Policy 51 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 23 **Development shall be undertaken in accordance with the mitigation measures as set out in the Air Quality Assessment Report approved under application reference 4/02419/04/FUL.**

Reason: To ensure that the issue of air quality is adequately addressed and to ensure a satisfactory residential development in accordance with Policies CS12 and 32 of the Dacorum Core Strategy September 2013.

- 24 **Except in relation to the bridge works, or as may otherwise be agreed in writing by the local planning authority, no construction works relating to this permission shall be carried out outside the following hours:**

Monday to Friday 07.30 hours to 18.00 hours
Saturday 08.00 hours to 13.00 hours

There shall be no construction work on Sundays or Bank Holidays.

Reason: In the interests of the amenity of nearby residents in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 25 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development on the following properties falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1

Class A

TWA3 - Plots 23, 25, 29

TWA4 - Plots 53-58, 60, 70, 79-82, 87, 90, 98-101, 105-107, 125, 132, 136, 137, 138, 141, 142, 147, 148, 177, 182, 186, 189, 193, 194, 201, 203, 204, 209, 211, 215-217, 225, 229, 239, 248, 254, 256-259, 260-269, 270-280, 282-285, 287, 288, 290, 295,

Class B

TWA3 - Plots 1, 2, 18-30

TWA4 - Plots 1-6, 38-58, 59, 60, 70, 78-84, 87, 90-93, 98-101, 125-128, 129, 133-136, 139-140, 146-153, 177, 182, 185, 186, 189-193, 196, 197, 201, 203-204, 206, 207, 211-217, 225, 229-233, 239, 242-248, 251, 254, 256-280, 282, 283, 285, 287-295,

Class C

TWA3 - Plots 1-30 (excluding flats)

TWA4 - Plots 1-295 (excluding flats)

Class D

TWA3 - Plots 18-22, 25-27, 29, 30

TWA4 - Plots 55-58, 59, 62-69, 71, 78, 103-106, 108, 131, 132-141, 196, 197, 201-204, 210-214, 230, 231, 243-246, 248, 249, 258, 259, 267-269, 277, 278, 289,

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenities of the locality (including the original design concept of the dwellings) in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

26 **The windows in the following properties shall be permanently fitted with obscured glass:**

TWA 3:

Plot 18 - First floor bathroom

Plot 19 - First floor bathroom

Plot 23 - First floor landing and shower room

Plot 24 - First floor landing and shower room

Plot 25 - First floor bathroom

Plot 27 - Stairwells

TWA 4:

Plot 9 - Bathroom and south east living room

Plot 11 - Bathroom and south east living room

Plot 41 - Landing

Plot 42 - En-suite

Plot 50 - Upper stairwell

Plot 59 - First floor en-suite

Plot 75 - North-most window to bedroom 5

Plot 84 - First floor bathroom

Plot 88 - First floor en-suite

Plot 89 - Bedroom 4

Plot 96 - Stairwells

Plot 99 - First floor en-suite

Plot 126 - Stairwells

Plot 133 - Stairwells

Plot 137 - First floor en-suite

Plot 138 - Bedroom 6

Plot 139 - First floor en-suite

Plot 141 - First floor en-suite

Plot 144 - First floor bathroom

Plot 177 - South east bedroom 2

Plot 180 - Hall, bathroom and store

Plot 181 - Hall, bathroom and store

Plot 182 - North west bedroom 2

Plot 185 - South east bedroom 2

Plot 186 - bathroom and en-suite

Plot 190 - Stairwells

Plot 200 - First floor en-suite

Plot 201 - En-suite

Plot 202 - En-suite

Plot 203 - En-suite

Plot 204 - En-suite

Plot 205 - First floor en-suite

Plot 207 - First floor bathroom
Plot 214 - First floor en-suite
Plot 219 - Stairwells
Plot 234 - First floor en-suite
Plot 235 - Bedroom 5 and 6
Plot 236 - First floor en-suite
Plot 237 - First floor en-suite
Plot 238 - Bathroom
Plot 246 - Bedroom 5 and 6
Plot 249 - First floor en-suite
Plot 250 - Bathroom
Plot 260 - Stairwells
Plot 286 - Bathroom
Plot 294 - Stairwells

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 27 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation without the express permission of the local planning authority following the submission of a planning application.**

Reason: In the interests of highway safety and to safeguard the visual character of the area in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013..

- 28 **The development shall be carried out in accordance with the non-material amendments approved under application references 4/00957/11/NMA, 4/02499/15/NMA, 4/03342/15/NMA.**

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

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

AP 7-20-02 G - Ground Floor Structural
AP 7-20-03 G - First Floor Structural
AP 7-20-04 G - Second Floor Structural
AP 7-20-08 C - Front & Side Elevations
AP 7-20-09 A - Rear & Side elevations
APSL-06-107 B - Apsley Phase 6 Proposed plans and Sections
APSL-06-108 B - Apsley Phase 6 Proposed Finished Floor Levels & Street Scene 13
APS6-02-300 K - Phase 6 fence key plan
JBA 11-249-06 Rev B - Apsley Phase 6 detailed plots and POS

together with the following plans approved under 4/02419/04/FUL:

(Boast Associates)

P001 rev A – Location plan
P003 rev L – TWA-4 Site layout – sheet 2
P004 rev L – TWA-4 Site layout – sheet 3
P005 rev H – TWA-3 Site layout – sheet 4
P006 rev E – Overall site layout
P008 rev D – House type A1
P009 rev C – House type B
P010 rev C – House type B1
P011 rev D – House type C1/D1 Plans
P012 rev D – House type C1/D1 Elevations
P014 rev C – House type E
P015 rev C – House type E1/E2
P016 rev C – House type E1
P017 rev C – House type F
P019 rev B – House type G1
P022 rev C – House type J
P025 rev C – House type K1
P027 rev C – House type M
P028 rev C – House type N
P029 rev C – House type O/O1
P030 rev D – House type P
P031 rev E – House type R
P032 rev C – House type S
P033 rev C – House type V
P034 rev C – House type W
P035 rev B – House type X/Y
P036 rev A – Bin/bike stores
P038 rev D – House type 2B4P (affordable)
P039 rev D – House type 3B5P (affordable)
P040 rev C – House type 4B6P (affordable)
P041 rev C – Flats, plots 179-182
P042 rev C – Flats, plots 21-26
P043 rev D – Flats, plots 27-34
P044 rev C – Flats, plots 154-165
P045 rev C – Flats, plots 166-173
P048 rev D – TWA3 Flats, plots 6-11
P049 rev C – TWA-3 Flats, plots 12-17
P050 rev B – Street elevations 1-6
P052 rev B – Street elevations 14-15
P059 – Affordable housing site locations
P060 – Play area locations
P061 rev A – 3D view: focal square 3
P062 rev A – 3D view: home zone 1
P063 rev A – 3D view: focal square 2
P064 rev A – 3D view: village green
P065 rev A – 3D view: public open space
P066 rev A – 3D view: focal square 1
P067 – 3D view: TWA-3 general view
P068 – Drawing showing privacy of rear garden to 85 West Valley Road
P069 – Street elevation 16
P070 – Street elevation 17
P071 – Storey heights
P072 rev B – Site layout showing public open space

(MJA Consulting)
3595-OS-01

3595-OS-02
3595-OS-03
3595-OS-04
3595-OS-05
3595-OS-06
3595-OS-07
3595-E10
3595-EX04

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

Article 35 Statement

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

INFORMATIVES:

The development hereby permitted is an amendment to the permission granted under planning permission 4/02419/04/FUL.