

**DEVELOPMENT MANAGEMENT COMMITTEE**  
**Thursday 24 May 2018 at 7.00 PM**

**ADDENDUM SHEET**

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**Item 5a**

**4/02152/17/MFA**

**CONSTRUCTION OF TWO NEW DWELLINGS. TRANSFER OF LAND TO THE WEST TO DACORUM BOROUGH COUNCIL FOR THE EXTENSION OF THE EXISTING RECREATION GROUND. (AMENDED SCHEME)**

**LAND ADJACENT OKEFORD DRIVE, TRING, HP23 4EX**

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**Item 5b**

**4/03310/17/FUL**

**DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF TWO STOREY BLOCK OF SIX FLATS WITH ANCILIARY OFF ROAD PARKING AND LANDSCAPING WITH VEHICLE CROSSOVER**

**35 GREEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JZ**

Proposed layout plan for consideration contains seven spaces and an area for refuse storage within the curtilage is also shown. Access arrangements remain unchanged from original plan. Any planning permission shall be subject to a landscaping condition requiring further details.

The balance between soft landscaping particularly to the road frontage and the number of car parking spaces (and hardstanding within the forecourt) would be acceptable noting the existing frontage currently contains a significant area of hardstanding beyond the thick band of vegetation to the roadside, as such the proposed forecourt would represent an improvement above existing conditions.

**Recommendation**

As per published report.

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## Item 5c

**4/03324/17/FUL**

### **CONSTRUCTION OF TWO PAIRS OF SEMI-DETACHED DWELLINGS (4 UNITS IN TOTAL) WITH SHARED DRIVEWAY**

**REAR OF 5 TRING ROAD, DUDSWELL, BERKHAMSTED, HP4 3SF**

#### Amendment to report

##### Section 3 - Site Description

The shared driveway runs between No's 3 & 5, not 4 & 5.

#### Additional information provided by applicant

- Supporting statement
- Corrections over ridge levels of surrounding properties
- Section of proposed access

#### Additional information provided by residents

- Letter from Kingsley Smith Solicitors
- Online objections
- Residents bundle

#### Additional information from Councillor Pringle

- Statement
- Annex A
- Annex B
- Annex C

#### Additional response from Highways regarding petition

Notwithstanding the motion and petition, we stand by our earlier response that the issues of road traffic safety measures in Northchurch raised in the document are not specifically related to the specific proposals of this development.

Furthermore, the test which needs to be applied to planning applications is to be found in Paragraph 32 of the National Planning Policy Framework, which states:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Further objections to 4/03324/17/FUL

27 Lyme Avenue, Northchurch, Berkhamsted, HP4 3SG

I strongly object to the construction at the rear of 5 Tring Road. I have lived in Lyme Avenue, directly behind the proposed development for 63 years and enjoyed wonderful views across Northchurch Common. The development will be directly behind my property and spoil these views and the upstairs windows will look directly into my garden. I have no objection to additional housing but they need to be sympathetic with the surrounding properties i.e. bungalows.

13 Lyme Avenue, Northchurch, Berkhamsted, HP4 3SG

We are opposed to and very concerned about the creation of 4 new homes and 12 parking spaces on plot reference 4/03324/17FUL 5 Tring Road.

These will impose into our space and local area near our house backing onto our garden and are likely to impact our light and view. We appreciate the need for new homes in the Northchurch vicinity but squeezing additional houses into existing garden space we feel is not the answer to the current housing issues. One of our biggest concerns is the safety of the local children including our son. Houses regularly pop up in the area without any consideration for the infrastructure and safety considerations to support them. The access road down to the already extremely busy Tring Road is a huge concern. Additional traffic in this area is not welcomed especially as it's at a blind spot on a main road, by an obscured junction, with a children's nursery school, cricket ground, playing fields and school bus stops nearby. We are already anxious for our son having to cross this busy road each morning to catch his school bus with traffic speeding along and no crossings to make this any safer or easier for all the local kids who have to take their lives into their hands to get to school. It's already an area that's unfortunately witnessed several accidents along this stretch of road including the tragic death of a young girl who was run over in the last few months.

15 Lyme Avenue, Northchurch, Berkhamsted, HP4 3SG

By concreting over existing gardens, the development will detract from the appeal of the area as well as creating line of sight issues for a number of near neighbours due to the height of the proposed dwellings.

11 Lyme Avenue, Northchurch, Berkhamsted, HP4 3SG

I would like to endorse all the comments of my neighbours who have objected to this acute over development. It will adversely affect the character and appearance of the area as well as reducing it's biodiversity. I am also concerned about the safety of local children using the nursery and the bus stop opposite the entrance road as this junction with Dudswell Lane is already very tricky to navigate and gets congested at

peak times, without this extra development. Making local residents lives less wholesome and miserable is not the answer to our housing shortage.

