

4/01132/15/MOA - Outline Application for the Construction of Retail Floorspace (Use Class A1) Measuring 12,503 sq. m, Office Floorspace (Use Class B1) Measuring 3,004 sq. m, Restaurants Measuring 650sq. m, and Associated Car Parking, Access and Landscaping Works.

LUCAS AEROSPACE LTD, MAYLANDS AVENUE, HEMEL HEMPSTEAD, HP2 7DF.

APPLICANT: Aviva Life and Pensions UK Limited.

[Case Officer - Fiona Bogle]

Summary

The application is recommended for approval subject to conditions and a S106 Agreement to secure compliance with the retail conditions, provision of a Travel Plan and contributions towards public realm improvements. However, if the committee accept the recommendation the application must be referred to the Secretary of State for Communities and Local Government (SoS) as a Departure from the Development Plan for consideration to "call-in" the application as the proposal exceeds 5000sqm, is an out of town shopping centre on designated employment land.

Summary of reasons to grant

The application submitted seeks outline planning permission for a retail park building of 12,503 sqm comprising Class A1 retail units within a maximum of 6 units and a commercial B1 unit of 3,004sqm and 650sqm of A3 restaurant space on land at the former Peoplebuilding site on Maylands Avenue. Whilst planning permission exists for B1 business uses on the site, other than one office building, a health club and car park the site has remained vacant for in excess of 15 years. There does not appear to be any prospect of B1 employment use coming forward on this site in the near future. Studies carried out on behalf of the Council show that land provided within the Maylands Gateway for offices will exceed demand and much of it may not be taken up over the plan period to 2031. Despite uncertainty over whether some key sites, particularly Maylands Gateway, will be developed mainly for offices or industrial/warehousing floorspace studies have concluded that there would not necessarily be an employment land supply problem for the Borough over the plan period 2006-2031.

The proposal for retail development is responding to the lack of demand for B1 office uses and promoting an alternative use in accordance with the NPPF. The site is considered an out of centre location for retail development, accordingly the development is subject to a sequential test and retail impact assessment. The Council employed retail consultants Peter Brett Associates (PBA) to assess these aspects of the proposal. It is concluded that the scheme meets the sequential tests and whilst an open A1 scheme would likely impact on the viability and vitality of Hemel Hempstead Town Centre, with appropriate conditions to control floorspace and type of goods sold the scheme is acceptable on retail impact grounds. The consultants also considered whether the town centre would be able to withstand the scheme together with any potential scheme at Jarman Park. The conclusions are that with suitable controls in place the town centre would not suffer on account of cumulative impact of both schemes. This work was also supported by work carried out by Chase & Partners (C&P) who considered the current health of the town centre and retailer demand for out of centre retail development in Hemel Hempstead. Their findings show that there is sufficient retailer demand for both the application proposal and a scheme at Jarman Park, which subject to suitable controls on type of goods sold would not adversely

affect the health of Hemel Hempstead Town Centre.

It is therefore concluded that the case for accepting the proposed retail development with the suggested conditions secured via a S.106 Agreement is strong enough to override any concerns about the loss of employment land and in terms of retail impact on Hemel Hempstead Town Centre.

The proposal in outline form is considered satisfactory in all other respects subject to suitable conditions to accord with the guidance in the NPPF, the saved policies of the Dacorum Borough Local Plan 1991-2011 and the Core Strategy.

Description

The application site comprises part of the former Lucas Aerospace site located on the corner of Maylands Avenue with Breakspear Way within the urban area of Hemel Hempstead. The site measures 6.4 hectares forming part of a larger area for which outline planning permission was first granted on 14 August 2001 for a business park. (See planning history below).

The northern part of the land, excluded from the proposal site, has been developed comprising one office building (B2) at the northern end of the whole of the site. A health club and restaurant building has also been constructed adjacent to building B2, and a decked car park is located to the rear of the health club building to serve B2 with surface parking to the rear of B2 for users of the health club.

To the north of the whole site are a number of factory units fronting Wood Lane End. To the north east is a residential development known as Hales Park and to the east is the former Lucas Sports ground. The site occupies a very prominent position as a gateway into Hemel Hempstead from the M1 motorway and from St Albans and is part of the 'Maylands Gateway' area as defined in the Maylands Masterplan.

The Proposal

Outline planning permission is sought for the redevelopment of the land to provide retail floorspace totalling 12,503sqm, restaurants and office space. All matters reserved for later approval except for access which is to be from the existing access on Maylands Avenue. A further exit-only vehicle access onto Maylands Avenue is also proposed approximately 130m to the north of the Maylands Avenue/ A414 roundabout. The application as submitted comprises the following development:

- A food store (2,356sqm gross floor area (gfa)) of which 1,414sqm would be convenience floorspace and 353sqm comparison floorspace.
- Non-food retail units (10,147sqm gfa)
- Class A3 restaurant use (1031sqm)
- Class B1 office use (3,004sqm)
- 553 car parking spaces
- Associated access and landscaping works

An estimated 559 full time equivalent jobs would be created.

The application was supported by a Planning Statement, a Design and Access Statement, a Transport Assessment, a Flood Risk Assessment, an Air Quality Assessment, an Ecological Appraisal, a Preliminary Environmental Risk Assessment, a Noise impact Assessment, an Archaeological Assessment, an Employment Statement, a Sustainability Statement and a Statement of Community Involvement.

The Council appointed Peter Brett Associates, retail consultants to assess the retail impact of the proposed development contained within the applicant's Planning Statement. PBA provided some initial comments in April 2015. The applicant formally responded in June 2015. Additional information on comparison goods impact assessment was provided in July 2015, this superseded the majority of the comparison goods impact assessment contained within the original Planning Statement. A further report was prepared by PBA based on the July submission, This was issued on 13 September 2015 (Appendix 1). The applicants gave an initial response on 14 September including suggested conditions relating to restrictions on sales floor space and type of goods to be sold. In a further email dated 23rd September the applicant suggested further adjustments to their suggested conditions and a reduction in the A3 floorspace. The formal response to the PBA report (Sept 2015) was received on 2nd October 2015 (Appendix 2) and this formally amended the application by reducing the extent of A3 use to 650sqm. The applicant's suggested conditions, to mitigate the impact on Hemel Hempstead Town Centre were appended to the letter.

The conditions include restricting the convenience floorspace to 1,414 m² net sales area and the comparison floorspace to 7,848 m² (gross internal floorspace). Other proposed conditions include a limit on clothing and footwear to 3% of the net sales area of each unit, except for the following units where such goods could occupy up to 50% of the space:

- A unit of up to 2,700 m² net sales area, which would also sell goods such as furniture, furnishings and garden centre goods
- A unit of up to 1,650 m², which would also sell sports equipment.

A further review was issued by PBA in November 2015, this takes into account the submissions since September 2015 and representations received in respect of the retail impact aspects of the proposed development. This report is attached at Appendix 3. PBA also issued in November 2015 a Comparative Assessment (Appendix 4) based on the current proposal for retail-led development on land at Maylands Avenue and the appeal proposal relating to the Jarman Park scheme for 10,300sqm retail floorspace (4/00424/15/MOA) that the Committee refused planning permission for in May 2015 on retail impact grounds. The Council also commissioned Chase and Partners to carry out a Retailer Demand Assessment, again looking at both the application site and Jarman Park. This report is at Appendix 5.

Referral to Committee

The Assistant Director for Planning, Development and Regeneration, in exercising his authority under the Council's Constitution has requested the application be brought to committee, on the basis of the impact of the proposed development on wider public interests.

Planning History

The site has been the subject of a number of applications. The most relevant are as follows:

2001

- 4/0245/01OUT Following the signing of a s.106 agreement requiring contributions towards transport issues, outline planning permission was granted on 14th August 2001 for a business park of 47,380 sq m with associated access road, car parking, service areas, landscaping and 928 sq m of ancillary uses comprising A1, A2, A3 and D2 uses. All matters, other than siting and access, were reserved for subsequent approval.
- 4/0850/01OUT Outline planning permission for a health club with cafe and restaurant was granted on 14 August 2001. The health club and public cafe/restaurant comprised 3,530 sq m of floor space with 75 car parking spaces.
- 4/0851/01FUL Following the signing of a s.106 agreement requiring contributions towards transport issues, full planning permission was granted for Office Buildings 1 and 2 on 14 August 2001 for the demolition of the existing buildings and the construction of two four storey office buildings (Class B1 (a)) with associated access road, car parking, service area, ancillary buildings and landscaping. The proposal involved 20,320 sq m of office floorspace within two new buildings with 694 parking spaces. A central boulevard was shown to run north/south through the site with office buildings located either side of the boulevard at the northern end.
- 4/1474/01FUL Following a deed of variation to the August 2001 agreement, on 8 April 2002, planning permission was granted for a four storey office (Class B1(a)) with ancillary associated access road, car parking, service area, ancillary buildings, plant and machinery and landscaping (Office Building 3). The application sought permission for 10,160 sq m of office floorspace with 570 car parking spaces and 40 cycle parking spaces.
- 4/1488/01FUL Following a deed of variation to the August 2001 agreement, Full planning permission was granted on 8 April 2002 for a two storey health club and public café/restaurant (Class D1/Class A3) with associated access road car parking, plant machinery and landscaping.

2003

- 4/2728/03/OUT Following a deed of variation to the August 2001 agreement, outline permission was granted on 7 June 2006 for construction of three office buildings (Class B1(a)), ancillary structures, ancillary building (retail (Class A1), security and management suite, meeting facilities), car parking, cycle parking and landscaping. All matters, other than access, layout and scale, were reserved for subsequent approval.

2008

4/0006/08/MFA A revised full planning permission was granted for Office Building 1 on 6 March 2009, including plant room, refuse and recycling storage and cycle storage with associated car parking and landscaping.

2009

4/0806/09RES Reserved matters approval was granted on 12 August 2009 for the submission of reserved matters (design, external appearance, landscaping) and details required by conditions 4, 5, 6, 9, 11, 12 And 17 pursuant to outline planning permission 4/02728/03 (construction of three office buildings (class B1(a)) ancillary structures, ancillary building (retail (class A1), security and management suite, meeting facilities), car parking, cycle parking and landscaping).

The current permitted use of the site therefore is for B1 (a) employment use by virtue of the partially implemented business scheme as outlined above.

Policies

National Planning Guidance

National Planning Policy Framework (NPPF)

Core Strategy

Policies NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS12, CS13, CS14, CS15, CS16, CS25, CS29, CS31, CS32, CS33, CS34, CS35

Saved DBLP 1991-2011

Policies 10, 13, 31, 33, 37, 44, 51, 54, 55, 57, 58, 99, 100, 106, 113, 116, 118 and 129

Planning Policy Statement

Maylands Master Plan: The Gateway to a Greener Future Sep 2007

Maylands Gateway Development Brief (July 2013)

Site Allocations Development Plan Document, Pre-Submission version (September 2014) as amended by the Focused Changes (August 2015)

Summary of Representations

The full response to the consultation process is attached at Appendix 6.

