

APPENDIX 6

REPRESENTATIONS RECEIVED

Strategic Planning and Regeneration

1. The proposed development

The proposed development on the 'Aviva site', as amended by Savills' letter of 2 October 2015, consists of:

- A food store, with a gross internal floorspace of 2,356 m² and net sales area of 1,414 m² (convenience floorspace of 1,060 sq. m and comparison floorspace of 353 m²).
- Non-food retail units, with a gross internal floorspace of 10,147 m².
- 1,031 m² of restaurants (A3 use).
- 3,004 m² of offices (use class B1).
- 553 car parking spaces.

An estimated 559 full time equivalent jobs would be created.

The 2 October 2015 letter reduced the A3 floorspace to 650 m² and proposed a number of planning conditions, designed to mitigate the impact on Hemel Hempstead town centre. These 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 (likely to be occupied by Next Home and Garden);
- A unit of up to 1,650 m², which would also sell sports equipment (likely to be occupied by Decathlon).

2. Planning policy context

(i) National context

The proposed retail development should be considered against paragraphs 24-27 in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance on 'Ensuring the vitality of town centres'.

Given the site's location and the scale of retail development proposed, a sequential test should be applied and a retail impact assessment is required.

NPPF paragraph 22 is also relevant as the proposed development involves land

allocated for employment use.

(ii) Dacorum planning policy context

An overview of the Council's planning policies for the site is provided below and more details can be found in the Appendix at the end of these comments:

Dacorum Local Plan (April 2004)

Most of the Aviva site is located in the Maylands Avenue General Employment Area (GEA), which is allocated for business use in saved Local Plan Policy 31. This GEA is designated as a 'Core Office Location' in this policy. The southern part of the site is protected as 'open land' through saved Policy 116.

Saved Policy 44 requires shopping proposals outside defined centres to demonstrate that a sequential approach to site selection has been followed and that there is a need for the development.

Maylands Master Plan (September 2007)

The master plan shows the Aviva site as located in the Maylands Gateway character zone and states that Maylands Gateway will be a first rate business park for uses such as higher education, HQ offices, conference facilities and hotel uses. The Maylands Gateway character zone shows employment development on the open land protected by saved Local Plan Policy 116, as well as the GEA land. Therefore,

Maylands Gateway Development Brief (July 2013)

A revised brief on the Maylands Gateway site was approved by the Council as a planning policy statement in July 2013. This document is more flexible over the type of jobs to be provided, including high quality B8 developments given current economic circumstances.

Dacorum Core Strategy (September 2013)

A key aim of the Core Strategy is to encourage employment development on the Maylands Business Park. Core Strategy Policies CS1, CS14, CS15 and CS34 and Figure 18 are particularly relevant. Policy CS34 provides detailed guidance on the Maylands Business Park and states that specific opportunities for each character zone are identified in Figure 18. Figure 18 states that the type of uses suited to the Maylands Gateway will primarily be HQ offices, conference facilities and a hotel.

Core Strategy Policy CS16 (shops and commerce) directs most retail development to the town and local centres. The policy also makes it clear 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 the impact assessment."

Site Allocations Development Plan Document, Pre-Submission version

(September 2014) as amended by the Focused Changes (August 2015)

The Site Allocations document is due to be submitted to the Planning Inspectorate in February 2016. However, the document does not deal with the Maylands Business Park. It was intended to cover this area in the East Hemel Hempstead Area Action Plan, but it is now expected that it will be considered in the single Local Plan. The Site Allocations document does include proposals for employment and retail development elsewhere in Hemel Hempstead.

Dacorum single Local Plan

Work has started on the evidence base for the single Local Plan. Once adopted, the single Local Plan will replace the existing saved Local Plan policies, the Core Strategy and (if adopted) the Site Allocations.

(iii) St Albans Strategic Local Plan

St Albans District Council consulted on its Draft Strategic Local Plan in autumn 2014. The draft plan proposes 2,500 homes and employment development at East Hemel Hempstead on Green Belt land between the existing built up area and the M1. This land is located immediately to the east of Maylands Business Park and the Buncefield Oil Terminal.

The Council's Cabinet is recommending Full Council on 2 December to publish the Pre-submission version Strategic Local Plan. Publication is scheduled for 8 January 2016. Once published, the document should be given considerable weight given NPPF paragraph 216.

The draft Pre-submission document includes the following guidance on the proposed employment development at East Hemel Hempstead:

“Significant scale employment provision for a range of uses including: offices, research and development, light industrial and logistics; broadly within the 55 Hectare area north of Breakspear Way and south of Punchbowl Lane. The first phase of employment development will be required to provide some starter units / incubator space. Sufficient variety of employment uses must be provided over time to offer in the order of up to 8,000 jobs. Over-concentration of low employment generating logistics uses will not be permitted.”

3. Existing planning permissions at the application site

The Peoplebuilding scheme involves six large office buildings, with a total floorspace of 60,960 m², as a result of permissions 4/00851/01, 4/01474/01 and 4/02728/03. Only one office building (10,160 sq. metres), permitted under 4/00851/01, has been built. According to the applicants none of the permissions can lapse, as 4/00851/01 has been partly implemented and we understand that preliminary works were carried out many years ago to constitute a 'start' on the other schemes. If this is correct, it means that permission exists for a further 50,800 m² of offices on the site subject of the current Aviva planning application.

4. Should the site be retained for B-class employment uses?

Whilst the proposed office building proposed is consistent with planning policy, the retail development is not, as the Council's policy is for B-class employment development on this land.

The designation of the southern part of the site as open land in the Local Plan is not a reason to resist the proposed development. This conclusion reflects the planning permissions for the Peoplebuilding scheme and the fact that the Maylands Master Plan, the Maylands Gateway Development Brief and the Core Strategy propose development across the whole site. Nevertheless, it would be beneficial to retain an open setting to any development, particularly along Maylands Avenue and Breakspear Way.

In order to reach a conclusion on whether the site should be retained for B-class uses, it is necessary to address the following key issues:

- Issue 1: How important is the Maylands Gateway in meeting Dacorum's future needs for B-class employment?
- Issue 2: Is the site commercially attractive for B-class employment development?
- Issue 3: Are the employment targets in the Dacorum Core Strategy likely to be achieved?

Issue 1: How important is the Maylands Gateway in meeting Dacorum's future needs for B-class employment?

Roger Tym & Partners advised the Council in their 2010 and 2011 Employment Land Update reports, that there were strong grounds for retaining this site in B-class employment use. This conclusion reflected the site's location in the Maylands Business Park, which is the Borough's premier employment location and the proposed location for the majority of future B-class development in Dacorum.

A key aim of the Core Strategy is to encourage employment development on the Maylands Business Park. Paragraph 12.9 states that the majority of employment growth will be directed to Maylands Business Park and that the Maylands Gateway will provide the most prominent location for new offices. The importance of the business park in general and the Gateway in particular is underlined by the proposals in the Maylands Master Plan and Maylands Gateway Development Brief (see page 18 below). Furthermore, the emerging South West Hertfordshire Economy Study (see page 18) regards Maylands Business Park as a strategically important employment area of regional significance

The Council's employment monitoring indicates that office floorspace in the borough during the rest of the Core Strategy plan period (2015-2031) is likely to decline, if Maylands Gateway is excluded from the calculations. Also, Maylands Gateway is estimated to provide 70% of the borough's net 2015-2031 increase in industrial, storage and distribution floorspace. Indeed, excluding Maylands Business Park it is forecast that the Borough will experience a net loss of office and of industrial, storage and distribution floorspace.

This illustrates the fact that there is very little land available for B-class employment development in Dacorum, except at Maylands. Another factor is that many B-class sites in the Borough are being lost to other uses, partly because of prior approval proposals for changes of use from offices to residential (well over 300 homes have been permitted on such schemes since 2013).

A further point to weigh in the balance is the proposal expected in the Pre-submission St Albans Strategic Local Plan for 55 hectares of B-class development at East Hemel Hempstead (see page 3 above). This land will form an extension to the Maylands Gateway site. In total, within Dacorum and St Albans there would be around 85 hectares of B-class development land at Maylands Gateway. There would still be nearly 80 hectares of such land if the Aviva application is approved.

Conclusion: Maylands Gateway is of great importance in meeting Dacorum's future needs for B-class employment. However, 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 for B-class uses in the expanded Gateway area. Therefore, 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.

Issue 2: Is the site commercially attractive for B-class employment development?

Aviva's planning application is accompanied by an 'Analysis of Supply and Demand for Offices in Hemel Hempstead', by commercial agents Brasier Freeth. This report states that large scale speculative office development on the Aviva site is not viable and there is little prospect of this situation changing in the foreseeable future.

However, it should be noted that:

- Office vacancy levels in Hemel Hempstead have fallen by 40% since 2009.
- The Dixons building in the Heart of Maylands has been sold for continued office use after Dixons move out. A planning application (4/03425/15/MFA) has been submitted for remodelling and refurbishment of the existing building for continued office use.
- A number of firms have been involved in discussions with the Council recently about possible major office and warehouse development elsewhere in Maylands Gateway.
- The Brasier Freeth report does not look at the prospects for securing types of B-class uses other than offices on the Aviva site.
- The Homes and Communities Agency (HCA) owns a large site (13 hectares) immediately to the east of the Aviva site. This site has recently been marketed and the HCA is currently evaluating over 10 bids, which all propose B-class development (mainly warehousing). A decision on the winning bid is expected by Christmas.

It is also important to take account of the following emerging findings in the South West

Hertfordshire Economy Study (see page 18 below):

- South West Hertfordshire has 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. 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 and this is the premier location for such uses in the sub-region. Demand for offices is not as strong.
- There is considerable room for expansion of employment uses at Maylands Gateway, which should be supported for future expansion of the industrial area.

Conclusion: if the Aviva 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. It seems unlikely that the whole site would go for offices, although a significant office element might be included. In the future, it is probable that the site will become a commercially attractive for office development, but it is not possible to say how soon this might be.

Issue 3: 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 Council has recently produced two documents that include important information on progress in relation to the targets in Policies CS14 and CS15:

- **Strengthening Economic Prosperity Background Issues Paper (June 2015):** the Issues Paper was published alongside the Site Allocations Focused Changes document. It 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 Aviva site), will be developed mainly for industrial/warehousing floorspace or offices.

