

**4/00206/17/MFA - PROPOSED CONSTRUCTION OF MARQUEE FOR THREE YEARS COMMENCING, 1ST JANUARY 2017 AND FINISHING 1ST JANUARY 2020. MAXIMUM OF 30 EVENTS IN EACH YEAR 18 EVENTS TILL MIDNIGHT AND 12 EVENTS UNTIL 11PM. THE WATERMILL HOTEL, LONDON ROAD, BOURNE END, HEMEL HEMPSTEAD, HP1 2RJ.**

**APPLICANT: PEACOCK AND DOVE HOTELS LTD.**

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[Case Officer - Nigel Gibbs]

## **Summary**

The application is recommended for approval.

The Watermill Hotel is a long established integral part of Bourne End village and the Borough's tourist facilities occupying a rural location in the Green Belt but close to Hemel and Berkhamsted, representing a very significant local economic asset providing many jobs. The hotel complex of buildings and car parking is previously developed land within the Green Belt focussed around a Grade 2 listed mill.

The marquee is positioned on land beyond but immediately adjoining the longstanding hotel operational built footprint. This land is not previously developed land within the Green Belt . For this reason the proposal represents inappropriate development in the Green Belt which is by definition harmful. However, it has been demonstrated that the marquee is essential to the hotel's viability based upon the submitted information. For the proposed time period there would be a temporary effect upon the openness of this part of the Green Belt.

On this basis there are very special circumstances to justify the marquee for the limited period, enabling the hotel to continue to function in the short and medium term. The timeframe will enable the consideration of the long term options in maintaining the hotel's continued viability. There is no other harm. A range of conditions are necessary.

## **Site Description**

The Watermill is a long established hotel located on the northern side of London Road. This former motel of 1970's origins is distinguished by its elongated frontage to London Road.

The hotel footprint has been developed around a Grade 2 listed mill and associated culverted stream/weir with the buildings set back from the London Road frontage, separated by customer parking to both sides of its centralised access.

The Hotel consists of 71 bedrooms, two internal function rooms, a bar and restaurant. It employs up to 25 full time and 18 part time members of staff.

There are two substantial used areas of mown land to the immediate west of the longstanding hotel complex/ built footprint of buildings and car parks. These are separated from the narrow and rural Sharpes Lane by a fenced meadow and each other by the River Bulbourne, but connected by a footbridge. Sharpes Lane serves dwellings, local moorings and a dog training centre is linked to the London Road.

The two mown areas are as follows:

- Area 1. The southern higher part features a hedged elongated frontage (incorporating the War Memorial) to London Road to the immediate west of the south western bedroom block and car park. There is a vehicular access/ opening from the car park. The hedge fully screens Area 1 from London Road.

- Area 2. The northern part between the River Bulbourne and the Grand Union Canal. There is a strong hedged buffer dividing this land and the canal towpath and its moorings. The double marquee, subject to this application, is located within the central/northern part of this tract of land, separated from the hedge line by with a mowed area

The meadow creates a distinct physical break between the more manicured Areas 1 and 2 and the very rural narrow hedged Sharps Lane.

A range of residential and commercial buildings of various ages and designs are located opposite the Watermill buildings and car parks, Area 1 and the Meadow. These include the listed Anchor and White Horse Public Houses and the Complete Outdoors (former Little Chef Restaurant) and its car park.

## **Proposal**

This is for temporary permission to site a combined double 810 square metre fabric marquee within Area 1. This is for the period up to 1 January 2020 for a maximum of 30 events in each year with 18 events until midnight and 12 events until 11pm. The marquee capacity/ event space can accommodate 450 people including staff.

Area 2 is available for parking to serve the marquee.

This application is on behalf of the Watermill's new management by a new planning agent.

Supporting Background Information: The Hotel Operation and the Role of the Marquee Facility as referred to in The Planning Statement

Submitted information includes:

### Hotel Occupancy Levels

The Hotel consists of 71 bedrooms, two internal function rooms, two external marquees/ double marquee, a bar and restaurant. The average occupancy of rooms is around 60 -65% with the key peaks being achieved during the months when the marquee events are running. The room rates achieved during these peak periods are also notably higher. The Confidential Economic Viability Report supporting this application provides further evidence.

### Hotel Market

The marquee event space has been operating since 2006 due to a financial need to sustain the viability of the hotel business. As evidenced in the accompanying Confidential Economic Viability Report, the revenue generated by the marquee venue space accounts for close to half of the Hotel's operating profit.

The hotel market locally within Hemel Hempstead and more strategically within wider Hertfordshire is continuing to see an appetite for investment, with more modern and newly refurbished venues posing even greater competition to The Watermill Hotel. Venues such as Aubrey Park Hotel (St Albans) and the Boxmoor Lodge are able to maximise their market share by offering all-year round marquee event space. Recent planning success has secured investment in the excess of £5 million at the Aubrey Park Hotel in St Albans. This will see a new purpose designed function facility within the grounds of the Green Belt and Listed heritage assets. While on the other hand, more locally, the Bobsleigh Hotel was unable to secure planning consent for an upgrade and subsequently closed in 2014.

### Short, Medium and Long Term Commercial Strategy

In 2014, The Watermill Hotel lost its affiliation with the Best Western Hotel GB franchise owing to a repeated cycle of low inspection scores and the need to further invest and upgrade the existing accommodation.

The marquee element to the Hotel's offer is essential to providing the finances to secure continued improvements within the original listed building and bedroom accommodation blocks. Over the course of 2015, under a single directorship, the new management team has undertaken significant investment on external refurbishments including various minor repairs to the listed building, its render and guttering.

Extensive grounds maintenance has also taken place. This has included the clearance of previous fly tipping and the removal of portacabins. Internal upgrades in bedroom accommodation have also been undertaken with the replacement of modern fabric /additions (carpet/ re-decoration) upgraded furnishings, and replacement electricals.

Going forward, Peacock & Dove Hotels seek a longer term strategy exploring a more permanent and sympathetic solution to accommodate their business requirements and a sustainable future for the site.

In the short to medium term, the hotel's business viability depends on the security of having the venue hire marquees in place over the next 3 years. As evidenced in the Confidential Economic Viability Report the Hotel has seen steady growth in its venue hire revenue, reflecting wider growth in the wedding and event market sector. Fulfilling market demand will be critical for increasing revenue that in the medium to long term will allow for a more permanent investment proposal.