In summary:

Herts County Council Highways

Does not wish to restrict the grant of permission subject to conditions requiring:

1. Detailed plans showing roads, footways and drainage infrastructure, access arrangements and visibility splays, car parking and cycle provision.
2. Submission of a Delivery and Servicing Plan.
3. Submission of a Construction Management Plan.

The Highway authority also recommends the imposition of informatives in respect of:

1. Storage of materials.
2. General works within the highway.
3. Road Deposits.

Summary and conclusions

Hertfordshire County Council as Highway Authority does not object to the principle of the proposed development. However strategic traffic modelling (currently being undertaken by HCC) is required to assess the cumulative impacts of the development on the wider highway network in Hemel Hempstead.

S278 Agreement The proposed works within the highway boundary (including alterations to junctions and existing vehicular access) will need to be secured and approved via a s278 agreement.

S38 Agreement It is assumed that all roads within the site will remain under private control and management. No s38 agreement should therefore be required.

S106 Agreement A s106 agreement will be required to secure the Travel Plan and the financial contributions towards sustainable transport initiatives.

Conservation and Design

Significant design concerns regarding the layout of the proposal since the back/servicing of the buildings will be facing Maylands Avenue which is a key frontage. In addition the turning circle for the service vehicles will be the primary focus on the corner facing the roundabout. These facades will not be 'key facades' as noted in the D&A since they will be functional service yards and not main frontages. I also have concerns regarding the cranked nature of retail unit 6 since this form may appear odd in the streetscene in particular in such a prominent location.

I would therefore suggest that a landmark focal corner building is sited closer to the roundabout and that a terrace of retail units is pulled back to the eastern boundary with servicing at the rear. The car parking could then be sited to the frontage with high quality boundary treatment (brick piers and railings) with tree planting.

Trees & Woodlands

No objection to the outline application to develop the Lucas Aerospace Ltd site in Maylands Avenue, Hemel Hempstead.

The majority of the existing site is devoid of any good or exceptional quality trees that may restrict intended site usage. Existing trees and vegetation do not offer a screening function to adjacent property and is likely to be of low wildlife value.

Alongside the access road to existing buildings that would be shared with proposed site users is an impressive double row of Pin Oaks. These trees were planted during previous site development and have a positive impact upon their immediate

surroundings. They would need to be retained and protected during construction activity.

Part of the site frontage, either side of the existing access road, is already landscaped with an interesting selection of trees. This variety along the frontage could be replicated on other site boundaries and around the balancing pond (drawing no. 5266 A110, GA plan) with additional Pin Oaks forming focus points throughout the development. There is certainly space within and around the proposed development to introduce high quality interesting landscaping.

Rights of Way Officer

This site is abutted on its northern boundary by Hemel Hempstead public footpath 50.

No other comments

Parks and Open Spaces

The outlined landscaping for the site looks promising and should fit in with the area it is located in. It doesn't go into any real detail to what they will be specifically planting. I have no real objections, although it would be good to see a detailed planting scheme.

Scientific Officer

The Environmental Health Division is in receipt of the following reports submitted in respect of the above planning application:

- Preliminary Environmental Risk Assessment; Document Reference: EED14757-100-R-1-2-1-GH; Waterman Energy, Environment & Design; February 2015
- Air Quality Assessment; Document Reference: EED14757-100_AQ_R2.1.1_CB; Waterman Energy, Environment & Design; February 2015

Contamination:

The report provides a satisfactory preliminary risk assessment of the site. I am in agreement with the recommendations as follows:

- *'A ground investigation should be undertaken to confirm the underlying ground conditions within the Site. The scope of this investigation should be informed following a detailed review of past ground investigation reports and remediation validation information. The scope and timing of the resultant investigation should be agreed with the local authority. The investigation should target potential sources of contamination, notably from the engineering works and waste treatment/disposal site, including previously remediated areas. In addition, soils and stockpiles should be screened for potential contaminants including asbestos. The outcome of this investigation could then be used to inform the nature and scope of potential remedial measures;*
- *The ground investigation should also allow for geotechnical assessment to assist with foundation design. This should include an assessment of the potential for settlement within any residual superficial deposits left on Site. In*

addition, the nature of the bedrock should be investigated if it is considered likely that foundation loads will have an impact on bedrock e.g. as a result of the use of piled foundations;

- As the Site is located in a groundwater Protection Zone III, the ground investigation should also include leachate and groundwater sampling to identify potential contaminants in the groundwater and the mobility of potential contaminants in the soils beneath the Site;*
- Ground gas monitoring should be undertaken to establish the gas regime of the Site and to determine if any gas protection measures will be required in the proposed development. At this stage it is recommended that a two month programme of six gas monitoring visits will be required to comply with CIRIA C665;*
- During any groundworks, it is recommended that all construction workers wear appropriate PPE to reduce the risk of exposure to potential contaminants in the underlying Made Ground; and*
- The on site stockpiles and any materials excavated to facilitate the proposed development should be assessed for their potential for reuse on Site, in accordance with the requirements of the CL:AIRE waste protocol, or if excess to Site requirements the waste classification of the material assessed.'*

As further works are required, I recommend the contamination condition is applied should planning permission be granted in order to ensure that the recommended works are undertaken.

Air Quality:

An air quality assessment was undertaken in order to determine the likely effects of the proposed development on local air quality. I am in agreement with the conclusions drawn as follows:

- 'The construction of the proposed development would have the potential to generate fugitive dust from construction activities and changes in air quality as a result of exhaust emissions from plant and construction vehicles.'*
- A range of best practice environmental mitigation measures would be implemented to minimise dust generated during the construction works. With mitigation in place, the occurrence of nuisance dust would be minimised, and it is considered that the significance of effect would be negligible to minor adverse, and would be localised and temporary.*
- Exhaust emissions from construction plant operating on the Site would be small in comparison to the emissions from the road traffic movements on the roads adjacent to the site and therefore it is considered that their effect on air quality would be negligible.*
- It is anticipated that the effect of exhaust emissions from construction vehicles entering and leaving the Site would be minor adverse during peak construction periods and negligible at all other times, considering current background*

pollutant concentrations and local road traffic emissions.

- An assessment of the effect of the traffic associated with the proposed Development on local air quality has been undertaken using the DMRB. This predicted the effect of the proposed development on air quality at two sensitive receptors surrounding the Site.*
- Taking into account uncertainty in future NO_x and NO₂ reductions, the effects are predicted to be of minor adverse to negligible significance at the existing sensitive receptors considered in this assessment. The effects of the proposed development are predicted to be negligible for PM₁₀ and PM_{2.5} concentrations.'*

Ensuring that appropriate dust control measures are implemented in relation to the construction phase, I am satisfied that the construction and operational stages of the development will have a negligible to minor adverse effect on air quality.

HCC Minerals and Waste

Should the district council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development. Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following: *'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

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

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

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

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP).

This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

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

Thames Water

Waste Comments

Request condition requiring drainage strategy to be submitted.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

Final comments

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Supplementary Comments

Due to correspondence received from MJM Consulting Engineers on 14th October 2015 confirming proposals for foul water discharge from this development are now to make a single connection into Thames Water manhole reference 1201, based on a proposed flow rate of 16 litres per second for the site as a whole, our previous request to add a Grampian condition due to capacity concerns is no longer necessary.

Environment Agency

Since submission of the application the responsibility for flood risk in respect of major applications has been taken over by the Lead local Flood Authority (LLFA). The comments of the Environment Agency as reported in Appendix 6 have been superseded by the comments of the LLFA.

The original submission was lacking in a suitable FRA which led to the objection from the Environment Agency and initially from the LLFA as reported in Appendix 6..

Lead Local Flood Authority

Final Comments

In response to the letter sent by MJM Consulting Engineers dated September 3rd, 2015 submitted to the LPA in response to our previous letter dated September 2nd,

2015, we remove our objection on flood risk grounds.

At this outline stage the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme that can provide a significant betterment from current surface water run-off rates. The proposed discharge into the public sewer network has been accepted by Thames Water. The drainage scheme also includes sufficient attenuation of the required surface water volumes and has proposed the most appropriate sustainable drainage methods such as ponds, swales and permeable paving.

However as this is an Outline Planning application, we will require more detail as part of any reserved matters application particularly in relation to the proposed layout to ensure the principles set out in the outline drainage strategy are implemented and the space identified for the strategic SuDs features is allocated to ensure there will be no increase in flood risk within the development site.

A number of conditions as set out in Appendix 6 are requested.

Hertfordshire Constabulary

Public Parking areas:

a. Youths and vehicles: There is currently a problem with youths and vehicles (doing wheelies, etc) at the nearby Jarman Park. The car park for this proposed development should be designed to deter such activity.

b. Safer Parking Award: The Safer Parking Scheme is aimed at the management of criminal behaviour within the parking environment. Parking facilities that have achieved the award mean the parking operator has in place measures that help to deter criminal activity and anti social behaviour, thereby doing everything they can to prevent crime and anti social behaviour in their parking area. I therefore ask for the following condition:

Condition: No development shall commence until details to demonstrate how the car parks on site will achieve and maintain 'Park Mark,' Safer Parking Award status, have been submitted to and approved in writing by the Local Planning Authority in agreement with Hertfordshire Police. The car park shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.

Reason: To prevent crime and protect those people using the car park in accordance with paragraph 69 of the NPPF

CCTV & site Security:

a. Site CCTV & Security: To help prevent crime at such sites, whether it be vehicle crime or crime directed at the retail premises, it will be important to have good quality CCTV of the public realm on site as well as appropriate security. I have already mentioned the nearby Jarman Park site which currently has issues with youths in vehicles. That site also suffers from crime directed at the various premises on that site. The whole of the proposed site at Maylands will be private premises to which the public are invited. The Police do not patrol private sites to deter crime, so the duty of care for members of the public and site security will fall to the site owners /

management.

b. Maylands area CCTV: At the present time the area is an industrial / office / commercial area. If permission is granted then it will attract members of the public into the area as a site of destination, and this could lead to an increase in casual crime in the Maylands area. There is already a problem with theft of diesel from lorries and theft of goods from lorries in the area. Therefore I would support the addition of public realm CCTV for the area, to help deter crime in the Maylands area.

