

<b>4/00595/18/MFA</b>	<b>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.</b>
<b>Site Address</b>	<b>JARMANS FIELDS, ST ALBANS ROAD, HEMEL HEMPSTEAD</b>
<b>Applicant</b>	<b>Kier Property Developments Limited</b>
<b>Case Officer</b>	<b>Intan Keen</b>
<b>Referral to Committee</b>	<b>Large-scale major project which involves a planning obligation under Section 106 of the Town and Country Planning Act 1990; and is a resubmission of a scheme previously refused by the Committee</b>

## 1. Recommendation

1.1 That planning permission is delegated with a view to **APPROVAL** subject to conditions and completion of a Section 106 agreement to secure compliance with retail restrictions and contributions towards off-site highway works.

## 2. Background

2.1 The current application has been considered in the context of an extant outline planning permission which granted the erection of Class A1 retail development (to include convenience and comparison retail floor space) and Class A3 drive-thru café / restaurant (with ancillary takeaway) together with access, car parking, service yard and associated works under 4/00424/15/MOA, allowed at appeal on 4 March 2016.

2.2 The relevant conditions attached to this permission are summarised as follows:

- Class A1 retail development to have a maximum gross floor area of 10,305m<sup>2</sup> comprising of; 1,505m<sup>2</sup> convenience food gross floor space (822m<sup>2</sup> net sales area) and 8,800m<sup>2</sup> comparison non-food gross floor space (8,000m<sup>2</sup> net sales);
- Minimum unit size 696m<sup>2</sup> gross floor area;
- Class A1 retail units shall not be used for the sale and display of clothing and footwear (except ancillary clothing or footwear for DIY, motoring or cycling activities);
- Removing permitted development rights.

2.3 It is also important to note that the current application is also being considered following the recent determination of the hybrid application including full planning permission for a retail park at Maylands Avenue. This retail scheme proposed nine Class A1 units and allowed the provision of a majority proportion of fashion floor space within one of those units.

## 3. Summary

3.1 Site Allocations Written Statement (2017) identifies the application site as forming part of Proposal site S/1 which is an out-of-centre retail location where retail and leisure uses are generally acceptable.

3.2 The application seeks full planning permission for a retail park comprising five Class A1 units totalling 10,730m<sup>2</sup> and a smaller end-of-terrace unit measuring 186m<sup>2</sup> to be used as either Class A2 or Class A3. Outline planning permission currently exists for the development of the site with 10,305m<sup>2</sup> Class A1 retail floor space and one 149m<sup>2</sup> Class A3 unit. This represents a fall-back position and as such it is given significant weight in the assessment of the current proposal.

3.3 Differences between the current proposal and the outline permission are detailed in the following sections. The changes would not result in a material impact on the viability and vitality

of Hemel Hempstead town centre, together with the allowed out-of-centre scheme at Maylands Avenue (details of this application also provided below).

3.4 To assist with the retail impact assessment the Council employed retail consultants Peter Brett Associates (PBA) to review the proposed changes from the outline permission, which were set out in the submitted Retail Assessment and a subsequent addendum. PBA's findings were as follows:

- Impact would not be materially different from the outline permission, individually and cumulatively together with the approved Maylands Avenue scheme;
- It was recommended that fashion floor space to be sold from one unit shall not exceed 920m<sup>2</sup> which would be consistent with the completed Section 106 under the Maylands Avenue planning permission to mitigate retail impact on Hemel Hempstead town centre; and
- The sequential test has been met with respect to policy requirements.

3.5. The proposal would be acceptable with respect to layout and appearance and would not compromise highway safety or the residential amenity of surrounding properties. The proposal is considered satisfactory in all other respects subject to suitable conditions to accord with guidance in the NPPF, the current and saved policies of the Dacorum Core Strategy (2013) and Dacorum Borough Local Plan 1991-2011.

#### **4. Site Description**

4.1 Jarman Park is a large shopping and leisure centre, located to the south-east of Hemel Hempstead town centre, although within the established urban area of the town. The application site comprises approximately 2.0 hectares of (currently enclosed) overgrown land located in the north-eastern portion of the park, located on the corner of St Albans Road (A414) and Jarman Way. The site features a long frontage to both street frontages, particularly to the southern side of St Albans Road where it is prominent on the approach to the roundabout traveling in the direction of the town centre from the M1.

4.2 Jarman Way circles the inside of the Park and is a one-way two-lane route; spurs onto and off the application site are already in place off this road. Levels fall gently in a south-eastern direction.

4.3 Surrounding land uses include residential properties off White Hart Drive to the north (opposite the dual carriageway of St Albans Road). To the east lies the Thames Water owned and managed Bennetts End flood lagoon which separates the application site from residential properties off Bennetts End Road.

4.4 Directly south and south-east of the site lies the open car parking area serving the restaurant and cinema complex. West of the site is the road reserve of Jarman Way, beyond which lies a detached drive-thru McDonalds and Tesco superstore with associated petrol filling station and open car park.

#### **5. Proposal**

5.1 Full planning permission is sought for the construction of 10,730m<sup>2</sup> of retail (Class A1) floor space provided in the form of a terrace including at mezzanine level and an attached unit measuring 186m<sup>2</sup> for use under Class A2 (financial and professional services) or Class A3 (restaurant or cafe). The site would utilise the existing access of Jarman Way.

5.2 The proposed Class A1 retail floor space would be spread over five units of varying sizes, with no unit less than 1,580m<sup>2</sup> in area (790m<sup>2</sup> footprint). The retail development would comprise one discount food retail unit and one fashion unit. The retail terrace would be set back from the

site's St Albans Road frontage behind an open car park of 231 spaces. A service yard including an additional 27 staff car parking spaces would be located to the rear (south-east) of the proposed retail terrace.

5.3 The ground floor area across all units would measure 6,689m<sup>2</sup> with 4,227m<sup>2</sup> at mezzanine level.

5.4 Opening hours for the proposed units are as follows:

- Retail (Class A1) units: 07:00 to 22:00 Monday to Saturday and 10:00 to 18:00 Sunday; and
- Unit G Class A2: 07:00 to 22:00 Monday to Saturday and 10:00 to 18:00 Sunday; or
- Unit G Class A3: 24-hour operation

5.5 The Planning Statement submitted under the current application outlines the differences between the outline planning permission and the current proposal. PBA in their assessment has summarised the changes as follows:

- 8,584m<sup>2</sup> net sales area, comprising 7,400m<sup>2</sup> comparison and 1,184m<sup>2</sup> convenience floor space (i.e. a small reduction in overall terms but including a 362m<sup>2</sup> uplift in convenience net sales); and
- The sale of clothing and footwear is sought from one unit.

5.6 The composition of the retail floor space proposed at the application site and how this differs from the previous approval are set out in the table below:

Area	Outline permission	Proposed	Difference
Total Class A1	10,305m <sup>2</sup>	10,730m <sup>2</sup>	425m <sup>2</sup> increase
Total net sales	8,822m <sup>2</sup>	8,584m <sup>2</sup>	238m <sup>2</sup> reduction
Total convenience	822m <sup>2</sup>	1,184m <sup>2</sup>	362m <sup>2</sup> increase
Total comparison	8,000m <sup>2</sup>	7,400m <sup>2</sup>	600m <sup>2</sup> decrease
Class A2 or A3	149m <sup>2</sup>	186m <sup>2</sup>	37m <sup>2</sup> increase

5.7 The site is allocated for retail and leisure and is not considered to comprise EIA development.

## 6. Relevant Planning History

6.1 Relevant on-site history has been set out above and indicates the fall back position.

6.2 As alluded to above the proposal shall be considered in the planning context of the approval at Maylands Avenue which was a hybrid application including full planning permission for the construction of 12,503m<sup>2</sup> of retail floor space (Class A1), 545m<sup>2</sup> of restaurant (Class A3 / A5) and 180m<sup>2</sup> of restaurant (Class A1 / A3), a car park with 557 car spaces, and associated landscaping and access works. The latest version of this proposal was considered at the Development Management Committee of 15 June 2017 and planning permission granted on 29 December 2017 following completion of a Section 106 agreement.

6.3 Details of the Maylands Avenue proposal included the construction of 12,503m<sup>2</sup> of Class A1 retail (9,700m<sup>2</sup> net sales), consisting of 1,900m<sup>2</sup> of convenience retail and 7,800m<sup>2</sup> of comparison retail, along with two restaurant units totalling 725m<sup>2</sup> in area.

## 7. Policies

### 7.1 National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

## 7.2 Dacorum Core Strategy

Policies NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS14, CS16, CS25, CS29, CS31, CS32, CS33, CS35

## 7.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 31, 33, 37, 44, 51, 54, 55, 57, 58, 99, 100, 106, 113 and 129  
Appendices 4 and 5

## 7.4 Supplementary Planning Guidance / Documents

- Site Allocations Written Statement (2017)
- Accessibility Zones for the Application of car Parking Standards (July 2002)

## **8. Constraints**

- Open Land
- Out-of-centre retail
- Former Land Use
- CIL Zone 3

## **9. Representations**

### Consultation responses

9.1 These are reproduced in full at Appendix A.

9.2 It is noted that PBA's response to the submitted retail assessment is included within the submitted Retail Assessment Addendum prepared by the agent, Maddox Planning Consultants. PBA's final response to this submission is included at Appendix A below.

### Neighbour notification / site notice responses

9.3 These are reproduced in full at Appendix B.

## **10. Considerations**

### Main issues

10.1 The main issues to consider are:

- Policy and principle
- Access, traffic and parking
- Layout and landscaping
- Appearance of buildings and impact on street scene
- Impact on neighbouring properties
- Flood risk and drainage
- Contaminated land and air quality
- Ecology
- Community Infrastructure Levy (CIL)

- Response to Riverside objection

## Policy and principle

### *Policy context*

10.2 The principle of an out-of-centre retail development has been established by the extant outline planning permission 4/00424/15/MOA. Since this appeal decision, the Site Allocations Written Statement was adopted in July 2017 and is a key consideration in the assessment of the current proposal. The application site at Jarman Fields has been identified under Proposal S/1 as an out-of-centre retail location where retail and leisure uses are generally acceptable (Section 5.18). Under Proposal S/1 the Site Allocations goes on to state that the nature and scale of development should aim to maximise the use of the site and ensure no significant adverse impact on Hemel Hempstead town centre. The sale and display of clothing and footwear is not acceptable, unless ancillary to the use of an individual unit.

10.3 There is general policy support for the development under Section 1 of the NPPF stating significant weight should be placed on the need to support economic growth (paragraphs 18 and 19). Section 2 of the NPPF ensures the vitality of town centres and further assessment on these provisions is set out in the following sections.

10.4 Policy CS16 of the Core Strategy is relevant and permits new retail floor space outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of the impact assessment.

10.5 Similarly, saved Policy 44 of the Local Plan requires the sequential approach to be followed. Under this policy, shopping development will only be permitted outside existing centres if it would not seriously affect the vitality or viability of nearby town or local centres.

10.6 As such, in considering the acceptability of the proposal in principle, the main issues relate to meeting the sequential test and the impact of the development on Hemel Hempstead Town Centre.

### *Sequential Test*

10.7 It is noted that the proposal involves the sale of fashion items from one unit which would trigger the requirement for a Sequential Test to be carried out under Policy CS16 of the Core Strategy as well as paragraph 24 of the NPPF. Specifically, the latter states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. As set out above, Proposal S/1 under the Site Allocations sets out that the sale and display of clothing and footwear is not acceptable, unless ancillary to the use of an individual unit.

10.8 The sequential test (set out in the submitted Retail Assessment and subsequent Retail Assessment Addendum, both prepared by Maddox Planning Consultants) has been reviewed by PBA and found to be satisfactory (PBA comments reported in full within Appendix A).

### *Impact assessment on Hemel Hempstead Town Centre*

10.9 An assessment of retail impact is set out under the following sections.

- *Solus impact*

10.10 As mentioned above, the changes of the current proposal from the extant permission include the increase of convenience floor space (to incorporate a discount food retailer operating from one of the units); a slight decrease in overall net sales floor space and comparison floor

space; and the introduction of a fashion retailer to occupy another one of the units.

10.11 As the proposed retail park would feature a discount food retailer and a fashion retailer trading from the site, this would expectedly increase the turnover of the scheme compared with a line-up of solely bulky goods retailers. This, however, must be balanced against an overall reduction in net sales area and also a reported higher amount of expenditure per capita.