This will be an investment that will look to replace the temporary structures with a purpose designed and sited 'multifunctional' accommodation, upgrading and enhancing the corporate / hospitality facilities. This long term investment programme will be significant, and would require a comprehensive development approach of a previously developed site in the green belt. The anticipated cost associated with such an approach is estimated to be in the region of circa £3-5m. Therefore Scenarios will have to be considered and balanced against cost and income potential.

#### Design, Conservation and Heritage

As a listed asset, there are significant limitations in terms of adapting the current accommodation to meet market demand for wedding and corporate event space. This is evidenced through the continued decline for venue hire of the existing function rooms.

The marquee venue enables the business to sustain the hotel commercially, compete with surrounding hotels, and respond to market demand. The temporary nature of the marquees under the current economic situation of the Hotel is seen to provide a balance between the built and hard surfaced areas, and the significant grounds of retained mature landscaping.

The Hotel sustains the conservation of a listed heritage asset whilst also maintaining an active gateway into the village of Bourne End and Berkhamsted beyond, with a mature and well established evergreen frontage along London Road, the site is an established green lung within the Green Belt. Retaining The Watermill Hotel as a viable economic concern is paramount in allowing the continued enjoyment of public access to the well maintained and managed heritage asset.

#### Entertainment Noise Assessment and Licensing

The Applicant has provided a supporting Noise Mitigation Strategy Report (2014) which details the entertainment management system installed in the marquees.

The Report records the results of operational testing with the Council's Environmental Health Officer, and concludes the background speaker system installed in 2014 is capable of controlling all amplification within the marquees to meet the levels prescribed by the Council. Accordingly, since the operation of the new system the Applicant can report the successful delivery of entertainment noise control.

Under the Hotel's new directorship, senior management are in regular contact with the Council's Licensing Officer.

It is stressed at this point that no statutory nuisance has been formally determined since these new management arrangements have been in place. The Hotel continues to engage with the Council to help mitigate any sound disturbance arising from music and the general use of the marquees.

### **Relevant Recent Planning History: Summary**

There is a substantial recent planning history for a marquee and other applications.

Temporary planning permissions were granted in 2009 and 2011 for a 460 square metre marquee with one withdrawn application following its unlawful stationing and an enforcement investigation. The 2011 permission expired in 2013 with the subsequent withdrawal of four applications (two for 2013 and two for 2015) for a marquee.

The permissions were for limited use each year with a requirement for the marquee's removal at the end of the permitted times and permanently removed at the end of the permission period. Permission 4/013301/11 /RET was subject to a range of conditions including::

- **The marquee hereby permitted shall be totally dismantled and permanently removed from the site on or before 30 November 2011 and not installed again until 1 April 2012.**
- **The marquee shall be totally dismantled and permanently removed from the site by 10 November 2012 and the marquee shall be thereafter installed between 1 April 2013 and 31 October 20 2013 only if an operator's report is submitted to and approved in writing by the local planning authority confirming how the marquee has been used during the period up to 31 October 2012 without causing identified environmental and traffic/parking problems.**
- **Subject to approval after 31 October 2012 The marquee shall be totally dismantled and permanently removed from the site before 5 November 2013.**

As confirmed there has also been a relatively recent change of the Hotel's management.

During this period the Planning Department has been prepared to support the temporary retention of a marquee facility at Area 1. This has been entirely based upon the ongoing major operator concerns of the previous and current management regarding the hotel's viability with significant commercial reliance upon the marquee's role. The marquee facility has changed from a single to a double with associated dismantlement.

This approach is in the context of the Council's support for maintaining the Borough's economic base and the importance of local tourism with reference to the hotel's longstanding establishment in Dacorum. This is however with full consideration of very strong resistance from some local residents, with at times serious noise complaints, resulting in the need for the LPA to respond to the local MP and the issue of a Noise Abatement Notice to the previous management.

Parallel to this there has been considerable proactive engagement of Bourne End Residents

Association with both the Council and the Hotel's previous and current management. This is set against a relatively limited number of submitted neighbour/ local objections to the various applications proportionate to the number of neighbour notification letters sent by the Council. The issue Noise Abatement Notice reflected the preparedness for the Council to address a noise problem following serious complaints. This has not been deemed necessary with the new operators/ current applicants.

The current application follows the previously four withdrawn submissions by the earlier applicant and dialogue with Bourne End Residents Association.

In dealing with the two 2015 applications 460 square metre marquees the Council was informed in March 2016 that the longstanding planning consultant could no longer act for the Watermill Hotel with a change in the Hotel's Management. This was following the Council's ongoing requests for updated information regarding the Hotel's operation regarding viability.

With the appointment of a new planning agent in April 2016 there were respective update meetings in May 2016 with the case officer and separately a representative from the Planning Department's Enterprise and Investment Team (EIT), the latter specifically considering the hotel's future viability. The planning consultant requested additional time to fully review the case which was agreed given the circumstances.

A site meeting involving the new planning agent, Hotel Management, Bourne End Residents Association was held on 19 July 2016. In summary the outcome was that a fresh submission would be made by the Watermill's planning agent under Application 4/000210/15/MFA. At that time it was understood that there were no ongoing noise issues associated with the marquee's use.

On 19 August 2016 the Council's Environmental Health Department identified unexpected noise problems associated with the use of the marquee facility. This needed to be addressed and the application was withdrawn on 19 September 2016. This was with a view to a new application being submitted with expected ongoing dialogue.

In January 2017 the EIT representative considered further submitted information regarding the planning and viability issues confirming that The Economic Viability Report showed that the Watermill Hotel would really struggle without the marquee. It was noted that the application would be for only 3 years this time, with the EIT clarifying that it would not recommend a business dependent on something so temporary as a long term plan.

### **Referral to Committee**

This is referred to the DCC due to the Green Belt implications, public interest and longstanding background planning history, as discussed with Councillor Graham Sutton.

### **Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance

### Dacorum Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 - The Green Belt  
CS8 - Sustainable Transport

CS9 - Management of Roads  
CS12 - Quality of Site Design  
CS14 - Economic Development  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality

Countryside Place Strategy

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 28, 51, 54, 58, 61, 62, 84, 90, 92, 99, 104 , 106, 111, 113 and 119  
Appendices 1, 5 and 8.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Constraints**

Green Belt  
Former Land Use  
Grade 2 Listed Building  
Flood Zones 2 and 3  
Grand Union (South Bank) 25m Buffer  
Air Safeguarding Area  
Community Infrastructure Levy Zone 2

### **Representations**

Berkhamsted Town Council

No response.