- **Dacorum Annual Monitoring Report (AMR) 2014/15:** the AMR provides the most up-to-date monitoring information on completions and job growth since 2006 and prospects for future change to 2031. It now seems likely that the Maylands Gateway is likely to be developed mainly for warehousing. Therefore, the estimates in the AMR are based on this probability and the report does not include a high offices growth scenario.

Estimated floorspace change 2006-2031: the AMR contains the following estimates of floorspace change in Dacorum 2006-2031 (figures are in sq. metres):

	2006-2015	2015-2031	Total 2006-2031
Offices	-55,600	11,500	-41,600
Industry, storage and distribution	-36,300	86,100	51,300

These calculations suggest 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. However, a modest net increase in floorspace is likely during the remainder of the plan period (2015-2031).

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 Aviva site. The current Aviva planning application includes 3,000 sq. metres of offices, but no industry, storage and distribution space. Therefore, if the Aviva 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.

However, if it is assumed instead that the Aviva site is developed for 50,800 sq. metres of offices (as per the original Peoplebuilding planning permissions), it would result in an overall estimated 2006-2031 office floorspace growth of about 6,000 sq. metres. It would also reduce the increase in industry, storage and distribution space to around 25,000 as with the Aviva application.

Estimated jobs growth 2006-2031: the AMR estimates that there will be an increase of 9,900 jobs in the Borough 2006-2031, as shown below:

Jobs growth 2006-2014	3,900
Offices jobs growth 2014-2031 ¹	800

¹ The South West Hertfordshire Economy Study assumes 14.4 sq. metres per worker for office floorspace, 47.1 sq. metres per worker for industrial floorspace and 80 sq. metres per worker for warehousing floorspace (figures are for gross external area). As most of the new industrial/warehousing development in the Borough is likely to be warehousing, it seems reasonable to assume an overall average of 70 sq. metres per worker for industrial, storage and distribution floorspace.

Industry, storage and distribution jobs growth 2014-2031 ¹	1,200
Non-B jobs growth 2014-2031 ²	4,000
Total jobs growth 2006-2031	9,900

There is considerable uncertainty regarding such estimates, but it is concluded that 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 Aviva site (assuming 26,000 sq. metres of floorspace). The current Aviva 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 Aviva scheme goes ahead, it would increase the total jobs growth estimate to well over 10,000.

Alternatively, assuming 50,800 sq. metres of offices on the Aviva site (as per the original Peoplebuilding planning permissions) would result in around 3,500 jobs. This would increase overall estimated 2006-2031 jobs growth in the Borough to about 13,000.

Job growth will be considerably higher than indicated above if the proposed 8,000 jobs within St Albans District at East Hemel Hempstead are taken into account (see page 3). The proposed St Albans Strategic Local Plan does not see these jobs as counting towards Dacorum's needs, but in practice many jobs would be taken by Dacorum residents. However, the figure of 8,000 jobs seems high as much of the land is likely to be used for B8 purposes, because part of the site adjoins the Buncefield Oil Terminal.

Conclusion: there are mixed messages – 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 whether the site be retained for B-class employment uses

The examination of Issues 1-3 above clearly shows that there are a wide range of factors that should 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 Aviva site should be considered in this context.

5. Is the application acceptable on retail planning grounds?

² Table 5.1 in the Dacorum Employment Land Update (Roger Tym & Partners, July 2011) contains forecasts of non-B jobs growth 2006-2031. The Spring 2011 scenario in this table shows non-B jobs increasing by 235 p.a. Therefore, it is assumed that there will be an increase of around 4,000 non-B jobs in the Borough 2014-2031 (i.e. 235 x 17).

It is necessary to consider whether the Aviva application is acceptable on retail planning grounds. The key issues that should be examined are as follows:

- Issue 1: Is the site in an edge of centre or out of centre location?
- Issue 2: Does the proposed development meet the sequential test?
- Issue 3: Is Jarman Fields or the Aviva site the most appropriate location for further out of centre retail development?
- Issue 4: Is the impact of the proposed development on Hemel Hempstead town centre and the local centres acceptable?
- Issue 5: Is there a quantitative need for the proposed retail development?
- Issue 6: Is Hemel Hempstead town centre sufficiently healthy to withstand competition from new out of centre developments?
- Issue 7: Is there sufficient retailer demand to make the Jarman Fields and Aviva schemes viable?
- Issue 8: Would the Jarman Fields and Aviva schemes be likely to lead to retailers relocating from Hemel Hempstead town centre?
- Issue 9: If the development is permitted, should conditions be imposed to restrict the type of goods sold?

These issues are examined below, in the light of the following advice from the Council's retail consultants' Peter Brett Associates (PBA) and commercial consultants Chase and Partners (C&P):

- Land at Maylands Avenue Retail Review (PBA September 2015)
- Land at Maylands Avenue, Further Retail Review (PBA November 2015)
- Retailer Demand Assessment in connection with proposed developments at Jarman Park and Maylands Avenue (C&P November 2015)

PBA have been advising the Council on the retail planning issues regarding this application and two other applications:

- 4/00424/15/MOA: 10,300 m² retail floorspace (1,500 m² convenience floorspace and 8,800 m² comparison floorspace) at Jarman Fields, Hemel Hempstead.
- 4/01031/15/MFA: 2,000 m² Lidl foodstore at Breakspear House, Maylands Avenue, Hemel Hempstead (opposite the Aviva site).

The Jarman Fields and Lidl applications have been refused. An appeal has been

lodged following refusal of the Jarman Fields application.

Issue 1: 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. We agree with PBA's view.

Issue 2: 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. We agree.

Issue 3: Is Jarman Fields or the Aviva site the most appropriate location for further out of centre retail development?

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. Nevertheless, we consider that the Jarman Fields site is clearly a more suitable location for retail development on overall planning grounds because:

- The Jarman Fields site is allocated for shopping development in the Local Plan and a broadly similar allocation is proposed in the Site Allocations.
- The Jarman Fields proposal involves the expansion of an existing well established out of centre retail and leisure location.
- Jarman Fields is closer to the town centre than the Aviva site.
- The Aviva scheme involves the loss of key employment development land, contrary to the Council's policies.

Indeed, there is a danger that the development of the Jarman Fields site will be jeopardised if the Aviva application is permitted. Therefore, if it is concluded that only one out of centre retail development should be supported, it should be at Jarman Fields, not on the Aviva site. In other words, a retail development should be permitted on the Aviva site only if it is concluded that it would be appropriate to permit two such developments.

The fact that recent planning application 4/00424/15/MOA for retail development at Jarman Fields was refused does not alter the position. This is because the refusal was concerned with the scale and nature of the proposed development, not the principle of retail development on the site. Nor is the position changed by the fact that the planning permission for bulky goods retailing at Jarman Fields has lapsed, given that the site is still allocated for retail development.

It is important to understand the planning policy context concerning the vacant land at Jarman Fields. This site was allocated in the Local Plan as site S3 and the proposal for S3 in the Schedule of Shopping Proposal Sites is as follows:

“Mixed use scheme including shopping, offices, leisure, catering establishments and residential. Non-food retail warehousing also acceptable as part of mix or as a stand alone park.”

Site S3 was linked to Local Plan Policy 41, but this policy has not been saved. However, Appendix 2 in the Council’s Local Development Scheme 2014-17 states that the schedules and appendices in the Local Plan are retained in their entirety, until updated and superseded by subsequent DPDs or decisions. Appendix 1 in the Pre-Submission Site Allocations document is also relevant. The text at the end of this appendix means that the Local Plan’s Schedule of Shopping Proposal Sites will be superseded once the Site Allocations is adopted, but not before. Furthermore, the Local Plan Proposals Map (which shows site S3) has been saved and is still valid. Therefore, Local Plan allocation S3 is saved and will remain so until the Site Allocations is adopted.

The Site Allocations Focused Changes (see page 21) lists the Jarman Fields site on the Schedule of Retail Proposals and Sites as proposal S/1. The planning requirements for S/1 include the following:

“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.”

The only objection to proposal S/1 in the Focused Changes came from the Tesco Pension Fund (who submitted the recent Jarman Fields application). They consider that the floorspace figure should be increased to approximately 10,000 sq. metres and for ‘bulky’ to be deleted from Table 1 in the Site Allocations document. This objection will be considered by the Council’s Cabinet on 15 December.

Given the above, it is very likely that S/1 will be included in the adopted Site Allocations document, possibly with a higher floorspace (if the Inspector recommends in favour of Tesco Pension Fund’s objection). Consequently, considerable weight should be given to the S/1 proposals, taking account of paragraph 216 in the NPPF.

It is clear, therefore, that the Jarman Fields site is still allocated as a shopping proposal in the Local Plan (site S3) and that it is expected to be allocated as a retail site in the Site Allocations (site S/1).

Conclusion: Jarman Fields is the most appropriate location for further out of centre retail development.

Issue 4: Is the impact of the proposed development on Hemel Hempstead town centre and the local centres acceptable?

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 Aviva 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 Aviva scheme, the Jarman Fields development and the recently refused Lidl application.

Section 5 in the FRR looks separately at comparison impact and convenience impact. Comparison retailers are those that specialise in items for the home such as DIY, furniture, homewares and white goods, personal goods (e.g. clothes, footwear and chemists), or personal interests/hobbies such as books and sporting goods. Convenience retailers such as butchers, grocers, fishmongers and supermarkets supply the basic day to day goods that people purchase, including food, alcohol, tobacco and newspapers. Paragraph 5.1.5 in the FRR explains that the comparison impact is the most relevant in relation to Hemel Hempstead town centre, but the convenience impact is the key issue regarding impact on local centres.

Given the conclusions on Issue 3 above, it should be assumed that a retail development at Jarman Fields will go ahead. Therefore, the conclusions on impact should reflect the cumulative impact of both the Jarman Fields and Aviva schemes, rather than the solus impact of the Aviva scheme. The Lidl proposal should be also assessed, because of the possible impact on local centres.