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**Item 5d**

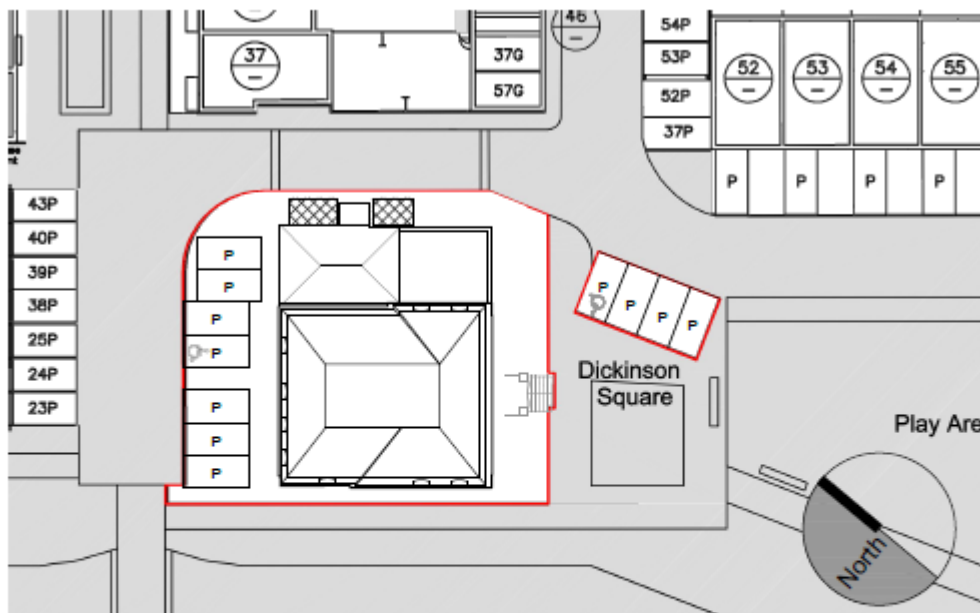
**4/01679/17/MFA**

**ROOF EXTENSION, REFURBISHMENT AND REPAIR, USE OF BUILDING AS 9 FLATS (5 ONE-BED, 4 TWO-BED) COMMUNITY USE ON PART OF GROUND FLOOR AND RAMPED ACCESS, BIN STORAGE AREA AND PARKING (11 PACES)**