10.12 For completeness the figures provided by the applicant below demonstrate the current proposal would generate a lower turnover than the approved scheme:

<u>Scheme</u>	<u>Comparison</u>	<u>Convenience</u>	<u>Total turnover</u>
Approved	£36.1m	£9.2m	£45.3m
Proposed	£33.7m	£11.4m	£45.1m

10.13 It follows that based on the proposed changes outlined above from the approved scheme (allowed at appeal) and the assessment within this section that the development would not have a materially different on Hemel Hempstead town centre when compared with the extant permission.

10.14 The effect of the individual changes are set out below.

- *Increase in the area permitted to be used for the sale of convenience goods*

10.15 PBA's advice sets out that as a result of the increase in convenience sales area from 822m<sup>2</sup> to 1,184m<sup>2</sup> (362m<sup>2</sup> uplift) that the proposed development is forecast to turnover at £2.2m above the extant permission in the year 2020 (£9.2m). This would compete with existing convenience retailers in the town centre which include Asda, Iceland, M&S, Tesco Express and other local shops.

10.16 When considered together with the convenience floor space approved at Maylands Avenue (under 4/03157/16/MFA), the current proposal would result in an increase in trade diversion from Hemel Hempstead town centre above the existing permission. This is set out in the table below where two scenarios are reported:

- Scenario A – impact of approved Jarman Fields scheme (4/00424/15/MOA) and approved Maylands Avenue scheme (4/03157/16/MFA); and
- Scenario B – impact of proposed Jarman Fields scheme (current application) and approved Maylands Avenue scheme

<u>Convenience sales</u>	<u>Diversion</u>	<u>Cumulative impact</u>
Scenario A	£4.8m	8.3%
Scenario B	£5.2m	8.9%

10.17 Consequently, the proposal would divert trade with respect to convenience goods from Hemel Hempstead town centre (representing a 0.6 percentage point increase in cumulative impact of both out-of-centre retail schemes).

- *Cumulative impact and change in comparison floor space*

10.18 In their initial assessment PBA set out that the scheme turnover would be lower than under the extant permission. The distribution of the proposed net sales area is an important characteristic of the scheme to assess the impact on Hemel Hempstead town centre. It differs from the extant outline permission as the total net sales area and the amount of comparison trading floor area have decreased. The above figures (trade diversion and impact) resulting from the uplift in convenience goods have been balanced against the reduction in comparison floor area (and reduction in overall net sales area). PBA has advised that the comparison

turnover of the proposed scheme in 2022 would be £33.7m.

10.19 PBA has set out in their advice (in both their initial and latest reviews) that the scheme turnover would not be materially different than under the extant permission; as such the impact on the town centre would not be significant as can be seen below:

Overall turnover basis	Diversion	Cumulative impact
Scenario A	£31.6m	7.8%
Scenario B	£31.8m	7.8%

10.20 Hemel Hempstead town centre would be able to withstand an increased level of diversion as set out above as there is an overall increase in expenditure per capita on average within the catchment area (map included within the Retail Assessment) based on 2017 Experian population projections (December 2017) which were made available after the consideration of the Maylands Avenue scheme at committee.

10.21 It follows that in impact terms, the overall cumulative impact of the scheme on Hemel Hempstead town centre would be lower than the fall back position of the extant outline permission (4/00424/15/MOA). The proposal therefore would not represent a significantly adverse impact on Hemel Hempstead town centre.

- *Extension to the permitted retail use to include the sale of clothing and footwear from one unit*

10.22 PBA's initial response sets out that the key concern is whether this element of the proposal would undermine the health of the town centre by allowing existing tenants to relocate to the site and shoppers diverting to the application site, thus reducing the attraction of and footfall within the town centre. This would mean that a fashion retailer could locate to the proposed retail park which is not the case under the extant permission at Jarman Fields.

10.23 Based on PBA's advice this element of the proposal could be acceptable subject to appropriate controls to mitigate the impact on the town centre. A specific retailer has been identified within the submitted Retail Assessment which has assisted in the quantitative assessment of the scheme (set out above). Whilst the use of personalised permissions is generally discouraged, ultimately the unit could be occupied by any retailer, including those which currently exist in the town centre. PBA has therefore recommended the introduction of a 'no poaching' clause to be built into the Section 106 agreement. This would ensure that retailers could not occupy space within the proposed retail park where they were present in the town centre, unless the operator committed to retaining its presence for a minimum of five years.

10.24 PBA in their final advice state that the Section 106 agreement for the Maylands Avenue scheme and the current scheme would target the same retailer and shall be exempt from the above 'no poaching' restrictive clause. Their advice goes on to state that the effect on the town centre of one retailer relocating to either Jarman Fields or Maylands Avenue would not be materially different as both are out-of-centre sites.

10.25 It is important to note that whilst the loss of one of the key retailers from the town centre would be an undesirable situation, it is noted that the town centre could lose any of its retailers (including to other centres such as Watford, for example) and this would be out of the control of planning.

10.26 The proposed development at Jarman Fields, including the provision of fashion floor space within one of the units, would not harm Hemel Hempstead town centre 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.

10.27 It is concluded that the development would not raise any objections in this regard following advice from the Council's retail consultants Peter Brett Associates following their review of the proposals.

- *Health of Hemel Hempstead Town Centre*

10.28 In terms of the health of the town centre, the submitted Retail Assessment has identified an increase in the number of comparison retailers and a reduction in the number of convenience retailers. The proposal should be assessed in light of these local circumstances. The assessment with respect to convenience retailing has been set out above and has been balanced against a reduction in comparison floor space that would result in a lower impact on the town centre than the extant permission.

10.29 Factors which are indicators or contributors to the health of Hemel Hempstead town centre as reported in the submitted Retail Assessment are set out below where relevant:

- Existence of a number of major comparison goods retailers;
- Low vacancy rates;
- Varied representation across the centre;
- Public realm improvements and investment, including the recent planning permission for a cinema and restaurants within the Marlowes Shopping Centre (4/02035/17/MFA).

- *Restrictions on Class A1 retail*

10.30 As set out in PBA's advice if the application were granted it should be subject to the imposition of conditions, in addition to the restrictive Section 106 clause outlined above, in order to mitigate the impact of the development on the town centre:

- Restriction on total net sales area (8,584m<sup>2</sup> net) and gross floor area (10,916m<sup>2</sup> gross internal area);



- Convenience goods floor space restricted to Unit D up to a maximum of 1,184m<sup>2</sup> net;
- Comparison goods floor space capped at 7,400m<sup>2</sup> net and excluding the sale of clothing and footwear (unless ancillary to DIY or motorcycle / bicycle sales) other than in Unit F;
- Unit G restricted to Class A2 or Class A3 use;
- Preventing amalgamation and subdivision of units; and
- Removing permitted development rights.

10.31 Consequently, the proposal would not have a significant adverse impact on Hemel Hempstead town centre in terms of quantitative or qualitative characteristics and would not conflict with the aims of Section 2 of the NPPF or Policy CS16 of the Core Strategy.

#### Access, traffic and parking

10.32 As noted above, the proposed development would be accessed via the existing access and egress spurs off Jarman Way which would serve both the car park as well as the associated service yard. Previous comments from the highway authority found these arrangements acceptable.

10.33 The highway authority in their initial comments on the application raised objection as updated traffic data was required to assess the proposal. Information to address this objection has been submitted on behalf of the applicant and the highway authority has indicated in writing that their objection shall be removed; with a new recommendation to grant permission subject to conditions and a contribution for off-site highway works to promote sustainable transport measures.

10.34 With respect to on-site parking provision, the highway authority has found the level of parking provision acceptable however has also advised that it is the responsibility of the local planning authority to determine the acceptability of parking provision. The site lies within Accessibility Zone 3 (as set out in Supplementary Planning Guidance) where 50% to 75% of the maximum parking standard applies.

10.35 It is noted that the proposal would accommodate approximately 66% of the maximum parking standard and consequently the development would not raise issues with respect to parking. Saved Appendix 5 of the Local Plan sets out maximum parking standards and where elements of the proposal are unknown the highway authority has provided appropriate rates of parking for the various uses. The following levels of provision are noted:

- Class A1 food discount retailer: 1 space per 18m<sup>2</sup> for food stores up to 2,500m<sup>2</sup>, resulting in a maximum 126 spaces for 2,276m<sup>2</sup> gross floor area; and
- Class A1 non-food retail: 1 space per 35m<sup>2</sup> (non-food without garden centre), resulting in a maximum 242 spaces for 8,455m<sup>2</sup> gross floor area; and
- Class A2 financial and professional services: 1 space per 30m<sup>2</sup>, resulting in a maximum of 6 spaces for 186m<sup>2</sup> gross floor area; or
- Class A3 cafe: 1 space per 5m<sup>2</sup> of dining area plus 3 spaces per 4 employees; advice from the highway authority states that Unit G occupied by a Class A3 use would require 37 spaces on floor area alone. In this instance the standard has been applied to the whole of the unit area rather than the dining area as specified by the standard within saved Appendix 5.

10.36 It would be reasonable to assume the dining area for a unit of the size proposed could require up to 75m<sup>2</sup> of dining area (generating a maximum requirement of 15 spaces for this element). Additionally, a typical employment density for such a use would be 18m<sup>2</sup> per full-time employee of net internal area (generating a maximum requirement of 7 spaces for this element).

On this basis, an appropriate level of parking provision for the proposed Class A3 unit would be 22 spaces.

10.37 14 disabled parking spaces would be provided within the car park which would be acceptable noting the 4% of total provision required set out in saved Appendix 5 of the Local Plan.

10.38 Further details shall be sought through condition to secure appropriate levels of cycle parking for the development.

10.39 The proposal is therefore considered acceptable with respect to access, traffic and parking in accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

#### Layout and landscaping

10.40 The proposed layout of the retail park would be satisfactory, noting the surrounding context provided by the existing configuration of the retail park. The retail terrace would directly front the roundabout, resulting in an angled position relative to the site's frontages to St Albans Road and Jarman Way. As such, the units would have a similar orientation to the cinema and restaurant complex to the south as well as the long elevation of the standalone McDonalds restaurant building. This is considered acceptable.

10.41 Whilst the retail terrace would be largely set back from the site's road frontages, the northernmost retail unit (Unit F) would represent a focal point on St Albans Road which would be appropriate.

10.42 The main (customer) car park serving the proposed units would be located in front of the retail terrace accessed via Jarman Way. Due to levelling works required on the site the majority of the car park would sit below the pedestrian path following the site's northern and eastern boundaries and separated by a landscaped buffer to follow the pattern of soft landscaping evident around the adjacent Tesco car park.

10.43 Servicing to the proposed retail units would occur along the terrace's south-eastern elevation, the boundary of which would be shared with the adjacent car park serving the cinema and this would not raise any layout concerns.

10.44 Mezzanine levels for the retail Class A1 units are proposed, however details of these have not been finalised. This is considered satisfactory subject to a condition placing a cap on mezzanine floor space and that its allocation shall be distributed within the maximum comparison and convenience floor areas set out above which shall also be conditioned.

10.45 It follows that the proposal is acceptable and in accordance with Policies CS10, CS11, CS12, CS13 and CS25 of the Core Strategy.

#### Appearance of buildings and impact on street scene

10.46 The design and external appearance of the proposed retail terrace has responded appropriately to its context within Jarman Park. Key features of the proposed building include:

- Framed entrance to the prominent north-eastern end of the terrace;
- Parapet and feature wall to the western corner at the vehicle entrance to the site;
- Verticality introduced through brick piers;
- Contrasting materials incorporating a mix of brick (colour local to the New Town) and cladding to add interest;
- Projecting signage frames under the main eaves.

10.47 Samples of materials shall be reserved by condition due to the scale of the building to ensure a suitable integration within its environment.

10.48 The submitted sections show that the proposed building would be largely set down from its St Albans Road frontage and the development would not appear unduly prominent within the largely suburban context surrounding the dual carriageway.

10.49 The development would be commensurate in height terms with surrounding development particularly the adjacent cinema and restaurant complex.

10.50 It follows the proposal accords with Policies CS10, CS11, CS12, CS13 and CS25 of the Core Strategy.

#### Impact on neighbouring properties

10.51 The proposed development would not prejudice the function of existing retail units within Jarman Park.

10.52 The nearest residential properties are located to the north and east of the site, however the wide road reserve of St Albans Road (A414 dual carriageway) and the open and treed space occupied by the Bennetts End flood lagoon would provide a sufficient buffer to these properties such that the additional traffic, noise and other impacts of the development would not result in an adverse impact on their residential amenity.

10.53 The proposal is therefore acceptable under Policy CS12 of the Core Strategy.

#### Flood risk and drainage

10.54 Flood risk and drainage matters have been adequately addressed in the submission noting the site's constraints and as such no objections have been received from Hertfordshire Lead Local Flood Authority, the Environment Agency or Thames Water. Conditions have been requested from the above requiring finalised details of drainage which are considered acceptable under Policy CS31 of the Core Strategy.