Despite the above, it is worth noting that even PBA's solus impact assessment shows that an unrestricted retail development on the Aviva site would not be acceptable and would cause a significant and adverse impact on Hemel Hempstead town centre. However, PBA consider that the solus impact could be acceptable if the amount of fashion floorspace is carefully controlled through planning conditions (see FN paragraphs 16 and 40; FRR sections 4 and 6.2).

PBA's conclusions on cumulative impact are summarised below:

- **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 Aviva and Jarman Fields schemes 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:

DBC
balanced "The results of the cumulative assessment exercise demonstrate that should only support either Jarman Fields or Aviva. This is a finely balanced view and DBC will need to weigh this into the planning balance."

- **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 of the impact that is the most relevant consideration as the combined analysis is not fine grain enough to understand the impact on specific centres. When an overall approach is adopted, an impact of c.4% is forecast. As previously confirmed, PBA do not consider this to be likely to cause a significant adverse impact on the vitality and viability of those centres.”

- **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 Aviva scheme, in order to mitigate the impact on planned investment in the Heart of Maylands.

Issue 5: Is there a quantitative need for the proposed retail development?

The NPPF does not require ‘need’ to be demonstrated to justify retail development. However, Aviva’s proposed retail development is contrary to the Council’s planning policies on employment land. Therefore, 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. As a result, the need for the retail development is a legitimate planning issue in this instance.

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 Aviva 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 Aviva scheme might have a detrimental effect on the Heart of Maylands local centre.

In reaching conclusions on Issue 5, it is important to take account of the recently refused Jarman Fields and Lidl applications as well as the Aviva application.

(a) Quantitative need for a foodstore

The Retail Study Update 2011 (see page 19 below) 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. However, paragraph 3.7 in the Retail Study indicated that limited reliance should be placed on these longer term horizons and certainly beyond 10 years. Therefore, 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, the main changes of circumstances have 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 (see Issue 2 above).

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 Aviva application and the recently refused Jarman Fields and Lidl applications:

	Net convenience floorspace (sq. m)
Aviva	1,414
Lidl	982
Jarman Fields	812
Total	3,208

Conclusion: it appears that there may be a quantitative need for just 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 (see page 19 below) 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 Aviva 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.

Conclusion: it appears that there may be a quantitative need for both the Jarman Fields and Aviva schemes 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 (see Issue 6 below).

Issue 6: Is Hemel Hempstead town centre sufficiently healthy to withstand competition from new out of centre developments?

Section 3 in the Retailer Demand Assessment (C&P 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.

Conclusion: given C&P's findings, we conclude that there has been a clear improvement in the town centre's health, although there are still a considerable number of vacant units. It appears that the town centre's health 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. The planned large-scale housing development in eastern Hemel Hempstead reinforces our conclusion on this matter.

Issue 7: Is there sufficient retailer demand to make the Jarman Fields and Aviva schemes 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."

However, PBA (FN Paragraph 14) 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. Furthermore, there is no analysis to underpin Savills' assertion that the proposed development will constitute 'destination' out-of-centre retail.

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.

Conclusions are reached and recommendations made in section 7 of the C&P report. Paragraph 7.15 advises 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.”

Paragraph 7.16 then concludes as follows:

“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.

Issue 8: 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.

Paragraph 7.3 in the C&P cautions 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.”

Issue 9: If the development is permitted, should conditions be imposed to restrict the type of goods sold?

PBA and Aviva 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. 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. We support the recommended conditions.

Overall conclusion on whether the application is acceptable on retail planning grounds

A wide range of factors have been considered in Issues 1-9 above. On balance, we conclude that out of centre retail development should be accepted on both the Jarman Fields and Aviva sites and that the application is acceptable on retail planning grounds. Key points that have particularly influenced this conclusion are:

- Issue 4: 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 are imposed.
- Issue 5: There appears to be a quantitative need for some additional out of centre retailing in Hemel Hempstead, although the forecasts in the Retail Study Update are now quite old.
- Issue 6: 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.
- Issue 7: Despite the proposed planning conditions, there is thought to be sufficient retailer demand to support both the Jarman Fields and the Aviva developments.
- Issue 8: The proposed planning conditions will limit those retailers who will be able to trade at Jarman Fields or the Aviva site, offering some protection to the town centre, which should remain the principal focus for Hemel Hempstead.

6. Conclusions

In section 4 of these comments, we considered whether the Aviva site should be retained for B-class employment uses. We concluded that most of Maylands Gateway should be retained for B-class uses. Nevertheless, we felt that 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 Aviva site should be considered in this context.

Section 5 then considered whether the application was acceptable on retail planning grounds. We concluded on balance that the application is acceptable from a retail perspective. There are a number of key points that particularly influenced this conclusion.

Given the above, our overall conclusion is that the case for accepting the proposed retail development is strong enough to override the concerns about the loss of employment land. We therefore consider that the application is acceptable in terms of employment and retail planning policies.

It will also be necessary to reach a view on other relevant issues, such as car parking (which should accord with the Council's standards) and road access and the impact on traffic conditions in the area.

APPENDIX: DACORUM PLANNING POLICY CONTEXT

Dacorum Local Plan (April 2004)

The majority of the Aviva site is located in the Maylands Avenue General Employment Area (GEA), which is allocated for business use in saved Local Plan Policy 31. This GEA is designated as a 'Core Office Location' in the table in this policy. However, the guidance on 'other significant uses and planning requirements' on this GEA states that:

"Small scale retail uses acceptable if primarily needed to serve this area."

The southern part of the site is shown as 'open land' in the Local Plan (see saved Policy 116), so is protected from built development.

Saved Policy 44 provides guidance on shopping development outside existing centres. This policy stipulates that shopping proposals outside defined centres will be required to demonstrate that a sequential approach to site selection has been followed and that there is a need for the development.

Maylands Master Plan (September 2007)

The master plan was adopted by the Council as a planning policy statement in September 2007. This document shows the Aviva site as located in the Maylands Gateway character zone. Paragraph 2.2.1 in the master plan states that Maylands Gateway will be a first rate business park for uses such as higher education, HQ offices, conference facilities and hotel uses. Paragraph 2.2.2 refers to additional facilities in the Gateway, including small scale food and drink uses.

SW Hertfordshire Employment Land Update (June 2010)

This report from Roger Tym & Partners provided advice to Dacorum and Three Rivers Councils on employment land issues. It forms an important part of the evidence base for the Dacorum Core Strategy.

Paragraphs 4.14-4.26 in the report relate to Greater Maylands, including the Maylands Gateway. The consultants recommended that the Maylands Gateway site should be reserved for employment uses, but paragraph 4.21 advised that:

"...we suggest a more flexible approach in Maylands Gateway. In our opinion, unless B2/B8 uses are permitted as well as the B1 currently proposed, the timeframe for development is likely to be significantly beyond the plan period, even for the

Breakspear Way frontage.”

Dacorum Employment Land Update (July 2011)

In this report, Roger Tym & Partners gave the Council further advice on quantitative targets for employment land and advised on the implications of these targets. The recommended targets have been incorporated into Core Strategy Policy CS15 (see page 20 below).

Paragraph 5.7 of the report assumed 122,000 sq. metres of offices and 18,500 sq. metres of industrial/warehouse space at Maylands Gateway. This is more office space and less B2/B8 space than suggested in the 2010 Update. However, paragraph 5.17 expressed the fear that the land provided for offices at the site will exceed demand and much of it may not be taken up over the plan period.

Retail Study Update (October 2011)

GL Hearn’s report advised the Council on future retail needs in the Borough. Section 3 contains a quantitative assessment of the potential for additional convenience and comparison goods floorspace across the Borough to 2031. However, paragraph 3.7 in the Retail Study states that limited reliance should be placed on these longer term horizons and certainly beyond 10 years.

Paragraphs 5.2 and 5.4 in the GL Hearn report are also particularly relevant:

“5.2 The retail market share and trading performance analysis points to a demonstrable need for additional convenience goods floorspace to serve Hemel Hempstead. Much of the theoretical capacity arises from the strong trading of the main out of centre stores serving Hemel Hempstead. In adopting a sequential approach to addressing the identified need, we would advise the Council to seek to direct this convenience floorspace need onto a central site in Hemel Hempstead town centre where it will improve the existing level of food shopping; attract more shoppers into the town centre more regularly; creating potential linked trip benefits and achieving more sustainable town centre focused patterns of shopping.”

“5.4 Whilst our calculations show a theoretical capacity for additional comparison shopping to serve Hemel Hempstead over the study period, we would not in the short to medium term recommend making any specific allocation for this floorspace. There remains vacant floorspace in both the Marlowes and Riverside Shopping Centres and we consider that the existing floorspace is capable of trading more intensively. We would suggest that the Council monitor the take up of vacant premises and trading performance of the existing stores in the town centre and only when marked improvements are noted should the capacity and need for additional comparison shopping be revisited.”

In view of the above, Core Strategy Policy CS16 incorporates the quantitative floorspace figures from the Retail Study, but states that capacity should be provided for this additional floorspace “if there is demand” (see page 20 below).

Maylands Gateway Development Brief (July 2013)

Detailed guidance on the Gateway site can be found in the Maylands Gateway Development Brief. A revised brief was approved by the Council as a planning policy statement in July 2013. This document is more flexible over the type of jobs to be provided, including high quality B8 developments given current economic circumstances.

Paragraph 4.4.1 gives the following guidance on the mix of uses in the Gateway:

“The Gateway must maintain the character of an employment-led, ‘green’ mixed use area with supporting facilities. However, other uses may be permitted providing they contribute to overall quality and character of the Gateway development. The following land use principles apply:

- Development will be employment-led, particularly but not exclusively encouraging those businesses in the areas of high technology;
- High quality B8 developments that meet the quality aspirations will be considered;
- Small-scale food and drink and childcare provision may be permitted. Such uses should not detract from the aim of the Maylands Master Plan to create a specific social ‘heart’ for the business area along Maylands Avenue, but facilities to suit the local market within the Gateway may be appropriate;
- Buildings should be constructed to allow sub-divisions to enable them to act as ‘incubator’ type units. This would encourage small businesses which may especially benefit from the presence of a higher education or support network, to locate here.”