**NASH HOUSE, DICKINSON SQUARE, HEMEL HEMPSTEAD, HP3 9GT**


Additional Information

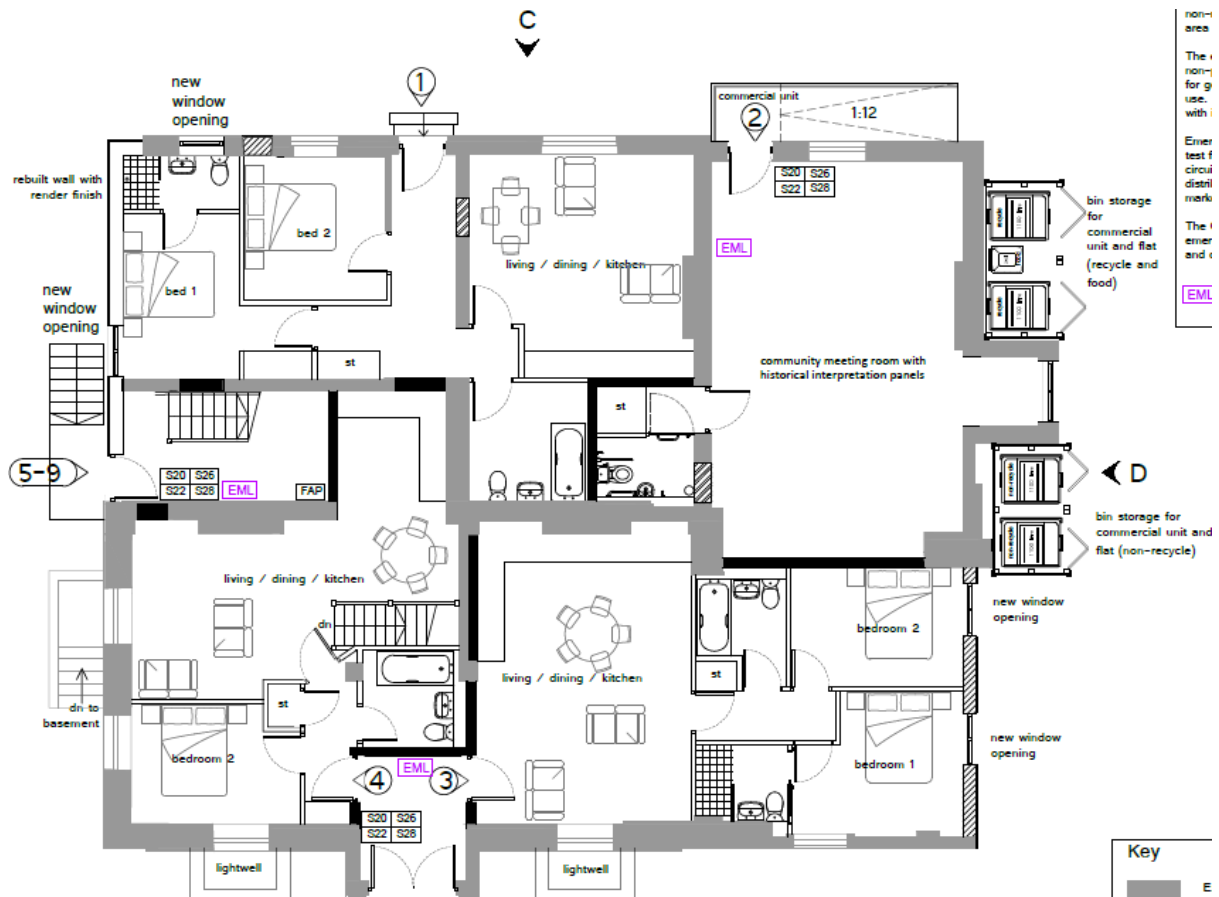
1. Bin Store Information



**Block Plan**

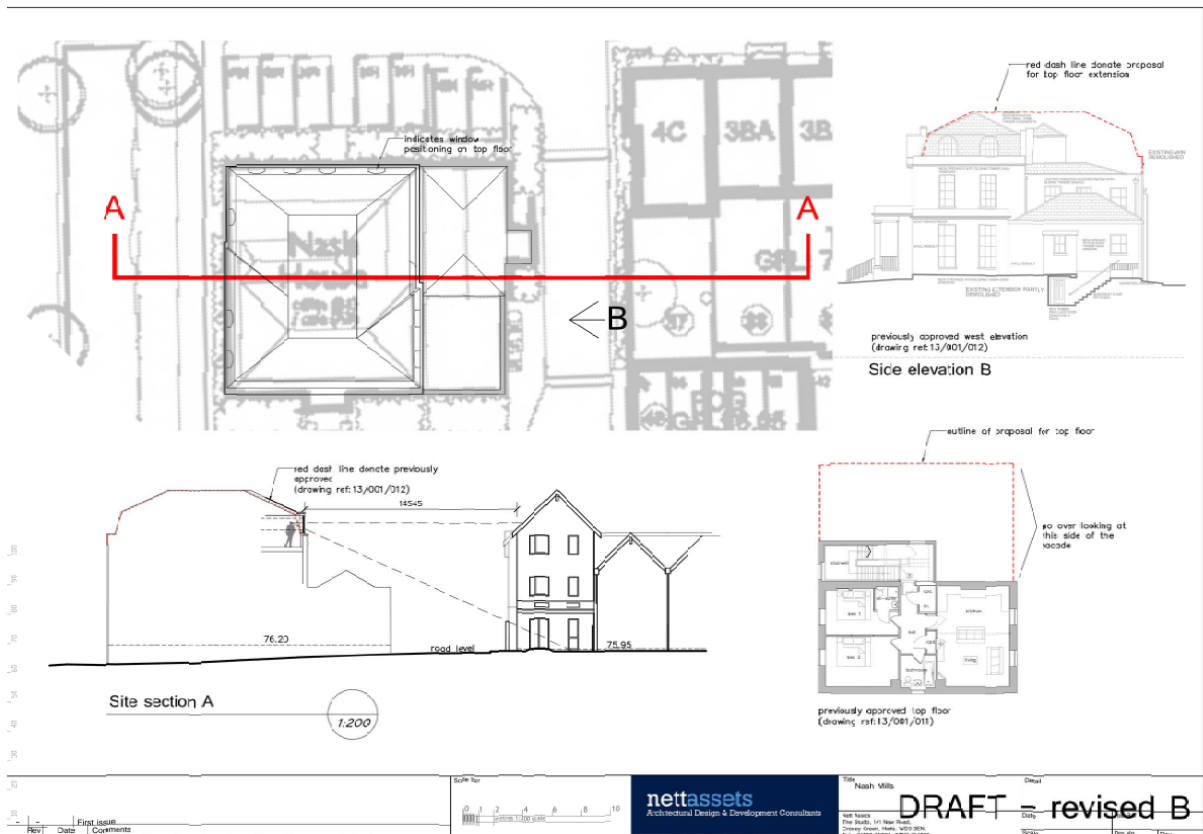
1:500

-  location of bin area-  
2no non recycle (1100ltrs)  
2no recycle (1100ltrs)  
1no food waste (240 ltr)



Comment: The approach to refuse storage is acceptable.

2. Drawings showing the Relationship between the Proposal and Butterfly Crescent



Comment:

The Relationship of the Extended Building with nos 5 and 6 Butterfly Crescent .The additional information is important in considering the impact upon these existing dwellings.

The 'starting position/ 'fallback position' is that the LPA originally supported the conversion of Nash House under the respective 2009 and 2013 planning permissions with housing closeby.

The fundamental material consideration is whether the enlarged version of Nash House is compatible with the nearby dwellings, especially no 5 Butterfly Crescent.

Given the aforementioned previous approach to the position of windows and the elimination of windows within the extended part through the Revised Scheme , the question is whether given the level of separation the proposed enlarged Nash House would be visually intrusive / overbearing/ oppressive in relation to in particular no 5 Butterfly Crescent.

This takes into account the position of the main windows of no 5 and that a range of side/ flank wall windows of no. 5 adjoin the access road and the extended roof would be visible from the rear garden of no. 5. There would clearly be perceptible change when the enlarged Nash House would be viewed from these windows with

the occupiers of no 5 generally aware of the increased massing of Nash House . However, due to the position of the main windows of no. 5 this is not a case where there would a direct physical impact in relation to these main windows. On this basis, it is a case of a very careful judgement. Given the extended roof's position in relation to the main windows and notwithstanding some harm, it is questionable whether that harm justifies refusal under Policy CS 12 criteria (c).

### 3. Site Signage

The Agent's Conservation Representative has been in discussion with the local historian. The Agent explained that the Applicant is not a position to offer free standing boards on land outside the Applicant's control , but would welcome the local historian's input on the material for the boards and the lo is pleased to be asked to help.

#### Historian: Site Signage

Since the address is Dickinson Square it follows that the area within red line is also in Dickinson Square. Therefore it is not considered that there is any conflict in proving signage in Dickinson Square.

Comment : As confirmed by the Report it is not legally/ procedurally feasible to impose conditions on land at Dickinson Square outside the application site.

#### 10 Croxley Road

I wish to object to the above application on the below material grounds:

1) The consent for a change of use following the original application has expired and will therefore need to be re-applied for. Any new application will need to be re-submitted along with justification as to why commercial units are not viable. I would have thought that there is more demand for commercial units now the site is built out.

2) The proposed parking is totally insufficient for the dwellings proposed. Some of the apartments clearly show one bedroom and a study. The latter is big enough to accommodate a bed and of course will be used as such. The parking required for a two bedroom apartment in Dacorum's planning guidance is greater than that required for a one bedroom apartment and yet the developer is seeking to avoid having to provide the required standards by annotating the second bedroom as a study. This practice should not be tolerated particularly on a site which already suffers from lack of parking space.

#### 6 Frances Mews

I have tried to upload comments on this application several times today, but have encountered registration and log in problems.