#### Contaminated land and air quality

10.55 Subject to conditions recommended by the Environmental and Community Protection team and the Environment Agency these matters are acceptable in accordance with Policy CS32 of the Core Strategy.

#### Ecology

10.56 Subject to the imposition of a condition requiring further surveys to identify bats and roosts as advised by Hertfordshire Environmental Records Centre, and the application site is allocated for redevelopment and subject to an extant permission; the proposal is satisfactory in this regard in accordance with the aims of the NPPF and Policy CS29 of the Core Strategy.

#### Community Infrastructure Levy (CIL)

10.57 The development of the site is subject to a CIL payment calculated in accordance with the CIL Charging Schedule. The convenience and comparison-based retail elements (Class A1) of the scheme are chargeable at £150 per square metre. A zero charge is levied against 'other' uses within the Charging Schedule and as such no charge is levied against the Class A2 / Class A3 uses.

10.58 The scheme results in an overall liability of some £1,609,500.

#### Response to Riverside objection

10.59 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;
- 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).

## **11. Conclusions**

11.1 For reasons above the proposed retail park would not result in a significantly adverse impact on Hemel Hempstead town centre when considered together with extant permissions for out-of-centre retail development and as such would not conflict with the relevant retail policies outlined above. The development would represent a key proposal on an allocated site and would represent a satisfactory design response and would not compromise highway safety.

11.2 It follows the proposal would accord with the aims of Policies CS1, CS2, CS4, CS8, CS10, CS11, CS12, CS13, CS14, CS16, CS25, CS29, CS31, CS32 and CS33 of the Dacorum Core Strategy 2013, saved Policies 10, 44, 51, 54, 58 and 99 of the Dacorum Borough Local Plan 1991-2011 and Site Allocations Written Statement (2017).

## **12. Recommendation**

12.1 It is recommended that the application is **DELEGATED** to the Group Manager of Development Management and Planning with a view to approval subject to the completion of a

planning obligation under Section 106 of the Town and Country Planning Act 1990 and conditions set out below.

12.2 That the following Heads of Terms for the planning obligation be agreed:

- Financial contribution to address the immediate impacts of the proposed development on the local highway network to be agreed; and
- To secure compliance with retail conditions that restrict the sale of clothing and footwear within Unit F.

12.3 That the conditions listed below are imposed:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The Class A1 retail floor space hereby permitted shall have a maximum gross floor area of 10,730sqm. The net sales area of the Class A1 retail floor space shall not exceed 8,584sqm (which shall include any ancillary cafe) comprising a maximum of:**

**1,184sqm convenience food goods; and  
7,400sqm comparison non-food goods.**

**Unit G as shown on Drawing No. 1929 - 33 Rev C shall be limited to a maximum gross internal floor space area of 186sqm for use within Classes A2 or A3.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013 and for the avoidance of doubt.

- 3 **The retail Class A1 units hereby permitted shall have a minimum gross internal area floor space of 696sqm (Units A to F inclusive as shown on Drawing No. 1929 - 33 Rev C).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 4 **The retail Class A1 units hereby permitted shall not be used for the sale and display of clothing and footwear (except ancillary clothing or footwear for DIY, motoring or cycling activities) with the exception of Unit F as shown on Drawing No. 1929 - P - 33 Rev C.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 5 **The retail Class A1 units hereby approved shall only be used for Class A1 uses in accordance with other conditions of this planning permission and the Class A2 or Class A3 unit hereby approved shall only be used for uses falling within Classes A2 or A3 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with**

**or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 6 **Notwithstanding the details shown on the approved plans, of the total retail floor space (Class A1) hereby permitted (10,730sqm), no more than 4,227sqm (gross internal area) shall be installed at mezzanine level. Prior to the installation of any floor space at mezzanine level, metrically scaled floor plans showing the layout, amount and distribution of mezzanine floor space shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 7 **The development hereby permitted shall not be open to customers other than between the following hours for the uses specified below:**

**Units A to F inclusive (as shown on Drawing No. 1929 - P - 33 Rev C): 07:00 to 22:00 Monday to Saturday and between 10:00 and 18:00 on Sunday; and**

**Unit G as shown on Drawing No. 1929 - 33 Rev C within Class A2: 07:00 to 22:00 Monday to Saturday and between 10:00 and 18:00 on Sunday; or**

**Unit G as shown on Drawing No. 1929 - 33 Rev C within Class A3: 24 hour operation Monday to Sunday.**

Reason: For the avoidance of doubt.

- 8 **Installation of external surfaces shall not take place before samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority.**

**Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

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

- 9 **The development hereby permitted shall not commence before the submission of a scheme for the protection of existing trees and landscaping features either within or adjoining the site for approval in writing by the local planning authority. The approved methods of protection shall be carried out or installed in accordance with the relevant details approved and shall be maintained in place during the whole period of site demolition, excavation and construction.**

Reason: In order to ensure that damage does not occur to the trees or landscape features during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core

Strategy 2013.

10 **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the site for its permitted use.**

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 - Recommendations for Tree Work.**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.**

**(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars under Condition 9 above before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.**

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

11 **Notwithstanding the details shown on Drawing No. 761-MP-01 Rev A, occupation of the development hereby permitted shall not 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;**
- **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;**
- **proposed finished levels or contours in relation to neighbouring sites and adjacent road frontages (including both St Albans Road A414 and Jarman Way);**
- **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; and
- Landscape Management Plan over a period of ten (10) years from the date of implementation of the landscaping scheme, including long-term design objectives, management responsibilities and maintenance schedules for the landscaped areas.

**The approved landscape works and management of landscaping 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 in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 12 **Construction of the buildings hereby approved shall not take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

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

- 13 **Prior to the commencement of the development hereby permitted, bat roost characterisation surveys shall be undertaken between April and October (inclusive), consistent with Bat Conservation Trust Guidelines (2016) and used to confirm or amend the mitigation measures outlined in the approved Ecological Walkover Survey Results Technical Note. The survey results and recommendations shall be submitted and approved by the local planning authority prior to commencement of development. The development shall be carried out in accordance with the approved details.**

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

- 14 **No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site.**

**Any such written confirmation shall be submitted to the local planning authority.**

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the NPPF and Policy CS29 of the Dacorum Core Strategy 2013.

- 15 **Commencement of the development hereby permitted shall not commence before a Construction Traffic Management Plan has been submitted and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**



- a) Construction vehicle numbers, type, routing;
- b) Traffic management requirements;
- c) Construction and storage compounds (including areas designated for car parking);
- d) Siting and details of wheel washing facilities;
- e) Clearing of site entrances, site tracks and the adjacent public highway;
- f) Timing of construction activities to avoid school pick up / drop off times;
- g) The management of crossings of the public highway and other public rights of way;
- h) Provision and location of sufficient on-site parking prior to the commencement of construction activities; and
- i) Post-construction restoration / reinstatement of the working areas and any temporary accesses to the public highway.

Reason: In the interests of maintaining highway safety and efficiency and to protect users of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 16 **Development of the approved parking and servicing areas as shown on Drawing No. 1929 - 33 Rev C shall not commence before full details in the form of metrically scaled plans and written specifications shall be submitted and approved in writing by the local planning authority to illustrate the following:**

- a) Roads, footways, foul and on-site water drainage;
- b) Existing and proposed access arrangements including visibility splays;
- c) Parking provision;
- d) Cycle parking provision;
- e) Servicing areas, loading areas and turning areas for all vehicles; and
- f) Provision of fire hydrants.

**The development shall be carried out in accordance with the approved plans.**

Reason: In the interests of maintaining highway safety and efficiency in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 17 **Individual units within the development hereby permitted shall not be occupied for trading before a Delivery and Servicing Plan for that unit has been submitted and approved in writing by the local planning authority. The Delivery and Servicing Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed units and uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, access to / from the site for delivery and servicing vehicles, and to ensure that there is no conflict between parked vehicles and arriving or departing vehicles in the service yard. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of maintain highway safety and efficiency in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 18 **All remediation or protection measures identified in the Remediation Statement referred to in the approved Remediation Strategy and Preliminary Piling Risk Assessment Report (reference WIE12557-100-R-5-1-3-REMSTRAT, Waterman,**

**December 2017, Sections 5 and 6) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement, and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013 and the National Planning Policy Framework.

- 19 **The development hereby permitted shall be carried out in accordance with the approved Air Quality Assessment Report (reference 40234/3005, Peter Brett Associated, February 2018), including the use of solar PV panels and mitigation measures identified within.**

**Occupation of the development hereby permitted shall not commence before a report on the number of electric vehicle charging points to be installed and relevant maintenance arrangements shall be submitted and approved in writing by the local planning authority.**

**Development shall be carried out in accordance with the approved details.**

Reason: To ensure the amenities of the site and surrounding area are protected from increased air quality arising from the development in accordance with Policies CS8 and CS32 of the Dacorum Core Strategy 2013.

- 20 **In the event Unit G as shown on Drawing No. 1929 - P - 33 Rev C is occupied by a use falling within Class A3, a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes / odour control, shall be submitted and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the commencement of the Class A3 use hereby permitted.**

Reason: To safeguard the amenity of neighbouring properties and adjoining units and the visual appearance of the area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 21 **A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the development.**

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with the National Planning Policy Framework.

22 **The development hereby permitted shall be carried out in accordance with the approved Flood Risk and Drainage Strategy (Issue 1, PCS Consulting Engineers Ltd, 18 February 2018) and the following mitigation measures:**

**1. Undertaking appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer restricted to a maximum of 11l/s for the 1 in 100 year-rainfall event.**

**2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.**

**3. Implementing drainage strategy including attenuation tank and drainage blankets as indicated on the approved Drainage and Levels Drawing No. 900.**

Reason: To prevent the increased risk of flooding, both on and off-site in accordance with Policy CS31 of the Dacorum Core Strategy 2013.

23 **No development (excluding ground works) shall take place until the final design of the drainage scheme has been submitted and approved in writing by the local planning authority. The surface water drainage system will be based on the submitted Flood Risk and Drainage Strategy (Issue 1, PCS Consulting Engineers Ltd, 18 February 2018). The scheme shall also include:**

**1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations / modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.**

**2. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.**

**3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + climate change rainfall event.**

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

24 **Piling, deep foundations, investigation boreholes and other intrusive groundwork (tunnel shafts, ground source heating and cooling systems, etc) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in the approved details.**

Reason: To ensure that the proposed foundations or groundworks does not harm groundwater resources in line with the National Planning Policy Framework.

25 **A properly maintained fat trap shall be installed to serve Unit G as shown on Drawing No. 1929 - P - 33 Rev C in the event it is operated within the Class A3 use permitted on the site.**

Reason: To prevent the blocking of drains, sewage flooding and pollution to local watercourses in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 26 **No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a Site Waste Management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

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

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

**1929 - P - 31 (site location plan)  
1929 - P - 33 Rev C (proposed site and building plan)  
1929 - P - 34 Rev H (proposed ground floor plan)  
1929 - P - 35 Rev F (proposed roof plan)  
1929 - P - 36 Rev K (proposed elevations)  
1929 - P - 39 Rev B (enlarged view of north-western elevation)  
1929-P-40 (proposed site sections)  
761-MP-01 Rev A (landscape masterplan)  
40234/5501 TP v2.0 Retail Travel Plan  
WIE12557-100-R-5-1-3-REMSTRAT (Remediation Strategy and Preliminary Piling Risk Assessment)  
40234/3005 Air Quality Assessment  
Flood Risk and Drainage Strategy Issue 1**

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

#### Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement during the pre-application stage and the determination process which led to improvements to the scheme. The Council has therefore acted proactively 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) Order 2015.

#### Highways Informative

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

2. General works within the highway: Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to

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

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

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

#### Contamination Informative

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

Contaminated land planning guidance can be obtained from Regulatory Services or via the Council's website at [www.dacorum.gov.uk](http://www.dacorum.gov.uk).

## **Appendix A - Consultation responses**

### Peter Brett Associates final retail response

I have now reviewed the addendum assessment prepared by Maddox in support of their current application at Jarman Park. The addendum assessment provides further information on both impact and sequential matters in response to the issues identified in PBA's advice to you (dated 16 April).

#### Impact

As you know, the April advice concluded that while there were deficiencies in the impact assessment, these did not go to heart of the matter so that it was possible to conclude that, subject to appropriate conditions, the development would not give rise to significant adverse impact on Hemel Hempstead town centre.