Hemel Hempstead Town Centre Masterplan (January 2013)

The masterplan was adopted by the Council in January 2013. It was then given the status of a supplementary planning document at the same time as the Core Strategy was adopted (September 2013). Section 5.2 in the masterplan proposes a new foodstore in the Gade & Original Marlowes Zone.

Dacorum Core Strategy (September 2013)

A key aim of the Core Strategy is to encourage employment development on the Maylands Business Park. Paragraph 12.9 states that the majority of employment growth will be directed to Maylands Business Park and that the Maylands Gateway will provide the most prominent location for new offices. Core Strategy Policies CS1, CS14, CS15 and CS34 and Figure 18 are particularly relevant. In particular:

- Policy CS1 point c) on Hemel Hempstead refers to “maintaining a balanced distribution of employment growth, with growth and rejuvenation in the Maylands Business Park”.
- Policy CS14 states that “Hemel Hempstead will be the main focus for new

economic development uses, which will be used to support the regeneration of the Maylands Business Park and Hemel Hempstead town centre”.

- Policy CS15 protects GEAs for B-class uses, whilst new office uses will be directed to core office locations and Hemel Hempstead town centre. This policy sets a target of around 131,000 sq. metres (net) additional office floorspace in the Borough over the plan period to 2031 and states that the stock of floorspace for industry, storage and distribution should remain broadly unchanged.
- Policy CS34 provides more detailed guidance on the Maylands Business Park and states that specific opportunities for each character zone are identified in Figure 18.
- Figure 18 states that Maylands Gateway will deliver a large proportion of the Borough’s employment needs over the plan period. Also:

“The types of uses suited to this area will primarily be HQ offices, conference facilities and a hotel. There may also be opportunities for other development that accords with its high-status and green character.”

Figure 18 also states that the Heart of Maylands offers the opportunity to form a functional local centre with financial and commercial services, restaurants, cafes, leisure uses and a public square. Further guidance is contained in the Heart of Maylands Development Brief. Uses consistent with the Council’s policies have been permitted (ref. 4/00676/14/MFA) on phase 1 of the Heart of Maylands and construction has recently started.

Core Strategy Policy CS16 (shops and commerce) directs most retail development to the town and local centres. The policy also states that:

“Opportunities will be given to provide capacity for the following amounts of floorspace if there is demand”.

The amounts for Hemel Hempstead in Policy CS16 are:

Square Metres (net)			
Comparison	Convenience	Total	
15,500			2009-2021
32,000			2022-2031
47,500	6,000	53,500	Total

In addition, Policy CS16 makes it clear 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 the impact assessment.”

In Policy CS33 (Hemel Hempstead town centre), the first principle guiding development is to:

“secure additional retail stores in the Marlowes Shopping Zone and a new food store”.

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

The Site Allocations document does not deal with the Maylands Business Park (it was intended to cover this area in the East Hemel Hempstead Area Action, but this is no longer likely). However, the Site Allocations document includes two relevant proposals elsewhere in Hemel Hempstead:

- Proposal S/1: Jarman Fields, St Albans Road - see ‘Schedule of Retail Proposals and Sites’. The planning requirements for the site indicate that:

“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.”

- Proposal MU/1: West Herts College site and Civic Zone (see the ‘Schedule of Mixed Use Proposals and Sites’). The proposal is for ‘replacement college, new Public Sector Quarter and housing. The planning requirements propose a:

“Mix of uses...including retail uses (possibly including a food store).”

The Site Allocations document is due to be submitted to the Planning Inspectorate in February 2016, following consideration of responses to the Focused Changes document by Cabinet in July and Full Council in September.

Strengthening Economic Prosperity Background Issues Paper (August 2015)

Part A of the Issues Paper (as revised to accompany the Site Allocations Focused Changes document) assesses employment land supply in Dacorum. Paragraphs 1.79-1.91 draw conclusions, taking account of the proposals in the Site Allocations document and the following scenarios for the Maylands Business Park:

- Scenario 1: high industrial/warehousing growth
- Scenario 2: high offices growth

These scenarios reflect the uncertainty over whether some key sites, particularly Maylands Gateway, will be developed mainly for offices or industrial/warehousing floorspace. The estimated rounded floorspace change (sq. metres) over the 2006-2031 plan period with these scenarios is as follows:

	Offices	Industrial/warehousing	Total
Scenario 1	-59,300	66,100	6,800
Scenario 2	117,400	-22,400	94,900

Paragraph 1.88 states that:

“Scenario 1 is not consistent with the targets in Core Strategy Policy CS15 of around

131,000 sq. metres of additional office floorspace and nil net change in industrial, storage and distribution floorspace. In contrast, Scenario 2 is below but fairly close to the Policy CS15 targets. Given the degree of uncertainty inherent with such forecasts, it is reasonable to conclude that Scenario 2 is consistent with Policy CS15. In practice, the outcome seems likely to be closer to Scenario 1 than Scenario 2.

Paragraph 1.89 then explains why an outcome at or close to the Scenario 1 estimate would not necessarily mean there would be an employment land supply problem.

Part B of the Issues Paper considers retailing and commerce. Paragraphs 2.63-2.76 consider whether any new shopping proposals should be included in the Site Allocations Plan. Paragraph 2.73 refers to the Aviva and Lidl applications on the Maylands Business Park. Paragraph 2.74 states that these proposals raise major policy issues and that the future of these sites should be considered through the East Hemel Hempstead Area Action Plan or the single Local Plan, rather than the Site Allocations. Paragraph 2.75 concludes that there is no need for additional shopping allocations in the Site Allocations DPD, over and above those referred to in Table 10 and paragraph 2.65.

Dacorum single Local Plan

Work has started on the evidence base for the single Local Plan. Once adopted, the single Local Plan will replace the existing saved Local Plan policies, the Core Strategy and (if adopted) the Site Allocations. The evidence base will include:

- The South West Hertfordshire Economy Study. This study is now being carried out by consultants GL Hearn and Regeneris. It was commissioned by Dacorum, Hertsmere, Three Rivers and Watford Councils and is also looking at St Albans District. The study will make recommendations on future employment provision in terms of floorspace and land, and advise on the future role and function of key employment locations (both existing and potential). Emerging conclusions are summarised under Issue 4 on page 8 above. The study is expected to be published in January 2016.
- Employment – a more detailed site specific study, following on from the SW Herts Economy Study will be carried out in early 2016. It will replace the SW Herts Employment Land Update (Roger Tym & Partners, 2010).
- Retail Study Update. This study will be undertaken in 2016 and will replace the 2011 Retail Study Update (see page 19 above), leading to revised shopping floorspace targets.

Hertfordshire County Council Highways

Outline application for the construction of retail floorspace (Use Class A1) measuring 12,503 sqm, office floorspace (Use Class B1) measuring 3,004 sqm, restaurants measuring 1,031 sqm, and associated car parking, access and landscaping works.

Condition 1 Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to

and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following: i. Roads, footways, foul and on-site water drainage. ii. Existing and proposed access arrangements including visibility splays. iii. Parking provision in accordance with adopted standard. iv. Cycle parking provision in accordance with adopted standard. v. Servicing areas, loading areas and turning areas for all vehicles.

Condition 2 Prior to commencement of the development, the applicant shall submit a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Delivery and Servicing Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.

Reason: In the interests of maintaining highway efficiency and safety.

Condition 3 Prior to commencement of the development, the applicant shall submit a Construction Management Plan to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area for construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details of construction vehicle routing to and from the site. Reason: In the interests of maintaining highway efficiency and safety.

Informatives AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this 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.

AN2) 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.

AN3) 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.

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.

Background

Background

Planning permission to develop of 51,670sqm of office (Class B1) floorspace (with associated access road, car parking, service areas, and landscaping) was granted in April 2002 (renewed in September 2006). 9,290sqm of floorspace for the permitted office use has been constructed and is now known as the Peoplebuilding office.

The applicant provided a Transport Scoping Report (TSR) to HCC in August 2014. HCC Highways provided pre-application advice in October 2014. A Transport Assessment has been submitted with the application. This level of assessment is consistent with the guidance provided in HCC design guide Roads in Hertfordshire (RiH), and the NPPF.

Policy Context The TA refers to the following key policies including the National Planning Policy Framework (NPPF) and HCC Local Transport Plan (LTP3). Overall, the proposed development is in accordance with key policy. However, the strategic modelling currently being undertaken by HCC will determine whether the residual cumulative impacts of development on the local highway network are severe, as per paragraph 32 of the NPPF.

The proposed development should also consider key HCC policy and guidance documents including: • Local Transport Plan (LTP3); • Roads in Hertfordshire; • Hemel Hempstead Urban Transport Plan; and • Passenger Transport in New Developments 2008.

Site and Surrounding Highway Network The development site is located in the south-west of the Maylands Gateway area. The site is bounded to the north by employment land, to the west by the A4147 (Maylands Avenue), to the south by the A414 (Breakspear Way), and vacant land to the east. The site is predominantly vacant land located to the north east of the junction of Maylands Avenue and Breakspear Way. The existing access to the site is via a signalised junction on Maylands Avenue.

Trip generation and distribution

Existing Trip Generation The TA notes that the permitted office development was

expected to generate 1,086 two-way trips in the morning peak (08:00- 09:00) and 937 two-way trips in the evening peak (17:00- 18:00). No analysis of traffic associated with the development was undertaken on a Saturday, but due to the proposed use of the site, only a small number of trips was anticipated at weekends. Following the granting of planning permission, only the health club and around one third of the permitted office floorspace have been constructed and are operational.

Based on the traffic flow diagrams in Appendix M, the existing Peoplebuilding and health club currently generate 218 trips during the morning peak (07:45-08:45), 160 trips during the evening peak (16:00-17:00), and 160 trips during the Saturday peak hour (11:15-12:15).

Proposed Trip Generation The number of trips generated by the proposed development was estimated using the TRICS database. The proposed site selection criteria were reviewed by HCC and Highways England. A revised set of trip generation rates has been produced based on this feedback. Overall, the methodology and selection criteria used to estimate the number of trips generated by the proposed development are considered to be appropriate.