Bourne End Residents Association

We write, formally, on behalf of the Bourne End Village Association, with respect to the above application. As you are aware we have been very involved with the whole evolution of this situation and, in principal, support it with the following provisos:

a) the amount of functions (ie 30 ) should be an absolute and cover all types including Temporary Events. We hope you are able to install this as a planning condition. Otherwise, as you are aware with TEN's the events could be 42. This is in the spirit of minimising the impact of occasions upon the Green Belt, neighbours etc. whilst covering the realistic usage.

b) Notwithstanding the points made about other sources of noise (the railway etc ) impacting upon the ambient noise level and the overall level, there should be a condition that noise levels should not exceed 50 or 48db at the boundary, emanating from the marquees. It is perfectly possible to measure and to check the noise levels with focussed equipment in periods between other impacts e.g. trains. Again we hope you can install this as a planning condition. Otherwise it is essential that a noise abatement notice is served (or re-served).

As you know this is fundamental to the operation of the marquees in a Green Belt / rural area.

c) the landscaping associated with the marquees - the Leylandii trees- on the boundary should have a requirement that they are lopped on the main stem to prevent them reaching beyond x metres. They are already alien in the landscape and would otherwise cause excessive intrusion within the Green Belt area and to the amenity corridor of the Grand Union canal.

This would have the further advantage of causing thickening at lower levels to help their use as a sound screen.

#### Strategic Planning

The marquee is considered crucial to the sustainability and profitability of the hotel operation. The submitted planning statement refers to a significant amount of revenue being tied to the presence of the marquee.

#### Conservation and Design

The proposal has no impact on the significance of the listed building.

#### Building Control: Initial Response

A fire risk assessment should be carried out due to numbers within the marquee.

Access for fire-fighting might be an issue due to the flood plan & small narrow wooden bridge.

It is suggested that Hertfordshire Fire & Rescue Service is consulted.

#### Building Control: Response following Site Visit

##### *General description*

- Marquee constructed of Steel frame and canvass construction.
- Split into toilets, bar, Kitchen and seating area.
- Internal drapes of combustible material.
- Accommodate approx. 600.
- Fire Extinguisher and exit signage notes, general lighting
- Floodlighting provided externally
- Location within grass field adjacent to the main Water Mill (Flood plain).
- Access to marquee from main building across 1.5m wide footbridge which is canvass covered and attached to marquee.
- Assembly point notice around the boundary of the field occupied by the marquee.
- Main assembly point for the hotel is front of building in the main car park.
- Previous fire officer report attached dated 2/3/17.

##### *Comments*

- No Emergency lighting Identified BS5266.
- No compartmentation at high level between kitchen and seating area.
- Kitchen provide dishwashing and warm of food and Bar.
- Noticed Unvented hot water cylinder.
- No Smoke or alarms provided in kitchen or seating area BS5839.
- No fire Risk strategy plan to hand from hotel at time of site inspection ( Evacuation plan ).
- At time of inspection Fire risk assessment was not available.
- Canvass tunnel to main building is potential fire hazard.
- No fire hydrant.
- Travel distances might be an issue for fire- fighting appliance, potential access from front car park of hotel through gates into overflow car park (ramped access) and across wooden and steel bridge (Weight of Fire engine could be an issue) to marquee.  
Alternative access from Sharpe's Lane but access will be an issue Metal sheeting to laid for access) . Section B5.

### *Conclusion*

A Fire Risk Assessment & Strategy plan and evacuation required from Hotel Fire officer to visit site to assess marquee at first hand is a ( fire crew from Hemel Hempstead Fire Station).

### Building Control: Response following Site Inspection by Hertfordshire Fire & Rescue Service

It is noted that HFRS accept the principle. A Building Regulations Retrospective Application will be necessary to address detailed matters.

### Environmental Health: Noise & Pollution

NP would not wish to object to this application in principle but given the location would want to see management systems in place to ensure that events in the marquee do not cause undue disturbance to the occupants of neighbouring properties.

With this in mind NP would like to see noise at the site boundary limited to no more than 50 dBA Leq over 5 minutes, whenever the venue is in use.

In addition NP would expect noise limiting equipment in use whenever live or recorded music is played on the site, and that equipment set at a level to the satisfaction of the Environmental Health Department as a licence condition.

### Environmental Health: Food, Health & Safety

No response.

### Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses. However, as this is a temporary structure involving no/negligible ground-works, the SO has no comments to make in respect of contaminated land.

### Licensing

It is assumed this project is subject to planning and building regulations. If so it will need to go through the proper process.

## Hertfordshire County Council: Highways

Decision: 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.

### Comments / Analysis

The application is for the construction of marquee for three years commencing, 1st January 2017 and finishing 1st January 2020 with a capacity to hold 450 patrons. It is also proposed that there will be a maximum of 30 Events in each year 18 events till midnight and 12 events until 11pm. This application follows on from previous temporary planning applications made between 2009/10 ref4/00667/09/FUL and to present day.

Access: There are no plans to alter or modify the current vehicular access arrangements onto the A4251, Bourne End. This is recorded in section 6 of the application form.

Parking & manoeuvrability: Section 10 of the application form has not been completed so there is no record made within the application of the level of existing off street parking and proposed if applicable. HCC as Highway Authority considers that the existing car parking provision is likely to be acceptable as there have been no reported incidents over a lack of off street parking space with the previous applications. It is also unlikely that the adjacent highway would suffer with displaced parking but as this is application is seeking a temporary planning permission, any displaced parking can be monitored and importantly recorded for future planning applications. The Hotel's parking spaces should adhere to the standard dimensions of 2.4m wide and a minimum 4.2m long (standard is 4.8m) as outlined in the 'MfS' Sec. 8.3.48 and that there is sufficient space to enable vehicles to turn around and egress to the highway in forward gear.

Dacorum Borough Council is the parking authority for the district and therefore should ultimately be satisfied with any parking arrangements on the site. DBC's supplementary planning document (SPG) may also be referenced against for determining the correct level of parking this development should afford be it for a temporary use such as a marquee.