Maddox have provided some additional analysis intended to address those deficiencies; however, we do not comment on this in detail because the submission does not address the points previously raised on inflow and trade draw. Their confusion remains over the difference between trade draw and trade diversion (e.g. para. 2.6, reference is made to 'the impact trade draw arising from the proposal on Hemel Hempstead town centre'; this is actually trade diversion) so their statement at para. 2.7 is not correct: the principle of trade draw is not agreed as there is no information within either the main assessment or this addendum to allow that conclusion to be reached. However, given the conclusions set out in our April letter, we do not provide further comment here.

An additional clause is proposed to the S106 which is seeking to exempt Next from the

recommended no-poaching clause. In justifying this, Maddox refer to the S106 accompanying the Maylands Retail Park (MRP) permission. The reasons that Next were exempted from the no-poaching clause on the MRP permission are not entirely clear; it is noted though that the fashion-led unit in that scheme is more restricted in that the unit must have a minimum GIA of 1,700 sqm (i.e. larger than the relevant unit in the Jarman Park scheme), the area dedicated to fashion goods is limited to 920 sqm and cannot exceed 70% of what is referred to as the 'publicly accessible area'. It is not for PBA to speculate about whether Next would in practice occupy stores at both Jarman Park and MRP, and in any event, the effect on the town centre of Next relocating to either would not be materially different as both are out-of-centre sites. Despite the other restrictions set out above meaning that the circumstances of the MRP permission are not the same as the Jarman Park application, in effect of the clause on the MRP permission means that the principle of Next relocating outside the town centre with no requirement to maintain a town centre store is established. Because there is no justification for the exemption beyond referring to the precedent of the MRP permission and on that basis that the Council should be consistent in its decision taking, it follows that the Jarman Park scheme should also include the 920 sqm cap on fashion and clothing in Unit F.

### Sequential approach

The addendum now includes fuller analysis of the sequential sites such that it is now possible to reach a conclusion on this. This includes assessing the various town centre allocations in additional detail and more clearly demonstrating flexibility in terms of reducing the scheme's floorspace and decking the car park so that sites of 1.9ha might be capable of accommodating the scheme.

As acknowledged in the April letter, many of the sites were considered during the course of the original application and also the various Aviva applications at Maylands Retail Park; however, some time had passed and it was incumbent on the applicant to update the analysis. It is accepted that various sites identified in Table 1 of the addendum (with the exception of the West Herts College/Civic Zone MU/1 site) can be dismissed in sequential terms on the basis that none are both suitable and available.

The additional analysis Maddox provide on MU/1 is welcomed. We agree that large portions of the site are not available due to either completed or committed schemes for alternative developments. This leave two parcels of land: it is accepted that the combination of constraints identified on the parcel of land at the north western corner of the site are such that it is not suitable for the proposed development. Similarly, the former Civic Centre element of the site at less than 1 ha is plainly too small to accommodate the development. On this basis, it is agreed that MU/1 can be dismissed in sequential terms.

### Summary

The additional information provided by Maddox means that it is now possible to conclude the application is compliant with the sequential approach as set out at paragraph 24 of the NPPF. So, if the Council are minded to grant planning permission, the recommendations in relation to conditions and other mitigation measures set out in the April letter remain valid, apart from the amendments set out above in the event that the applicant seeks to include a clause which exempts Next from the no poaching agreement.

### Strategic Planning and Regeneration

I confirm my view that there are no planning policy objections to the application. This conclusion is subject to the conditions and mitigation measures proposed by PBA to protect the vitality and viability of Hemel Hempstead town centre, in their 16 April 2018 letter to the Council and Cathy Hall's 4 May email to you.

## Hertfordshire Highways comments following submission of further details

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

### Decision

Hertfordshire County Council as highway authority does not wish to raise an objection to the proposed development, subject to the following conditions.

### Condition 1: Provision of Parking and Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed onsite car and cycle parking, servicing, loading and unloading and service yard area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

### Condition 2: Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way

### Condition 3: Construction Parking

No development shall commence until a scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

### Highway Informatives

#### AN1) Storage of materials

The applicant is advised that the storage of materials associated with the construction of this

development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

#### AN2) Obstruction of the Highway

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

#### AN3) Mud on Highway

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

#### Section 278 Agreement

Any works within the highway boundary would need to be secured and approved via a Section 278 agreement with Hertfordshire County Council.

#### Section 106 Agreement

A Travel Plan is required for the development, consisting of a written agreement with the County Council setting out a scheme to encourage, regulate and promote green travel measures for staff and visitors in accordance with the provisions of the County Council's Travel Plan Guidance for Business and Residential Development', which is subject to a sum of £6,000 towards the County Council's cost of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review.

A contribution of £250,000 will be sought for the replacement of the bridge with a signalised pedestrian crossing. The proposed contribution would be indexed from 2015.

#### Description of the Proposal

The application is for full planning permission for the construction of five retail units (class A1) with a total GFA of 10730sqm, and one 186sqm unit for use as financial services or a cafe/restaurant (class A2 or A3) and associated access, car parking, service yard and landscaping.

The proposed development will be accessed from the existing access 'stub' on Jarman Way,



which will connect to the internal road layout. There are no proposals to modify the existing access point.

It is proposed that a total of 258 car parking spaces are provided at the proposed development. This comprises 231 parking spaces in the main car park area and 27 parking spaces in the service yard, which will be for staff.

#### Site Description

The proposed development site is located west of Jarman Way and south of St Albans Road. Jarman Way forms a roundabout with St Albans Road north-west of the site. Jarman Way is a privately maintained road and is subject to a 30mph speed limit. St Albans Road is a Principle A, main distributor road and is subject to a 40mph speed limit in the vicinity of the site.

The site is bound to the north by St Albans Road, to the east by woodland and a pond, to the south by the Jarman Square leisure centre and to the west by Jarman Way.

The site is brownfield land and is currently vacant.

#### History

The relevant planning history for the site as follows:

- 4/00595/18/MFA -A major full application was submitted for the construction of five retail units (class A1) with a total GFA of 10730sqm, and one 186sqm unit for use as financial services or a cafe/restaurant (class A2 or A3) and associated access, car parking, service yard and landscaping. HCC as Highway Authority recommended refusal of the planning application. The applicant then provided additional information for consideration under the same application, in the form of a Technical Note. The Technical note is discussed as part of this revised response for application 4/00595/18/MFA.

- 4/00424/15/MOA -A major outline application was submitted for the construction of a Class A1 retail development and a Class A3 drive-thru cafe/restaurant unit together with access, car parking, a service yard and associated works. The application was refused in June 2015 as it was determined that the application site would compete with Hemel Hempstead town centre as a retail destination. The decision was appealed (reference APP/A1910/W/15/3132774) and outline planning permission was granted in 4th March 2016.

- 4/00455/07/MFA -A major full planning application was submitted and granted in 2007 for the construction of retail warehouses and associated car parking, access, a service yard and landscaping. Permission for the variation of Condition 18 of the planning permission was granted in December 2009 (reference 4/02362/07/ROC), this was for the CCTV provision. In August 2010, planning permission was granted for the variation of Condition 1 of application 4/02362/07/ROC, which allowed an extension of the planning permission for five years. This expired on the 19th August 2015.

- 4/0625/89 -Outline planning permission was granted for a mixed use recreation, leisure and commercial development in 1991.

#### Analysis

The applicant has provided a Transport Statement (TS), Planning Statement and Employment Travel Plan for review as part of the application package.

A Design and Access Statement (DAS) is a requirement for all full planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Highway Design Guide (3rd Edition). A DAS has been provided as part of the application package and this is acceptable.

## Policy Review

The TS does not include a review of any local or national policy documents.

However, the following documents have been reviewed within the Planning Statement:

- National Planning Policy Framework (2012);
- Dacorum Borough Council Core Strategy (2013);
- Dacorum Borough Council Site Allocations DPD (2017); and,
- Dacorum Borough Council Local Plan 1991-2011 (saved policies).

However, the applicant has not considered the following policy documents:

- Hemel Hempstead Urban Transport Plan (2009);
- Department for Transport, Manual for Streets; and,
- Roads in Hertfordshire: Highway Design Guide (3rd Edition).

## Trip Generation

### Existing Trip Generation

The existing site is vacant brownfield land and has therefore been assumed to generate no trips. This is considered acceptable.

### Extant Trip Generation

The TS has considered the trips that would be generated by the permitted land use as part of application 4/00424/15/MOA. The trip generation was set out in the Transport Assessment (TA) for the consented scheme. This was for the construction of a mixed use development comprising 8800sqm of non-food retail land use and 1505sqm of food retail land use.

The trip generation profile for 8800sqm non-food retail element of the consented scheme is as follows:

- Weekday Peak Hour (17:00-18:00): 153 arrivals, 152 departures and 305 two-way trips
- Saturday Peak Hour (12:00-13:00): 235 arrivals, 234 departures and 469 two-way trips

The trip generation profile for the 1505sqm food retail element of the consented scheme is as follows:

- Weekday Peak Hour (17:00-18:00): 45 arrivals, 54 departures and 99 two-way trips
- Saturday Peak Hour (12:00-13:00): 87 arrivals, 92 departures and 179 two-way trips

The TA for the consented scheme made an allowance within their trip generation profile for linked trips between the food retail land use and the non-food retail land use. A reduction of 30% was applied to the trips for the food retail land use, on the assumption that there would be an element of cross-visitation between the units at the development.

The resultant trip generation for the 1505sqm food retail element is as follows:

- Weekday Peak Hour (17:00-18:00): 32 arrivals, 38 departures and 69 two-way trips
- Saturday Peak Hour (12:00-13:00): 61 arrivals, 64 departures and 125 two-way trips

The total trip generation for the consented scheme including the reduction in trip rates for the food-retail land use is as follows:

- Weekday Peak Hour (17:00-18:00): 185 arrivals, 190 departures and 374 two-way trips

- Saturday Peak Hour (12:00-13:00): 296 arrivals, 298 departures and 594 two-way trips

The above trip generation profile was approved by HCC as part of the outline planning consent for application 4/00424/15/MOA.

### Proposed Trip Generation

To determine the peak hour for the proposed development, the applicant has considered the results of a manual-classification count survey and an automatic traffic count survey which were undertaken in the vicinity of the 'Jarman Park' retail and leisure centre. The results of the surveys indicated that the weekday peak hour was 17:00-18:00 and the weekend peak hour was on a Saturday between 12:00-13:00. The TS has assumed that the proposed development will have the same peak hours. This is considered acceptable.

It is noted that there are discrepancies between the GFAs for the proposed development that are set out in the TS and the GFAs that are set out in the planning application submission. The planning application submission states that the proposals are for 10730sqm of retail land use, whereas the TS states that there will be 10916sqm of retail land use, plus 186sqm for a café/restaurant. Given that the TS has considered a higher GFA, this allows for a more robust scenario and is therefore considered acceptable.

Furthermore, the planning application submission states that the 186sqm unit will be used for financial services or a café/restaurant. However, the TS does not provide a trip generation profile for either land use. Given that the unit is not expected to generate a significant amount of trips, this is considered acceptable.

### Non-Food Retail Trip Generation

The TS states that the proposed five retail units will have a total GFA of 10916sqm which will comprise both food-based retail and non-food based retail. The trips generated by each type of retail have been considered separately. This is considered acceptable. The non-food retail element of the proposed development will have a total GFA of 8640sqm, comprising 4413sqm of ground floor retail and 4227sqm of mezzanine level retail.

The TRICS Output file was not included in the application submission and was later provided by the applicant. A full TRICS report should be included in any future submissions, to ensure that the sites used for comparison are relevant and appropriate.

The search criteria used by the application to obtain the trip rates is as follows:

- Category '01 -Retail -G -Other Individual Non-Food Superstore' chosen;
- Vehicle trip rates selected;
- Weekday and Saturday sites considered separately;
- Edge of Town Centre, Suburban area and Edge of Towns sites chosen; and
- Sites in England and Scotland considered.

It is noted that the trip rates used in the TS were obtained from the TRICS database in August 2015. This information is considered to be out of date and review of the TRICS database has confirmed that some of the sites used by the applicant are no longer within the date range of the most recent 10 years. Using the same search criteria as the applicant, the up-to-date TRICS information results in higher trip rates. For the weekday PM Peak, this equates to an additional 25 two-way trips. Given that the additional trips are unlikely to significantly change the impact of the development on the highway network, the TRICS data used by the applicant is considered acceptable.