Herts Ecology

1. We have no ecological information on record from this former industrial site, although bats and badgers have been recorded from the general area.
2. Within the Environmental Risk Assessment Former buildings are noted as being demolished by 2006. With a lack of other activity, the site has now developed ecologically for nearly ten years. Photographs of stockpiles and developing vegetation are provided in a number of the submitted documents and clearly show potential habitat opportunities for reptiles and other wildlife. The ephemeral nature of these – colonising vegetation and bare, friable ground are typical of such brownfield sites and these could have developed a locally significant biodiversity, particularly for invertebrates and reptiles. However these habitats are relatively recent and isolated (other than areas at Buncefield) which may reduce their full potential.
3. Whilst I have no reason to consider there is any significant biodiversity interest on the site, its nature is such that it requires an assessment of its biodiversity and any appropriate recommendations.
4. In this respect I note the Ecological Appraisal which has been prepared in support of the application. This has provided an extended Phase 1 map of the site and identified potential reptile interest which will require further surveys to properly take these into account.
5. Previous discussion with HE on this issue concluded that reptile surveys could be undertaken by Condition if this outline application is approved or at the detailed phase of proposals. The reptile species most likely to be present (slow worms or common lizards) are not EPS and there is no requirement to consider these fully prior to determination. However as a material consideration further survey and advice is needed under the control of planning to ensure the protected species are properly taken into consideration as part of the planning process. Survey work can take place at any appropriate time to inform this.
6. A building inspection for bats was undertaken – bats are European Protected Species and information is required prior to determination.
7. The evidence from the surveys provided within the Appraisal is consistent with the interpretation of significance. Whilst the species-poor semi-improved grassland does include some indicator plants, I acknowledge the interest to be limited to the level of the site itself. The same follows for the other major habitat features on the site, such as hedgerows. Any role the site plays in contributing to a corridor will be of wider significance.

8. I consider the habitat enhancements as outlined in 5.4 are appropriate, and further details will be provided with a more detailed scheme of suitable landscaping proposals.

9. In this context, I note that the Site Strategy Masterplan (02.01) states:

A green and sustainable place

- *Promote the use of green energy*
- *Create new and improved existing habitats*
- *Incorporate green infrastructure*
- *Create wildlife corridors and landscape linkages*

Within the Landscaping Section (02.08) it states: *The landscape scheme seeks to retain key trees in and around the site which contribute to the amenity of the local area as well as forming an established landscape setting for the proposed built form.*

It is anticipated that a comprehensive scheme of landscaping will be conditioned as part of the proposed development. This will complement the existing retained vegetation and create a high quality setting for the proposals. The proposed planting will incorporate an appropriate mix of native and ornamental species to ensure a varied scheme which contributes positively to biodiversity is achieved. Species which are beneficial to pollinators as well as other fauna will be incorporated as part of this mix.

10. I would expect the process outlined above to be followed. The balancing pond is shown as a wildflower meadow – the extent to which any such ecological gain can be achieved will be dependent upon the feature's role as temporary water storage – which will limit its function as both dry grassland or a wetland depending upon its design and function.

11. Historically there were numerous orchards within this area of what is now Hemel Hempstead, and this habitat should also be considered as an objective of landscaping if there is sufficient opportunity. Orchards provide an amenity, pollination and a water management role as well as being productive.

12. In respect of species, bats are not considered to be present in buildings or trees, birds will be covered by the usual provisions re disturbance to nests if vegetation is cleared, and reptiles dealt with as outlined above. Methods of dealing with any issues are outlined and follow Best Practice.

13. The presence of Little Ringed Plover is a possibility in some parts of the site (e.g. Plates 2 and 5) if the vegetation remains open enough and undisturbed, as a pair showed signs of breeding in similar habitat at Buncefield. In any event this is likely to be a temporary exploitation of this habitat, and could be considered in the event of more detailed reptile surveys being undertaken.

14. On the basis of the above, I consider there are no fundamental ecological constraints associated with the proposals. Some further reptile surveys are required but can be provided as necessary to ensure they are fully considered. Otherwise there appears to be limited ecological interest associated with the site. Whilst detailed invertebrate surveys have not been undertaken, in terms of habitat quality, there is nothing to suggest there is anything other than perhaps local interest.

15. I have no reason to consider there are any other ecological issues associated with this proposal. Consequently I have no objections to raise regarding these proposals.

Herts Fire and Rescue

Having examined the drawings it is noted 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.

The drawing is retained for our records.

National Grid

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

National Grid has identified that it has apparatus in the vicinity of the enquiry which may be affected by the activities specified. Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application. If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

See Appendix 6 for Responsibilities and Obligations

ASSESSMENT

Affected Apparatus

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Above ground gas sites and equipment

Requirements

BEFORE carrying out any work you must:

- Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by National Grid prior to undertaking any works within 10m of this site.

- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

St. Albans City and District Council

This Council is concerned about the potential impact on St Albans City Centre. As stated in NPPF at paras 24-27:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

We consider that the issues identified in the NPPF need to be addressed fully including how they relate to St Albans City Centre.

Comprehensive assessment of impact on St Albans City Centre is needed. This includes assessment of spend originating in St Albans district and further afield. We think this would be necessary for you to understand the full impact of the proposed development.

In addition, there may also be a cumulative impact on St Albans from proposed retail development at Jarman Park. It is considered that this should also be taken into account.

We also note the potential impact on Hemel Hempstead Town Centre.

Local Residents/Businesses

Supporting application

161 signature cards stating:

I support the application as it will bring a derelict site back into positive economic use, creating approximately 560 FTE jobs and enhance the shopping facilities in Hemel.

Email from Graham Taylor

With regard to proposal for the planning application on behalf of Trilogy/Aviva I feel this is a much better option than having housing especially as it is an industrial estate. Aviva's other buildings on the industrial estate are a pleasure to drive past as they are immaculately kept and i feel the new development would be in the same vein. It would bring jobs and people to the area. This should not affect the town centre as the proposed shops shouldn't conflict with the brilliant town centre that we have. I hope you take this into consideration when making your decision.

Email from Julie Taylor

We consider putting some retail outlets would bring in more money to Hemel Hempstead and not affect our brilliant town centre shops. No retail park would stop us ever using our town centre shops as they are completely different shopping experience. At the moment the Industrial Estate looks untidy where there is hoarding up and old offices sitting empty. The people building and the virgin health club's land always look fantastically manicured and impeccably tidy it is always a pleasure to drive or walk past this part. So we feel if they would like to redevelop more of the land they could only do it justice. We feel certain there is room in our town for the right retail outlets and welcome it to happen.

Email from Sharon Morton

I fully support plans for shops and development in this area but not too many so that our nice green areas become over populated with housing and people.

I am a member at virgin active in Maylands Ave and the derelict areas surrounding this building could certainly be improved with some smaller shops, but good ones, like Next home store, M & S small store, and a small Morrisons and maybe a Lidl store too.

I personally don't see the need for a petrol station as there are already three nearby.

No more restaurants please as Jarman Park is adequate. A nice coffee shop would bring people into the area but we don't want the area to be spoiled too much and we don't want to encourage kids /teenagers to hang around the area causing trouble.

Please don't spoil the area with too many concrete buildings that all look the same....

Email from June Street

I am pleased to see that the former Lucas Aerospace site is about to be developed with a view to providing extra shopping facilities which will serve several neighbourhoods on this side of the town.

I am delighted that it will be a multi purpose site, with retail services providing more choice , employment, and lunchtime opportunities for existing employees on our industrial site , for shopping and hopefully eating a light lunch away from their desks and PC's.

This will benefit many employees.

The houses which are planned to be built opposite Hightown Housing Associations Head office will also benefit from this shopping resource as for years it has been known that many employees have requested a regular lunchtime bus to the Town Centre for shopping in their lunch hour. Now the new facility will make it easier and is within walking distance if necessary.

I am sure that the residents of Adeyfield, Bennetts End and Leverstock Green will make the most of this new retail development. Traffic may be a problem as is obvious and I feel I don't need to comment on this as I am not a traffic experts.

Email from Miss S Waye (long term resident, Wood End Close)

I want to add that I am not in support of any commercial site on the application from being used for residential purposes (as I understand that recent government legislation now makes that easier to do).

Councillor William Wyatt- Lowe

I have spent a lot of time considering the pros and cons of this application. I think that it is time to make you aware of some of the reasons why, on balance, I support the application to allow use of the site for specific retail purposes.

- 1) The residents of the east of 'Maylands' (plus many living between Leverstock Green Road and Maylands) have long felt isolated, and would value a food outlet within walking distance.
- 2) Although the Dacorum Core Strategy identifies the area as being for business, I believe that the current levels of road congestion mean that more 9-5 business would be a disaster for traffic in the area. I am aware (through attendance at the Maylands Partnership) that businesses considering coming to Hemel may have been led to expect that this site would be reserved for business use. Nevertheless I would be surprised if a change to retail for this small area was seen as a disincentive.
- 3) Workers in the Maylands business area are cut off from lunch time options by their distance from the town centre. Attempts to provide a 'shopper service' to the town centre (the ML2 and Christmas shopping specials) have failed dismally because the journey time was too great. For public health benefits the more options available in
- 4) A significant majority of the residents with whom I have discussed possible developments have supported the idea of retail on the site. Of the minority, several were opposed to all development – whether light industry, office, or retail.

- 5) There is a growing emphasis on Public Health issues in planning (such as the recent announcement of the “Healthy Towns” initiative). This was not true at the time of
- 6) As County Councillor for the town centre, I have not yet seen anything in this application which is competitive with the Town Centre retail offer (nor with The Queen’s Square). I would, of course, support restrictions which ensure that this continues to be so.

Councillor Graham Adshead

I support this application

Objections

On behalf of Maylands Partnership

This subject has been discussed at length with the various businesses based on Maylands and who form part of the Maylands Partnership which I represent. It is the combined view of the group that this proposed development is not appropriate for the site and as such we would like to register an objection. We have several concerns, the key ones I summarise below:

1. We are very concerned that the proposal is not aligned with the original Master plan for Maylands which was defined via a lengthy and thorough consultation process and approved as the Maylands Local Development order, 4th March 2011.

This planning application for retail falls into the area defined as ‘The Gateway’ which was expected to be the locations for: ‘A series of high quality, sustainable buildings set within a green landscape focused around a central lake. It will provide a range of building sizes suitable for key tenants in landmark buildings, including a Higher Education presence, HQ offices, conference facilities and a hotel.’ [taken directly from the Master plan document].

It should be noted that several major businesses have invested into Maylands based on the principle set out in the Master plan, so to ignore this, we believe, goes against the whole drive for regeneration in Maylands and undermines the long term direction for the park.

2. One of the major issues with Maylands Business park is the traffic especially during the rush hour periods in the morning & evening. The road layout & infrastructure struggles to cope with the current level of business commuters which leads to long queues and waiting times for those leaving and entering the business park. Particular problem areas are at the Leverstock Green roundabout. It is our view that this proposed retail application would generate significantly more traffic, leading to even more serious traffic issues. As an example we have experienced major problems caused by the new Aldi site in recent months which if replicated at the Leverstock Green roundabout would be a major issue for commuters into the business park. Traffic has been sighted [sic] as one of the reasons why new businesses would not move to Maylands and we are concerned this application would hinder our drive to attract more inward investment to the area.