Emergency vehicle access: The recommended emergency vehicle access of 45 metres from the highway to all parts of a building. This adheres to guidelines as recommended in 'MfS' and 'Roads in Hertfordshire; A Design Guide'. The site is accessed off a private driveway.

Traffic generation & impact on the adjacent highway: The proposal is for a temporary granting of planning permission which like the previous applications will give both authorities the opportunity to monitor the site and record any adverse impacts it should bring to bear ie displaced off street parking provision. New or above the normal level of traffic generation of vehicles would be considered to be low and due the limitation of use/ frequency and that it would be for advance bookings that the Hotel can manage. It follows therefore that the impact on the local highway network should not be significant or detrimental.

### Conclusion

HCC as Highway Authority has considered that the proposal is of a small scale and would not have an unreasonable impact on the safety and operation of the nearest highway. The development is unlikely to result in a significant change in the number vehicles using the site. Therefore HCC has no objections or further comments on highway grounds to the proposed change of use, subject to the inclusion of the above informative.

## Hertfordshire Ecology

HE holds no biological records (species of habitat) for the application site. There are areas to the north (Pix Farm) and west (Cress Farm and the Grand Union Canal) that have been identified as having potential to become Local Wildlife Sites, but to the best of HE's knowledge are under no such non-statutory or statutory protection at this time.

As the structure is temporary, although HE see from aerial photography that a structure similar to it was there in 2010, there is unlikely to be any effect on the local habitats. The only concern comes from any form of outside lighting. The site is situated with water bodies on three sides, these water bodies represent wildlife corridors that could be used by nocturnal wildlife for commuting and foraging. HE would urge that any outside lighting be designed to minimise light spill on these corridors. The use of LED lighting angled away from these features and below the horizontal would be an acceptable form of mitigation should external lighting form part of the application.

## Hertfordshire Constabulary: Crime Prevention/ Security

No response.

## Hertfordshire Fire & Rescue Service

After the initial standard detailed advice the Hertfordshire Fire & Rescue Officer visited the site with reference to Building Control's responses. As a result of this HFRS raise no fundamental fire access/ emergency objections.

## Canal & River Trust

The Trust has reviewed the application. This is CRT's substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Based upon the information available CRT have the following general advice to offer:

CRT note that complaints were received in the summer from occupiers of the nearby canal moorings and therefore CRT welcome the measures which have been put in place to limit and control noise and disturbance during events. We would ask that the owner of the Moorings is consulted on this application, if this has not already taken place.

## Environment Agency

### *Initial Response*

The EA object in principle to the grant of planning permission because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.

The EA recommend that the application should be refused planning permission on this basis.

The EA appreciate that it conditioned the site in March 2015 (our reference NE/2015/122433/01-L01). Since then however, the EA's flood modelling of the Gade and Bulbourne has been updated and shows the site to be at a much higher risk of flooding than previously thought.

### *Reasons*

The Planning Practice Guidance classifies development types according to their vulnerability to

flood risk and gives guidance on which developments are appropriate in each Flood Zone.

In this case the development falls within Flood Zone 3b (highest risk of flooding) as defined by our 2016 detailed hydraulic modelling of the Gade & Bulbourne. The modelling shows the site to be in a very high flood risk area (50% chance every year).

Flood Zone 3b is the functional floodplain, defined by your Strategic Flood Risk Assessment as having a high probability of flooding. The functional floodplain is designated with the purpose of safely storing floodwater during times of flooding.

Development in the functional floodplain would therefore result in a net loss of floodplain storage and potentially increase flood risk elsewhere. The development type in the proposed application is classified as more vulnerable in line with Table 2 of the Planning Practice Guidance. Tables 1 and 3 of the Planning Practice Guidance make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

#### *Overcoming the Environment Agency Objection*

Unfortunately, as the entire site falls within the functional floodplain, the EA would not be able to support any development here.

#### Second Response

In liaising with the Flood Risk Team there appears to be no recent flooding in this area. The LPA may want to check this. The FRT is happy that the EA remove the objection, subject to:

- The applicant/owners signing up to the EA's flood warning system.
- The applicant should submit an emergency evacuation plan to the LPA which DBC as the LPA) should assess and consider if it is acceptable.

#### Third Response

There have been further discussions with the Flood Risk Team who have checked the EA's flood event outlines. As the LPA is aware the EA's latest modelling does show the site to be in a very high flood risk area (50% chance every year). However, there appears to be no recent cases of flooding.

In light of the above the EA believe that previous objection can be removed (ref. NE/2017/126488/01-L01, dated 28 February 2017) provided the LPA is satisfied that the type of development proposed is appropriate for the functional floodplain.

If the LPA accept that the proposed development is appropriate for this location, the LPA will need to formally consider and be satisfied with the emergency planning and rescue implications as outlined in the development's evacuation plan. This forms part of the Flood Risk Assessment. At the moment this appears to be very basic so the LPA may ask for this to be updated. The EA also request that the applicant signs up to our Floodline Warnings Service.

#### *Informative*

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne designated a 'main river'. From 6th April 2016, the Flood Defence Consent regime moved into the Environmental Permitting Regulations to become Flood Risk Activity Permits. The charges

for the new permits are different and some lower risk activities may be excluded or exempt from the permitting regulations.

#### Network Rail

No adverse comments.

#### EDF Energy

No response.

#### Response to Neighbour Notification/ Publicity

- Cress Farm

I strongly object to the above planning notice. By definition marquees are temporary buildings. THREE YEARS is being asked for therefore, the word "temporary" is a contradiction in terms. How is it safe and legal to run the main part of your business in temporary buildings? This is an hotel, not a marquee/wedding venue. The Hotel has ample space within the building for entertaining guests. As I have written MANY times there are not enough facilities for the amount of people that come to these events. The noise is unacceptable (especially at weekends, and most annoyingly on Sunday afternoons in the Summer months). The Fireworks DURING THE DAY AND in the EVENINGS at any time of year an annoyance and a danger to our pets and livestock. These applications have been submitted many times, but in the meantime the hotel seems to carry on regardless. The marquee stays up anyway. Is anyone taking note? The hotel claim they are a business in difficulty, the audited accounts prove this not to be the case. The Council agreed to look into this. Clearly they have not. There are further issues (all of which have been in previous correspondence). It is a visual eyesore, it destroys the natural beauty of the area and the land, they (the marquees - there are two) are of inappropriate size and colour to be permanent. Why does this persist? I have letters going back to 2009 and we are covering the same ground. The constant applications and withdrawals of planning permission is also something to raise concern.....why these games?