The vehicular trip rates presented in the TS are as follows:

- Weekday Peak (17:00-18:00): 1.504 arrivals, 1.597 departures and 3.101 two-way trips
- Saturday Peak (12:00-13:00): 3.617 arrivals, 3.39 departures and 7.007 two-way trips

The resultant trip generation based on a GFA of 8640sqm is as follows:

- Weekday Peak (17:00-18:00): 130 arrivals, 138 departures and 268 two-way trips
- Saturday Peak (12:00-13:00): 313 arrivals, 293 departures and 605 two-way trips

#### Food Retail Trip Generation

The food retail provision at the proposed development will have a total GFA of 2276sqm. TRICS database has been used to determine the vehicular trip generation for the food-retail land use. The TS states that if the unit was occupied by a discount food retailer, this would generate more trips than if it was occupied by a retailer that falls within the 'Retail Park Including Food' category of the TRICS database. As a result, the 'Retail -Discount Food Stores' category has been used. This is considered acceptable.

The applicant has not specified the other criteria used in the TRICS site selection process and has not included a TRICS output report in the appendices of the TS. As a result, the search criteria used by the applicant to generate the trip rates is unknown. A full TRICS report should be included in any future submissions, to ensure that the sites used for comparison are relevant and appropriate.

The vehicular trip rates presented in the TS are as follows:

- Weekday Peak Hour (17:00-18:00): 3.438 arrivals, 3.583 departures and 7.021 two-way trips
- Saturday Peak Hour (12:00-13:00): 4.705 arrivals, 5.053 departures and 9.758 two-way trips

The resultant trip generation based on a GFA of 2276sqm is as follows:

- Weekday Peak Hour (17:00-18:00): 78 arrivals, 82 departures and 160 two-way trips
- Saturday Peak Hour (12:00-13:00): 107 arrivals, 115 departures and 222 two-way trips

This is considered acceptable.

#### Linked Trips

The TS states that there will be a degree of cross-visitation between the units at the proposed development, therefore a reduction has been applied to the trip generation profile for both the food retail and non-food retail.

In terms of the food retail land-use, a reduction of 10% has been applied to the trip generation profile. The TS states that this is due to the proximity of the Tesco Extra superstore, which already attracts food retail trips to the immediate vicinity of the proposed development. This is considered appropriate.

The resultant trip generation based on a GFA of 2276sqm and a 10% reduction in vehicle trips is as follows:

- Weekday Peak (17:00-18:00): 70 arrivals, 73 departures and 144 two-way trips
- Saturday Peak (12:00-13:00): 96 arrivals, 104 departures and 200 two-way trips

For the non-food retail land use, a reduction of 30% has been applied to the trip rates to account for cross-visitation. The resultant trip generation based on a GFA of 8640sqm is as follows:

- Weekday Peak (17:00-18:00): 91 arrivals, 97 departures and 188 two-way trips
- Saturday Peak (12:00-13:00): 219 arrivals, 205 departures and 424 two-way trips

This is considered acceptable.

#### Net Impact

The net impact based on the vehicular trip generation of proposed land use is as follows:

- Weekday PM Peak (17:00-18:00): +161 arrivals, +170 departures, +332 two-way trips
- Weekend Peak (12:00-13:00): +315 arrivals, +309 departures, +624 two-way trips

The TS has compared the net impact of the trip generation of the proposed development to the net impact of the consented scheme. The net difference is as follows:

- Weekday PM Peak (17:00-18:00): -24 arrivals, -20 departures and -42 two-way trips
- Saturday Peak (12:00-13:00): +19 arrivals, +11 departures and +30 two-way trips

It is noted that the two-way vehicular trip generation for the weekday peak hour is lower than the consented trip generation for the permitted scheme. The proposed development will generate an additional 30 two-way trips during the Saturday peak hour. This is considered acceptable.

#### Trip Distribution

The applicant has not undertaken an impact assessment to understand the distribution of the new trips on the surrounding highway network. This is not considered acceptable. The local area has changed since the previous application was submitted and further assessment of the impacts on the local network are required.

The applicant has since provided a Technical Note which addresses the comments raised by HCC regarding the omission of a trip distribution profile in the TS. The Technical Note includes a trip distribution exercise based on classified turning counts undertaken at the Jarman Way / A414 roundabout. The weekday PM Peak (17:00 -18:00) surveys were carried out in November 2017, while the weekend Saturday Peak (12:00 -13:00) surveys were carried out in April 2018.

Given that the existing site is greenfield land, the proposed development results in a net increase in trips on all arms of the roundabout. During the weekday PM Peak, the greatest increase is 105 PCUs on the Jarman Way arm of the roundabout, which accounts for vehicles turning right onto the A414 (E). During the weekend peak the greatest increase is 187 PCUs, which accounts for vehicles turning left onto Jarman Way from the A414 (E).

The trip distribution impact for the proposed development has been compared to the trips generated by the consented scheme (application reference 4/00424/15/MOA). The proposed development will result in a reduction in the number of trips during the weekday PM Peak on all arms of the junction. During the weekend peak, there will be a slight increase in the number of vehicles using all arms of the junction when compared to the consented scheme. The maximum increase is 12 PCUs, which occurs on the A414 (E) arm.

On the basis that the proposed development results in a net reduction in traffic during both peak periods compared to the consented scheme, the applicant has not distributed the trips further along the highway network. This is considered acceptable.

#### Impact on the Highway

#### Junction Assessment

The trip distribution exercise has demonstrated that there will be a net reduction in the number of vehicles using the Jarman Way / A414 roundabout when compared to the existing scheme. On this basis, the applicant has not provided junction modelling as part of the TS or Technical Note. This is considered acceptable.

### Highway Safety

The applicant has provided a review of collision data for the latest five year period, using data obtained from Hertfordshire County Council. The data was obtained for Jarman Way, the Jarman Way / St Albans Road roundabout and St Albans Road between Old Crabtree Lane and the roundabout with Bennetts End Lane / White Hart Road.

The review confirms that nine collisions have occurred during the latest five year period, one of which was serious in severity and eight of which were slight in severity. There are no obvious collision trends that could be attributed to deficiencies with the highway network; therefore, it is unlikely that the development would exacerbate any existing issues with the highway network and is therefore unlikely to have a detrimental impact on the safety of the highway network.

### Refuse and Service Delivery

The TS states that a service yard will be provided to the rear of the proposed development units. An exception to this is Unit G, which will be serviced from the front of the unit outside of operational hours.

The TS includes swept path analysis drawings for a 16.5m articulated vehicle, 10m rigid vehicle, 11.22m recycling vehicle and a large car. It is noted that there is likely to be conflict between larger vehicles entering the car park internal layout and the exit of a large car. However, this is not expected to have an impact on the public highway and is therefore acceptable.

### Highway Layout

#### Vehicle Access

The proposed development will be accessed from Jarman Way and an access 'stub' has previously been constructed. The access 'stub' is currently blocked by bollards. It is proposed that this access is retained and connected to an internal access road throughout the site. It is not proposed that any changes are made to the existing access. This is considered acceptable.

#### Pedestrian Access

Footways are provided along both sides of the previously constructed access 'stub'. It is proposed that the footway on the site entrance arm of the junction will connect to a pedestrian crossing within the site. The crossing will provide connectivity to the footway along the front of the units. This is considered acceptable.

#### Road Safety Audit

A Stage 1 Road Safety Audit (RSA) has not been provided. However, as no changes to the highway network are proposed. This is considered acceptable.

#### Parking

##### Car Parking Provisions

The Dacorum Borough Council parking standards set out the maximum car parking standards for new developments within the Borough. Four different accessibility zones are set out within

the standards. The proposed development is located within Zone 4, where 75%-100% of the maximum demand based on the parking standards can be applied.

For land use class A1 retail food stores at food retail parks, the maximum car parking standards are to be decided on individual merits. This includes shared parking and an overall reduction in the provision, to take account of linked trips on site.

The same standards that are detailed above apply to non-food retail parks where the individual land use components are known. Where the individual land use components are unknown, 1 space per 40sqm of GFA should be provided. Based on a GFA of 8640sqm for the non-retail land use, this equates to a maximum provision of 216 car parking spaces.

For Class A3 restaurants/cafes, 1 space per 5sqm of dining area floorspace should be provided, plus 3 spaces per 4 employees. Based on a GFA of 186sqm, this equates to 37 car parking spaces plus additional spaces for the employees.

The TS states that 231 car parking spaces will be provided within the main car park at the proposed development. An additional 27 car parking spaces will be provided in the service yard, for use by employees of the units.

The level of parking provision is considered acceptable. However, it will be the responsibility of the LPA to determine the acceptability of the vehicle parking provision.

#### Disabled Car Parking Provision

The Dacorum Borough Council parking standards also set out the required parking for disabled motorists, including for shops and premises to which the public will have access. Where the proposed car park has more than 200 spaces, 4 spaces plus 4% of the total capacity should be allocated for disabled motorists. This equates to the provision of 13 disabled spaces.

The TS states that of the 231 car parking spaces at the proposed development, 14 will be disabled spaces.

The level of parking provision is considered acceptable. However, it will be the responsibility of the LPA to determine the acceptability of the vehicle parking provision.

#### Car Parking Layout

The car parking layout is shown on the drawing 1929-P-33 Proposed Site and Building Plan. The car park will need to be designed in accordance with the guidance set out Roads in Hertfordshire: Highway Design Guide (Third Edition).

#### Cycle Parking Provisions

The Dacorum Borough Council cycle parking standards state that for land use class A1 retail food stores, 1 short term space per 250sqm GFA should be provided plus 1 long term space per 10 maximum staff on site at any one time. Based on the retail food stores' GFA of 2276sqm, this equates to 9 short term parking spaces plus additional long term spaces for staff.

For land use class A1 non-food retail developments, 1 short term space per 350sqm GFA should be provided plus 1 long term space per 10 maximum staff on site at any one time. Based on a GFA of 8640sqm for the non-food retail land use, this equates to 25 short term parking spaces plus additional long term spaces for staff.

The parking standards for restaurants/cafes state that 1 short term cycle parking space should be provided per 100sqm GFA, plus 1 long term space per 10 maximum staff on site at any one time. This equates to two short term cycle parking spaces, plus additional long term spaces for staff.

In total, 36 short term cycle parking spaces should be provided at the proposed development. Long term cycle parking should be provided based on the number of employees.

The TS states that a total of 34 cycle parking spaces will be provided at the proposed development, in the form of 17 Sheffield stands. The stands will be lit and covered, with half of the spaces located in the service yard for use by staff.

The proposed parking provision is below the standards set out by Dacorum Borough Council. However, it is ultimately the decision of the LPA to determine the suitability of the final parking arrangements for the proposed development.

#### Accessibility

##### Bus Services

The nearest bus stop to the proposed development is located on Jarman Way, to the south-east. The bus stop comprises a flag pole and is served by bus 101. The bus provides regular services between Hemel Hempstead and Jarman Park.

##### Rail Services

The nearest station to the proposed development is Apsley, which is approximately 2.6km to the south-west. The station is managed by London Northwestern Railway and is situated on the West Coast Main Line. Regular services are provided to London Euston, Tring and other local areas.

##### Walking and Cycling

Footways are provided along both sides of Jarman Way. There's an existing pedestrian footbridge over St Albans just west of the roundabout junction with Jarman Way.

Jarman Way is subject to a 30mph speed limit and is considered suitable for use by cyclists. Furthermore, cycle route HH8 connects Hemel Hempstead town centre to Jarman Park via a shared footpath which runs parallel to the A414 St Albans Road.

Pedestrian and Cycle facilities in the vicinity are considered reasonable for the proposed development and local area.

##### Construction

A Construction Traffic Management Plan (CTMP) will be required to ensure that construction vehicles will not have a detrimental impact in the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety.

##### Travel Plan

A Retail Travel Plan has been provided as part of the application package. A number of hard and soft measures are recommended by the applicant in order to positively affect the modal shift towards more sustainable modes of transport and to reduce the reliance on private vehicles. A revised TP would be conditioned if the application were permitted and the following points will need to be incorporated. Contributions would also be required via a S106 agreement to cover TP monitoring costs.

- A synopsis of relevant local and national planning policy has not been included in the Travel Plan. This is required to give those impacted by the plan a background understanding to why



the Travel Plan has been written and how it fits in with local and national policy regarding sustainable transport.

- Travel Plan Co-Ordinator details to be supplied on appointment along with details of secondary contact in case of personnel changes. Time allocated to role and frequency on site details also need to be provided.

- Once occupiers are known and relevant personnel appointed, a statement from senior management to the implementation and success of the plan would be appropriate to demonstrate commitment to the plan.

- Steering Group -given that this is an employment Travel Plan a Steering Group composed of relevant members of staff from the different units would give the opportunity to discuss site issues, review the measures implemented and provide a co-ordinated approach which may be more likely to make the plan a success.