I wish to object to the revised planning application.

When we moved in to this new estate we were assured of a design which appears to being altered. Given the significance of the building it should try to be as close to the original design as possible.

The new plans include extensions which will be overbearing and overshadow neighbouring properties.

The amount of properties will add to existing parking issues on the estate, which is already overflowing onto Red Lion Lane and Nash Mills Lane, obscuring traffic and pedestrian access.

While altering use from commercial to residential is understandable, the crowding of accommodation, enlarging external dimensions, and problems that will ensue from these new plans, is not.

I object.

### 18 Croxley Road

Reducing the number of flats from 10 to 9 and re-submitting the application is a joke. I continue to object strongly to this obvious over-development and blatant greed on the part of the developer.

We residents have been grossly misled with regard to the plans for Nash House which was originally planned as a community centred, focal area for the NMW development.

Now we are faced with plans to cram as many flats as can be got away with into the area, causing months (if not years) of disruption to an only recently settled area and when finally completed, bringing yet more parking issues where the existing ones show no sign of ever being resolved.

DBC, get your act together and support us residents. Do not allow this to happen.

### 290 Belswains Lane

As a local resident with a keen interest in local history, I have been appalled to see the continuing lack of care for Nash House. As the original home of the Dickinson family, it has historic significance and I had understood that following the development of the Nash Mills Wharf Estate it would be preserved as a centrepiece and used for community use. The proposal involves the addition of an extension altering the profile of the house and destroying the original lines.

Its conversion to 9 flats seems excessive over development and I cannot see how the local infrastructure (bins, parking etc) can support it. I am deeply disappointed at the lack of respect for this historic building and I object to the proposal on the grounds of loss of visual amenity, traffic generation, layout and density of residences



and the effect on the existing historic building which is central to the history of the area.

### 20 Formosa Street London

In summary question why the LPA consulted upon the revised scheme.

Response: This was in response to a letter being received on 25 August 2017 regarding the planning application (please see the Representations for full details). The letter was received by another occupier of the building.

### 10 Longdean Park

1. Representations. There are a number of objections which I understand the LPA has been alerted to twice which are still missing from the DBC website for this application. Isn't this rather misleading to the general public looking for the objections that have been received by DBC over the last year? When might they appear please? I understand many were submitted as long ago as last Summer and reminders were sent in Jan and again recently?

Those we know to have written with objections include but are not limited to the following:

Chair of British Association of Paper Historians, a Trustee, The Apsley Paper Trail, Hemel Hempstead Local History and Museum Society, Archivist for the Apsley Paper Trail, a local Historian, Chair of Dacorum Heritage Trust St Albans Architectural and Archaeological Society, a resident, Nash Mills Parish Council and two others.

(Note: The LPA has deleted names in accordance with standard practice)

2. Watercourse. Furthermore on the application documents it states there is no watercourse or risk of flooding, yet the river runs right past the western edge of the proposed development. I am sure the case officer with the level of experience will have spotted this apparent deception?

3. Studies. On a similar potential deception to the unwary the application includes so called three one bedroom flats that also have a so called 'study' i.e. of single bedroom size and which would be used easily as a second bedroom.

I trust the LPA has spotted this apparent deception by the developer and will take the provision of necessary car parking spaces for two bedroom flats into consideration also?

4. Status of the Application. The original approved application for Nash House is solely for commercial and communal space, i.e. no residential flats so has a change of use for the building been applied for please? If so what is the status? I have not been able to see anything online but may be looking in the wrong place confirmation of where to find such a document on line in writing would be appreciated.

4. It is noted that the case officer was not involved with this application from the outset but Nash House was due to be completed within phase one and still hasn't been. The original stake holders of which the writer was one as well as the local community, residents of Nash and Dacorum feel badly let down by DBC Planning Department over the ongoing restoration and protection of the historically important Nash House.

The current situation is a totally inappropriate application extending the footprint and cramming residential properties into what was designated as the flag ship of the whole development with communal and commercial developments for the Nash community. It is important that DBC take cognisance of the numerous objections and revert to a more appropriate plan as originally intended. There is also no mention I can see of the historical site features such as the Stag weather vane which were supposedly put aside and were to become part of the restored Nash House? Has the developer been questioned as to their current whereabouts?

Similarly I am advised by Sir Mike Penning MP that he has written to the Council's Chief Executive asking for an explanation as to why DBC Planners did not enforce the original conditions linked to the Nash House development especially monitoring progress and holding the original developers to account and to the agreed time frames. He was advised Development Management and Planning Dept would respond to him with a copy to the Chief Executive no later than 8th May. This date has apparently been reneged upon so he has had to chase this up again which again doesn't look good so close to the hearing of the application.

I appreciate this is not of the case officer's doing but the Council need to be aware be aware of the situation and perception of the transparency given to the outside world regarding DBC's handling of this matter since 2008/9.

I would appreciate a response to those queries you can answer and that all the other known objections be lodged on the website prior to 24th May thank you.

In addition to the above the original application had monies put aside for various other things including parking restrictions on Belswains Lane, Lower Road and Red Lion Lane whilst some of this has been done, parking especially in Red Lion Lane due to existing over development of the Nash site has reached dangerous proportions. I trust this is in hand and cognisance will be taken on the safety implications of adding yet more dwellings on the site which were not envisaged at the outset when the initial application was approved.

Finally I am of the opinion monies were also put aside for a crossing point in Bunkers Lane to provide safe road crossing to access the Play area which is on the land owned by Abbot's Hill School. Has this also been forgotten about or is it down to the Highways Department? If so I will chase them for a progress report as there is no sign of it and as a stake holder I was of the opinion this was also a condition of the original development.

Comments : Some of these matters are addressed by the Report.