Food Retail The following criteria were used to select for the Class A1 Food Retail: • All regions except Northern and Republic of Ireland, and Greater London; • Gross floor area of up to 10,000sqm; • No town centre sites; • No petrol filling station included within surveys.

A total of 7 sites were selected for the weekday periods, and 9 sites were selected for the Saturday.

Non-Food Retail The following criteria were used to select suitable sites for the A1 Non-Food Retail weekday trip generation: • Retail park excluding food; • All regions; • All sizes.

The following criteria were used to select suitable sites for the A1 Non-Food Retail weekend peak: • Retail park excluding food; • All regions except Northern Ireland, Republic of Ireland and Greater London; • Gross floor area of 2,800sqm to 10,000sqm; • No town centre sites.

Restaurant and Café The following criteria were used to select suitable sites for the A3 restaurant and café use: • Hotel, food and drinks - restaurants; • All regions except Northern Ireland, Republic of Ireland and Greater London; • Gross floor area of 150sqm to 1,000sqm.

Office development The floorspace of the proposed office building 3,002sqm is approximately one third of the size of the existing Peoplebuilding site. As a result, the number of trips generated by the proposed office is based on one-third of the existing base trips generated by the Peoplebuilding site.

Passby, diverted and linked trips Due to the location of the proposed development on Maylands Avenue, and the close proximity to a number of employment uses, it is expected that a level of passby, diverted and linked shopping trips will occur. Therefore a reduced proportion of the total trips generated are expected to be new trips on the network. The following reductions in the number of trips have been applied to the proposed trips generated by the retail land uses and are considered to be appropriate: • Passby Trips - 30% in morning peak, 30% in evening peak, and 15% in Saturday peak; • Redistributed shoppers from other locations - 20% in morning peak, 20% in evening peak and 20% in Saturday peak; • Linked Trips - 30% in morning peak, 30% in evening peak, and 30% in Saturday peak; and • Class A3

(restaurant and café) - 50% in morning peak, 50% in evening peak, and 50% in Saturday peak

Total proposed trips Overall, the proposed development is predicted to generate 238 trips during the morning peak (134 new trips), 517 trips during the evening peak (212 new trips), and 940 trips during the Saturday peak (544 new trips). The impact of the proposed trips have been considered within the junction assessments below:

Trip distribution Based on Census 2011 data for the Hemel Hempstead ward, GIS software has been used to distribute the trips associated with both the proposed retail and office uses of the site. This approach is considered to be appropriate.

Mode share Information on the potential multi-modal trips generated by the development has been derived from the TRICS database for the retail elements of the site, and from the Census database for the office development. This approach is considered to be appropriate.

Impact on highway network The TA assesses the impact of the development on key links and junctions around the proposed development site.

Traffic surveys Manual turning and queue count traffic surveys were undertaken by an independent survey company on Friday 12th September 2014 and Saturday 13th September 2014 for the Friday morning period (07:00-10:00), Friday evening peak (16:00-19:00) and Saturday (10:00-15:00). The counts were undertaken at 7 locations within the local area of the proposed development site, as follows: 1. Wood Lane End/ A4147 Maylands Avenue junction; 2. A4147 Maylands Avenue/ Maylands Business Park junction; 3. A4147 Maylands Avenue/ A414 Breakspear Way/ St Albans Road roundabout; 4. A414 Breakspear Way eastbound / Buncefield Lane junction – taking into account the number of vehicles using this junction having exited from the petrol filling station located here; 5. A414 Breakspear Way/ Green Lane/ A414 roundabout; 6. Green Lane/ Boundary Way roundabout; and 7. Boundary Way/ Buncefield Lane/ Access Road roundabout.

Automatic Traffic Counts (ATC's) were also conducted at 7 separate locations within the same area during this time period for a full week from Friday 12th September 2014 to Friday 19th September 2014, at the following locations: - Maylands Avenue between junctions 1 and 2; - Maylands Avenue between junctions 2 and 3; - Breakspear Way between junctions 3 and 4 (on both directions of dual carriageway); - Green Lane between junctions 5 and 6; - Buncefield Lane north of junction 4; - Boundary Way between junctions 6 and 7; and - Wood Lane End.

The surveys indicate that the peak hours on the local highway network are as follows: • morning peak: 07:45-08:45; • Evening peak: 16:00-17:00; • Sat Peak: 11:15-12:15.

The proposed use of the site will be predominantly retail and the surveyed days and times are considered to provide an appropriate estimation of the peak baseline traffic volumes.

Junction assessment The following junctions have been assessed using ARCADY or LINSIG: • Wood Lane End/ A4147 Maylands Avenue junction; • A4147 Maylands Avenue/ Maylands Business Park (Peoplebuilding and proposed development access) junction; • A4147 Maylands Avenue/ A414 Breakspear Way/ St Albans Road roundabout; • A414 Breakspear Way/ Green Lane / A414 roundabout.

The following scenarios have been modelled: • Existing base situation (2014); •

Future year scenario (2021); and • Future year (2021) plus committed development situation.

The 2021 future scenario year is in excess of the typical 5 year assessment following planning submission. This has been undertaken in order to align with the future base year for the PARAMICS traffic model that HCC have produced for the Hemel Hempstead area.

Committed development The approved Heart of Maylands development (located to the north of the site) has been reviewed and the traffic flows used within that analysis have been added to the background flows in 2021 to represent a committed development scenario. Wood Lane End / A4147 Maylands Avenue

The results indicate that the junction operates at a high level of capacity and some localised queuing is observed. However, all arms are expected to operate under 90% degree of saturation during all peak periods.

A4147 Maylands Avenue / Peoplebuilding Access The results show that the proposed access junction operates with reserve capacity during all periods. There is some queuing and delay to vehicles on Maylands Avenue southbound during the morning peak and northbound during the evening peak. A4147 Maylands Avenue / A414 Breakspear Way Roundabout The results show that in the peak periods the junction is expected to operate over capacity on the Breakspear Way approach during all peak periods, with significant queues on this arm during the morning and evening peaks. The St Albans Road approach is also expected to be approaching capacity during the morning and evening peaks. A414 Breakspear Way / Green Lane Roundabout

The results show that in the peak periods that the junction is expected to operate over capacity on the A414 approach (west), with significant queues experienced on this arm particularly in the morning and evening peaks, along with Green Lane being over capacity in the morning peak. The Saturday peak operation is within preferred capacity levels on all arms.

Additional modelling The junction capacity analysis indicates that the existing road network suffers from capacity issues at peak times, particularly along the A414 corridor. As a result (in conjunction with HCC) a PARAMICS modelling assessment will be undertaken using the HCC traffic model for Hemel Hempstead. The traffic flows and distributions previously described have been provided to HCC to input into the model, along with assignment of trips into the main residential areas throughout Hemel Hempstead. This work is currently on-going, with the analysis due to be completed following the submission of the planning application, but prior to the determination of the application at Development Control committee.

Modelling summary Overall, the proposed development is expected to have an impact on the junctions on the A414. Although the predicted operation of the junctions is predicted to be better than the operation for the permitted office development, the proposal will result in an increase in congestion and queuing when compared to the baseline 2021 scenario (including committed development).

Road safety Collision data has been obtained from Hertfordshire County Council for the local highway network for a period of 5 years up to June 2014. The area reviewed was agreed within the TSR.

In the 5 year time period there were a total of 40 recorded collisions; 33 resulted in slight injuries, 6 resulted in serious injuries and there was 1 fatality. Of the 40

collisions, 7 involved bicycles and 5 involved motorcycles, the remaining 28 involved cars, vans and other goods vehicles. A fatal collision occurred on the Breakspear Way arm of the Green Lane / Breakspear Way roundabout, a motorcyclist lost control in dry, light conditions whilst approaching the roundabout from the west toward the M1 at which point he collided with the kerb, a lamppost and vehicle resulting in fatal injuries. This does not appear to indicate any deficiency in the layout of the highway. Overall, there does not appear to be any significant collision clusters on the local highway network.

Highway layout

Site access The main access for the proposed development will be the existing Maylands Avenue entrance which forms the access road to the Peoplebuilding site.

An exit-only vehicle access onto Maylands Avenue is proposed approximately 130m to the north of the Maylands Avenue/ A414 roundabout. This was previously used as an entrance and exit into the Lucas Aerospace factory site. The vehicle crossover is still in place but improvements are required in order to reinstate this point as a suitable exit-only point for HGVs. The proposed vehicle access is considered to be appropriate and the design should be conditioned to ensure that a safe access point is provided.

Parking The indicative site layout illustrates a total of 480 parking spaces will be provided for the retail element and 73 car parking spaces are to be provided for use by the B1 Office development. The number and design of the internal car parking spaces should be considered to ensure that they are consistent with the car parking standards contained in the DBC Local Plan. Secure cycle parking should also be provided (including short-term cycle parking for customers, and long-term parking for staff) in accordance with the standards set by DBC and HCC. Cycle parking provision should be secured via a condition.

Accessibility Pedestrians and cyclists The majority of Hemel Hempstead is accessible via walking and cycling from the development site.

The internal network of the site will need to provide a good safe environment for pedestrians with footway widths in excess of 2.2m, street lighting present at regular intervals on the routes and numerous safe crossing locations available to pedestrians. This should be secured via a condition.

Public transport Passenger Transport in New Developments (2008) guide states that a large commercial development (1,000sqm+) in Hemel Hempstead should be serviced by a minimum of 4 buses per hour during the daytime and a minimum of 2 buses per hour during the evening. The closest bus stops to the development site are located on Maylands Avenue and at the junction between Maylands Avenue and Wood Lane End. These bus stops serve a total of 10 routes which provide services to locations including Stevenage, Rickmansworth, London and circular routes throughout Hemel Hempstead itself.

The retail and office components of the proposed development will generate a demand for bus trips to and from the site. However, the bus stop facilities (particularly at the southbound bus stop on Maylands Avenue) are limited. Financial contributions are required to upgrade the existing bus stops and should be secured via a s106 agreement.