- Package of measures - Generally speaking an appropriate range of measures is provided here however in order to reduce the need to travel, there could be a policy of local recruitment, flexible working policies, video conferencing and teleconferencing facilities where appropriate. A pool car could be considered so that staff could travel to work by sustainable means but car share to meetings for example.

- The focus appears to be mainly on staff. There are ways in which customers can also be encouraged to travel to the site by sustainable means, eg by providing them with information on how to access the site by walking/cycling/public transport.

- Baseline mode split data and interim mode shift targets -these have not been included. It is acknowledged that site occupiers are not yet known, but use class is -could use data from TRICS or Census journey to work data which would be updated after first staff survey. Interim mode shift targets are required to demonstrate commitment to an achievable but significant shift towards sustainable modes. Targets can be adjusted after initial staff survey.

- Travel Plan review -this is not mentioned. Regular review of the plan and the success or otherwise of measures that have been implemented is necessary to ensure that the progress towards set targets is being made. The Travel Plan will only be signed off in Year 5 if the targets for that year have been met. Review can highlight whether the plan is on course to meet set targets or whether additional measures are needed and whether there are specific reasons why progress has been held up. Together with a Steering Group with appropriate membership, this can ensure that a plan remains on course to meet targets.

- Evaluation and support fee -to be sought if plan secured through S106 process.

A fee of £6000 will be secured by S106 agreement for the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review.

Planning Obligations/ Community Infrastructure Levy (CIL)

Dacorum Borough Council adopted a Community Infrastructure Levy (CIL) in July 2015. Contributions towards transport schemes in the borough would be sought via CIL. A S106 Agreement will be required to secure Travel Plan Monitoring fees.

As per the TA submitted as part of this application, and the Appeal APP/A1910/W/15/3132774, a S106 contribution would be sought for contributions to the replacement of the existing pedestrian bridge over A414 St Albans Road with a signalised controlled pedestrian crossing, Travel Plan monitoring fees and other sustainable programs. A contribution of £250,000 will be

sought for the replacement of the bridge with a signalised pedestrian crossing. The proposed contribution would be indexed from 2015.

## Conclusion

Hertfordshire County Council (HCC) have reviewed the information provided and does not wish to object to the proposed development, subject to suitable conditions being applied.

## Hertfordshire Highways initial comments

Hertfordshire County Council (HCC), as highway authority, has wishes to object to the proposed development as there is not enough information to support that the proposed development would not have a severe impact on the local highway network. The applicant is required to carry out junction modelling to demonstrate that the non-food and food retail units would not have a severe impact on the operation of the local highway network.

## Description of the Proposal

The application is for full planning permission for the construction of five retail units (class A1) with a total GFA of 10730sqm, and one 186sqm unit for use as financial services or a café/restaurant (class A2 or A3) and associated access, car parking, service yard and landscaping.

The proposed development will be accessed from the existing access 'stub' on Jarman Way, which will connect to the internal road layout. There are no proposals to modify the existing access point.

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## Site Description

The proposed development site is located west of Jarman Way and south of St Albans Road. Jarman Way forms a roundabout with St Albans Road north-west of the site. Jarman Way is a privately maintained road and is subject to a 30mph speed limit. St Albans Road is a Principle A, main distributor road and is subject to a 40mph speed limit in the vicinity of the site.

The site is bound to the north by St Albans Road, to the east by woodland and a pond, to the south by the Jarman Square leisure centre and to the west by Jarman Way.

The site is brownfield land and is currently vacant.

## History

The relevant planning history for the site as follows:

- 4/00424/15/MOA - A major outline application was submitted for the construction of a Class A1 retail development and a Class A3 drive-thru café/restaurant unit together with access, car parking, a service yard and associated works. The application was refused in June 2015 as it was determined that the application site would compete with Hemel Hempstead town centre as a retail destination. The decision was appealed (reference APP/A1910/W/15/3132774) and outline planning permission was granted in 4th March 2016.
- 4/00455/07/MFA - A major full planning application was submitted and granted in 2007 for the construction of retail warehouses and associated car parking, access, a service yard and landscaping. Permission for the variation of Condition 18 of the planning permission was

granted in December 2009 (reference 4/02362/07/ROC), this was for the CCTV provision. In August 2010, planning permission was granted for the variation of Condition 1 of application 4/02362/07/ROC, which allowed an extension of the planning permission for five years. This expired on the 19th August 2015.

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### Existing Trip Generation

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- Weekday Peak Hour (17:00-18:00): 185 arrivals, 190 departures and 374 two-way trips
- Saturday Peak Hour (12:00-13:00): 296 arrivals, 298 departures and 594 two-way trips

The above trip generation profile was approved by HCC as part of the outline planning consent for application 4/00424/15/MOA.

#### Proposed Trip Generation

To determine the peak hour for the proposed development, the applicant has considered the results of a manual-classification count survey and an automatic traffic count survey which were undertaken in the vicinity of the 'Jarman Park' retail and leisure centre. The results of the surveys indicated that the weekday peak hour was 17:00-18:00 and the weekend peak hour was on a Saturday between 12:00-13:00. The TS has assumed that the proposed development will have the same peak hours. This is considered acceptable.

It is noted that there are discrepancies between the GFAs for the proposed development that are set out in the TS and the GFAs that are set out in the planning application submission. The planning application submission states that the proposals are for 10730sqm of retail land use, whereas the TS states that there will be 10916sqm of retail land use, plus 186sqm for a café/restaurant. Given that the TS has considered a higher GFA, this allows for a more robust scenario and is therefore considered acceptable.

Furthermore, the planning application submission states that the 186sqm unit will be used for financial services or a café/restaurant. However, the TS does not provide a trip generation profile for either land use. Given that the unit is not expected to generate a significant amount of trips, this is considered acceptable.

#### Non-Food Retail Trip Generation

The TS states that the proposed five retail units will have a total GFA of 10916sqm which will comprise both food-based retail and non-food based retail. The trips generated by each type of retail have been considered separately. This is considered acceptable. The non-food retail element of the proposed development will have a total GFA of 8640sqm, comprising 4413sqm of ground floor retail and 4227sqm of mezzanine level retail.

The TRICS Output file was not included in the application submission and was later provided by the applicant. A full TRICS report should be included in any future submissions, to ensure that the sites used for comparison are relevant and appropriate.

The search criteria used by the application to obtain the trip rates is as follows:

- Category -01 - Retail - G - Other Individual Non-Food Superstore chosen;
- Vehicle trip rates selected;
- Weekday and Saturday sites considered separately;
- Edge of Town Centre, Suburban area and Edge of Towns sites chosen; and
- Sites in England and Scotland considered.

It is noted that the trip rates used in the TS were obtained from the TRICS database in August 2015. This information is considered to be out of date and review of the TRICS database has confirmed that some of the sites used by the applicant are no longer within the date range of the most recent 10 years. Using the same search criteria as the applicant, the up-to-date TRICS information results in higher trip rates. For the weekday PM Peak, this equates to an additional 25 two-way trips. Given that the additional trips are unlikely to significantly change the impact of the development on the highway network, the TRICS data used by the applicant is considered acceptable.

The vehicular trip rates presented in the TS are as follows:

- Weekday Peak (17:00-18:00): 1.504 arrivals, 1.597 departures and 3.101 two-way trips
- Saturday Peak (12:00-13:00): 3.617 arrivals, 3.39 departures and 7.007 two-way trips

The resultant trip generation based on a GFA of 8640sqm is as follows:

- Weekday Peak (17:00-18:00): 130 arrivals, 138 departures and 268 two-way trips
- Saturday Peak (12:00-13:00): 313 arrivals, 293 departures and 605 two-way trips

#### Food Retail Trip Generation

The food retail provision at the proposed development will have a total GFA of 2276sqm. TRICS database has been used to determine the vehicular trip generation for the food-retail land use. The TS states that if the unit was occupied by a discount food retailer, this would generate more trips than if it was occupied by a retailer that falls within the 'Retail Park Including Food' category of the TRICS database. As a result, the 'Retail - Discount Food Stores' category has been used. This is considered acceptable.

The applicant has not specified the other criteria used in the TRICS site selection process and has not included a TRICS output report in the appendices of the TS. As a result, the search criteria used by the applicant to generate the trip rates is unknown. A full TRICS report should be included in any future submissions, to ensure that the sites used for comparison are relevant and appropriate.

The vehicular trip rates presented in the TS are as follows:

- Weekday Peak Hour (17:00-18:00): 3.438 arrivals, 3.583 departures and 7.021 two-way trips
- Saturday Peak Hour (12:00-13:00): 4.705 arrivals, 5.053 departures and 9.758 two-way trips

The resultant trip generation based on a GFA of 2276sqm is as follows:

- Weekday Peak Hour (17:00-18:00): 78 arrivals, 82 departures and 160 two-way trips
- Saturday Peak Hour (12:00-13:00): 107 arrivals, 115 departures and 222 two-way trips

This is considered acceptable.

#### Linked Trips

The TS states that there will be a degree of cross-visitation between the units at the proposed development, therefore a reduction has been applied to the trip generation profile for both the food retail and non-food retail.

In terms of the food retail land-use, a reduction of 10% has been applied to the trip generation profile. The TS states that this is due to the proximity of the Tesco Extra superstore, which already attracts food retail trips to the immediate vicinity of the proposed development. This is considered appropriate.

The resultant trip generation based on a GFA of 2276sqm and a 10% reduction in vehicle trips is as follows:

- Weekday Peak (17:00-18:00): 70 arrivals, 73 departures and 144 two-way trips
- Saturday Peak (12:00-13:00): 96 arrivals, 104 departures and 200 two-way trips

For the non-food retail land use, a reduction of 30% has been applied to the trip rates to account for cross-visitation. The resultant trip generation based on a GFA of 8640sqm is as follows:

- Weekday Peak (17:00-18:00): 91 arrivals, 97 departures and 188 two-way trips
- Saturday Peak (12:00-13:00): 219 arrivals, 205 departures and 424 two-way trips

This is considered acceptable.

#### Net Impact

The net impact based on the vehicular trip generation of proposed land use is as follows:

- Weekday PM Peak (17:00-18:00): +161 arrivals, +170 departures, +332 two-way trips
- Weekend Peak (12:00-13:00): +315 arrivals, +309 departures, +624 two-way trips

The TS has compared the net impact of the trip generation of the proposed development to the net impact of the consented scheme. The net difference is as follows:

- Weekday PM Peak (17:00-18:00): -24 arrivals, -20 departures and -42 two-way trips
- Saturday Peak (12:00-13:00): +19 arrivals, +11 departures and +30 two-way trips

It is noted that the two-way vehicular trip generation for the weekday peak hour is lower than the consented trip generation for the permitted scheme. The proposed development will generate an additional 30 two-way trips during the Saturday peak hour. This is considered acceptable.

#### Trip Distribution

The applicant has not undertaken an impact assessment to understand the distribution of the new trips on the surrounding highway network. This is not considered acceptable. The local area has changed since the previous application was submitted and further assessment of the impacts on the local network are required.

#### Impact on the Highway

#### Junction Assessment

The applicant has not provided junction modelling as part of the TS. This is not considered acceptable. The local area has changed since the previous application was submitted and further assessment of the impacts on the local network are required.

## Highway Safety

The applicant has provided a review of collision data for the latest five year period, using data obtained from Hertfordshire County Council. The data was obtained for Jarman Way, the Jarman Way / St Albans Road roundabout and St Albans Road between Old Crabtree Lane and the roundabout with Bennetts End Lane / White Hart Road.

The review confirms that nine collisions have occurred during the latest five year period, one of which was serious in severity and eight of which were slight in severity. There are no obvious collision trends that could be attributed to deficiencies with the highway network; therefore, it is unlikely that the development would exacerbate any existing issues with the highway network and is therefore unlikely to have a detrimental impact on the safety of the highway network.

## Refuse and Service Delivery

The TS states that a service yard will be provided to the rear of the proposed development units. An exception to this is Unit G, which will be serviced from the front of the unit outside of operational hours.

The TS includes swept path analysis drawings for a 16.5m articulated vehicle, 10m rigid vehicle, 11.22m recycling vehicle and a large car. It is noted that there is likely to be conflict between larger vehicles entering the car park internal layout and the exit of a large car. However, this is not expected to have an impact on the public highway and is therefore acceptable.

## Highway Layout

### Vehicle Access

The proposed development will be accessed from Jarman Way and an access 'stub' has previously been constructed. The access 'stub' is currently blocked by bollards. It is proposed that this access is retained and connected to an internal access road throughout the site. It is not proposed that any changes are made to the existing access. This is considered acceptable.