3. With the major investments into the town centre’s regeneration which The Maylands Partnership support, we believe adding retail units on Maylands would be a distraction to the town centre and lead to a dilution of trade there. We believe that the heart of retail should be at the town centre and not be split across many separate sites.

Maylands is not suitable for the creation of an out of town retail park.

Hightown Praetorian & Churches Housing Association

On behalf of Hightown Housing Association, I hereby object to the application for extensive retail floorspace in the Maylands Gateway.

Hightown is a local charity, which continues to invest heavily in the regeneration of Hemel Hempstead. In the Heart of Maylands, Hightown has worked closely with Dacorum Borough Council to bring forward a deliverable mixed use scheme which complies with local planning policy. In line with the Maylands Masterplan and 2010 Heart of Maylands Development Brief, the scheme will create an attractive centre for businesses and employees working in Maylands, providing shops, cafes, business services and community facilities, focussed on a new public square. The clear function here is as an enabling development to draw in further business users.

Our understanding is that the Maylands gateway is intended to be a "visible sign of regeneration of Maylands and emphasise the role of the area as a high quality environment in which to invest, do business and work." The Gateway development brief was reviewed relatively recently in 2013 and while this introduced some flexibility to enable development, out of town retail stores did not feature in the description of acceptable uses.

Approval of the proposed scheme would run contrary to local policy and undermine the principle of regulating development and land use through strategic planning. This would set a dangerous precedent for other sites within the Borough.

We would encourage the Council to press for a policy compliant development on the former Lucas Aerospace site, which genuinely embraces Maylands as a growing and thriving business park.

GR Planning Consultancy on behalf of the leasehold owners of the Riverside Shopping Centre (RSC)

1. Background to Objections

RSC together with the Marlowes Shopping Centre (MSC) represents the main retail 'core' of the Town Centre. My clients have invested heavily within the RSC and continue to work closely with the Council and other local stakeholders in promoting RSC as well as the wider Town Centre, ensuring that any new investment undertaken within the 'public realm' and shopping environment realises positive improvements for the Town Centre.

My clients consider it essential to the continuing success of the Town Centre that its health is protected and enhanced and that new investment is positively encouraged so as to increase footfall and build on the success of recent developments and new investment within the Town Centre.

2. Refusal of Jarman Park Application (ref: 4/00424/15/MOA)

The Minutes of the Development Control Committee on the 28th May 2015 confirm that Members resolved to refuse planning permission for this development as the proposal

would have a 'substantially harmful impact' on the Town Centre and would adversely affect the Council's aims as set out in the adopted Town Centre Master Plan. At the time of writing that refusal had still to be issued. Nevertheless, this decision establishes a number of important principles:

- That even with the recommended restrictions on the sale of clothing & footwear the Council (Members) concluded that a development of 10,102sqm of A1 floorspace (6,700sqm of which was the subject of an extant consent) would result in a 'significant adverse impact' on the Town Centre contrary to Policy CS16 of the Core Strategy
- The development would adversely affect the aims of the Town Centre Master Plan which includes proposals for a new foodstore and the consolidation of comparison floorspace within the Gade Zone - a central driver in the regeneration of the Town Centre and in generating value to fund various environmental improvements (paragraph 5.2.4 of the Master Plan)
- That the Council (Members) concluded that the Town Centre was vulnerable to further out-of-centre retail development and that the benefits of the proposed scheme did not outweigh the adverse impact on the Town Centre

In relation to the latter point, this conclusion was, in part, based on the advice provided by the Strategic Planning Team (in turn based on the independent retail advice from the Council's retained retail consultants, PBA). These established principles provide the context for determining the outstanding application on the Former Lucas site.

3. Objections to Former Lucas Site Application (ref: 4/01132/MOA)

In view of my clients significant interests within the Town Centre we have concentrated our objections on the retail implications of this application and specifically the Planning Statement (dated March 2015) submitted in support by Savills ('Savills Statement'). In doing so, we have been mindful that the Council's retail consultants, PBA, are undertaking a detailed critique of this retail assessment. We have therefore sought to provide, from the perspective of our clients, a further independent analysis of some of the main points that arise from the Savills Statement.

The application seeks consent for 12,503sqm of A1 retail space – the clear implication is that an open A1 use is sought. However, there is no existing retail development on the application site and it does not benefit from any extant consent for A1 use. Similarly, it is not allocated for retail use and is not one of the recognised 'Out-of-Centre Retail Locations' referred to in Table 6 of the Core Strategy. It is therefore seeking consent for a completely new out-of-centre retail destination on a scale that well exceeds the proposals refused on Jarman Park. The immediate conclusion that can be drawn from this is that the development is contrary to the development plan and that by applying the principles established through the Jarman Park refusal, the development will result in a "*significant adverse impact*" on the Town Centre contrary to Policy CS16 of the Core Strategy and paragraph 27 of the National Planning Policy Framework (NPPF) (March 2012).

See Appendix 6 for detailed objections with reference to the relevant paragraphs in the Savills Statement.

Summary & Conclusions

In summary, the proposed development would result in a 'significant adverse impact' on the Town Centre contrary to Policy CS16 of the Core Strategy, the Town Centre Master Plan and paragraph 26-27 of the NPPF. There are no material considerations or other benefits of the proposed scheme that would in any way outweigh the adverse impact on the Town Centre. Consistent with the Council's decision on the smaller Jarman Park development, planning permission must be refused.

Further Comments

The Savills response primarily deals with queries raised by the Council's retail consultants, PBA.

As the Savills submission does not respond to or address any of the objections we submitted, there is clearly no need for us to respond further and I can confirm that the objections detailed in our letter of the 10th June 2015 therefore remain outstanding. These objections include:

- The fact that the application conflicts with the development plan and specifically policy CS16 of the Core Strategy
- The failure of the application to address the findings of the 2011 Retail Study Update in relation to the future performance of Hemel Hempstead Town Centre (HHTC) and the need to allow its businesses to grow and meet their full potential
- The various flaws and errors within the supporting retail assessment including the fact that HHTC's retail businesses are not overtrading at present
- The underestimation of impact and trade draw from HHTC – adopting the principles agreed in determining the Jarman Park application the Lucas development is likely to result in the loss of £17.0Million of comparison turnover from HHTC (as well as the loss of convenience turnover) leading to the loss of footfall and linked trips and resulting in "*significant adverse impact*" on HHTC and current/planned investment
- The clear similarities with the appeal proposals on the Leamington Spa Homebase site where the Inspector dismissed a significantly smaller retail development given the risks that even a small amount of trade diversion can have on centres that even though are showing signs of improved health and are in need of both public and private investment and not further out-of-centre competition to ensure that those improvements continue.

Intu Watford

We write on behalf of our client, intu Watford Ltd ('intu') to object to the above planning application. Intu is the owner and operator of the intu Watford Shopping Centre, previously known as the Harlequin Centre in Watford town centre.

The planning application proposes a major out-of-town centre retail development at Lucas Aerospace Ltd, Maylands Avenue, which, if planning permission is granted, would provide 12,503 sq m of Class A1 floorspace for the sale of comparison and convenience goods. This floorspace is split into 2,563 sq m of convenience floorspace and 10,147 sq m of comparison goods floorspace.

The reasons for our objection are set out in this letter. Our concerns relate primarily to

the comparison goods element of the proposed development.

Principle of Development

The Dacorum Core Strategy (adopted 2013) allocates the application site and the wider Maylands Avenue area as a 'Core Office Location'. Policy 31 of the Dacorum Local Plan 2004 (saved policies) relates to general employment areas and states that the Maylands Avenue area is a 'prestigious business area' and should be 'enhanced'. It states that small scale retail uses are acceptable if needed to serve the area.

Policy 44 of the Local Plan relates to retail floorspace outside of defined centres and states that "shopping proposals outside defined centres will be required to demonstrate that a sequential approach to site selection has been followed". Policy CS16 of the Core Strategy is consistent with this and states that "new retail floorspace will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of impact assessment."

The proposed development is contrary to the Core Strategy and Local Plan because the substantial amount of floorspace would undermine the designated 'Core Office Location' and impact upon the local retail hierarchy. The scale of development proposed will create a major shopping destination that is likely to change shopping patterns within the Borough and further afield.

Our client is concerned that the proposed development will have an adverse impact on Watford town centre. The applicant's retail assessment assumes that 10% of the proposed development's turnover will be diverted from Watford town centre but does not quantify the impact on this location. Retail development proposals in out-of-centre locations should complement, rather than compete with the existing retail offer and planned investment within town centres. Out of centre developments should not divert planned investment away from any defined centre within the catchment. As a regional shopping destination, Watford is expected to continue to strengthen its retail offer irrespective of neighbouring proposals. In order to do this, it needs to attract retailers to ensure town centre investment is deliverable. Intu recently obtained planning permission for the redevelopment of Charter Place, adjacent to Intu Watford Shopping Centre. The applicants have not considered the impact of the proposed development on investment within Watford town centre.

The application is applying for Class A1 floorspace, with approximately 40% of the comparison retail floorspace to be occupied by a "national multiple retailer selling a mix of furniture, homewares, garden and electrical goods and clothing and footwear". This could have a significant adverse impact on planned investment in Watford town centre. Intu are delivering 10,000 sq m of open A1 use in Watford town centre as part of the Charter Place redevelopment, providing large modern retail units in a sequentially preferable location. If planning permission is granted for the Maylands Avenue proposal, the delivery of this planned investment within Watford will be threatened and potential retail tenants could be diverted away from Watford town centre to the Maylands Avenue scheme. This could reduce the prospects for letting space within the development and consequently reduce the ability to attract new retailers to Watford town centre.

This would impact more widely on the vitality and viability of the centre. The potential loss of customers in the centre could jeopardise or delay planned investment in Watford. We therefore request that the Council refuse permission for this application due to it being contrary to local planning policy and having the potential to undermine

the retail hierarchy and shopping patterns within the borough and further afield. The applicants failed to fully address the impact of the proposed development, and in particular have not demonstrated the implications for planned investment within Watford town centre.

Suggested Condition

Should the Council be minded to recommend this application for approval, it is paramount that restrictions are imposed by way of Planning Conditions to ensure investment and regeneration in Watford Town Centre is not diverted to an unsustainable out of centre location. Conditions should ensure that the nature of the retail offer is properly controlled, appropriate to the role of the area in the retail hierarchy and does not adversely impact on Watford town centre or other centres in the catchment area.

Intu therefore requests as a minimum that the Council impose the following Condition

“The use of the approved retail units shall be limited to the sale of DIY, home improvement and garden products, furniture and for no other purposes including any other purpose within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended”.