1. Representations. All the representations received have , to the best of the case officer's knowledge , been referred to by the report to the Committee. One of those referred cannot be traced by the LPA or in fact, the sender.
2. Drainage issues. The report refers to the adjoining water culvert. The relevant technical consultees have been notified upon the application. The site is within Flood Zone 1 and is therefore not susceptible to flooding, with no objections from the Lead Flood Authority which has recommended the imposition of a drainage condition.
3. Studies. A study is a common feature of many homes, more so now that working from home is increasingly evident as a workplace option, whatever the size of a home. To include studies in the 'car space calculation' would be contrary to the terms of the saved Dacorum Borough Council Appendix 5.
4. Status of the application. This is for 9 flats and a community unit. Due to the building's condition it cannot be directly converted through a change of use application.
5. Original parts of the building. It is understood that the Applicant purchased the site in its current condition with many parts of the building already removed.
6. Letter to the Council. This is being addressed.
7. Other Matters. These outside the remit of the consideration of this application.

9 Francis Mews

While I fully appreciate that it is necessary to utilise this site as soon as possible for both economic and environmental reasons the current, application , owing to the second floor extension , will lead to considerable overdevelopment of the site. The actual area devoted to the flats is no smaller than the previous applications in spite of the renaming of the seven bedrooms as studies, and existing properties are going to be subjected to visual intrusion, especially when they are trying to use their gardens and balconies and less access to light.

There are a number of young families with children in the development and they often play in the car parks that are becoming increasingly hazardous. This plan will result in still insufficient parking for the projected number of flats but at the same time afford a risk to young children.

I appreciate that this site must be put to good use as soon as possible but this plan will be a disaster for the development.

Recommendation - As per published report

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**Item 5e**

**4/02450/17/FUL**

**DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF 5 3-BED HOUSES AND A BLOCK OF 3 X 1 BEDROOM AND 1 X 2 BEDROOM FLATS, TOGETHER**

**WITH ANCILLARY 14 BAY CAR PARKING. PRIVATE GARDEN AMENITY SPACES AND EXTERNAL BIN STORES.**

**143 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9UZ**

Further objections received after report completed:

**139 Belswains Lane – Objects.**

The level of the land on the new tarmac driveway at 143 Belswains Lane has been raised significantly and curb stones have been laid on each side, so close to the boundary in fact, that there is now insufficient space for the developer to erect any fencing. Our privacy and that of our neighbour at 3 Marina View Terrace is now significantly compromised and the weight of the raised ground is causing stress to the fencing on their side.

**Marina View – Objects.**

I have just noticed that my wooden fence is being used to retain the concrete driveway at 143.

This is completely unacceptable as it will destroy my fence. Any replacement will need a gap between the concrete and the fence. This will effectively be moving the boundary of my property constituting a land grab by the developer.

I need you to make the developer remove the concrete.

As can be seen from the attached photos, the developer has not left enough space between their newly laid curb stones and our fence for them to erect a fence. They are proposing to remove our fence and install a new fence as close to the curb as they can.

My concern is that the new fence could encroach onto my land and deprive me of the ability to use my car garage, accessed via the side of my house.

I suggested that the curb was too close to my fence, their response was that the curb was laid as per the plans.

Should their plans have a narrower drive way to allow for a fence?

Do they have an obligation to erect a taller fence on their land to maintain the privacy of my back garden? Previously our garden was surrounded by woodland and was not a thoroughfare.

**3 Marina View – Objects**

I have two concerns with the development being started at 143 Belswains Lane. I live at 3 Marina View Terrace- my boundary line fence runs adjacent to the new access road that has just been constructed.

My first concern is that the concrete used to support the new curb stone between my fence and the new road has been done so with no barrier in between i.e. the

concrete is in direct contact with my fence and even though this has been done within the last week or so, is already causing visible damage along the length of my fence - please see photos attached.

My second major concern is that the new access road has been constructed at a much greater height than the old access road of 143 Belswains Lane. When a car is now parked on the new road, in places the roof of the car is level with the top of my fence, and when someone stands on the road as they did last night, their head is well above my fence, posing a big security and privacy issue for me. When the old access road was in place, I would often see the old occupant driving up to their property and the height was clearly a lot lower, not even close to being near to the height in line with a car roof let alone head height. In fact you can clearly see the change in height as when my property was constructed only a couple of years ago, the base of my fence will have been erected from the existing ground level of the old access road.

### **Amended Plans/Documents**

Amended plan showing existing site to include works carried out on the driveway.

Amended plan showing proposed site plan to also include the works carried out on the driveway.

Amended site plan & block plan for 143 Belswains Lane which is a response to the comments raised by Cupid Green Depot.

The changes are as follows:

- ramped access either side of the entrance;
- the flats now have 2no. 1100ltr Eurobins and 1no. 140 wheeled bin for food.

The Planning Statement has been amended to show the amended plans.

### **Additional Condition**

In order to address any overlooking that may have been created as a result of surfacing the existing driveway it is suggested that a condition be set ensuring that the developer build a fence along the boundary adjacent to the car parking which ensures that there is no loss of privacy for adjacent land owners.

Condition 16 can be amended to read:

No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- hard surfacing materials;
- means of enclosure;
- appropriate boundary treatment adjacent to the car parking on the Marina View side of the driveway to ensure that there is no loss of amenity for

- adjacent residents;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
  - trees to be retained and measures for their protection during construction works;
  - proposed finished levels or contours;
  - car parking layouts and other vehicle and pedestrian access and circulation areas;
  - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
  - retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS 11 and 12.