I hope these issues will be looked at.

- Neighbour/ Resident: Address Unknown

This application is for 30 events each year over 3 years until January 2020.

Whilst in principle we do not object to the hotel holding events during the evenings, over the past two years when they have held these events they have not stuck to the terms in which the application was awarded.

In our experience the hotel have not ended their events at the correct time, e.g. 11pm or Midnight. Some of these events have continued well past the Midnight finish time and this is when it becomes quite distressing. As I am sure you will appreciate that by Midnight we are all hoping to get some sleep.

As we are sure you will appreciate three years is a long time if the hotel just ignores the rules and nothing is done about it.

We look forward to hearing from you with some answers to our questions.

- 22 Bourne End Lane

The principal problem is noise pollution. This arises mainly due to the size of the Marquee and the type of wedding function being catered for.

- The marquee seats several hundred people, which in the wedding industry is not the average. Predominantly, this is used for the large scale events.
- Once you add music to the mix and with so many voices competing to be heard, it raises levels of both.
- We did discuss this one morning with a representative of BEVA, who stated that he had been advised by the Environmental Health Officer for the area, that the noise levels were within permissible range and compared quite favourably with that of the Village Hall. However, as we pointed out, the village hall is constructed of solid walls, with an insulated roof, a marquee is not. Therefore, you cannot compare the two.
- The sound system can be quite clearly heard, almost word for word for most of the day half way down Bourne End Lane, where we live, as can the drummers greeting the guests at the front of the hotel, when a wedding is being held. This starts early on and continues all day. On this particular point, clearly this constitutes music and is a breach of conditions, as the music must be contained within the confines of the marquee, they do not have an outside music licence, and should not be granted one either.
- Secondly, the term 'Events', must be amended or clarified, as number of days. Events would normally constitute 2 or more days. Therefore, suffering the noise pollution for an entire weekend is unacceptable. It would not matter what the event was, it could be a music festival for instance, the same rules should apply, one day per event, and keep the noise to a minimum, confined to the Marquee. Also, by using the term Event and not classifying as 'days' you will be allowing pretty much every weekend throughout the spring and summer to be taken up by the requested 30 Events.
- This is a small, quiet, rural village and the Hotel has chosen not to appeal to the norm of trade, that of which might frequent a small village clientele. I see no reason to support the fact that they are targeting exceptionally large weddings using both days of a weekend and ruining the ambience for everyone that lives here.
- It has always been a contentious issue, and I do not see this changing unless the hotel changes the size of the marquee to lessen the noise. They do have function rooms, which I am sure are more than large enough for events, the noise from which could not possibly be heard outside.

### **Considerations**

The main issues are:

- The Green Belt implications.
- The economic issues regarding the hotel's future viability.
- The countryside/ heritage issues.
- The effect upon the residential / Bourne End village residential environment.
- Access, parking and highway safety.
- Flooding.

Policy and Principle: The Green Belt Implications

The application should be considered on the premise that the marquee is not in place.

As confirmed the land (Area 2) subject to the marquee is located beyond the Hotel's established built footprint/previously developed land and the immediate longstanding hotel grounds. The land is regarded as agricultural land within the Green Belt.

#### *National Planning Policy Framework/ Context*

Under para 89 a LPA should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Para 87 confirms that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 88 explains that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

#### *Dacorum Core Strategy Policy CS5 Green Belt*

This specifies amongst a range of matters:

The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

Within the Green Belt, small-scale development will be permitted: i.e.

- (a) building for the uses defined as appropriate in national policy;
- (b) the replacement of existing buildings for the same use;
- (c) limited extensions to existing buildings;
- (d) the appropriate reuse of permanent, substantial buildings; and
- (e) the redevelopment of previously developed sites, including major developed sites which will be defined on the Proposals Map

provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside.

#### *Dacorum Core Strategy: Strengthening Economic Prosperity and Policy CS14: Economic Development with reference to the Rural Economy and Tourism*

The policy includes reference to development that supports the knowledge-based economy, the transition to a low carbon economy, the rural economy and sustainable tourism, will be particularly encouraged.

The defined Strategic Objectives include the promotion of a vibrant and prosperous economy. One identified way is to maintain commercial enterprise and employment opportunities in the market towns and large villages and to support rural enterprise.

This and the other specified objectives under para 11.8. objectives reflect the aspirations set out within the Councils regeneration plans. They are also reflected in the Economic Development Strategies Objective for both Hertfordshire and Dacorum. The Core Strategy's Table 4's HCC identified aspirations includes stimulating enterprise, innovation and inward investment and supporting tourism.

Para 11.10 explains that the diversity of the Borough is reflected within the make-up of the economy, which includes a significant rural sector that will be supported. The term 'rural economy' refers to economic activities that support employment in rural villages and sustain land uses across the rural area. This can include rural tourism.

Paras 11.17, 11.18 and 11.19 focus upon 'Supporting Tourism':

- 11.17 Although the borough is not currently a main destination for tourism, it does attract both leisure and business visitors. The tourism sector is also closely linked to the area's cultural facilities (under Section 15).
- 11.18 Many visitor destinations are currently accessed by car. The promotion of sustainable tourism aims to reduce this dependence by creating new opportunities for tourism in locations with good access to public transport; promoting access by non-car modes to existing destinations; and respecting the built and natural environment.
- 11.19 Whilst there is already a reasonable range of visitor accommodation within the borough, there is scope for this sector to grow. Facilities that support local tourism, the rural economy and those that support existing businesses, through the provision of meeting and conference facilities, will be particularly encouraged. All new tourist facilities should seek to develop strong linkages with existing visitor attractions.

This approach to tourism reinforces that of saved Policy 90 of Dacorum Borough Local Plan.

*Saved Policy 92 of Dacorum Borough Local Plan: Hotels and guest houses in the Green Belt and the Rural area*

This specifies amongst a range of matters that in the Green Belt, permission will not be given for new buildings to provide hotel and guest house accommodation and proposals to extend existing hotels and guest houses will not normally be permitted in the Green Belt, but elsewhere in the countryside.