Delivery and servicing A service road will be provided along the western edge of the site, parallel to Maylands Avenue. The submitted tracking diagram indicates that a

maximum legal articulated vehicle can enter the proposed development via the existing signalised junction on Maylands Avenue, travel via the proposed service road and exit onto Maylands Avenue via the re-opened access. The vehicle tracking will need to be conditioned to ensure that services vehicles can adequately access the site as the design progresses. The proposed development includes multiple land uses that will generate the need for service vehicles to access the site. Due to the acknowledged congestion issues within the local network, a Delivery and Servicing Plan (DSP) is required. The DSP should coordinate the movement of service vehicles, outline the timing and routing of service vehicles, and ensure that adequate access is provided without impacting on other modes of transport. The DSP should be secured as a condition.

Construction As this is an outline application, the potential construction impacts have not been assessed. The applicant will need to demonstrate that construction vehicles can access the development via the existing (or other temporary) vehicle access without compromising the efficiency and safety of the highway network. This will need to include an outline of the routes that construction vehicles will take to avoid any impacts on local residential traffic and a plan of where parking for construction vehicles would be accommodated on-site. A Construction Management Plan should be secured by planning condition.

Travel Plan The TA states that Travel Plans will be developed for each of the proposed land uses. Green Travel Plans should be prepared in accordance with the HCC Travel Plan Guidance for Business and Residential Development (2014) and secured via a s106 agreement.

Planning Obligations / Community Infrastructure Levy (CIL) HCC's Planning Obligation Guidance (2008) implements a two-strand approach to planning obligations in order to address the immediate impacts of the new development (first strand), and the cumulative impacts of all development on non-car networks (second strand). The financial contributions required should be secured via a s106 agreement.

First Strand Financial contributions may be required to address the immediate impacts of the proposed development on the local highway network. This should be based on any required mitigation measures at adjacent junctions as a result of the outputs from the PARAMICS modelling.

Second Strand The standard charge for Non-Residential development is £500 per on-site car parking space required or £1000 per peak hour two-way. Therefore the financial contribution will need to be based on the detailed plans for the proposed development. The contributions would be directed towards specific sustainable transport measures and schemes in the Hemel Hempstead Urban Transport Plan.

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.

Comments on Amendment

Transport Assessment document added to LPA website.

<http://site.dacorum.gov.uk/planonline/AcoINetCGI.gov?ACTION=UNWRAP&RIPNAME=Root.PgeResultDetail&TheSystemkey=214477>

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Conditions and informatives as set out in our earlier response (dated 1 May 2015).

The highway authority submitted an initial response to its consultation on this outline application by Dacorum Borough Council on 1 May 2015. This concluded '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'. The outcomes of this additional modelling and the predicted impacts of the proposed development has been summarised in a Transport Assessment – Addendum Document (TAAD) dated 29 June 2015.

Following the production of the original Transport Assessment (TA) it was agreed with HCC that Jacobs would update the existing Hemel Hempstead PARAMICS computerised traffic model using traffic surveys local to the Maylands Gateway site in order to refine the replication of this part of the network. This work was completed by Jacobs, and an initial option test of the proposed retail-led traffic was undertaken on the Base (2014) model. This initial modelling did not include any highway mitigation measures, and the results indicated that the proposed development trips would cause queuing and capacity issues on the local highway network.

It was then agreed that Jacobs would produce a reference case for the 2021 scenario. This reference case would include all committed developments in Hemel Hempstead, allocated land sites and highway network changes. Completion of the reference case, along with review of journey time studies and turning count /queue information then allowed for the final option testing of the proposed development. The traffic associated with the proposed development was applied to the local highway network as agreed with HCC and Jacobs.

As it was already clear from the 2014 option test that the local highway network was at or over capacity without highway improvements, then for the 2021 proposed scenario would need to be assessed with mitigation measures in place to bring operation back to acceptable levels in terms of capacity, congestion and safety.

Three sets of mitigating measures were identified but the degree of strain that the network is and would clearly be under lead to the applicant deciding to instruct assessment the impact of all three in place as a comprehensive package of measures.

The results of the 2021 proposed PARAMICS model are being compiled in a standalone Technical Document for work being carried out on behalf of the borough

council and Local Enterprise Partnership, but the results provided to the applicant's transport consultant show that the mitigation measures successfully reduce journey times along the key corridors assessed. Queuing and congestion is also improved, with the A414 / Maylands Avenue operating in some situations better than the 2021 reference case.

Comments on Amendment

Transport Assessment document added to LPA website.

<http://site.dacorum.gov.uk/planonline/AcoINetCGI.gov?ACTION=UNWRAP&RIPNAME=Root.PgeResultDetail&TheSystemkey=214477>

Decision

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Conditions and informatives as set out in our earlier response (dated 1 May 215).

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

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved 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 sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

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 wwgriskmanagement@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.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

We have concerns about the proposed surface water discharge rates. They appear excessive. We request that the developer contacts Thames Water Developer Services to discuss the method of calculation and the proposals for the site.

We have concerns that the development could cause detriment in the foul and surface water sewerage networks. We request that the developer submits a drainage strategy. A drainage strategy should detail the site's existing and proposed foul and surface water discharge rates, along with points of connection to the public network. The developer may also wish to detail any attenuation measures that they are planning to utilise.

We request that the developer produces their drainage strategy in consultation with Thames Water, to show that capacity exists in both the on and off-site infrastructure or that it can be provided ahead of occupation. Where additional infrastructure is required, the strategy should go on to identify what is required, where and who is to fund it.

Once an initial assessment of the proposals has been completed, if Thames Water have any concerns about the potential impact of the development, we may request that the developer funds an impact study. This involves us using a model of the network to see what the impact of the development could be. If it is found that there would be detriment, the study would provide high level solution options. The developer would be able to work with Thames Water to decide on the most appropriate way forward and could use the study to form part of the drainage strategy.

Further Comments

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions

of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Supplementary Comments

Please supply the points of connection for foul water to the public sewerage system. Regarding Surface Water Drainage after reviewing Strategy 6011-SK006 (dated 21/07/2015) we have no objection to surface water proposal.

Further further comments

Waste Comments

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.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal.

Reason The FRA submitted with this application does not comply with the requirements set out in paragraph 10 of the National Planning Practice Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Make an appropriate assessment of the existing surface water run-off rates and provide appropriately sized on-site rainfall run-off storage arrangements.
2. Consider the full range of Sustainable Drainage System (SuDS) options.
3. Consider the future management of the sustainable drainage system.

Overcoming our objection You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. This objection is supported by your policy CS31: Water Management.

Advice SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. The SuDS hierarchy should be followed in descending order, with any obstacle to the use of each technique fully justified. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles. Further information on SuDS can be found in:

- 'Planning Practice Guidance: Flood Risk and Coastal Change': Flood Risk and Coastal Change'
- CIRIA C522 document Sustainable Drainage Systems – design manual for England and Wales
- CIRIA C697 document SuDS manual.

Lead Local Flood Authority

In the absence of an acceptable FRA we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA carried out by MJM Consulting Engineers dated March 2015 reference 6011-001 Rev A submitted with this application does not comply with the requirements set out in the Planning Practice Guide (as revised 6 April 2015) to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the flood risk assessment;

1. Compliance with an overall drainage strategy
2. Demonstrate there will be no increase in surface water run-off rates
3. Demonstrate there will be no increase in surface water volumes
4. No increase in flood risk within the site
5. Justification for implementation of SuDS following the SuDS hierarchy, management and treatment train.
6. Demonstrate the location of exceedance routes
7. Existing ground conditions in relation to feasibility of proposed SuDS

In response to the FRA referred to above, we acknowledge within the report it is the intention of the applicant to reduce the overall existing surface water run-off rates by 30%. However, the FRA lacks evidence in relation to the existing site to demonstrate that there will be no increase in surface water flood risk and how the site can be drained in accordance with current best practice by implementing the most appropriate SuDS.

We note the application is referred to as Phase 1 inferring that this site is part of a larger development. The FRA should therefore take into account the wider development and how the drainage relates to the other phases of the development in relation to the overall catchment area.

The FRA clearly sets out the proposed discharge run-off rates and states that the site will discharge at 2 drainage outfalls into a public sewer, however no information has been provided to demonstrate the existing surface water run-off rates and volumes and existing overland flow paths in order to determine the appropriate location for any new drainage systems and attenuation features. This information is required in order for it to be determined how much betterment is feasible and whether, based on the amount of space within the site, additional surface water storage can be required to accommodate the pre-development greenfield run-off rates and volumes. The existing run-off rates and volumes should also take into account the existing greenfield area to the south of the site.

The FRA mentions areas that could potentially be used as informal flood storage for rainfall events above the 1 in 30 year event. A plan should be provided showing where these areas are located, the extent of the flooding and the depth of flooding to determine if these areas can be safely contained within the site. The FRA should also identify any exceedance routes for extreme rainfall events above the design rainfall event showing that these flows can be maintained within the site and no increase flood risk off site to the surrounding area.

We note the FRA states that no information is currently available on ground conditions including geology, contamination etc. and has therefore provided a drainage scheme based on attenuation. However the scheme based on attenuation, only includes two surface water treatment stages, one of those methods is an underground tank which will not provide any water quality benefit. As the site is proposing a 750 space car park, there is an opportunity to provide permeable paving which will not take up any additional space, can be provided using an artificial sub base if ground conditions are not suitable, providing a water quality benefit to the site. This will then catch any hydrocarbons and particulates before it is drained to the proposed open pond as the second stage of treatment reducing the amount of silt etc. entering the pond thus reducing the pond's maintenance. Within this scheme there is potential to utilise above ground swales instead of extensive lengths of pipe which will allow conveyance between systems, reduce the requirement for maintenance and the risk of blockage.

As the pond will require excavation of the ground, it is important to understand what the condition of the underlying ground is in order to know whether there is any risk of contamination and level of the underlying ground water, determining the feasibility of the pond.

As this is for a full application which sets out the layout of the development, it is important that all of the above information is provided to determine the feasibility of the proposed drainage scheme including the location of drainage features to ensure they are appropriate located to manage the risk of surface water within the site and the surrounding area for the development's lifetime.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

Informative to the LPA

The LPA will need to satisfy itself that any proposed drainage system will be adopted and can be adequately maintained for its lifetime.