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**Item 5f**

**4/00580/18/FHA**

**RAISING OF HIPPED ROOF TO GABLE, CONSTRUCTION OF FRONT AND REAR DORMERS AND LOFT CONVERSION (AMENDED SCHEME)**

**55 EGERTON ROAD, BERKHAMSTED, HP4 1DU**

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**Item 5g**

**4/00534/18/FUL**

**DEMOLITION OF EXISTING GARAGE & WORKSHOP BUILDING AND CONSTRUCTION OF 1 NO. 3 BEDROOM DWELLING, DETACHED CAR PORT AND ASSOCIATED HARD AND SOFT LANDSCAPING**

**R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1**

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## Item 5h

**4/00595/18/MFA**

**CONSTRUCTION OF 5 RETAIL (CLASS A1) UNITS TOTALLING 10,730 SQM FLOORSPACE, AND ONE UNIT TOTALLING 186 SQM FOR USE AS FINANCIAL SERVICES OR CAFE/RESTAURANT (CLASS A2 OR CLASS A3) AND ASSOCIATED ACCESS, CAR PARKING, SERVICE YARD AND LANDSCAPING.**

**JARMANS FIELDS, ST ALBANS ROAD, HEMEL HEMPSTEAD**

### **Further representations**

Riverside Shopping Centre, Hemel Hempstead town centre

I refer to the above application and my email dated the 18th May 2018 which included a holding objection. As you know I have been instructed by Aberdeen Standard Investments who act on behalf of the leasehold owners of the Riverside Shopping Centre (RSC) within Hemel Hempstead Town Centre (HHTC), with the Local Authority as freehold owners.

#### 1. Background to Objections

My clients objected to the original application for retail development on this site (reference 04/00424/14/MOA). That development was approved in March 2016 around the same time that another out-of-centre retail park scheme was approved on the Former Lucas Site in Maylands Avenue (reference 4/01132/15/MOA). My clients raised serious concerns over the approval of two schemes and the limited controls that were proposed on the goods that could be sold from both. Whilst my clients took limited comfort from the restrictions that prevented the sale of clothing, footwear & fashion goods, they remained firmly of the view that both developments would still be able to sell goods that were already sold in HHTC and would therefore compete directly.

My clients note that since then a revised permission has been given on the Former Lucas Site (Aviva Site) (reference 4/03157/16/MFU). As with the original consent it includes provision for one unit to sell a limited range of clothing, footwear & fashion goods in conjunction with the sale of other goods, which we had always understood was to allow for a Next @ Home store to anchor this development.

The current application on Jarman Park seeks an enlargement of the permitted foodstore, to which my clients have no objection. It also seeks consent for one unit to be used to sell clothing & footwear up to 1,580 square metres gross (Unit F on the submitted plan). It is clearly intended to be a traditional high street Next and not the Home store format. It is this aspect of the application that my clients strongly object too.

## 2. Importance of Next to Hemel Hempstead Town Centre

The existing Next store within the RSC occupies a very prominent and visual location with the centre. Next trade from a unit of 1,395 square metres gross, over two floors. Information provided by the Centre Manager for RSC confirms that the Next store trades very well. It stands out as one of the most popular stores in the town centre and is therefore of significant importance not only to the RSC but also HHTC as a whole.

The retail advice provided to the Council in the Peter Brett Associates Review (PBA Review), dated the 16th April 2018, concludes that the impact of the current application will not be significant provided appropriate controls remain in place to protect existing town centre clothing, shoe & fashion retailers. The PBA Review also alludes to the Applicants (Maddox) assessment of the health of HHTC. Maddox allege that the latter has improved, but this appears to be based primarily on some new public realm investment, a new leisure commitment and new owners for the Marlowes Centre. None of these criteria should or can be accorded much weight. They are not traditional indicators of the relative health of an individual centre.

The Centre Manager for the RSC has rightly pointed out that since the 2016 approval, retailing on the high street has struggled and continues to do so, a problem that has recently been well documented nationally. Hemel Hempstead itself has seen a number closures, for example, Mothercare, Toys r us, Maplin, I Candy and Anne Summers and these units remain vacant adding to the high vacancy rate within HHTC. This is not anecdotal evidence, but factual and must be viewed in the context of a picture nationally which points to other traditional national high street retailers trading poorly with ongoing announcements of store closures.

The PBR Review recommends that if the Council is minded to support the application a 'no poaching' clause must be included as an Obligation within an accompanying 106 Agreement. This is a clear reflection of the importance of existing clothing, footwear & fashion retailers to HHTC, specifically Next who are the named operator in this case. It must follow that if an Obligation cannot achieve this, then this aspect of the application will not be acceptable as it would result in a significant adverse impact on HHTC.

Paragraph 6.6 of the Maddock Planning Statement (March 2018) suggests that whilst Next will occupy proposed Unit F their existing town centre store will continue to trade. Even so and even though Maddock confirm the importance of Next to HHTC, paragraph 2.9 of their Retail Addendum (dated April 2018) requests that Next be excluded from any Obligation or 'no poaching' clause. The statement Maddox make in relation to Next's commitment to remain within HHTC cannot therefore be accorded any weight whatsoever. In addition, if Maddox wish to pursue the approach that excludes Next then they must revisit their impact assessment on the basis of the scenario where the significant role that Next performs within HHTC will be lost - Maddox do not act for Next and more importantly they do not include any Obligation or other evidence to support their contention that Next will remain within HHTC.

Whilst Maddox refer to the Aviva Agreement on the Maylands site, the clothing & fashion use in that case is tied to the sale of other goods and in particular a Next @



Home format. These comments aside, had my clients been aware that the Aviva Agreement precluded Next from that 'no poaching' Obligation, it is likely that they would have challenged that decision as it too seems to open the door for Next to leave HHTC.