### Pedestrian Access

Footways are provided along both sides of the previously constructed access 'stub'. It is proposed that the footway on the site entrance arm of the junction will connect to a pedestrian crossing within the site. The crossing will provide connectivity to the footway along the front of the units. This is considered acceptable.

## Road Safety Audit

A Stage 1 Road Safety Audit (RSA) has not been provided. However, as no changes to the highway network are proposed. This is considered acceptable.

## Parking

### Car Parking Provisions

The Dacorum Borough Council parking standards set out the maximum car parking standards for new developments within the Borough. Four different accessibility zones are set out within the standards. The proposed development is located within Zone 4, where 75%-100% of the maximum demand based on the parking standards can be applied.

For land use class A1 retail food stores at food retail parks, the maximum car parking standards are to be decided on individual merits. This includes shared parking and an overall reduction in

the provision, to take account of linked trips on site.

The same standards that are detailed above apply to non-food retail parks where the individual land use components are known. Where the individual land use components are unknown, 1 space per 40sqm of GFA should be provided. Based on a GFA of 8640sqm for the non-retail land use, this equates to a maximum provision of 216 car parking spaces.

For Class A3 restaurants/cafes, 1 space per 5sqm of dining area floorspace should be provided, plus 3 spaces per 4 employees. Based on a GFA of 186sqm, this equates to 37 car parking spaces plus additional spaces for the employees.

The TS states that 231 car parking spaces will be provided within the main car park at the proposed development. An additional 27 car parking spaces will be provided in the service yard, for use by employees of the units.

The level of parking provision is considered acceptable. However, it will be the responsibility of the LPA to determine the acceptability of the vehicle parking provision.

#### Disabled Car Parking Provision

The Dacorum Borough Council parking standards also set out the required parking for disabled motorists, including for shops and premises to which the public will have access. Where the proposed car park has more than 200 spaces, 4 spaces plus 4% of the total capacity should be allocated for disabled motorists. This equates to the provision of 13 disabled spaces.

The TS states that of the 231 car parking spaces at the proposed development, 14 will be disabled spaces.

The level of parking provision is considered acceptable. However, it will be the responsibility of the LPA to determine the acceptability of the vehicle parking provision.

#### Car Parking Layout

The car parking layout is shown on the drawing 1929-P-33 Proposed Site and Building Plan. The car park will need to be designed in accordance with the guidance set out Roads in Hertfordshire: Highway Design Guide (Third Edition).

#### Cycle Parking Provisions

The Dacorum Borough Council cycle parking standards state that for land use class A1 retail food stores, 1 short term space per 250sqm GFA should be provided plus 1 long term space per 10 maximum staff on site at any one time. Based on the retail food stores' GFA of 2276sqm, this equates to 9 short term parking spaces plus additional long term spaces for staff.

For land use class A1 non-food retail developments, 1 short term space per 350sqm GFA should be provided plus 1 long term space per 10 maximum staff on site at any one time. Based on a GFA of 8640sqm for the non-food retail land use, this equates to 25 short term parking spaces plus additional long term spaces for staff.

The parking standards for restaurants/cafes state that 1 short term cycle parking space should be provided per 100sqm GFA, plus 1 long term space per 10 maximum staff on site at any one time. This equates to two short term cycle parking spaces, plus additional long term spaces for staff.

In total, 36 short term cycle parking spaces should be provided at the proposed development. Long term cycle parking should be provided based on the number of employees.

The TS states that a total of 34 cycle parking spaces will be provided at the proposed development, in the form of 17 Sheffield stands. The stands will be lit and covered, with half of



the spaces located in the service yard for use by staff.

The proposed parking provision is below the standards set out by Dacorum Borough Council. However, it is ultimately the decision of the LPA to determine the suitability of the final parking arrangements for the proposed development.

#### Accessibility

##### Bus Services

The nearest bus stop to the proposed development is located on Jarman Way, to the south-east. The bus stop comprises a flag pole and is served by bus 101. The bus provides regular services between Hemel Hempstead and Jarman Park.

##### Rail Services

The nearest station to the proposed development is Apsley, which is approximately 2.6km to the south-west. The station is managed by London Northwestern Railway and is situated on the West Coast Main Line. Regular services are provided to London Euston, Tring and other local areas.

##### Walking and Cycling

Footways are provided along both sides of Jarman Way. There's an existing pedestrian footbridge over St Albans just west of the roundabout junction with Jarman Way.

Jarman Way is subject to a 30mph speed limit and is considered suitable for use by cyclists. Furthermore, cycle route HH8 connects Hemel Hempstead town centre to Jarman Park via a shared footpath which runs parallel to the A414 St Albans Road.

Pedestrian and Cycle facilities in the vicinity are considered reasonable for the proposed development and local area.

##### Construction

A Construction Traffic Management Plan (CTMP) will be required to ensure that construction vehicles will not have a detrimental impact in the vicinity of the site and a condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to highway safety.

##### Travel Plan

A Retail Travel Plan has been provided as part of the application package. A number of hard and soft measures are recommended by the applicant in order to positively affect the modal shift towards more sustainable modes of transport and to reduce the reliance on private vehicles. A revised TP would be conditioned if the application were permitted and the following points will need to be incorporated. Contributions would also be required via a S106 agreement to cover TP monitoring costs.

- A synopsis of relevant local and national planning policy has not been included in the Travel Plan. This is required to give those impacted by the plan a background understanding to why the Travel Plan has been written and how it fits in with local and national policy regarding sustainable transport.
- Travel Plan Co-Ordinator details to be supplied on appointment along with details of secondary contact in case of personnel changes. Time allocated to role and frequency on site details also need to be provided.

- Once occupiers are known and relevant personnel appointed, a statement from senior management to the implementation and success of the plan would be appropriate to demonstrate commitment to the plan.
- Steering Group - given that this is an employment Travel Plan a Steering Group composed of relevant members of staff from the different units would give the opportunity to discuss site issues, review the measures implemented and provide a co-ordinated approach which may be more likely to make the plan a success.
- Package of measures - Generally speaking an appropriate range of measures is provided here however in order to reduce the need to travel, there could be a policy of local recruitment, flexible working policies, video conferencing and teleconferencing facilities where appropriate. A pool car could be considered so that staff could travel to work by sustainable means but car share to meetings for example.
- The focus appears to be mainly on staff. There are ways in which customers can also be encouraged to travel to the site by sustainable means, eg by providing them with information on how to access the site by walking/cycling/public transport.
- Baseline mode split data and interim mode shift targets - these have not been included. It is acknowledged that site occupiers are not yet known, but use class is - could use data from TRICS or Census journey to work data which would be updated after first staff survey. Interim mode shift targets are required to demonstrate commitment to an achievable but significant shift towards sustainable modes. Targets can be adjusted after initial staff survey.
- Travel Plan review - this is not mentioned. Regular review of the plan and the success or otherwise of measures that have been implemented is necessary to ensure that the progress towards set targets is being made. The Travel Plan will only be signed off in Year 5 if the targets for that year have been met. Review can highlight whether the plan is on course to meet set targets or whether additional measures are needed and whether there are specific reasons why progress has been held up. Together with a Steering Group with appropriate membership, this can ensure that a plan remains on course to meet targets. Evaluation and support fee - to be sought if plan secured through S106 process.

A fee of £6000 will be secured by S106 agreement for the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review.

#### Planning Obligations/ Community Infrastructure Levy (CIL)

Dacorum Borough Council adopted a Community Infrastructure Levy (CIL) in July 2015. Contributions towards transport schemes in the borough would be sought via CIL. A S106 Agreement will be required to secure Travel Plan Monitoring fees.

As per the TA submitted as part of this application, and the Appeal APP/A1910/W/15/3132774, a S106 contribution would be sought for contributions to the replacement of the existing pedestrian bridge over A414 St Albans Road with a signalised controlled pedestrian crossing, Travel Plan monitoring fees and other sustainable programs. The proposed contribution would be indexed from 2015.

#### Conclusion

Hertfordshire County Council (HCC) have reviewed the information provided and wishes to object to the proposed development as there is not enough information to support that the proposed development would not have a severe impact on the local highway network. The applicant is required to carry out junction modelling to demonstrate that the non-food and food retail units would not have a severe impact on the operation of the local highway network.

## Dacorum Conservation and Design

The proposal is for in effect an extension to the retail park. This site is however more prominent on the corner of the roundabout on St Albans way. Although the site has now been boarded off it is a relatively flat area of land that is currently not developed. Beyond this screening the rest of the retail park is a belt of tree planting. The elements of the park that can be seen from the road date from the end of the 20th century and are of lesser architectural merit. The nearby housing relates to the 1970s development of the new town are of two storey in a buff brick with tiled roofs.

The proposals have moved forward substantially since the pre application discussions and through the course of the planning application. We believe that changes to the roof structure to create a shadow line and the construction of corner feature buildings will help to visually break up the mass of the main elevation. The introduction of the buff brick would help to add to the visual interest and provide a contrast with the grey cladding of the central shop units. To the entrance area (flank towards the retail park) the elevation has now been broken up through subdivision and the inclusion of vertical panelled sections in an attempt to visually reduce the dominance of this flank elevation. To the pond/ planted side elevation the wrapping of the corner with brick work and the introduction of the smaller single storey corner element would help add to the visual variety although we note that this element is screened by planting.

The alterations to the proposed signage would be welcomed and it would now appear to be more in keeping with the character of the building. It would now appear to be more connected to the building and sit comfortably with the overall design. Therefore we are now satisfied that this element of the scheme has been suitably addressed.

The introduction of the car parking to the frontage would allow the buildings to appear well set back and therefore not appear overly dominant within the streetscape of St Albans way. This will be added to through the creation for the hedge and planting of trees to the boundary. As such the boundary of the site and St Albans way would be greened and partially enhanced.

Overall we believe that the proposals would sit comfortably with the surrounding retail park and as such we would not object to the proposals.

Recommendation All external materials and cladding subject to approval. Hard landscaping and planting subject to approval.

## Dacorum Trees and Woodlands

Supplementary Landscape Information Feb 2018, section 3 – Indicative Plant Schedule

All proposed tree, shrub, hedging and ground cover species and planting sizes are appropriate for their setting and the development overall. Where applicable, plant species percentages / densities are also acceptable. Proposed planting will add seasonal visual interest to parking areas and site boundaries without creating long-term maintain issues, for example, that may affect parked cars.

Proposed planting specifications and maintenance schedules are in accordance with industry standards / guidelines.

Landscape Master Plan 761-MP-01 Rev A

Planting is located towards the site boundaries where it will have visual impact, especially at the site entrance. Planting is also present within the car parking area but understandably restricted in extent to minimise maintenance. Species and planting locations are suited to the new use of

the site.

### Dacorum Contaminated Land

Whilst we have no objection to the proposed development however, the following planning conditions and informative are hereby recommend should planning permission be granted having given adequate consideration to the submitted Air Quality Assessment report, Remediation strategy and preliminary piling risk assessment report, Design and Access Statement, Planning Statement and all other submitted reports and drawings.

#### 1. Contaminated Land Condition

Whilst we take note of the submitted Remediation Strategy & Preliminary Piling Risk Assessment Report with reference WIE12557-100-R-5-1-3-REMSTRAT prepared by Waterman dated December 2017 and all the other contaminated land reports mentioned in the remediation strategy:

All remediation or protection measures identified in the Remediation Statement referred to in the above report as stated in section 5 (Preliminary Foundations Risk Assessments) and section 6 (Remedial Options) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

#### 2. Air Quality Condition

Whilst we take note of the submitted Air Quality Assessment Report with reference 40234/3005 prepared by Peterbrett dated February 2018, its conclusion in section 7 and the use of Solar PV Panels as the source of energy for the development, the applicant is required to implement the mitigation measures identified in section 6 (Mitigation) of the submitted report.

The applicant also need to submit a report on the number of electric vehicle charging point that will be installed with its relevant maintenance arrangement on the development considering, the site closeness to the council designated AQMA and in other not to not contravene the Council's Air Quality Action Plan.

Reason: To ensure the amenities of the neighbouring premises are protected from increased air quality arising from the development; in accordance with Policies CS8 and CS32 of the Core Strategy (2013).

#### 3. Construction Management Plan Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.

Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing
- b) Traffic management requirements
- c) Construction and storage compounds (including areas designated for car parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Timing of construction activities to avoid school pick up/drop off times
- g) Provision of sufficient on-site parking prior to commencement of construction activities
- h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.

#### 4. Air Extraction and Filtration Condition

Prior to the occupation of the proposed café/restaurant (Class A3) use aspect of the development hereby permitted, a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes/odour control, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.