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Further Comments

In response to the letter from MJM Consulting Engineers dated April 30th 2015 submitted to the LPA in response to our previous letter dated June 4th 2015, we maintain our objection on flood risk grounds due to insufficient information to address the following points:

- Confirmation from Thames Water that the applicant can connect into the existing public surface water sewer.
- Supporting calculations for the required attenuation volumes, these will determine the size and number of SuDS attenuation methods required.
- A technical justification for the proposed SuDS measures, including why alternative sustainable options have been discounted.

The information provided by the applicant to address the concerns set out in our letter of the June 4th 2015 have not been satisfactorily addressed and does not provide sufficient information to demonstrate there will be no flood risk within the site and to the surrounding area. Therefore an appropriate SuDS scheme has not been provided.

In order for the drainage scheme to be feasible, agreement from Thames Water should be established up front. We appreciate that there is a proposal to reduce the overall surface water run-off rate by 30%, and that the letter from the applicant states that they are in conversation with Thames Water to secure their acceptance of the proposed discharge rates. However, this does not guarantee Thames Waters approval. If this information were to be conditioned and it was then determined that Thames Water will not agree to the proposed rates the drainage scheme would be unviable.

It was mentioned in our first response that we noted the application is referred to as Phase 1 inferring that this site is part of a larger development. The FRA should therefore take into account the wider development and how the proposed drainage scheme relates to the other phases of development in relation to the overall catchment area. No further information on this issue has been presented in the letter sent by MJM Consulting Engineers.

The new information submitted by MJM Consulting Engineers does not include any new points regarding the geological conditions of the site. It was pointed out in the previous letter that as the pond will require excavation it is important to understand what the condition of the underlying ground is. This is to determine whether there is any risk of contamination and what level the underlying ground water is at, as both of these will influence any determination on the feasibility of the pond.

Based upon the information provided by MJM Consulting Engineers the proposed drainage scheme is not significantly different from that presented originally. However opportunities may have been missed. As the development is proposing a 750 space car park, there is an opportunity to provide permeable paving which will not take up any additional space. This could be provided using an artificial sub base if ground conditions are not suitable and will provide a water quality benefit to the site. This will catch any hydrocarbons and particulates before it is drained to the proposed open pond, acting as the second stage of treatment and reducing the amount of silt etc. entering the pond and potentially reducing the pond's maintenance. Within the proposed scheme there is potential to utilise above ground swales instead of extensive lengths of pipe which will allow conveyance between systems, reduce the requirement for maintenance and the risk of blockage.

It is important that all of the highlighted information in points 1-4 is provided to enable effective assessment of the scheme and determine the feasibility of the proposed drainage scheme. This must include the location of any drainage features to ensure they are appropriately located to manage surface water flood risk within the site and the surrounding area for the development's lifetime.

Further further comments

In response to the letter from MJM Consulting Engineers dated August 20th, 2015 submitted to the LPA in response to our previous letter dated August 17th, 2015, we maintain our objection on flood risk grounds due to insufficient information to address the following points:

- Supporting calculations of the required attenuation volumes which will determine the size and number of SuDS attenuation methods
- Confirmation of underlying ground conditions in relation to the feasibility of the attenuation pond

The information provided to address our previous concerns has not been satisfactorily addressed in order to demonstrate there will be no flood risk within the site and to the surrounding area and does not provide an acceptable SuDS scheme.

We note that the introduction of permeable pavements and swales is a significant improvement from the original FRA. However, and in spite of this being an outline application, it is important that the storage volumes required to drain the site effectively are provided, so that the feasibility of the proposed drainage scheme including the location of drainage features is ensured.

The new information submitted by MJM Consulting Engineers does not include any new points regarding the geological conditions of the site. It was pointed out in the previous letter that as the pond will require excavation of the ground, it is important to understand what the condition of the underlying ground is in order to know whether there is any risk of contamination and level of the underlying ground water, determining the feasibility of the pond. Even at the outline application stage, it is important to ensure that the pond will be feasible to ensure sufficient space can be allocated to provide the required attenuation volume above ground.

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.

We therefore recommend the following conditions to the local planning authority should planning permission be granted:

Condition 1

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission 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:

- 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.
- 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.

- 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.
- 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, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory disposal of surface water from the site.
2. To prevent flooding by ensuring the satisfactory storage of surface water from the site.
3. To ensure there will be no risk of flooding from surface water to the proposed properties within the development site
4. To ensure surface water can be managed in a sustainable manner
5. To provide a betterment from the current brownfield runoff rates.

Condition 2

The proposed development will be acceptable if a planning condition is included requiring the following drainage details.

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.

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.

I hope the above is of use to you in your deliberations and will help the development achieve the aims of the National Planning Policy Framework (NPPF).

- 58 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
& the National Planning Practice Guidance (NPPG)
- 010 – re Sec 17 of the Crime and Disorder Act 1984 – to prevent crime & disorder.
- 011 – re planning promoting appropriate security measures.
& Dacorum Core Strategy policies:
- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

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.

Responsibilities and obligations

The "Assessment" Section above outlines the detailed requirements that must be followed when planning or undertaking scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) apparatus. This assessment does NOT include:

1. National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.
2. Gas service pipes and related apparatus
3. Recently installed apparatus
 - Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www.nationalgrid.com/NR/rdonlyres/6D6525F9-59EB-4825-BA89-BD7E68882C7/51319/EssentialGuidance.pdf>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications. NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related

agreements.

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 walking distance, the better.
- 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 defining the Core Strategy. Planning should encourage active travel, healthy eating, and working environments which promote less sedentary lifestyles. I would support restrictions on the type of retail outlets in the area that supported these objectives.
- 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 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. May lands 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).

Conflict with Development Plan

As with the Jarman Park proposals the development is contrary to Policy CS16 of the Core Strategy in that it will not result in a "*positive overall outcome*" for the Town Centre and will in fact result in a "*significant adverse impact*", a conclusion supported by the refusal of the Jarman Park application.

Paragraph 4.17 of the Savills Statement suggests that Policy CS16 is "*explicit*" in its support for new retail development outside existing centres, subject to the retail impact and sequential tests being satisfied (a statement repeated at paragraph 6.37). This is plainly wrong. The definition of "*explicit*" is something that is stated clearly or leaving no room for doubt or confusion. The wording in Policy CS16 is the opposite in that it is guarded in confirming that new retail development in out-of-

centre locations “*will only be permitted*” if it complies with the sequential and retail impact tests – consistent with the ‘town centre first’ approach advocated in the NPPF and the tests set out in paragraphs 24 – 27 (inclusive) of the NPPF.

Paragraph 4.17 of Savills Statement is also incorrect in that it contends that the impact test within Policy CS16 requires an Applicant to demonstrate that there will be “*no unacceptable impact*”. The Policy in fact requires that any impact assessment “*demonstrates a positive overall outcome*” for existing centres.

Paragraph 6.37 of Savills Statement implies that Policy CS16 identifies future capacity for 15,500sqm of non-food floorspace by 2021 within Hemel Hempstead (a statement again repeated elsewhere). Whilst the floorspace projection is correct, the (misleading) implication is that this capacity is for Hemel Hempstead as a whole, which it is not. Policy CS16 is clear in that this capacity relates only to the Town Centre. The Policy contains no allocation for new retail floorspace within either existing or new edge/out-of-centre locations. In addition, Savills imply that the figure of 15,500sqm reflects operator demand which is again incorrect in that it is simply an indication of theoretical capacity based on future growth in population and per capita spend on comparison goods.

Proposed Retail Units & Potential Operators

Paragraph 3.7 of the Savills Statement indicates that the proposed ‘anchor’ unit is intended for a high quality national multiple selling furniture, homewares, electrical goods and clothing & footwear, but does not name that operator. Next, Debenhams, Marks & Spencer and John Lewis all operate a similar type of format, with in most cases an extensive range of clothing & footwear. Savills acceptance that the proposed ‘anchor’ unit and potentially the other new units will sell clothing & footwear directly contradicts their assertion that the new units will complement the Town Centre. It also reinforces the conclusions of Strategic Planning and PBA, on the Jarman Park proposals, that this development will similarly create units that could encourage existing Town Centre retailers to relocate to the Former Lucas site – retailers which Savills themselves acknowledge in paragraph 7.12 are ‘key attractors’ or ‘anchors’ of the Town Centre.

The proposal is for an open A1 use which will compete directly with the Town Centre - it will not only draw significant trade, footfall and the spin-off benefits associated with linked trips, but also potentially the Town Centre’s ‘key attractors’ or ‘key anchors’.

GL Hearn Retail Study Update 2011 (RSU)

The Savills Statement’s references to the RSU (see Sections 4 & 7) are selective and in a number of respects by implication incorrect and misleading. Contrary to what Savills state, the RSU does not conclude that existing stores within the Town Centre are overtrading. Paragraph 3.37 of the RSU does confirm that by 2016 out-of-centre comparison stores will be overtrading, but that this is not a reflection of ‘need’ and merely the fact that those stores are trading well in relation to their benchmark turnovers. The RSU confirms that this overtrading is likely to be addressed through the implementation of the extant consent at Jarman Park. Also, that new retail development within the Town Centre could similarly assist in reducing overtrading in out-of-centre locations and in doing so would result in a far more sustainable pattern of development as well as reinforcing the Town Centre’s role and health.

Savills ignore completely the findings in paragraphs 4.7 and 5.4 of the RSU, that whilst the Town Centre stores (particularly on the non-food side) trade at viable levels there remains significant scope for existing floorspace to trade more intensively. Also, that whilst, in the future, there may be a theoretical capacity for more non-food retail floorspace, there is no need in the short to medium term to allocate sites as there was vacant floorspace within the RSC and MSC and existing floorspace within the Town Centre was capable of showing a marked improvement compared to its existing trading performance - it is notable that paragraph 7.14 of Savills Statement suggests existing vacant units within the Town Centre are in secondary or tertiary locations, which is again incorrect as a number of vacancies exist within its 'core' retail area.

Strategic Planning (and PBA), in advising on the refused Jarman Park application, confirmed that there remained vacant floorspace within the RSC and MSC. Also, that parts of the Town Centre continued to fail to meet their full potential in trading terms and that there was a large number of 'low-end' units and units occupied on short-term leases.