Reason: To control the range of goods sold within the approved development in the interest of safeguarding the vitality and viability of existing town centres. To ensure that the development complies with the terms of the planning application and that the retail impacts of the development are not greater than is anticipated in the retail impact assessment accompanying the application. To comply with Policy CS16 of the Core Strategy (2013). To comply with the National Planning Policy Framework.

In accordance with the NPPF, this condition is necessary to ensure that in future the proposed retail units cannot be occupied by a retailer selling a wide range of comparison good which should be offered in a town centre location. This is important to protect the vitality and viability of town centres.

NGK Spark Plugs (UK) Ltd

Object on grounds of peak traffic flows. Consider that the current traffic is already too great for the existing road network. It is stated in the documents submitted to be "Known to operate close to capacity in peak period and the extant office scheme could be implemented without any further highway improvements". We believe that the capacity assessments for the extant office scheme are no longer valid. I can not be sure because the document is so long, but I assume that the assessments date from 2003 or earlier. Since then, traffic has increased significantly and journeys take a lot longer at peak weekday times. The document accepts that "a number of junctions would be over capacity in the future year scenario" and the traffic will be above capacity levels, though "not to the same extent as the extant office scheme scenarios", yet concludes that "the scheme should receive planning approval" because the proposals provide a betterment in comparison with the extant office scheme". We believe that this conclusion does not follow from the reasoning, in that one flawed scheme does not justify a less flawed scheme.

Resident of Nordest, Leverstock Green Road

The Council is investing considerable sums developing the town centre and trying to fill the significant number of vacant retail outlets, hence these retail units could easily be located in the town centre. If we allow retail to move into the 'Industrial Area' we will reduce the space available for future 'Industrial development' with the jobs they will bring, which will be far in excess of those brought by retail. The overall effect would be to fragment the retail in the town centre, wasting the potential of the current development taking place there.

Resident of 110 Wood Lane End

While Hemel Hempstead needs jobs, shops, and a more pleasant environment, the only cause for concern is the level of traffic coming into Wood Lane End from both ends in the peak periods. Has a traffic plan been devised to allay the fears of residents concerning extra traffic flow in the lane itself? As you know there is a children's nursery / school at the junction at the top of lane. Also many workers access the factories to rear of Wood Lane End via pavements which could be improved to assist them going to work, many have to walk in the road now because of the narrow pavement, would Wood Lane End become one way for vehicle traffic? maybe an option. Also the fields at the cemetery side needs to be protected from the wild life point of view.

Considerations

Planning Policy context

The Strategic Planning and Regeneration (SPAR) Officer has provided the detailed planning policy background within the appendix to the SPAR report found at Appendix 6. To avoid repetition here, the committee is referred to that appendix for the full policy context pertinent to this case. In summary the proposal needs to be assessed against the National Planning Policy Framework (NPPF), Saved Policies from the DBLP, the Core Strategy and background papers, and the Maylands Master Plan and Maylands Gateway Development Brief.

The site largely falls within the Maylands Avenue General Employment Area (GEA), which is allocated for business use and designated as a Core Office Location. The southern part of the site is designated as open land in the Local Plan. However, previous planning permissions and the Maylands Master Plan, the Maylands Gateway Development Brief and the Core Strategy propose development across the whole site. Planning permission for a business park comprising 47,380sqm of office space was first granted in August 2001. Since then, despite numerous proposals for business development on the land only 1 office building comprising 10,160sqm has been constructed along with a health club and decked car park, the remainder of the land has been vacant or used as a temporary car park. The Roger Tym and Partners Report (Dacorum Employment Land Update (July 2011) suggests that land provided within the Maylands Gateway for offices will exceed demand and much of it may not be taken up over the plan period. This is supported by the findings of the Strengthening Economic Prosperity Background Issues Paper (August 2015) which suggests that given uncertainty over whether some key sites, particularly Maylands Gateway, will be developed mainly for offices or industrial/warehousing floorspace there would not necessarily be an employment land supply problem for the Borough over the plan

period 2006-2031.

The proposal is responding to the lack of demand for office use and promoting an alternative use in accordance with paragraph 22 of the NPPF which states:

"where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative use of land or building should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

Such is also in line with the recommendations of the (Dacorum Employment Land Update (July 2011)). Whilst the proposal includes a small amount of office development it is primarily for A1 retail use. Given the location of the site and the scale of the retail development proposed the proposal is defined as an out of centre retail development and thus is subject to a sequential test and retail impact assessment to accord with the NPPF and Core Strategy. In accordance with Core Strategy policy CS16 new retail floorspace will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of the impact assessment. Both these elements have been fully assessed by the Council's consultants PBA. The results of which are considered in depth below.

In respect of need for the retail development GL Hearn's report (Retail Study Update (October 2011)) concludes that there is a demonstrable need for additional convenience goods floorspace to serve Hemel Hempstead. With regard to comparison goods GL Hearn consider that no new allocation outside of the Town Centre be earmarked, however the very recent analysis of the market carried out by Chase and Partners show that there is considerable demand for comparison goods within an out of centre location. The impact of such on the health and viability of the Town Centre is explored in detail below.

A further consideration is the allocation of Jarman park as a retail and leisure location and in particular the planning requirements as set out in the Site Allocations Development Plan Document, Pre-Submission version (September 2014) as amended by the Focused Changes (August 2015):

"Acceptable uses are retail and leisure uses. Approximately 7,000 sqm (gross) of retail space is acceptable, except for the sale and display of clothing and footwear, unless ancillary to the main use of an individual unit."

PBA have considered the cumulative impact of the proposal and the site allocation at Jarman Park and the appeal proposal on the Town Centre and Chase and Partners have considered the deliverability of a development here in association with the Jarman Park allocation or the appeal scheme.

Key Issues

Set against the policy background the two key issues to consider are the loss of B1 employment land and the impact of the development on the health of Hemel Hempstead Town Centre. Given the site is allocated for B1 Employment Use the effect of the loss of employment land is considered first.

1. Loss of Employment Land

In consideration of this key issue the SPAR report at Appendix 6 addresses this in the context of "should the site be retained for employment purposes" and poses 3 questions under this heading. Taking each in turn:

How important is the Maylands Gateway in meeting Dacorum's future needs for B-class employment?

Maylands Gateway is of great importance in meeting Dacorum's future needs for B-class employment and a key aim of the Core Strategy is to encourage employment development on the Maylands Business Park and the emerging South West Hertfordshire Economy Study regards Maylands Business Park as a strategically important employment area of regional significance and whilst there is very little available land elsewhere in Dacorum for B class development the proposal for employment development at East Hemel Hempstead in the proposed St Albans Strategic Local Plan means that there is now a very large reserve of land (55 hectares) for B-class uses in the expanded Gateway area. It is concluded therefore, that it would be reasonable to accept the loss of a limited amount of this land to other uses.

Is the site commercially attractive for B-class employment development?

It may be that there is no current demand for B1 office space, however as evidenced in the SPAR report there would appear to be demand for other B Class uses in the Maylands area. The South West Hertfordshire Economy Study acknowledges SW Hertfordshire as having "all the key ingredients of a successful growing economy and the economic forecasts suggest that employment will continue to grow at a faster rate than the UK average" and in particular, a significant increase in demand for office space over the next twenty years is forecast. Maylands Business Park is a strategically important employment area of regional significance. Demand for industrial and warehouse and distribution uses is strong. It is concluded that if the application site were marketed for B-class uses in the current market it is highly probable that there would be a high level of interest for warehousing development, an element of office development might be included. In the future, it is possible that the site could become commercially attractive for office development.

Are the employment targets in the Dacorum Core Strategy likely to be achieved?

Core Strategy Policy CS14 states that sufficient land will be allocated to accommodate growth in the economy of approximately 10,000 jobs between 2006 and 2031. Policy CS15 states that a minimum area of land will be identified and retained for B-class uses, including General Employment Areas (which will be protected for B-class uses). The policy sets the following targets for the 2006-2031 plan period:

- Around 131,000 sq. metres (net) additional office floorspace; and
- Nil net change in floorspace for industry, storage and distribution.

The SPAR report assesses progress in relation to the targets in Policies CS14 and CS15 with reference to the Strengthening Economic Prosperity Background Issues Paper (June 2015) and the Dacorum Annual Monitoring Report (AMR) 2014/15.

The Issues Paper includes an assessment of potential floorspace change over the

Core Strategy plan period. For some of the sites in the Maylands Business Park, floorspace assumptions are made for two scenarios:

Scenario 1: high industrial/warehousing growth

Scenario 2: high offices growth

These scenarios reflect the uncertainty over whether some key sites, particularly the Maylands Gateway site (including the application site), will be developed mainly for industrial/warehousing floorspace or offices.

The Annual Monitoring Report provides the most up-to-date monitoring information on completions and job growth since 2006 and prospects for future change to 2031. It seems likely that the Maylands Gateway will be developed mainly for warehousing. The AMR suggests that there will be a substantial net loss of office floorspace over the Core Strategy plan period, rather than the major floorspace increase (130,000 sq. metres) proposed in Policy CS14. In contrast, a large increase in industry, storage and distribution floorspace is forecast between 2006 and 2031, rather than the nil net change proposed in Policy CS15.

The calculations assume 26,000 sq. metres of industry, storage and distribution floorspace on the application site. The current planning application includes 3,000 sq. metres of offices, but no industry, storage and distribution space. Therefore, if the application scheme goes ahead, it would slightly reduce the overall loss of office floorspace and reduce the increase in industry, storage and distribution space to around 25,000 sq. metres.

The AMR estimates that there will be an increase of 9,900 jobs in the Borough 2006-2031, as such the Borough is almost exactly on line to achieve the target in Policy CS14 of 10,000 additional jobs 2006-2031.

The calculations assume 370 industry, storage and distribution jobs on the application site (assuming 26,000 sq. metres of floorspace). The current planning application would provide an estimated 559 full time equivalent jobs. The actual job numbers would be considerably higher, as many retail jobs are part time. Therefore, if the scheme goes ahead, it would increase the total jobs growth estimate to well over 10,000.

The SPAR report concludes that office floorspace over the Core Strategy plan period is forecast to be way below target, whilst industrial, storage and warehousing floorspace is expected to be substantially above target. Job growth 2015-2031 is forecast to meet the Council's target. In addition, there is likely to be large scale employment floorspace and jobs growth within St Albans District immediately adjoining Dacorum at East Hemel Hempstead.

Overall conclusion on loss of B-class employment land

There are a wide range of factors to be considered relating to this question. After taking account of all these factors, it is concluded that most of Maylands Gateway should be retained for B-class uses. Nevertheless, it would be reasonable to accept the loss of a limited amount of this land to other uses, but only if there is a clear justification for such uses. The Application site should be considered in this context.

2. Retail Impact

There are a number of significant considerations in terms of the acceptability of the proposal on retail planning grounds. The SPAR report has posed a number of key questions against which to assess the scheme. Expert advice has been sought in responding to these points from retail consultants PBA and Chase and Partners in respect of retailer demand.