### 3. Proposed Obligations to Control Future Users

My clients have over the years invested heavily within the RSC, but as in 2015/2016 there still remain today vacant units within this centre as well as the Marlowes Shopping Centre. Added to this is the uncertainty that remains as to how those vacancies and the overall health of HHTC will stand up to the cumulative impact of both the permitted Jarman Park and Maylands Avenue developments. The Council approved both in the knowledge they would draw a significant amount of comparison trade from the town centre without any mitigation for that loss.

My clients are firmly of the view that the approved restrictions on Jarman Park should not be removed as they represent the only remaining protection for the clothing, footwear & fashion sector which is acknowledged as effectively anchoring the retail role and offer of HHTC.

There is a strong likelihood that once the principle of clothing, footwear & fashion is established the Applicants will push for greater representation on the Park. Even the introduction of one clothing & footwear retailer immediately changes the offer of Jarman Park bringing it into direct competition with HHTC.

If the Council were minded to approve the application, then the accompanying 'no poaching' Obligation cannot exclude Next. To do so would in all likelihood lead to the closure of its store within HHTC. That view is supported by the fact that my clients understand that Next have already signed up as a tenant on the Maylands Avenue development (we assume as a Home store format). The existing RSC Next store is broadly the same size as proposed Unit F and if approved then this new unit is likely to be available at the same time as the current lease of the RSC Next store expires - on the 28th September 2020.

In March 2016 the previous owners of Jarman Park agreed to the widening of the retail consent on their site but with restrictions preventing the sale of clothing & footwear in order to protect HHTC. The current Applicants have not alluded to any change in planning circumstances since then to justify lifting this restriction, even in part. On the contrary, the only change that has occurred supports the retention of this restriction in that Proposal S1 of the Ste Allocations Development Plan Document, in allocating the site for retail use, confirms that "*the sale of clothing & footwear is not acceptable*" unless for ancillary use. The adoption of this Plan (2017) post-dates the March 2016 consent and must be accorded significant weight. The current application is clearly contrary to that policy, but nowhere in Maddox's submissions is there any reference to other material considerations that would justify that policy being set aside (see paragraphs 5.9 & 6.6 of their Planning Statement which simply acknowledge the existence of this policy without commenting further.).

For the above reasons, my clients would request that the application, in so far as it proposes a relaxation of the extant consent to allow the sale of clothing, footwear &

fashion goods, be refused. If the Council are minded to approve the application then my clients would insist on an Obligation within the accompanying 106 Agreement that properly ensures that no existing town centre retailers are 'poached' and that this does not exclude Next.

I would of course be happy to discuss the above further with you or your advisor's PBA.

#### Riverside Shopping Centre further comments

Further to my email below, I have now had a read through of the relevant sections of your Committee Report.

It goes without saying that my clients find the recommendations in the Report, insofar as the relaxation to allow clothing, footwear & fashion goods are concerned, extremely disappointing. There is no doubt that this aspect of the recommendation raises significant concerns over the future application of development plan retail policies that seek to protect Hemel Hempstead Town Centre (HHTC). In particular, I would ask you to note the following:

- At paragraph 10.2 you refer to Proposal S1 of the Site Allocations DPD, but nowhere do you assess this further or advise Members that allowing clothing, shoe & fashion goods to be sold on this Park would be contrary to this policy and as required by law how this conflict is in Officers outweighed by other material considerations
- Its unclear why at paragraph 10.24 you have not made Members aware that it is Next that this application is targeting – they are a named operator in the Application. In addition, that the Maylands Avenue consent allows, we were led to believe, for a Next @ Home and not a Next high street format store
- As we have not seen PBA's latest advice I cannot comment, but since 2015 their stance on this Park and Maylands Avenue appears to have changed materially from one of seeking to resist out-of-centre retail developments that would compete directly with HHTC to now effectively raising no objection to the loss of Next from the town centre. It appears that PBA agree with the Applicants request to exclude Next from the 'no poaching' Obligation in the 106 and if so either they or Officers should explain to Members the retail implications of that loss (both in terms of turnover, town centre offer and linked trips) to HHTC – as far as I can see neither the Applicants nor PBA have factored this into their assessments
- The Council clearly made an error in its approval in 2017 of the Maylands Avenue scheme by excluding Next from Obligations to commit themselves to retaining their HHTC store if they opened a new unit on that development – as far as I am aware my clients were not consulted on that change and supporting the current proposal will simply compound that error
- I am unclear as to the reason for including the comments in paragraph 10.25 of your Report as they are not relevant to the determination of this application and seem to show a lack of understanding of the retail planning and policy reasons behind the goods restrictions that were placed on Jarman Park or for that matter any out-of-centre retail developments

- The findings set out in paragraph 10.26 do not reflect my clients direct experience of trading conditions in the town centre and it is a significant concern that neither Officers nor PBA have taken a more critical review of the health of the town centre

As before, I would be grateful if you could report these comments in an Addendum to the Report or at the Meeting itself.

#### Riverside Shopping Centre holding objection

In relation to the above application and as you may have seen from the planning history to this site, we previously acted for Aberdeen Asset Management Plc, which has now merged with Standard Life Plc to form Standard Life Aberdeen Plc. My clients have just instructed me to advise them in relation to the current application on Jarman Park, which I understand you are dealing with. As before, my clients act on behalf of the leasehold owners of the Riverside Shopping Centre within Hemel Hempstead Town Centre with the Local Authority as freehold owners.

I apologise for the lateness of our submissions on this application, but we are currently reviewing the application and formulating an objection. The latter is likely to relate to concerns over the relaxation of the current planning restrictions on the sale of clothing & footwear from the permitted development at Jarman Park (reference 4/00424/14/MOA), which if allowed will lead to the ‘poaching’ of town centre retailers to the development resulting, together with the predicted trade draw (impact) of the whole development on Hemel Hempstead Town Centre, in a “*significant adverse impact*”.