Town Centre Overtrading

A constant contention throughout Savills Statement is that the Town Centre non-food stores are overtrading and that this will increase in the future. Even so and leaving aside the fact that they misinterpret and misapply this issue, they offer no survey or empirical evidence to demonstrate, if this was the case, what harm arises from it – various authorities have accepted that where town centre stores are trading above benchmark levels that this can only be a positive benefit for that centre in that it indicates the centre is trading healthily and is generating high levels of footfall and linkages from which the whole centre will benefit.

The issue of overtrading is often adopted by Applicants to justify out-of-centre proposals. The now cancelled Planning Guidance to PPS4 made it clear that the issue of overtrading was regularly misunderstood and misapplied. It also warned against placing too much weight on assessments that simply compared survey derived turnovers with an average benchmark turnover for the whole of a town centre as the latter was likely to be unreliable compared to actual sales data from individual businesses. These criticisms apply here.

This part of the Savills assessment is also flawed. This emanates from paragraph 7.16 of the Savills Statement which contends that in 2015 the Town Centre will be overtrading by £22.1Million. Table 3 to Appendix 8 to Savills Statement confirms that this is based on comparing survey derived turnovers (Savills estimate £223.0Million) with a benchmark turnover for the whole of the Town Centre (Savills estimate £203.0Million). To calculate the latter, Savills simply adopt the benchmark figure from Table 5 to the RSU, of £5,000.00 per sqm in 2009. The flaw arises from the fact that Savills then use this exact same benchmark figure for 2015, i.e. they do not project the 2009 benchmark figure forward to take account of floorspace efficiency. Incorporating the latter gives a benchmark (non-food) turnover for the Town Centre in 2016 of around £223.0Million (as per Table G of the RSU), i.e. exactly the same as the Savills survey derived turnover in 2015 of £223.0Million – the Town Centre's non-food stores are not therefore overtrading but achieving benchmark levels indicating that there remains scope for existing floorspace to trade more intensively and higher than current trading levels.

A further flaw is the comparisons made by Savills in Table 4 of Appendix 8 for 2020

and 2022. Leaving aside the fact that the benchmark levels are all now incorrect given the error made with the 2015 figure, Savills then suggest that overtrading will still occur within the Town Centre in 2020 and 2022. Whilst it's appropriate to project forward the survey derived turnovers to reflect growth in floorspace efficiency, Savills have, wrongly in our view, assumed that all growth in future comparison spend (from population and per capita spend) will be taken up by existing Town Centre non-food businesses. This assumption is simply unrealistic and flawed and paints a completely distorted picture through misapplying the implications of future growth in per capita comparison spend.

Impact on Town Centre

The Savills retail assessment underestimates the trade diversion and impact on the Town Centre. Their conclusions on the health of the Town Centre are also unsubstantiated by direct evidence. Paragraph 7.17 of the Savills Statement suggests the Town Centre is performing well and that it has improved since the RSU (a view repeated in paragraph 7.50). These conclusions are based on Savills flawed analysis (as we showed above) that the Town Centres non-food stores are overtrading in 2015, which they are clearly not. It also contradicts the findings of the Council in refusing the Jarman Park application.

Table 6 to Appendix 8 of the Savills Statement outlines their estimates of the likely turnover of the proposed development. However, given the absence of any named operators and as consent is sought for open A1 use, other scenarios must be considered based on the wide variety of operators that could be accommodated. A sensitivity test should be applied to assess the implications of the new stores trading at a higher density than that adopted – consistent with the advice in paragraph 17 of the National Planning Practice Guidance (NPPG) (March 2014) 'Ensuring the vitality of town centres'.

Paragraph 7.39 of the Savills Statement contends that the proposed units will compete on a 'like for like' basis with similar large format units on the London Road. Table 6 to the Core Strategy confirms that the latter are predominantly bulky goods operators. There are of course no details with this application of the potential occupiers and consent is sought for an open A1 use. The proposed units would be suitable, therefore, in scale and layout, for existing Town Centre retailers who also operate from large out-of-centre formats. Savills themselves confirm that the proposed 'anchor' unit will sell clothing & footwear in direct competition with the Town Centre. A 'like for like' approach is therefore plainly not justified.

Table 7 to Appendix 8 of the Savills Statement outlines their estimates of trade draw from the proposed development. The Savills estimate, that 20% of the proposed non-food turnover will be drawn from the Town Centre, is not corroborated by survey evidence or comparable case studies. The retail consultants acting for the Jarman Park application estimated that 45% of that proposals non-food turnover would be drawn from the Town Centre. The latter is, in our experience, a more realistic estimate of the trade draw in this case, bearing in mind that the application is also seeking an open A1 use and involves significantly more retail space than proposed at Jarman Park. It is also supported by the fact that the Savills estimate, of a 15% draw from the extant Jarman Park consent, is completely unrealistic and unjustified. This consent has not been implemented and the owners of Jarman Park, through their recent application, have made it very clear that in its current form the consent

will not be implemented as there is no demand. It cannot therefore be included in Table 7.

Assuming all the proposed floorspace on the application site traded at a density of £5,000.00 per sqm would equate to a potential non-food turnover of £37.3Million. Adopting a trade draw of 45% would result in just under £17.0Million being drawn from the Town Centre. This draw would increase if other scenarios and sensitivity testing were applied. This only represents of course the non-food trade draw.

The combined effect of all the above is that the trade draw and impact on the Town Centre will be significantly higher than Savills estimate.

Given the consensus amongst Officers, Members and PBA, any material trade draw from the Town Centre is likely to amount to a 'significant adverse impact'. The loss of a minimum of £17.0Million of non-food trade from the Town Centre is very significant and material. The figure does not of course include any allowance for the loss of trade that will occur from reducing footfall within the Town Centre and consequently the spin-off benefits from linked trips.

Paragraph 17 of the NPPG confirms that the judgment of whether the proposed trade draw/impact will be significant "*can only be reached in the light of local circumstances*" and that where there are high levels of vacancies and/or limited demand even a "*very modest trade diversion*" can lead to 'significant adverse impact'. The advice is clear in confirming that any assessment should be based on a number of factors and not simply, as is often the case, through concentrating on the likely impact in percentage terms. A recent appeal decision supports this view and relates to an application to widen a goods restriction (and subdivide the unit) on the Homebase store on Myton Road in Leamington Spa.

(Appeal reference APP/T3725/A/14/2218334 – decision dated the 16th February 2015 – see attached copy). In dismissing the appeal the Inspector concluded that: "*I have studied the evidence with regard to the dynamic nature of the town centre, the move towards leisure activities and the changing focus of Regent Court towards restaurant uses. However, the fact that Regent Court has struggled to find fashion operators only reinforces my concern that conventional retailing is in decline and that the town centre is more fragile than is readily apparent. I accept that the proposed change of use would be small compared with those continuing to take place at LSP. However, to my mind this makes the likely impact of any further changes more rather than less critical. I have considered the appellant's argument that the PPG reference to modest trade diversion should only apply to weak centres but even if this were the case it would remain a matter of judgement...*

Against the above background, I consider that any significant unavoidable diversion of trade or traders from the town centre would pose a high risk of tipping the centre from its apparently high level of activity over an extensive area into one suffering from more obvious decline. On this issue I conclude that the appellant's proposed condition would be likely to lead to occupation by retailers that might otherwise have located within the town centre or by those already present. The effect of this on investor confidence, vitality and viability would then amount to significant harm. The site is readily accessible by road but, at a distance of around a mile away, is unlikely to foster many linked trips with the town centre, contrary to criteria in LP policy UAP3 which aim to reduce travel by car and promote a choice of means of transport, matters that are repeated in NPPF 24. On the other hand, more visits to the appeal site could well encourage combined trips with the much closer retail

outlets, including those at LSP. This would have the effect of making the area around the appeal site and the nearby LSP more attractive as an alternative shopping destination and, cumulatively, this would further harm the town centre”

This decision confirms that proposals which result in a significant diversion of trade even from centres that are healthy must be critically and closely assessed, given the high risk that any significant trade draw may tip the balance towards a centre in decline. This approach must be applied here as the Town Centre (Hemel Hempstead) has only recently emerged from a long recession and whilst it is showing signs of good health it continues to need both public and private investment to ensure that that success continues. Whilst, therefore, no two town centres are the same, there are a number of similarities between this appeal decision and the current application. The decision is also of importance in that it confirms the criteria that should be considered in determining ‘significant adverse impact’ in the context of the advice within the NPPF and NPPG and supports, in our view, the conclusion that the current application will result in a ‘significant adverse impact’ on the Town Centre.

Impact on Committed & Proposed Investment

As Strategic Planning advised in the context of the Jarman Park application, there remain vacant units within the RSC and the MSC, the ‘core’ areas of the Town Centre. They also indentified a large number of ‘low end’ shops within parts of the Town Centre and stores trading on very short-term leases. The loss of a significant amount of comparison trade from the Town Centre to the proposed development will only compound the problems identified by Strategic Planning and prejudice the investment that has already taken place, as well as future Investment (both public and private). The latter includes current investment being undertaken by the Council in the ‘public realm’ (as envisaged within the Town Centre Master Plan) - required to enhance the shopping environment and drive improvements in footfall and trips to the Town Centre.

The loss of a minimum of £17.0Million of non-food trade (as well as a sizeable level of food trade from the proposed foodstore) will bring with it a significant reduction in footfall and linked trips, undermining current and future investment that is seeking to achieve the complete opposite. This would on its own amount to ‘significant adverse impact’.

The proposed development will create units sizes and formats that could encourage existing ‘anchor’ retailers within the Town Centre to relocate to the application site or new fashion retailers not currently represented to choose an out-of-centre location in preference to the Town Centre - given the lower commercial costs and other benefits of the former such as free parking.

The Applicants for the Jarman Park application confirmed that there is no demand from bulky retail warehouse operators, given existing provision within Hemel Hempstead and the depressed nature of the retail warehouse market. This would leave only potential demand from traditional high street operators, some of which will already be trading from the Town Centre. The loss of these retailers would severely undermine investment that has already taken place within the RSC and MSC and seriously impact on future investor confidence and operator demand within the Town

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.