The reasons for Policy 92. Hotels and guest houses are best located in the main towns of the Borough, where other requirements, such as entertainment and business services, can be satisfied. The impact of tourist accommodation on the rural environment needs to be carefully controlled, but the reuse of existing buildings and well designed extensions to existing facilities can increase the amount of accommodation provided and benefit the rural economy with little effect on the open countryside. Hotels and guest houses are not normally appropriate Green Belt uses, but there may be circumstances such as the protection of a listed building where a new use and/or a well-designed extension could be justified.

#### *Assessment*

The proposal is inappropriate development in the Green Belt. By definition it is therefore

harmful. It can only be supported if there are very special circumstances and there is no other harm.

There is strong policy support for the Borough's tourist sector. This includes the rural parts of Dacorum. The proposal will benefit the local economy reinforcing inward investment.

However, whilst The Watermill is long established saved DBLP Policy 92 is not supportive of new hotel development at new or existing Green Belt sites. This specifies a limited window of opportunity such as the protection of a listed building. The proposal will assist in the Hotel's viability with its origins based upon the listed historic mill.

The submitted supporting information clarifies that the marquee is essential to Watermill's viability. The Planning Department's EIT pre application advice confirms its role, albeit not regarded as a long term solution.

Whilst the grant of temporary permissions is not normal practice, **there are very special circumstances to support this due to viability**. It is fully recognised that there will be a resultant impact upon the Green Belt's openness for a temporary period. It has been taken into account that following the main summer season of use each year, a condition could be considered for the marquee's removal as in the case of the earlier permission. It is understood that this represents a major operational problem in terms of time to dismantle and the storage of the facility at the site with associated high costs.

It is not considered that the use of Area 1 for associated car parking adversely affects the openness of the Green Belt. The fallback position for under permitted development is that for 28 days in any one calendar year it can be used for temporary parking.

It is fully acknowledged that with time a marquee at site has become an integral part of its facilities, however this has to be weighed against the long term implications for the openness of the Green Belt. Its permanency is not before the Council- it is now a matter of requesting a further permission to enable the immediate/medium term viability of the Hotel.

As to the longer term it is not for the LPA to prejudge a more permanent solution at this stage. Clearly if approved it would be recommended the Watermill soon engages with the Council in terms of feasibility with reference to the Green Belt implications, including its existing footprint. Before doing so the priority would be to fully and separately establish the Environment Agency's position regarding the flood risk implications and reconciling this with any expected change.

Whilst there may be very special circumstances it has to be considered whether there is any other harm. The relevant material considerations are addressed below.

#### Effect upon the Character and Appearance of the Area/ Setting of the Listed Building

If the marquee was permanent there would be a significant impact upon this part the character and appearance on the countryside establishing a large physical encroachment. It would conflict with Dacorum Core Strategy Policy CBS 5 criteria (ii) and representing non sustainable development. It would which would not comply with the expectations of sustainable construction under Dacorum Core Strategy Policy CS29.

For a temporary period there would not be however that identified harm. There would be no adverse effect upon the setting of the listed mill or in the short term the canalside environment. Moreover, the continued investment in the Watermill is in the interests of maintaining this important heritage asset which is the public interest. In this respect the Watermill's grounds which are high quality. This guardianship of the built heritage and upkeep such a large tract of land- which represents a substantial and significant publicly visible 'green gateway' through

Bourne End- will be assured for the immediate future by the hotel's continued functioning.

#### Impact upon Residential Amenity

This is in the context of Dacorum Core Strategy Policy CS12 and the NPPF's paragraph 133.

It has been evident that over a substantial period at times the marquee use has attracted some very serious localised objections, culminating in the issue of a noise abatement notice involving the previous management. To those - residential and the canalside moorings -closest to the marquee facility and the grounds there has been a fundamental problem of establishing an acceptable coexistence when both are in use. This is reinforced by the Canal & River Trust's response regarding the canalside moorings. The local planning authority is also unaware of any noise problems associated with the use the temporary use of Area 1 for ' overflow car parking'.

This issue is far from straightforward. Very significantly the Environmental Health Team raises no objections to the marquee subject to the imposition of a 50db perimeter noise boundary limit and the maintenance of amplification within the marquee. The combined role of the internal and external controls are expected to be effective in limiting the impact to an acceptable level.

Also a strong material indicator in considering the effect upon the residential amenity of the locality is the level of response to neighbour notification letters and Bourne End Residents Association's overall response to the application, set against the whole background.

On this evidence base and the aforementioned noise controls there are no objections to the application based upon the residential amenity of the locality. The context is that for a substantial part of the year the marquee is not in use when the established rural/ countryside tranquility is assured.

#### Access/ Highway Parking Implications

There are no objections from Hertfordshire County Council Highways and Hertfordshire Fire & Rescue Service.

The single access to the hotel is long established with sight lines in both directions along this controlled 30 mph section of London Road, featuring speed cameras. There is significant capacity to provide on site parking temporary overflow parking by the use of Area 1, subject to a refused application for a car park.

There are no known local objections based upon resultant parking problems in the area when the marquee has been in use. Due the locality's highway layout/ design on street parking in London Road, Bourne End Lane and Sharpes Lane is unavailable. Also in terms of sustainability the site is accessible by the 501 bus from both Hemel and Berkhamsted Railway Stations .A green transport plan is not recommended by Hertfordshire County Council Highways.

Based upon Hertfordshire Fire & Rescue's recent comprehensive site assessment, it is understood there is no fundamental in principle fire access objection. This inspection was in the presence of the applicants, environmental health, licensing and case officers and with HFRS's representative liaising with the local HFRS officers and the applicants providing an emergency strategy to HFRS. This followed two previous recent visits by the building control/other officers. It will be expected that there is access to the edge of the aforementioned river bridge and lighting. Whilst the marquees are well in excess of the travel distance for fire tenders and the bridge is incapable of providing access to tenders (width, construction and carrying capacity) onto soft ground, there is full confidence that an emergency could be dealt

with by HFRS in accordance with Dacorum Core Strategy Policy CS12 criteria (a) and (b).

It will be essential that the fire tenders have a clear unimpeded route at all times from the existing car park through Area 1 with associated lighting including the bridge area and across to the marquee from the bridge. This is reflected by the recommended conditions.