I hope to be able to finalise our objection with my clients early next week and in the meantime I would be grateful if you could accept this email as our holding objection to the above application.

#### **Considerations**

##### Impact on Hemel Hempstead town centre

It is acknowledged that the loss of one of the town centre’s key anchor retailers as stated in the objection above is a concern when considering the impact of the development on the vitality and viability of Hemel Hempstead town centre, protected under Section 2 of the NPPF and CS16 of the Core Strategy.

The proposed development at Jarman Fields, including the provision of fashion floor space within one of the units, would be acceptable for the following reasons:

- The baseline position of the site’s redevelopment includes its strategic allocation for retail (Class A1) under Proposal S/1 in the Site Allocations Written Statement 2017;
- Whilst the current application has a slightly different focus in terms of the make-up of its retail space this must be considered against the baseline position;

- The site is also subject to an extant outline permission under 4/00424/15/MOA (allowed at appeal and considered in light of the approved retail park at Maylands Avenue);
- Assessment within the main report identified that in quantitative terms both Jarman Fields and Maylands Avenue retail schemes would not result in a significantly adverse impact on Hemel Hempstead town centre;
- The introduction of fashion floor space within one unit should be considered in the context of the wider retail park, which also features a Tesco hypermarket where there is a considerable amount of non-food sales area including clothing and footwear;
- The town centre would still be considered as an attractive shopping destination due to improvements along Marlowes and the diverse retail and leisure offer;
- More retail development within an out-of-centre shopping destination does not necessarily mean it will be more attractive;
- Forecasted turnovers cannot predict market conditions as these are subject to change and the submitted impact assessment has been scrutinised by the Council's retail consultants Peter Brett Associates who found that the impact on the town centre would not be significantly adverse;
- Retailers are typically subject to leases which is an important factor in commercial terms and planning cannot control retailers moving outside or into a centre;
- Footfall within the town centre would be anticipated to be high due to recent approvals and strategic allocations for housing;
- The Next store within Hemel Hempstead town centre may not necessarily be a driving factor in footfall terms noting the town centre also features M&S, H&M and Tk Maxx as example key retailers and there are a mix of other services within the town centre which may make the town centre a more attractive destination;
- The unit currently occupied by Next in the town centre is a corner unit with high visibility at the southern end of Marlowes and in the event it is vacated there is a greater prospect of this unit being let compared with others which are less exposed;
- The principle of fashion floor space trading outside the centre has been established under the Maylands Avenue retail park approval (under 4/03157/16/MFA).

In response to particular points set out in the objections above, the following is noted:

- The assessment has been based on turnover figures should Next occupy a unit at Jarman Fields (and Maylands Avenue), however importantly the recommendations to grant planning permission have not been and are not on the basis that Next would take up floor space at either or both of these developments;
- The committee report acknowledges that the proposal for fashion floor space would be contrary to the specifications under Proposal S/1 of the Site Allocations, however as noted above, and reported in the agenda, the impact of the proposal individually and cumulatively with Maylands Avenue has been carried out and the Council's retail consultants PBA has found that the

developments would not result in a significant adverse impact on Hemel Hempstead town centre;

- This assessment of the current application at Jarman Fields shall not cover the material considerations under which the Maylands Avenue scheme was determined;
- The loss of retailers from the town centre due to unpredictable market conditions is a key consideration in the determination of this application, also noting that PBA in their advice, as set out in Appendix A of the main report, state that the recommended restrictions placed on Jarman Fields was “because there [were] no named retailers attached to the application, the option to control this through a legal agreement requiring continued town centre presence [was] not available’ to the Council. It was in this context that a condition to preclude clothing and footwear sales was recommended’;
- No evidence has been supplied with respect to different trading patterns or conditions within the town centre.

### Ecology

E-mail confirmation from the applicant’s ecological consultant has been submitted proposing mitigation in the event bats are found during further surveys. Hertfordshire Environmental Records Centre has confirmed that the this approach and the mitigation measures set out by the applicant in the event bats are found during further survey work would be satisfactory. Surveys can therefore be required by condition if planning permission is granted.

### **Recommendation**

As per published report with added ecology condition to read as follows (all following conditions to be renumbered accordingly):

**14. The development hereby approved shall not commence (including ground works) before further surveys to determine whether bats are roosting or not have been submitted to and approved in writing by the local planning authority. These surveys shall be undertaken during the months of May to August (inclusive). Should bats be found to be roosting, a Bat Mitigation Strategy shall be submitted and approved in writing by the local planning authority. Development shall be carried out and retained in accordance with the approved details.**

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with the National Planning Policy Framework and Policy CS29 of the Dacorum Core Strategy 2013.

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### **Item 5i**

**4/00524/18/FHA**

**TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND  
DETACHED SINGLE STOREY GARAGE**

**PENTWYN, COURTAULDS, CHIPPERFIELD, KINGS LANGLEY, WD4 9JR**

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**Item 5j**

**4/00560/18/FHA**

**CONSTRUCTION OF TWO STOREY SIDE EXTENSION. EXTEND EXISTING LOFT  
CONVERSION ABOVE PROPOSED SIDE EXTENSION AND REPLACE EXISTING  
DORMER. INSTALLATION OF TWO VELUX WINDOWS TO FRONT FACING  
ROOF. EXTEND EXISTING SINGLE STOREY REAR EXTENSION TO THE SIDE**

**28 OSBOURNE AVENUE, KINGS LANGLEY, WD4 8DB**

**Amended Description**

The applicant has removed the construction of an outbuilding from the description of the proposed works.

**Corrected Condition**

Condition 3 should be:

**3) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**0280B001 Revision B**

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

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