Taking each in turn:

Is the site in an edge of centre or out of centre location?

Paragraph 6.2 in Savills' Planning Statement accompanying the application classifies the site as edge of centre. However, section 4.1 in PBA's Retail Review (RR) concludes that the site is in an out of centre location.

Does the proposed development meet the sequential test?

Section 6 of Savills' Planning Statement provides an assessment of the potential impact of the proposed development. Sections 4.3-4.6 in the RR are relevant. Paragraph 4.6.3 concludes that the proposed development is compliant with the sequential approach.

Is Jarman Fields or the application site the most appropriate location for further out of centre retail development?

PBA in the table in paragraph 4.5.2 of the RR indicates that the Jarman Fields site is not sequentially preferable to the Aviva site. This is because they are both defined as out of centre sites. However, as summarised by SPAR, it is considered that Jarman Park is a preferable site because it is allocated for shopping development in the Local Plan and a broadly similar allocation is proposed in the Site Allocations. It is already an existing well established out of centre retail and leisure location. It is closer to the town centre than the application site and the application site involves the loss of key employment development land, contrary to the Council's policies. There is a danger that the development of the Jarman Fields site will be jeopardised if this application is permitted and a retail development should be permitted only if it is concluded that it would be appropriate to permit two such developments.

Is the impact of the proposed development on Hemel Hempstead town centre and the local centres acceptable?

This is the crux of the issue and key to the suitability or otherwise of the development in principle.

Savills considered impact in section 7 of their Planning Statement and in their 2 October letter. PBA's original advice is contained in section 5 of the RR and they provided further advice in sections 4 and 5 of the Further Retail Review (FRR). The RR (paragraph 5.9.2) states that the key concern arising relates to the effects of the forecast trade diversion on the vitality and viability of Hemel Hempstead town centre.

The RR and section 4 in the FRR deal with the 'solus' impact of the application scheme

i.e. the impact arising only from the current application proposals. However, section 5 in the FRR considers cumulative impact i.e. the combined impact of the application scheme, the Jarman Fields development and the recently refused Lidl application which is considered most relevant in assessing this proposal. It is worth noting however, that even PBA's solus impact assessment shows that an unrestricted retail development on the application site would not be acceptable and would cause a significant and adverse impact on Hemel Hempstead town centre. However, and critically to the determination of this case PBA consider that the solus impact could be acceptable if the amount of fashion floorspace is carefully controlled through planning conditions.

Section 5 in the FRR looks separately at comparison impact and convenience impact. Paragraph 5.1.5 in the FRR explains that the comparison impact is the most relevant in relation to Hemel Hempstead town centre, and the convenience impact is the key issue regarding impact on local centres.

PBA's conclusions on cumulative impact are summarised below (from the SPAR report):

- Cumulative comparison impact on Hemel Hempstead town centre (FRR sections 5.2, 5.4, 5.5 and 6.3): paragraph 5.5.3 assumes that the application proposal and Jarman Fields scheme will be controlled to limit the amount of floorspace devoted to clothing and fashion. Nevertheless, paragraph 6.3.1 states that there is the potential for a significant adverse impact on Hemel Hempstead town centre, particularly due to diversion within the comparison goods sector. The following conclusion is reached in paragraph 6.3.5:

"The results of the cumulative assessment exercise demonstrate that DBC should only support either Jarman Fields or the current application.

- Cumulative convenience impact on Hemel Hempstead town centre (FRR sections 5.3-5.5 and 6.3): paragraph 6.3.3 states that the cumulative convenience impact on Hemel Hempstead town centre would be less pronounced than the comparison impact. This is primarily because there is only one significant foodstore in the town centre, so any additional convenience floorspace would compete mainly with other out of centre stores.
- Impact on existing local centres (FRR paragraphs 4.6, 4.7, sections 5.2-5.4 and 5.6): PBA have assessed the impact on the Adeyfield, Leverstock Green and Woodhall Farm local centres. Paragraph 5.6.1 concludes as follows:

"With regard to cumulative impact, as set out above, it is the convenience element

- Impact on proposed Heart of Maylands local centre (FRR section 3): the new Heart of Maylands local centre is now under construction and the convenience store within the centre has been let to Sainsbury's Local. Hightown Housing Association (the Heart of Maylands local centre developers) made representations on the proposed Lidl foodstore opposite the Aviva site on Maylands Avenue. In response, PBA recommended conditions preventing the Lidl store having various in-house facilities and restricting the sale of certain goods. PBA are now recommending that the same conditions should be

imposed on the foodstore element of the application scheme, in order to mitigate the impact on planned investment in the Heart of Maylands.

Is there a quantitative need for the proposed retail development?

The NPPF does not require 'need' to be demonstrated to justify retail development. However, as the proposed retail development is contrary to the Council's planning policies on employment land it is considered that the proposed retail development should not be permitted unless a clear need for retailing on the site can be demonstrated, sufficient to justify making an exception to the employment policies.

Small scale retail uses that primarily serve the Maylands Avenue GEA are acceptable in terms of Local Plan Policy 31. Also, the Maylands Master Plan allows for small scale food and drink uses in the Maylands Gateway. However, the proposed scheme is contrary to Policy 31 and the Master Plan because:

- The large scale and nature of the proposed retail development means that it would serve a much wider area than just the Maylands Business Park.
- The scheme might have a detrimental effect on the Heart of Maylands local centre.

(a) Quantitative need for a foodstore

The Retail Study Update 2011 identified a demonstrable need for additional convenience goods floorspace to serve Hemel Hempstead and advised that this need should be met in the town centre. Core Strategy Policy CS16 proposes an additional 6,000 sq. metres (net) of convenience floorspace in the town centre in the period to 2031 "if there is demand".

Since the Retail Study was produced, there has been:

- Tesco's Jarman Park extension has increased net convenience floorspace at this superstore by 684 sq. metres.
- Aldi has opened two discount foodstores in the town (total net convenience floorspace = 1,876 sq. metres).
- The Pre-Submission Site Allocations document proposes mixed uses including retail (possibly including a food store) on the West Herts College/Civic Zone site. However, a large foodstore is unlikely to be built on this site.

The total net convenience floorspace in the Tesco extension plus the Aldi stores is around 2,560 sq. metres. This is close to the assessed convenience floorspace need in Hemel Hempstead to 2016 (i.e. 2,805 sq. metres – see paragraph 3.30 in the Retail Study Update). It is some 1,200 sq. metres below the assessed need to 2021 (3,764 sq metres). Also relevant is that the actual turnover achieved at Aldi's new Hemel Hempstead stores is considerably higher than the relatively low levels expected.

The new Marks and Spencer foodstore and the permitted Lidl supermarket in Berkhamsted will more than meet that town's assessed need for additional convenience floorspace to 2031. This may slightly reduce the need for further convenience floorspace in Hemel Hempstead.

Proposals for large scale proposed housing growth at Spencer's Park (around 1,000 homes, mainly in Dacorum/partly in St Albans District) and at East Hemel Hempstead (around 2,500 in St Albans) increases the case for additional convenience floorspace in the eastern part of the town. However, this has not been quantified. At present, only limited local shopping facilities are proposed in association with these developments.

A further 3,200 sq. metres net of convenience floorspace is proposed in the current application and the recently refused Jarman Fields and Lidl applications. It would appear that there may be a quantitative need for one of the currently proposed foodstores to meet identified short term needs, although it should be noted that the forecasts in the Retail Study Update are now quite old. Planned housing development in eastern Hemel Hempstead may provide a justification for some further convenience provision in this part of the town, although no assessment has been made to confirm whether this is the case.

(b) Quantitative need for comparison floorspace

The Retail Study Update 2011 showed a theoretical capacity for an additional 15,500 sq. metres of comparison shopping to serve Hemel Hempstead between 2009 and 2021 and a total of 47,500 sq. metres over the whole 2009-2031 period. However, paragraph 3.7 in the Retail Study stated that limited reliance should be placed on these longer term horizons and certainly beyond 10 years. Also, paragraph 5.4 advised that there was no need to consider further allocations for comparison floorspace until marked improvements are noted in vacant floorspace levels in the town centre and the trading performance of existing stores.

The application scheme proposes nearly 7,500 sq. metres of net comparison floorspace, whilst the figure for the refused Jarman scheme is 8,000 sq. metres. This gives a total of around 15,500 sq. metres, which is the same figure as in Policy CS16 for the period to 2021. It should also be borne in mind that:

- The Council's Annual Monitoring Report states that since 2009 there has been a modest decrease in floorspace.
- There are currently no significant commitments for new comparison floorspace in Hemel Hempstead.

At present there are no sites available in the town centre, or on the edge of the centre, for significant additional comparison floorspace provision. As a result, out of centre sites will have to be considered to meet any current needs.

It appears that there may be a quantitative need for both the Jarman Fields and the application proposal to meet comparison floorspace needs, although it should be noted that the forecasts in the Retail Study Update are now quite old. This conclusion is also subject to considering whether the town centre is sufficiently healthy to withstand such competition.

Is Hemel Hempstead town centre sufficiently healthy to withstand competition from new out of centre developments?

Section 3 in the Retailer Demand Assessment (Chase & Partners November 2015)

contains some helpful comments on the health of Hemel Hempstead town centre. Points made include the following:

- The level of comparison retailers in Hemel Hempstead is well above the national average. Comparison retailers occupy the largest proportion of units within the town centre. The high proportion of such retailers in the town centre and the reasonably expensive goods they sell is indicative that the town is in reasonable health.
- The vacancy level in Hemel Hempstead is slightly below the national average. This is also an indicator that the town is in reasonable health.
- Experian Goad has identified a number of multiple retailers as being 'key attractors'. Of the 30 key attractors, 23 are represented within Hemel Hempstead. This is a positive indicator of the town being in reasonable health.
- It is important for a town to have a variety and mix of multiples and independents, which is a feature of Hemel Hempstead town centre.
- The Riverside Shopping Centre has attracted a number of multiple retailers including a Debenhams department store and many fashion retailers.
- Dacorum Borough Council has been proactive in improving the quality of offer and environment through its 'Hemel Evolution' strategy. This investment will be critical for the future health and longer term success of the town centre as a retail destination.

Given Chase & Partner's findings, it is concluded that there has been a clear improvement in the town centre's health, although there are still a number of vacant units. It appears that the town centre's health is strong enough to withstand competition from additional out of centre comparison retailing, subject to the scale not being too large and conditions being attached to any planning permissions to mitigate the impact on the town centre.

Is there sufficient retailer demand to make the Jarman Fields scheme together with the application scheme viable?

Savills' 2 October letter states that:

"The proposed development will provide retail floorspace that is qualitatively different to that located in Hemel Hempstead and other defined centres. It will accommodate different formats of store to those found in the town centre and will enhance the overall choice within Hemel Hempstead helping to retain shoppers and expenditure locally."