Reason: To safeguard the amenities of those premises nearby the application site and the appearance of the building as a whole.

#### 5. Un-expected Contaminated Land Informative

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

#### 6. Construction Hours of Working – (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

#### Environment Agency

Thank you for consulting us on the above planning application. Having reviewed the submitted documents we believe planning permission could be granted to the proposed development subject to the conditions set out below. Without these conditions the site would pose an unacceptable risk to the environment and we would object to the application.

#### Condition 1 – Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- a) All previous uses;
- b) Potential contaminants associated with those uses;
- c) A conceptual model of the site indicating sources, pathways and receptors; and
- d) Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

In addition, the Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination present could result in deterioration of groundwater quality within the Upper Lee Chalk WFD groundwater body.

#### Reason

The site is located in our highest groundwater protection area (SPZ1) and previous uses of the site have led including this condition to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

#### Condition 2 – Verification Report

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

#### Reasons

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

To prevent deterioration of, and promote recovery of water quality within the Mid Chilterns WFD groundwater body.

#### Condition 3 – Long term monitoring

The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary

contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

#### Reason

To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework.

#### Condition 4 – Previously unidentified contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

#### Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

#### Condition 5 – Infiltration of surface water

No infiltration of surface water drainage into the ground at Jarmans Fields, St Albans Road, Hemel Hempstead is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

#### Condition 6 – Piling, deep foundations, investigation boreholes and other intrusive groundwork etc.

Piling, deep foundations, investigation boreholes and other intrusive groundwork (tunnel shafts, ground source heating and cooling systems, etc.) using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the proposed foundations or groundworks does not harm groundwater resources in line with paragraph 109 of the National Planning Policy Framework.

#### Condition 7 – Decommissioning of investigative boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall

be implemented prior to the occupation the permitted development.

#### Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

#### Condition advice

##### Condition 1

While the submitted "Jarmans Fields, Hemel Hempstead, Geo-Environmental Assessment (Waterman Infrastructure and Environmental limited, March 2017, Doc ref WIE12557-100-R-2-2-2-GeoEnv)" is partially sufficient to address parts 1 and 2 of this condition, the conceptual site model is incomplete:

- Boreholes have not been installed to sufficient depth to allow for sampling of groundwater quality within the sensitive chalk principal aquifer.
- Groundwater flow within the Chalk has not been determined.
- The only relevant laboratory certificates that have been submitted relate to one sampling location (WS10A).
- Based on the limited information available, it is not clear if a suitable range of determinates has been selected for analyses (this information is not within the body of the report).
- A body of perched groundwater was encountered within the made ground, yet no samples appear to have been analysed.
- The Landmark Report, as submitted, is incomplete.
- The report draws on information and conclusions from previous reports (Phase 1 Environmental Assessment of Potential for Ground Contamination (Ref: EN4068/R/1.1.3/NC) dated January 2004, and Phase 2 Site Investigation and Environmental Risk Assessment (Ref: EN4319/R/1.2.1/ME) dated July 2006.), however copies of these have not been supplied.
- Until these points are addressed it is not possible to agree that the risks posed to controlled waters have been suitably constrained and that suitable measures have been identified to mitigate these risks.

##### Condition 4

No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals.

##### Condition 5

Infiltration of surface water has the potential to mobilise contamination present within the soil. Where the proposal involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required.

##### Condition 6

Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the EA guidance. During piling works (especially if the piles extend to the Chalk within SPZ1 saturated zone) due to the proximity of nearby potable



abstractions the weekly groundwater monitoring for insitu parameters and turbidity should be considered.

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

The submitted pilling risk assessment is a “preliminary” report, requiring confirmation from the appointed contractor. The final version will need to be submitted for review.

#### Groundwater advice

We recommend that developers should follow best practice advice;

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on GOV.UK for more information.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)

Use MCERTS accredited methods for testing contaminated soils at the site.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a “Competent person” E.g. a suitably qualified hydrogeologist.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further guidance on the setting of compliance points for DQRAs can be found here (<https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>).

Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a

conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Upflow percolation column test, run to LS 2 – to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and
- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.
- Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11.
- The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.)

Where SUDs are proposed; infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SUDs manual [http://www.ciria.org/Resources/Free\\_publications/SuDS\\_manual\\_C753.aspx](http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx)

### Hertfordshire Minerals and Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the county council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage districts and boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

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

This includes encouraging re-use of unavoidable waste where possible and the use of recycled

materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

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

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application, the council is urged to pay due regard to these policies and ensure their objectives are met.

The county council would expect detailed information to be provided for both the site preparation and construction phases as the waste arisings from construction will be of a different composition to arisings from the enabling work. Good practice templates for producing SWMPs can be found at:

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

[http://www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_management\\_planning/index.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings and so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented. It will also help in determining the costs of removing waste for a project.

#### Hertfordshire Lead Local Flood Authority

Following a review of the Flood Risk Assessment and Drainage Strategy carried out by PCS Consulting Engineers Ltd reference Issue 1 dated 18 February 2018, we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

The drainage strategy is based upon attenuation and discharge into Thames surface water sewer restricted to greenfield runoff rates. We note that infiltration is not being proposed due to the presence of clay and the site being partially covered by historic tip. There are no watercourses within the vicinity of the site. The car parking and hardstanding areas drain to lined drainage blanket and roof area to underground attenuation tank. Micro-Drainage modelling has been provided to ensure that the site can cater for the 1 in 100 plus 40% for climate change. We therefore recommend the following conditions to the LPA should planning permission be granted.

#### LLFA position

##### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved the Flood Risk and Drainage Strategy carried out by PCS Consulting Engineers Ltd reference Issue 1 dated 18 February 2018 and the following mitigation measures:

1. Undertaking appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer restricted to a maximum of 11l/s for the 1 in 100 year rainfall event.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

3. Implementing drainage strategy including attenuation tank and drainage blankets as indicated on the Drainage and Levels drawing reference no. 900.

#### Condition 2

No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted the Flood Risk and Drainage Strategy carried out by PCS Consulting Engineers Ltd reference Issue 1 dated 18 February 2018

The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

#### Hertfordshire Environmental Records Centre following submission by applicant

I can confirm that the paragraph highlighted below provides sufficient information to ensure the LPA can determine the application, consistent with the Habitats Regulation as necessary.

We have advised use of the following as wording to describe a Condition to secure the activity surveys:

Condition and reason for activity surveys where appropriate:

"Prior to commencement of the development, bat roost characterisation surveys should be undertaken between April and October inclusive, consistent with Bat Conservation Trust Guidelines (2016) and used to confirm / amend the mitigation measures outlined in xxxxx. The survey results and recommendations should be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats is maintained in accordance with European and national legislation."

#### Thames Water

##### Waste Comments

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit

enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

#### Water Comments

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

#### Hertfordshire Environmental Records Centre

1. There is no ecological information within the database for this site although it has been subject of an ecological appraisal. It has been a sewage farm in the 1900s and more recently a landfill site 1950-70s and benefits from a retail allocation in the local plan an extant planning permission for a retail park. It is likely to support some local interest.

2. The ecological walkover report is, by default, very superficial for a site already with planning permission although I have no objections to its results and recommendations. However legal issues will still need to be complied with. In summary:

2.1 It identified some areas of grassland interest with a number of more interesting species. The range of open mosaic habitats on previously developed land was considered a priority habitat.

2.2 Potential reptile interest was identified and evidence of earlier surveys, although the current situation still needs to be determined as reptiles could potentially have colonised the site if they were not previously present.

2.3 Potential bat interest was considered present.

2.4 An invertebrate survey is proposed.

2.5 Mammal holes were present although not confirmed as badger. This will need to be updated as necessary, usually standard practice prior to any development.

2.6 An Ecological Assessment Report (EAR) will need to be provided. It will include a full assessment of the scheme in relation to identified important ecological features, and will outline the avoidance, mitigation or compensation measures to enable legal and policy compliance, and ensure no net loss in biodiversity.

3. The planning statement states:

*6.18 Further studies in relation to ecology will need to be undertaken as the application progresses and these can be addressed via conditions attached to any planning permission granted*

This is acknowledged and I consider are acceptable other than for bats as no mitigation has been outlined. In this respect the ecological report is lacking sufficient detail to properly inform the development.

Given bats are EPS this information is required prior to determination; either these surveys are undertaken now to determine presence / absence, or an outline mitigation statement is provided to enable the LPA to satisfy the Habitats Regulations if the application is to be determined with sufficient information. Our standard advice in this situation (usually when outside the survey season) is that the LPA should obtain an outline mitigation strategy to demonstrate how bats – if present – are likely to be dealt with, and then the further surveys are secured through a Condition of approval with any further recommendation made as necessary. The strategy may only need to be a paragraph but if potential has been identified the LPA still does not know if bats are present and what will be done to conserve them.

However, given planning permission already exists which should have taken this issue into account if previously considered necessary, DBC may consider the current report is acceptable. If so, further surveys could be secured by Condition, but any planning decision could be contested as the Habitat Regulations have not been complied with.

4. The other issue I am concerned with is the claim for no net loss as expressed under further work: *The results of the below described surveys will also inform an assessment of the scheme designs to enable prescription of the enhancement measures that will ultimately deliver no net loss in biodiversity, in accordance with the National Planning Policy Framework (NPPF).*

This is wholly unachievable on site and as such I consider the statement lacks any credibility. The site clearly supports some local interest – it is even considered to be a Priority Habitat. Furthermore it is within an urban environment and so by default currently contributes to the open greenspace of that environment which will be entirely lost as a result of the development.

5. Whilst the planning situation is acknowledged – and I would not consider any existing ecological interest to outweigh the proposed uses for the site which are already accepted and even permitted - the result of the development can only lead to a net loss of biodiversity given the nature and extent of development and limited landscaping which cannot possibly replicate or compensate for the loss of open habitat currently present.

6. Landscaping will benefit the development; this is, however, an expected component of the development. It does little to compensate or enhance ecology other than at a very local level within the site itself, compared to the existing situation. Consequently, I would expect to see Biodiversity Offsetting proposed as part of the EAR to ensure that the aspiration of NPPF are met in respect of seeking not net loss and enhancement of biodiversity as a result of development. DBC may consider the EAR should be secured as a Condition of approval.

Hertfordshire Fire and Rescue

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on

new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

#### Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: [www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed

for this proposal.

### Hertfordshire Crime Prevention

I have read the documents , visited the site and undertaken a crime analysis of the area .

I am content that security and crime prevention have been addressed and pleased that compliance with the physical security of Secured by Design is detailed in the Design and Access statement (4.13). I can support this application.

With reference to my email yesterday , please would you consider the Car Parking – I had a meeting with the Neighbourhood Team Sgt Karen Mellor and some of her team, they advised that anti-social behaviour was a major concern at Jarmans Park.

### Car Park

CCTV – at the moment there is no CCTV we would ask that this is installed at this site. There seems to be a problem with youths driving around , I know this is difficult as Tesco is open 24 hours ,however this does need to be addressed , breaking up the car park using bollards or different road surfaces .

### Further Consideration - Management Security

There are concerns about the Private Security , please would you check with the client that sufficient security measures are in place , whilst the Police will attend situations , it is a huge drain on resources if they are continually being called.

### Dacorum Refuse

It is difficult to know what the waste requirements will be but storage space for 4 x 1100ltr containers should be made for each unit as a starting point. No steps between the storage area and the collection vehicle.

### Hertfordshire Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

## **Appendix B - Neighbour notification and site / press notice responses**

### 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 to.

## 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 Maddox 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 Maddox 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 in 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 comments (in relation to 24 May 2018 DMC report)

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.

#### 81 White Hart Drive

Something that we are concerned about massively is the possibility of the car park opposite our house becoming another parking spot for boy racers to do doughnuts in their cars late at night past opening hours.

Not sure if you are aware or not but this is a big issue in the Tesco car park and naturally, with the 24 hour McDonalds being there it naturally attracts youngsters.

We have a 2 year old child and he's been woken up in the past due to the noise and we have been forced to contact the police at one stage.

So my question is what measures will be in place to ensure that the car park cannot be accessed past a certain time and used as a mini race track or congregation area late at night?

#### 6 Bennetts End Road

##### Regarding Safety Concerns

When planning the proposed Jarman site will provision please be made for pedestrians. Consideration should be given to the elderly and wheelchair users, with adequate controlled pedestrian crossings not only to the new development but also to the Tesco site, preferably with a speed limit and speed calming humps.

Site access should not restrict use of the pedestrian footpath which currently runs from the dual carriageway and roundabout (at which there is no crossing) round to the restaurant complex and Tesco.