The fundamentally important advice from HFRS needs to be fully in association with the Environment Agency's recommended Emergency Evacuation Plan, as referred in the Representations and below.

The existing hotel provides disabled parking. The Plan will need to ensure there is inclusive access.

### Flooding

In assessing flood risk in vulnerable areas 3b sites the LPA is entirely reliant upon the Environment Agency's expert technical input, as the statutory consultee. In summary notwithstanding the Environment Agency's fundamental initial objection based upon the 50% chance to flood every year, this has now been withdrawn.

The initial objection was based upon the land being functional floodplain:

*'Development in the functional floodplain would therefore result in a net loss of floodplain storage and potentially increase flood risk elsewhere. The development type in the proposed application is classified as more vulnerable in line with Table 2 of the Planning Practice Guidance. Tables 1 and 3 of the Planning Practice Guidance make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.'*

This was set against its no objections to the 2015 applications given the latest floodplain modelling.

In its change of approach the EA clarifies:

*'If the LPA accept that the proposed development is appropriate for this location, the LPA need to formally consider and be satisfied with the emergency planning and rescue implications as outlined in the development's evacuation plan. This forms part of the Flood Risk Assessment. At the moment this appears to be very basic so the LPA may ask for this to be updated. The EA also request that the applicant signs up to our Floodline Warnings Service.'*

The EA were invited but unable to attend the site visit involving HFRS following its change of response.

The provision of the Emergency Evacuation Plan will require the EA's expert technical input as the Council has no specialist knowledge. Conditions are recommended.

The Agent is currently preparing this which is subject to a recommended condition. The LPA will be unable to discharge this if the EA considers that the approach is acceptable.

### Other Issues

1. Permitted Development Rights for the Land and the Fallback Position.

Under Class B there can be the Temporary use of Land:

The use of any land for any purpose for not more than 28 days in total in any calendar year, of

which not more than 14 days in total may be for the purposes of—

- (a) the holding of a market;
  - (b) motor car and motorcycle racing including trials of speed, and practising for these activities,
- and the provision on the land of any moveable structure for the purposes of the permitted use.

In this case development not permitted under B.1 if—

- (a) it would consist of development of a kind described in Class E of this Part (temporary use of land for film-making);
- (b) the land in question is a building or is within the curtilage of a building;
- (c) the use of the land is for a caravan site;
- (d) the land is, or is within, a site of special scientific interest and the use of the land is for—
  - (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;
  - (ii) clay pigeon shooting; or
  - (iii) any war game, or
- (e) the use of the land is for the display.

**Based upon these rights the land at Areas 1 and 2 and the meadow can all be used for a range of purposes involving a moveable structure(s) for 28 days for purposes similar or the same as the proposal.**

**This fallback position/ starting point is that the collective/individual impact of the exercise of permitted development could be significant in the exercise of such rights. Recommended Condition 8 supports the use of Area 1 for just 2 days for car parking which can be carried out as permitted development.**

2. Ecological Implications/ Biodiversity. There are no objections from Hertfordshire Ecology. The retention of the adjoining meadow as undeveloped/ unused has ecological benefits.

3. Contamination. There are no issues.

4. Exterior Lighting/ Light Pollution/ Visual Impact at Night . As clarified there is some need for lighting to serve the marquee for overriding safety reasons. A condition is recommended. The lighting will need to balance safety with the environmental implications, taking into account the E1 Lighting Zone and the response by ecological issues referred by Hertfordshire Ecology.

5. Crime Prevention/ Security. The LPA is unaware of any issues.

6. Sustainable Construction. As confirmed the marquee is not the most sustainable form of construction. Hence it is only appropriate to grant a temporary permission.

7. Environmental Impact Assessment. This is not necessary.

8. Building Regulation Approval. A retrospective approval is clearly required which will need to address a range of issues , including further specialist input from HFRS. An informative is accordingly recommended.

## **Conclusion**

The application is not straightforward for Green Belt and environmental reasons.

The marquee represents inappropriate development in the Green Belt. It will serve a longstanding hotel on land beyond its long established built footprint. This footprint is previously developed land.

For the proposed period the marquee would temporarily affect the openness of this part of the Green Belt. The fundamental question is whether there are very special circumstances to justify the marquee for this period and whether there is any other harm.

It also has to be taken into account that under 'permitted development' the land for the marquee and that adjoining it can be used for 28 days in any one year for a range of purposes in conjunction with a moveable structure. These could be the same or very similar to the proposal and more. This is the fallback position in considering the application.

The context is that the Watermill is not a new development in the Green Belt . To the contrary it is a long established hotel which has expanded from its 'motel origins' when the area was entirely reliant upon the A41 as a major transport route.

Its countryside setting is key to The Watermill's character and ambience. By reason of its location and rural setting the hotel makes a very valuable contribution to the appearance of Bourne End, but so close to Hemel, in the A41 gateway to the town.

It represents a high quality destination as an alternative to Dacorum's urban based hotels but close and accessible to Hemel and Berkhamsted with an important rural and heritage context, especially with the permanent closure of The Bobsleigh.

It has been clarified that the marquee is essential to the hotel's short and medium term future providing a very important customer/ function facility providing many jobs. This is based upon the pre submission analysis by the Planning Department's Enterprise and Investment Team. At the same time the EIT recognises that there is a need to consider the long term situation whereby reliance upon the marquee is questionable.

The Hotel's current longevity and adaptability to date in a changing and challenging economic times should be fully acknowledged providing continued inward investment within the Borough , with the marquee representing a key part of maintaining its ongoing viability.

With due regard to this specialist EIT presubmission advice and the long established role of the hotel, a measure of flexibility is considered justified in supporting the marquee facility for the short / medium term as proposed. This is also with regard to the 'permitted development' rights fallback position.

The Hotel's environmental role is also a very key part of this equation. This includes the maintenance of the Grade 2 Mill and its grounds which are of the highest quality. This guardianship of the built heritage and upkeep such a large tract of land- which represents a substantial and significant publicly visible 'green gateway' through Bourne End- will be assured for the immediate future by the hotel's continued functioning.

Given the hotel's longstanding important local economic and environmental role there are very special circumstances to support the proposal with no other harm.

The proposal supports a long established hotel. This is reflected by Bourne End Residents voluntary involvement in this case in representing the local community and engaging positively and directly with the hotel is also part of the overall equation. Clearly it is recognised that there have been times when there have been reported noise/ environmental problems associated with the use of the marquee and land which does form part of its historic curtilage. With the necessary noise controls in place and no knowledge of problems with noise generated by traffic/high volumes of vehicular movements or parking problems, there is no current evidence to withhold the grant of permission for these reasons.

The reported objections need to be carefully weighted against the context of the establishment of a hotel many years ago on a very busy section of road and the local planning authority's

support for its expansion within this location. The marquee represents part of this evolving process of change to accommodate new customer requirements. It is no different similar to an institutional site / sports ground/ that needs to provide new facilities on its historic base.

With the Environment Agency's change of approach there is not a cogent reason to refuse this temporary application upon environmental grounds based upon the evidence available. The marquee will help to ensure the hotel's immediate future with the openness only affected for a short period in terms of the long term openness of the Green Belt. There are very special circumstances to support the proposal on this basis. It will give the current Hotel management the opportunity to work with the Council and the local community to achieve a long term viability plan for the future. Clearly before doing this there will be an overriding need to establish the Environment Agency's strategic flood risk position

**RECOMMENDATION** – That planning permission be **Delegated with a view to approval** subject to notification being sent out to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and subject to the following conditions:

- 1 The marquee hereby permitted shall be totally dismantled and permanently removed from the site on or before 1 January 2020.**

Reason: In the interests of safeguarding the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy. The marquee represents inappropriate development in the Green Belt. Such development is by definition harmful to the Green Belt. There are very special circumstances for the local planning authority to support this inappropriate development in the Green Belt for this specified period. After 1 January 2020 there is no currently evident planning justification to substantiate marquee's further retention in the Green Belt which will affect its openness.

- 2 The marquee hereby permitted shall only be used for the holding of functions by the Watermill Hotel for a maximum of 30 events in each calendar year, with 18 events until 24.00 hours (midnight) and 12 events until 23.00 hours. There shall be no use between 24.00 hours and 9.00 hours. The number of events held for 2017 shall be calculated upon those which have taken place between 1 January 2017 and the date of this planning permission.**

Reason: To safeguard the character of this part of the Green Belt countryside and its local environment, including the residential and canalside amenity, in accordance with Policies CBS 5 (criteria ii), CS10, CS12 and CS25 of the Dacorum Core Strategy and saved Policy 106 of Dacorum Borough Local Plan.

- 3 Following the last use of the marquee subject to this planning permission the land used for the installation of the marquee shall be reinstated by re-seeding grass during the planting season starting 1 October 2020. Following this, an ecological management plan for the land the area shall be carried out fully in accordance with a scheme submitted to and approved in writing by the local planning authority.**

Reason: In the interests of safeguarding character and appearance of this part of the Green Belt and biodiversity in accordance with Policies CS5, CS25 and CS29 Of the Dacorum Core Strategy.

- 4 The noise level at the northern boundary with the Canal, Sharpes Lane and London Road shall be at no more that 50 dBA Leq over 5 minutes at any time whenever the marquee hereby permitted is in use. At all times noise limiting**

**equipment, loudspeaker systems to restrict amplification of noise when live or recorded music is played within the marquee shall be used.**

Reason: To safeguard the character of this part of the Green Belt countryside and its local environment, including the residential and canalside amenity, in accordance with Policies CBS 5 (criteria ii), CS12 and CBS 32 of the Dacorum Core Strategy and saved Policy 106 of Dacorum Borough Local Plan.

- 5 The marquee hereby permitted shall only be used in accordance with an approved emergency planning and rescue evacuation plan which shall include all the Environment Agency's and Hertfordshire Fire and Rescue's operational requirements.**

Reason : To ensure that in the public interest that the marquee and the associated land is only used at all times in accordance with all safety expectations of the Environment Agency and Hertfordshire Fire & Rescue Service in accordance with Policies CS8, CS9 and CS12 and saved Policies CS51 and CS54 of the Dacorum Borough Local Plan.

- 6 The plan subject to condition 5 shall include full details of the emergency access route from the existing car park to the edge of the river bridge. All of this access route shall be subject to approved emergency warning signage and at all times during the use of the marquee to be demarcated to ensure that it is free from any customer/ visitor parking.**

Reason: In the interests of ensuring that all times during the use of the marquee this emergency access route is kept clear of any obstruction to prevent access by emergency vehicles. This is to ensure that in the public interest that the marquee and the associated land is only used at all times in accordance with all the safety expectations of the Environment Agency and Hertfordshire Fire & Rescue Service in accordance with Policies CS8, CS9 and CS12 and saved Policies CS51 and CS54 of the Dacorum Borough Local Plan.

- 7 The additional exterior lighting in the interests of public safety in accordance with the requirements of Condition 5 shall be installed and maintained at all times fully in accordance with details submitted to and approved in writing by the local planning authority. All the approved lighting shall be removed permanently from the site in accordance with the requirements of Condition 1.**

Reason: To safeguard the character and appearance of the locality, the local environment, in the interests of biodiversity, road and rail safety to accord with the requirements of Policies CS5, CS12 , CS25, CS26, and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the Dacorum Borough Local Plan.

- 8 The land hatched on the approved drawing shall be used for no more than 30 times each calendar year for car parking to serve the hotel marquee hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2016 (Class B Temporary Uses of Land: any Order amending or re-enacting that Order with or without modification) the land crosshatched by this drawing shall not be used for any temporary purpose without the prior written approval of the local planning authority.**

Reason: In the interests of safeguarding the Green Belt and the residential amenity of the locality in accordance with Policy CS5 of the Dacorum Core Strategy.

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

**Location Plan**

**A1 PLA 1001 A**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1: Article 35 Statement

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

Building Regulations

An application for retrospective Building Regulations Approval is necessary.

Fire/ Flood Emergency Access

In addition to the requirements of Building Regulations and Conditions 5, 6 and 7 , based upon Hertfordshire Fire & Rescue Services recent site inspection it is essential that there is regular contact with HFRS and Environment Agency to ensure that all times the marquee's emergency evacuation plan is acceptable to both organisations.

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne designated a 'main river'. From 6th April 2016, the Flood Defence Consent regime moved into the Environmental Permitting Regulations to become Flood Risk Activity Permits. The charges for the new permits are different and some lower risk activities may be excluded or exempt from the permitting regulations.