PBA, however consider that there is no guarantee that the development would successfully clawback any of this leakage. They also note that only 10% of the forecast turnover is expected to come from out-of-centre locations outside Hemel Hempstead.

C&P are of the opinion (paragraph 3.29) that the out of centre retail offer in Hemel

Hempstead is limited in comparison with similar towns, a view shared by Property Market Analysis (PROMIS). PROMIS reports that “most goods categories are under-represented...particularly Child/Sport, Fashion/Other High Street and Furniture/shing goods.”

Section 4 in the C&P report assesses the current demand for out of centre retailing in Hemel Hempstead. C&P have identified strong retailer demand to locate in the town, although some of this demand comes from retailers who would not comply with the conditions proposed by PBA for the Jarman Fields and Aviva sites.

C&P conclude in section 7 of their report (paragraph 7.15) that:

“At the present time the commercial property investment market is particularly strong, with demand for this type of asset attracting many potential purchasers from both home and abroad. We are of the opinion that both the Jarman Park and Maylands Avenue proposals would produce attractive and fundable retail parks in today’s market. Development of these parks would add to the retail offer in Hemel Hempstead with the potential to attract customers from outside the borough.”

and (paragraph 7.16)

“Given the restrictions proposed in the planning conditions that have been suggested by the applicants, we feel that there will be sufficient retail demand to support each development.”

Demand exists both from convenience store operators and from comparison store operators who comply with the proposed conditions.

Would the Jarman Fields and Aviva schemes be likely to lead to retailers relocating from Hemel Hempstead town centre?

C&P were asked for a professional view on whether implementation of either or both schemes would be likely to lead to retailers relocating from the town centre.

C& P report at paragraph 7.3 that:

“If open A1 planning permission is granted for both schemes we are of the opinion that this could have considerable impact on the town centre, through retailers relocating out of centre. It is not possible to predict precisely who would relocate or to quantify the numbers of tenants who may do so.”

However, paragraph 7.5 states that:

“The planning conditions suggested by both applicants should help to protect the town centre from out of centre competition. The restrictions suggested will limit the number of retailers who would be able to trade from the proposed parks and thus the retailer demand that we have identified will be reduced.

Paragraph 7.16 concludes that:

“...the restrictions will limit those retailers who will be able to trade at each location offering some protection to the town centre, which should remain the principal focus for

Hemel Hempstead.”

If the development is permitted, should conditions be imposed to restrict the type of goods sold?

PBA and the applicant have liaised over what conditions should be attached if it is concluded that planning permission should be granted. This dialogue has informed paragraph 4.1.8 in PBA’s FRR, which recommends 12 conditions:

- i. Restriction on total net sales area (9,262 sqm net) and gross floor area (12,503 sqm GIA);
- ii. Control over the proportions of net sales area devoted to the sale of convenience (1,414sqm net) and comparison goods (7,848 sqm net);
- iii. Convenience retail floorspace to be restricted to a single unit; the net sales area of that unit limited to 1,767 sqm;
- iv. Controls to prohibit in-store post office, pharmacy, bakery, delicatessen, photo shop, financial services or opticians within the foodstore unit;
- v. Controls to prevent the sale of newspapers and periodicals, tobacco and individual confectionary items;
- vi. Minimum unit size: imposing a lower threshold of 650 sqm gross on units;
- vii. Maximum of six retail units;
- viii. Restriction on the total amount of A3 floorspace to 650 sqm GIA;
- ix. Revoking permitted development rights.
- x. Restriction of clothing and footwear, jewellery and fashion accessories, and pharmaceuticals, toiletries and cosmetics to no more than 3% of the net sales area of any of the retail units;
- xi. Notwithstanding the above restriction xi. clothing and footwear and jewellery and fashion accessories up to a maximum of 1,350 sqm net sales to be allowed within a single unit where the proportion of floorspace devoted to other comparison goods must exceed 1,350 sqm net sales
- xii. Notwithstanding the above restriction xi. sports and outdoor clothing up to a maximum of 825 sqm net sales to be allowed within a single unit where the proportion of floorspace devoted to the sale sports and outdoor pursuits equipment must exceed 825 sqm.

These conditions are considered necessary to ensure that the impact of the development does not result in a likelihood of significantly adverse impact on Hemel Hempstead town centre. The applicant is in agreement with the conditions and has been asked to either provide a unilateral undertaking to the effect that these conditions will be adhered to or to agree to such being included within the S106 Agreement.

Overall conclusion on the retail impact of the proposal

A wide range of factors have been considered. On balance, it is concluded that out of centre retail development should be accepted on this site as the proposal would appear acceptable on retail planning grounds. Key points that have particularly influenced this conclusion are:

- The impact on Hemel Hempstead town centre and the local centres is unlikely to be significant and adverse, as long as the conditions recommended by PBA and the applicant are imposed.
- There appears to be a quantitative need for some additional out of centre retailing in Hemel Hempstead.
- It appears that the town centre's health is strong enough to withstand competition from additional out of centre comparison retailing, subject to the scale not being too large and conditions being attached to any planning permissions to mitigate the impact on the town centre.
- Despite the proposed planning conditions, there is thought to be sufficient retailer demand to support both the Jarman Fields and the application developments.
- The proposed planning conditions will limit those retailers who will be able to trade at the site, offering some protection to the town centre, which should remain the principal focus for Hemel Hempstead.

Conclusions on Key Issues

In terms of loss of employment land and retail impact it is concluded that the proposed development is acceptable as the proposal would result in the loss of only a limited amount of the Maylands Gateway to other uses, the majority being retained for B-class uses and it is concluded on balance that the application is acceptable from a retail perspective as per the key points identified above. It would seem therefore that there is a strong enough case for accepting that the proposed retail development, subject to the conditions identified above would override the concerns about the loss of employment land and any potential impact on the health of Hemel Hempstead Town Centre. It is therefore considered that the application is acceptable in terms of employment and retail planning policies.

Other Planning Considerations

Traffic and parking

Highways Comments are provided in full at Appendix 6. The application was supported with a Transport Assessment. The applicant has been in discussion with Hertfordshire County Council highway authority in terms of highways requirements and assessment of Transport Impacts from pre-app stage. The application is in outline form with all matters reserved other than access. The access to the site would be via the existing signalised junction on Maylands Avenue. A further exit only access onto Maylands Avenue is proposed approximately 130m to the north of the Maylands Avenue/A414 roundabout. This is an existing historic access that now requires improvements as an exit point for HGVs. There will be a need for a S278 Agreement in

respect of works within the highway including alterations to the junction. Subject to conditions as set out in Appendix 6 the highway authority have no objection in principle to the development.

A s106 Agreement is necessary to secure a Travel Plan, The Highway Authority need to provide justification to ensure compliance with the CIL Regulations. The site is within Accessibility Zone 3 where 50-75% of the parking standard is applied. The parking requirement for the proposed development is therefore between 357 and 536 parking spaces. 553 spaces are to be provided, 480 for the retail element and 73 for the B1 office unit. The proposal therefore meets the parking requirements. Cycle parking provision should also be provided.

Layout and Landscaping

Whilst the application is in outline form, the Conservation and Design officer has raised some concerns over the indicative layout provided with the application. These relate to the rear and servicing of buildings fronting Maylands Avenue and the turning circle for the service vehicles adjacent to the Maylands Avenue/A414 roundabout. A landmark focal building is suggested for the corner and servicing to the rear of the buildings. These are matters that it is hoped would be addressed through the reserved matters application. In terms of landscaping the Trees and Woodlands officer recommends that the existing landscaping to either side of the access road be replicated on other site boundaries and around the balancing pond with additional Pin Oaks, reflecting those along the access road providing focal points throughout the development. There is the space within and around the development site to introduce high quality interesting landscaping.

Archaeology, Ecology, Contamination and Crime Prevention

Subject to conditions recommended by the respective consultees these matters are all acceptable.

Drainage and Flood Risk Issues

There has been considerable correspondence between the applicant and Thames Water and the Lead Local Flood Authority as evidenced in the representations section at Appendix 6 to resolve issues. These matters, again subject to conditions are now satisfactory.

S106 Agreement

A Section 106 Agreement is required to secure financial contributions and other matters as detailed as follows:

Hertfordshire County Council's Planning obligation Guidance (2008) requires a two-strand approach to planning obligations in order to address the immediate impacts of the development (first strand) and the cumulative impacts of all development on non-car networks (second strand). Only the First Strand would be applicable to this and other cases in Dacorum. The second strand does not comply with our approach under Regulations 122 and 123 of the CIL Regulations as the Council has indicated that it will use CIL to fund for 'strategic and local transport proposals'

- First Strand - Financial contributions may be required to address the immediate and direct impacts of the proposed development on the local highway network. This is likely to be limited to mitigation measures at adjacent junctions to the application site and those works to access the

development - Further advice from the Highway Authority is awaited in this regard.

- Provision of a Travel Plan
- Financial contribution to Maylands Public Realm – The Council has excluded the Maylands Public Realm improvements from the Regulation 123 list and those items upon which it intends to spend CIL receipts. As such it is appropriate to secure such funds through a S.106 agreement. The site represents a key area for the future regeneration of the business park as DBC look to improve the quality of the built environment. The Maylands Masterplan, which was adopted by the Council as a planning policy consideration in September 2007, identifies these sites within the 'Face of Maylands' character zone. This zone is identified as a high quality office led location.

The current site gives a mixed impact on Maylands Avenue delivering some B1 (office) and other retail uses. The new proposals seek to significantly reduce the level of office content within the development as to what is already approved. The site will significantly reduce the level of employment generating uses and provide lower amounts of employment than would have been generated through the previous approvals. The new uses will also detract from the business park nature of the area through adding a wider mix of uses.

On this basis, contributions are sought towards the Maylands public realm improvements, which is necessary to mitigate the impact of the development. The Maylands Masterplan and Gateway development brief set a clear vision for the area, noting the desire to create a 'pleasant, high quality environment' among other objectives. A programme of works has been scheduled which details substantial improvements to the public realm of the Maylands Business Park; and most importantly the Maylands Avenue frontage has significant upgrade works detailed. Funding has been secured for the majority of the works; however, a proportion is expected to be achieved through S106 contributions associated with development taking place within the areas of the Development Brief. New developments are to contribute towards these with the schedule split into a number of sections with developments contributing to 20% of the cost of the works of the section immediately to the front of the development site.

The total contribution requested therefore is £166,984.60

- To secure the recommended retail conditions

Community Infrastructure Levy

The development of the site is subject to a CIL payment calculated in accordance with the CIL Charging Schedule. The convenience based retail and retail warehouse elements (A1) of the scheme are chargeable at £150 per square metre. A zero charge is levied against "Other" uses within the Charging Schedule and as such no charge is levied against either the B1 or A3 uses. The scheme results in an overall CIL Liability of some £1,875,450.

Conclusion

The proposed retail development runs contrary to policies of the Development Plan

which direct development within the Maylands gateway to B1 employment use. A case for loss of this employment site to alternative use has however been made and justified. The proposed retail use meets the sequential test and it has been shown that subject to appropriate conditions the development would not have a significant impact on the vitality and viability of Hemel Hempstead Town Centre. It is also thought that the town could not only accommodate this development but also any future proposal for Jarman Park. In all other aspects, subject to conditions and S.106 Agreement the proposal is considered satisfactory in the context of the NPPF, Saved Policies of the DBLP and Core Strategy policies.

Referral to Secretary of State

Under the Town and Country Planning (Consultation) (England) Direction 2009 paragraph 5.(1) local planning authorities are required to refer applications to the Secretary of State for development outside town centres consisting of or includes retail, leisure or office use, and which

(a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and

(b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and

(c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:

(i) 5,000 square metres or more; or

(ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

Given that the application is for open A1 use on land designated for B1 employment use and exceeds the floorspace stated it is considered that should committee accept the recommendation to grant planning permission that the application be referred to the Secretary of State as it is considered that the proposal does not comply with the provisions of para. 5(1) above.

It is considered therefore that in accordance with the direction the application should be referred to the Secretary of State for consideration as to whether the application should be called-in.

Recommendations

That in accordance with paragraph 5. (1) of the Town and Country Planning (Consultation) (England) Direction 2009 the application be **REFERRED** to the Secretary of State (DCLG).

- In the event that the Secretary of State does not call in the application that the application is **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of

conditions below.

1. That the following Heads of Terms for the planning obligation be agreed:
2. Financial contribution to address the immediate impacts of the proposed development on the local highway network *Amount to be advised by HCC*
 - Provision of a Travel Plan
 - Provision of Fire Hydrants
 - Financial contribution towards Maylands Public Realm - £166,984.60
 - To secure compliance with the retail conditions that preclude the sale of the following goods:
 1. Clothing and Footwear
 2. Jewellery and fashion accessories,other than as permitted by Draft Conditions 9, 10 and 11.
3. That the following conditions be imposed:

RECOMMENDATION -

- 1 **Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **The Class A1 retail floorspace hereby permitted shall have a maximum gross floor area of 12,503sqm. The net sales area of the Class A1 retail floorspace shall not exceed 9,262sqm comprising a maximum of;**

**1,414sqm (convenience food goods)
7,848sqm (comparison non-food goods)**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 5 **The Class A1 retail units hereby permitted shall have a minimum gross internal area of 650sqm.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 6 **The Class A1 retail development hereby permitted shall be limited to a maximum of six retail units.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 7 **The convenience retail floorspace hereby permitted shall be restricted to a single unit, the net sales area of which shall not exceed 1,767sqm.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 8 **No retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre and Heart of Maylands Local Centre in accordance with Core Strategy Policy CS16.

- 9 **In units used primarily for the sale of comparison goods, the sale and display of: food and drink; clothing and footwear, jewellery and fashion accessories, and pharmaceuticals, toiletries and cosmetics shall be limited to no more than 3% of the net sales area of any of the retail units hereby permitted.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16 and to allow the local planning authority to retain control over the type of goods sold.

- 10 **Notwithstanding the restriction set out in Condition 9, clothing and footwear, jewellery and fashion accessories and toiletries and cosmetics will only be permitted to be sold from a maximum of 1,550sqm (net sales) within a single unit where the sale and display of other comparison goods and services exceeds 50% of the net sales area of the unit.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 11 **Notwithstanding the restriction set out in condition 9 sports and outdoor clothing will only be permitted to a maximum of 825sqm net sales to be allowed within a single unit where the sale and display of other goods and services relating to sports and outdoor pursuits exceeds 50% of the net sales area of the unit.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 12 **The Class A3 use hereby permitted shall be limited to a maximum gross internal floorspace area of 650sqm.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 13 **The Class A1 retail units shall only be used for Class A1 uses in accordance with other conditions of this planning permission and the Class A3 unit shall only be used for Class A3 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 14 **No development shall take place until samples of the materials to be used for the external surfaces of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

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

- 15 **Details to be submitted in accordance with Condition 1 above shall include full details of both hard and soft landscape works. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground**

(e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

- retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out prior to the development being brought into use.

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

- 16 **No development shall take place until a landscape management plan for a period of 10 years from the date of the implementation of the landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include long term design objectives, management responsibilities and maintenance schedules for the landscaped areas. The landscaping shall be managed in accordance with the approved plan.**

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

- 17 **No development shall take place until a scheme for the protection of existing trees within and adjoining the site (as agreed to be retained on any Reserved Matters application), shall have been submitted to and approved in writing by the local planning authority. The approved scheme of protection shall be installed in accordance with the details approved and shall be maintained in place during the whole period of site demolition, excavation and construction (including any excavation for the purposes of archaeological assessment).**

Reason: In order to ensure that damage does not occur to the trees / hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 18 **No development shall take place until reptile surveys have been carried out to establish the presence or otherwise of slow worms, common lizards or other reptiles and the findings shall be submitted to the local planning authority.**

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the NPPF.

- 19 **The details of scale to be submitted for the approval of the local planning authority in accordance with Condition 1 above shall include details of the proposed slab, finished floor and roof levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.**

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.

- 20 **Details submitted in accordance with Condition 1 of this permission shall include scaled plans and written specifications to show the layout of the following:**

roads

footways

foul and on-site water drainage

existing and proposed access arrangements including visibility splays

car parking provision in accordance with standards adopted by the local planning authority

cycle parking provision in accordance with standards adopted by the local planning authority

servicing areas

loading areas

and turning areas for all vehicles

Reason: To ensure a suitable layout that complies with the highway requirements and to ensure adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Saved Policy 58 of the DBLP.

- 21 **No development shall take place until details of the materials to be used for hard surfaced areas within the site, including roads, driveways and car parking areas, shall have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure that the internal roads and other layouts are built to required / adoptable standards in accordance with saved Policy 54 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 22 **Prior to commencement of the development, a delivery and servicing plan shall be submitted to the local planning authority which shall contain the delivery and servicing requirements (including refuse collection), a scheme for co-ordinating deliveries and servicing, areas within the site to be used for loading and manoeuvring of delivery and servicing vehicles and access to and from the site for delivery and servicing vehicles.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with saved policy 54 of the DBLP.

- 23 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- the parking of vehicles of site operatives, contractors and visitors;
- loading and unloading of plant and materials;

- storage of plant and materials used in constructing the development;
- timing and routes to be employed by construction vehicles;
- construction access arrangements;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

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.

- 24 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 25 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 24 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and**

approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 25 **Petrol/oil interceptors shall be fitted in all car parking/washing/repair facilities.**

Reason: To prevent oil-polluted discharges entering local watercourses in accordance with Policy CS32.

- 27 **A properly maintained fat trap shall be installed to serve any units operating within Class A3 at the application site.**

Reason: To prevent the blocking of drains, sewage flooding and pollution to local watercourses in accordance with Policies CS31 and 32.

- 28 **The A3 floorspace hereby permitted shall not be commenced until there has been submitted to and approved by the local planning authority a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.**

Reason: In the interests of the amenity of adjoining uses in accordance with Policy CS12.

- 29 **Notwithstanding the sustainability checklist submitted, no development shall take place until an online Sustainability Statement and an Energy Statement via C-Plan shall have been submitted to and approved in writing by the local planning authority. The statements shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policy CS29 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

- 30 **No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall**

have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

31 **The development hereby permitted shall be carried out in accordance with the FRA carried out by MJM Consulting Engineers dated March 2015 reference 6011-001 Rev A, all supporting documents (letters by Rebecca High dated August 18th, 2015 and September 3rd, 2015 and drainage map referenced SK006 named “Maylands Gateway – Surface water drainage strategy – greenfield with SUDS”); mitigation measures detailed within the FRA as follows:**

(i) Limiting the surface water run-off generated by the critical storm event so that it will not exceed a the rate of 3.3 l/s from the North of the site and 32.9 l/s from the South of the site, in order not to exceed a total discharge rate of 36.2 l/s.

(ii) Implementing appropriate SuDS features giving priority to above ground measures such as permeable pavements, ponds and swales, as stated in the email and shown in the map referenced SK 006 that was received from the LPA on August 20th, 2015.

(iii) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 215 m³ of attenuation volume in a swale in the North site, a total of 2109 m³ of attenuation volume in the South site. 1320 m³ of the overall storage will be attenuated in one pond and the remaining 789 m³ is to be provided in a swale and permeable pavements as outlined in the letter sent by Rebecca High the 3rd of September, 2015.

(iv) Discharge of surface water to the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

To prevent flooding by ensuring the satisfactory storage of surface water from the site.

To ensure there will be no risk of flooding from surface water to the proposed properties within the development site.

To ensure surface water can be managed in a sustainable manner.

To provide a betterment from the current brownfield runoff rates.

In accordance with Policy CS31.

- 32 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

Details of how the scheme shall be maintained and managed after completion

Details of the proposed drainage scheme providing a drainage plan showing the location of any proposed SuDS, pipe runs and any areas of proposed informal flooding.

Detailed assessment of the existing surface water flood risk as shown on the EA National surface water flood maps, ensuring the development layout does not place any proposed properties at risk from surface water flooding.

Justification of SuDS selection giving priority to above ground methods, reducing the requirement for an underground piped system, reducing the requirement for overly deep attenuation ponds.

Detailed engineering details of the design of the proposed SuDS features

Detailed surface water drainage calculations for all rainfall events up to and including the 1 in 100 year + climate change event.

Reason: To prevent the increased risk of flooding, both on and off site In accordance with Policy CS31.

- 33 **The development hereby permitted shall not be commenced until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

Reason: The development may lead to sewerage flooding; to ensure that

sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact on the community in accordance with policies CS31 and 32.

- 34 **No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programming for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method.**

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure in accordance with Policies CS31 and 32.

- 35 **No development shall take place until details to demonstrate how the car park will achieve and maintain 'Park Mark, safer Parking Award Status have been submitted to and approved in writing by the local planning authority in consultation with Hertfordshire Police. The car park shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.**

Reason: To prevent crime and protect people using the car park in accordance with paragraph 69 of the NPPF.

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

**A103
A110 (For indicative purposes only)
A112 (For indicative purposes only)**

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 at the pre-application stage and during the determination process which lead 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 2012.

INFORMATIVES

Highways

1. The applicant is advised that the storage of materials associated with the construction of the development should be provided within the site on land which is not public highway and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

2. General works within the highway: Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's highway design guide "Roads in Hertfordshire". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the 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.

Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Contamination

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk