

<b>4/01278/18/FUL</b>	<b>CHANGE OF USE OF UNIT 1 (CLASS D1 SURGERY/HEALTH CENTRE USE) TO CLASS A1 CONVENIENCE FOODSTORE, TOGETHER WITH CHANGE OF USE OF UNIT 2 (CLASS A1/A2/A3/A4 AND B1) TO THREE RESIDENTIAL UNITS (ONE 1-BED AND TWO 2-BED FLATS), TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS, LANDSCAPING, AMENDMENT TO RICHMOND SQUARE AND PROVISION OF PARKING.</b>
<b>Site Address</b>	<b>UNITS 1 AND 2, RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL</b>
<b>Applicant</b>	<b>c/o agent</b>
<b>Case Officer</b>	<b>James Gardner</b>
<b>Referral to Committee</b>	<b>Contrary to the views of Markyate Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 Regard has been had to the relevant policies pertaining to new retail development outside of designated local centres. It is considered that the proposal would not conflict with the retail / shopping aims of Policy CS16 of the Dacorum Core Strategy. The principle of A1 retail in this location was established by planning permission 4/01173/11/MFA. Furthermore, the designated local centre comprises a number of active retailers and there do not appear to be any vacant units. Thus, edge of centre locations need to be considered.

2.2 Given that attempt to market Unit 2 has been made to no avail, consideration now needs to be given to alternative uses. The proposal to provide 3 new units of accommodation is therefore considered to be acceptable and would not be contrary to saved Policy 45 of the Dacorum Local Plan.

2.3 Adequate parking has been provided for both the new residential units and the proposed convenience store.

## **3. Site Description**

3.1 The application site is located to the north of Hicks Road, Markyate, and comprises two vacant units on either side of a newly created public square.

3.2 Unit 1 is located on the western side of the site and has an extant permission to be used as a D1 surgery. Unit 2, located on the eastern side of the site, has permission to be used for a flexible use (A1, A2, A3, A4 and B1) and as a gym and sports injury clinic (see 4/00169/17/FUL).

3.3 The site forms part of the redevelopment of Hicks Road within application ref: 4/01173/11/MFA.

## **4. Proposal**

4.1 Planning permission is sought for the change of use of Unit 1 (Class D1 Surgery/Health Centre use) to a Class A1 convenience foodstore, and a change of use of Unit 2 (Class A1, A2, A3, A4 and B1) to three residential units (one 1-bed and two 2-bed flats), together with associated external alterations, landscaping, amendment to Richmond Square and provision of parking.

## 5. Relevant Planning History

### 4/01173/11/MFA

Comprehensive redevelopment to provide a range of 75 residential dwellings; new class B1, B2 and B8 accommodation (including the retention of two light industrial buildings within Sharose Court); a new surgery/health centre (Class D1); 3 commercial units (for class A1/A2/A3/A4 and B1 use), creation of a public square, associated landscaping; formation of new access roads and provision of 197 car parking space (amended scheme)  
**Approved 04/07/2012.**

### 4/00528/13/NMA

Non-Material Amendment to planning permission 4/01173/11/MFA, namely minor alterations to elevations, internal layout, turning circles and access  
**Approved 13/08/2013.**

### 4/00169/17/FUL

Proposed change of use from flexible use (A1/A2/A3/A4 and B1) to a gym and sports injury clinic/hub (D2)  
**Approved 31/03/2017.**

## 6. Policies

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy

NP1, CS1, CS2, CS4, CS8, CS11, CS12, CS16, CS17, CS23

### 6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 19, 21, 44, 45, 57,

### 6.4 Supplementary Planning Guidance / Documents

- Hicks Road Masterplan (2012)
- Accessibility Zones for the Application of car Parking Standards (July 2002)

## 7. Constraints

- A5 (200M BUFFER)
- FLOOD ZONE 3
- FLOOD ZONE 2
- Former Land Use
- LARGE VILLAGE

## 8. Representations

8.1 These are reproduced in full at Appendix 1

## Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

### **9. Considerations**

#### Main Issues

9.1 The main issues to consider are:

- Policy and Principle
- Parking and Impact on Highway Safety
- Impact on Appearance of Building and Street Scene
- Other Material Consideration

#### **Policy and Principle**

9.2.1 There are two elements to this application, firstly, the change of use of Unit 1 from doctors surgery (Class D1) to retail (Class A1), and change of use of Unit 2 from Class A1/A2/A3/A4/B1 use to residential (Class C3). These shall be discussed in turn.

#### Change of Use of D1 Unit to A1 (Retail):

##### *Policy context*

The following policies are relevant in the consideration of the change of use to retail.

9.2.2 Policy CS16 of the Dacorum Core Strategy (2013) states that any new retail floorspace will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates that the proposal would not impact upon the vitality and viability of centre.

9.2.3 The Dacorum Core Strategy promotes new retail development in central locations first in order to support the vitality and viability of centres. The sequential approach stipulates that retail development is delivered on sites in the following order of preference:

1. Locations in shopping areas in appropriate existing centre;
2. Other locations within these centres;
3. Edge of centre locations; with preference given to sites that are or will be well-connected to the centre; and
4. Out of centre sites, with preference given to sites which are or will be served by a choice of means of transport and which are closest to the centre and have a higher likelihood of forming links with the centre.

9.2.4 Paragraph 87 of the NPPF (2018) states that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

9.2.5 Paragraph 89 of the NPPF (2018) states that, where applications for retail development are located outside town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. Where there is no locally set threshold, the default threshold is 2,500m<sup>2</sup>.

9.2.6 Saved Policy 44 of the Dacorum Local Plan (2004) states that shopping proposals outside defined centres will be required to demonstrate that a sequential approach to site selection has been followed.

9.2.7 The Hicks Road Masterplan identified a number of significant benefits for the entire village that would be directly attributable to the site. These included, but were not limited to:

- *the creation of a vibrant and integrated mixed-use quarter (centred around the public square) – integrating the new residential, retail, commercial and community floorspace to create vibrancy/activity within the heart of the development.*
- *the provision of small-scale retail uses (Classes A1/A2/A3 and A4) to add life and vibrancy to the new public spaces and to complement the role and function of the existing High Street.*

9.2.8 It should also be noted that the principle of a retail use in this area was established by 4/01173/11/MFA. Weight is attached to this.

#### Sequential Approach

9.2.9 It is important to note that there is no evidence, including the site visit and observations made on the ground or through consultation on the application, that there are unoccupied units within the designated local centre of Markyate.

9.2.10 It follows that edge of centre locations must be considered for retail development.

#### Edge of Centre Site

9.2.11 The application site comprises an ‘edge of centre’ location in retail terms. For the avoidance of doubt, the NPPF (2018) provides the following definition:

**Edge of centre:** For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

#### Assessment

9.2.12 The development is considered to be in accordance with Policy CS16 as it would comply with the sequential approach (there is no evidence of unoccupied units within the designated local centre). Policy CS16 does not provide a threshold at which an impact assessment should be carried out; therefore, paragraph 89 of the NPPF (2018) is engaged – i.e. an impact assessment is only required for retail development of over 2,500m<sup>2</sup>.

9.2.13 Notwithstanding the above, given that the application site is contiguous with the village centre, it is arguable whether the sequential test is relevant. The comments from the previous case officer’s committee report are instructive:

*There have been concerns raised by some residents and shop owners of the fear that it will take trade away from the existing shops, and food outlets within the High Street. However, it is considered that these uses should complement each other rather than take trade away as they are close by within easy access. (my emphasis).*

9.2.14 Furthermore, Hicks Road previously formed part of Strategic Site 2 (SS2), wherein “Ground floor retail uses will be acceptable where they meet local need and complement the existing retail offer within the village centre. Such uses to create a link to/extension of High Street into Hicks Road.”

9.2.15 The principle of retail floorspace located outside of the Markyate village centre was established by the approved application, which was itself guided by the Hicks Road

Masterplan. The masterplan made the following comments in respect of the retail function of Markyate:

*The High Street provides the focus for the remaining retail and commercial uses within the village. However, despite the cohesive nature of the street pattern, there are only a small number of shops and pubs left within the village centre. Instead, the High Street is now dominated by residential accommodation interspersed with small-scale retail facilities. There is currently no strong focal point for commercial/retail activity within the town and little space to promote community uses, evening economy and outdoor cafes. The provision of small-scale retail uses (Classes A1/A2/A3 and A4) to add life and vibrancy to the new public spaces and to complement the role and function of the existing High Street.*

9.2.16 Richmond Square was, and continues to be, seen as an extension of the local centre. In point of fact, it is contiguous with it and therefore, although technically an 'edge of centre' site, its proximity with the High Street is such that it is considered to be a de-facto part of the village centre. The approved application established the principle of Richmond Square as forming a continuation of the village centre.

9.2.17 The Strategic Planning Team have not raised any objections to the proposal. It is understood that changes to the currently defined boundaries of the village centre are being considered as part of the new local plan, which could potentially see Richmond Square included within it.

9.2.18 Given that reference is made to "small-scale retail uses" in the masterplan, it is also worth giving further consideration to what, in practical terms, this actually means as the proposed convenience store would be larger than what has already been approved.

9.2.19 Saved Policy 45 (Scattered Local of Shops) of the Dacorum Local Plan (2004) states that "*Small means up to 235 sq. m in area.*" It is important to note that the proposed net sales area equates to 170 square metres, with the remaining 177 square metres required for back-of-house facilities and plant equipment, which is split over two levels. As such, the whole of the unit (347sqm) is not proposed to be given over to the sale of goods. It is uncommon for convenience stores to operate over two levels; however, for the avoidance of doubt and to allay any potential concerns over the impact of the additional space at first floor level, it has been indicated that the applicant would be amenable to a planning condition limiting the sales area to 170 square metres. The proposal is therefore considered to be a small-scale retail use.

9.2.20 Whilst it has been noted that Condition 29 of planning permission 4/01173/11MFA limited the floorspace of any retail unit occupying Unit 1 to 105 square metres "*In order to maintain the viability of existing retail units within the village in accordance with Policy 43 of the DBLP.*", this appears to be an arbitrary figure as no justification was provided within the officer's report; nor does SS2 identify a threshold for unit sizes.

9.2.21 The Hicks Road Masterplan refers to small-scale retail uses complementing the role and function of the existing High Street, but does not say that competition is inappropriate. Limiting competition is not the role of planning, as acknowledged by the previous case officer. The key issue is the impact on the Markyate local centre as whole, not the NISA store in isolation. Competition between respective shops can benefit customers (by keeping prices competitive and offering a wider choice of goods), and is an integral part of a free market economy. Whether in the local centre or not, two businesses selling similar products will be in competition with one another.

9.2.22 Unit 1 has been vacant since construction. The original intention was that it would be occupied by the existing Markyate doctor's surgery in order to provide enhanced facilities for Markyate's growing population. Unfortunately, the unit was not deemed to be appropriate for

the needs of the surgery and, as a result, has remained vacant. It is understood that the surgery is now pursuing other options: planning permission is being sought for a single storey side extension, two storey side extension and associated works (see 4/01954/18/FUL). Consequently, a productive use now needs to be found for this unit.

9.2.23 A common concern raised by members of the public to the principle of new development is that infrastructure does not keep pace with growth. The Dacorum Core Strategy states that:

*Wherever new housing planned, there will be a need to expand existing social infrastructure and/or provide new services and facilities. New development will be expected to contribute towards these needs. For larger-scale development this could include the provision of a new local centre.*

9.2.24 The combination of a Doctor's surgery and enhanced retail offerings at Richmond Square was intended to serve the growing needs of Markyate. In recent years there have been a number of new developments in and around the area, as well as increases in density through infilling. The provision of a new A1 shop would be commensurate with the growth in population and density within the local area. The site's proximity to the A5183 (formerly the A5) may also attract passing trade from residents of outlying areas – i.e. Flamstead, Pepperstock, Kensworth – on their way to and from work. It is considered that this could have positive spin-off benefits for the other shops and retail offerings within Markyate. The food store is considered to further the aims and objectives of Policy CS23 of the Dacorum Core Strategy, which states that "Social infrastructure providing services and facilities to the community will be encouraged."

#### Summary of assessment

- The proposal would not conflict with the retail / shopping aims of Policy CS16.
- The principle of a retail unit outside of the Markyate Village Centre was established by the approved planning application (4/01173/11/MFA).
- Small-scale retail is encouraged in the Hicks Road Masterplan, noting previous approval of a Class A1 use (within Unit 2).
- The designated local centre comprises a number of active retailers and there do not appear to be any vacant units.
- The site is visually and physically connected to the centre – well connected, as required by paragraph 87 of the NPPF (2018).
- The centre suffers from a lack of retail focus.
- The application offers the opportunity to provide a convenience store which would be commensurate with the size of Markyate and take into account the recent growth in population.

#### Change of Use of A1/A2/A3/A4/ B1 Unit to Residential (C3):

9.3.1 The loss of shops outside of designated local centres is restricted by saved Policy 45 of the Dacorum Local Plan (2004) unless:

- (a) there is another shop in similar use available for customers within a convenient walking distance, or, in the absence of such an alternative, all reasonable attempts to sell or let the premises for shop purposes have failed; and
- (b) the alternative use complements the function and character of the area.

9.3.2 A marketing note, dated 27<sup>th</sup> March 2018, prepared by Brasier Freeth Chartered Surveyors outlines the steps taken to market Unit 2.

9.3.3 In summary, formal marketing commenced in September 2015 and there was some interest shown, culminating in an offer being made, and accepted, by a fitness studio on the understanding that a change of use to D2 could be obtained.

9.3.4 Planning permission was granted for a change of use to a “gym and sports injury clinic /hub” on 31<sup>st</sup> March 2017 under planning permission 4/00169/17/FUL. However, the marketing note goes on to state that the permission was never implemented “*as the transaction ground to halt in September 2017 due to funding issues.*” Marketing continued to take place until an agreement had been reached with the Co-op, which prompted the submission of the application currently being considered.

9.3.5 The unit has been unoccupied since it was constructed and therefore its conversion to a residential purpose would not result in the loss or displacement of an existing retail function.

9.3.6 Subsequent to the completion of the Hicks Road development, the General Employment Area designation has been removed. As such, there is no specific requirement for the retention of employment floorspace in this area. Therefore, given that a) there has been no interest from B1 operators b) the unit is not currently being used for a B1 use (and thus there would be no displacement of an existing operator), and c) the loss of the B1 use was deemed acceptable when planning permission 4/00169/17/FUL was granted, the loss of the B1 use does not give rise to concerns.

9.3.7 Overall, it is considered that the residential use of Unit 2 would complement the proposed retail shop and would not be out of keeping with the general character of the immediate area, which is predominantly residential.

#### Parking and Impact on Highway Safety

Unit 1 – Convenience Store:

9.3.8 The specific parking arrangements have evolved during the course of this application.

9.3.9 Originally, no parking was to be provided as the site is adjacent to a public car park. However, based upon a parking survey carried out on 27<sup>th</sup> September 2018, it would appear that there is very little capacity within the car park in question.

9.3.10 To compound matters, the Hicks Road surgery is currently seeking planning permission to increase the number of treatment rooms from 2 to 7. While it is acknowledged that, by its very nature, a public car park is, subject to compliance with any relevant by-laws, available for the use of all persons, it must be accepted that there are a finite number of parking spaces and there will inevitably come a point where competing uses result in the car park being full at all times. The result would inevitably be overspill parking encroaching onto the highway.

9.3.11 Saved Appendix 5 of the Dacorum Local Plan requires 1 off-road parking space per 30m<sup>2</sup> of gross floor area for A1 shops. Consequently, the proposed shop would give rise to a maximum parking standard of 11.56 spaces – essentially 12 spaces as it is not feasible, nor desirable, to provide 0.56 of a parking space.

9.3.12 Markyate is located within Zone 4 wherein between 75% and 100% of parking requirements should be provided on site – i.e. between 9 and 12 spaces. Based on parking surveys provided, it would appear that the car park does not have this capacity.

9.3.13 It must however be acknowledged that a retail permission exists at Richmond Square for 191m<sup>2</sup>, of which 105m<sup>2</sup> could be used for retail sales. A Convenience Store retailer could therefore occupy one the existing units and trade with no alterations to parking or improvements to the benefit of the area. This application seeks to provide a number of parking spaces commensurate with the uplift in gross floor area; namely 191m<sup>2</sup> to 347m<sup>2</sup>. A difference of 156m<sup>2</sup> would give rise to a parking requirement of between 3.9 (75%) and 5.2 spaces (100%).

9.3.14 It is anticipated that the vast majority of customers will be from the local area and walk to the store. In acknowledging that there will be times when even local customers will opt to use their cars - such when the weather is inclement or if they have more than two or three shopping bags – and that the site’s proximity to the A5183 will inevitably attract some car-borne passing trade, it is considered necessary to include additional parking. This application proposes to provide 5 car parking spaces and would thus comply with this the maximum parking standards.

9.3.15 Numerous comments have been made to the effect that the convenience store would have an adverse impact on Hicks Road and Markyate High Street. Having visited the site, the case officer can attest that there are examples of parking along both sides Hicks Road. Other than a short section nearest the High Street, there are no parking restrictions.

9.3.16 Consequently, as outlined above, 4 short stay (30 minute) car parking spaces and 1 further space for a member of staff (located adjacent to Fleming Drive) are to be provided. This is considered to strike a balance between the need to provide some additional parking whilst retaining a significant proportion of the public square and ensuring a reasonably pragmatic delivery arrangement (additional spaces could be provided, but would result in a shared-use loading bay).

9.3.17 The amended plans were submitted in conjunction with an updated Delivery and Servicing Management Plan which outlines how deliveries are to be received and waste collected, keeping noise nuisance and local traffic disruption to a minimum.

9.3.18 The anticipated delivery programme has been reproduced below for ease of reference:

<b>Delivery Type</b>	<b>Source</b>	<b>Max. Vehicle Size</b>	<b>Frequency</b>	<b>Delivery Window</b>
Ambient, Fresh, Frozen, Milk	Co-op Depot	10.35m rigid vehicle	1 per day (each day)	8am – 10pm
Bread	Supplier	10m rigid vehicle	1 – 2 per day (each day)	8am – 10pm
<b>TOTAL RIGIDS</b>			<b>2 – 4 DELIVERIES</b>	
Newspapers & Magazines	Supplier	Large Transit Sized Van	1 per day	6am – 9am
Sandwiches	Supplier	Large Transit Sized Van	1 per day	6am – 9am
<b>TOTAL VANS</b>			<b>2 DELIVERIES</b>	



9.3.19 Clarification has been provided in terms of how the 30-minute time limit would be enforced. The full response from the agent has been reproduced below for ease of reference:

*The Co-operative Group Food employ Horizon Parking to manage car parking where restrictions and enforcement are required (i.e. limited stay). The car park will be managed with the primary objective of providing short-term free car parking for customers of the Co-op Store.*

*The car park will operate a formal time restricted parking operation (limited to 30mins) in which an attendant will monitor the car park for overstays and non-customer parking. One of the Horizon Parking employees will cover a number of stores within an area and visit the stores based on the level of misuse, peak periods and store feedback to ensure the spaces are protected for customer and short stay use.*

*The Horizon Parking employee will visit the store 2 – 3 days per week. If issues become apparent with customers or otherwise contravening the parking restriction then the frequency that the Horizon attendant visits the site will increase until the parking is enforced and suitable controlled. To further ensure the car park remains protected the Co-op staff would also be provided with the training, support and equipment in order to manage the car park in Horizon's absence, on a mobile and varied basis during operating hours.*

*The duration of stay is recorded using a handheld device to capture vehicle registrations with those overstaying being issued with Parking Charge Notices. The visits will be varied and cover differing days and times throughout the week.*

9.3.20 These measures appear to be a reasonable way of ensuring that the parking bays are only used for their intended purpose.

9.3.21 Swept path analysis has been provided to demonstrate that a rigid delivery vehicle could manoeuvre into, and depart from, the already existing dedicated loading bay without significant disruption. A worst-case scenario has been assessed and is shown on 3725-06A. This demonstrates that the delivery vehicle could reverse into the loading bay while maintaining 2.2m carriageway (A car is typically 1.8m width). The car shown on 3725-06a is a large Jaguar S-Type.

9.3.22 Demarcation between the loading bay and parking spaces will not be required. It is reasonable to assume that the loading bay will be effectively controlled by the store manager. If local residents continue to use the loading bay for parking, this would be subject to parking enforcement action by Horizon Parking or, alternatively, could be addressed by the provision of collapsible

9.3.23 It has been demonstrated that a rigid vehicle could turn right onto Hicks Road from London Road / High Street safely, although it is conceded that there is the potential for some encroachment onto the kerb of the footway connecting Hicks Road to the High Street when the lorry performs the required turn. However, the following points need to be given due consideration:

- The lorry will not be travelling at speed.
- Should pedestrians happen to be using the footway at the time, it is reasonable to assume that the lorry driver would wait for them to pass before completing the turn. In reality, this is unlikely to result in significant disruption to the free flow of traffic.
- The masterplan envisaged retail uses and provided a loading bay for this very purpose.

9.3.24 It is also noted that, in order to complete the turn, the lorry would encroach onto the oncoming lane. As above, the lorry would not be travelling at speed. Furthermore, it is reasonable to assume that due care would be taken by the driver.

9.3.25 The Highway Authority have not raised any objections to the proposal.

#### Unit 2 – new residential units:

9.3.26 A total of 3 new residential units would be created as a result of the conversion of Unit 2:

1 x 1-bed flat and 2 x 2-bed flats.

9.3.27 This would give rise to a maximum parking standard of 4.25 spaces (1.25 spaces x 1 & 1.5 spaces x 2).

9.3.28 As shown on drawing no. 1675/001, 4 car parking spaces are to be allocated to the new residential units, which meets the Council's maximum standard.

9.3.29 Previously, an objection was received from Markyate Precision Engineering to the effect that the right to use the parking spaces referred to in the planning statement, and which were proposed to be used by the new residential units, was reserved for the benefit of the retained land in their ownership. It is understood that this matter has now been resolved between the respective parties, with confirmation being received on 8<sup>th</sup> August that Markyate Precision Engineering were formally withdrawing their objection of 21<sup>st</sup> June 2018. Should planning permission be granted, a condition will be imposed requiring the provision of the 4 parking spaces prior to the occupation of the new residential units

#### Impact on Appearance of Building and Street Scene

9.4.1 Whilst the proposed parking area would result in the marginal reduction in size of Richmond Square, there would remain a significant element of amenity space for public use.

9.4.2 The function of this square is not as originally conceived, particularly given the lack of interest in the retail units and the perceived parking stress in the area. Two replacement trees and a number of planters are proposed in mitigation. These measures are considered acceptable.

9.4.3 The elevations originally submitted indicated that the fenestration for Flat 3 would have remained unchanged, raising concerns over the living conditions of any future occupants. Amended plans were subsequently submitted to the Local Planning Authority which show fenestration of a domestic nature.

9.4.4 The development is therefore considered to accord with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

#### Effect on Amenity of Neighbouring Properties

9.5.1 There would be no adverse effects.

9.5.2 Consideration has been given to the potential impacts of the proposed development on the occupiers of surrounding properties.

9.5.3 It should be noted that the proposal would not result in any new built development; rather, it would consist of altering the existing fabric of the building – such as windows and doors – in order to residential accommodation.

9.5.4 Consequently, there would be no loss of daylight or sunlight, loss of privacy or any undue disturbance to surrounding properties.

## Other Material Considerations

### Flood Risk Assessment

The Environment Agency have commented on the Flood Risk Assessment submitted on 10<sup>th</sup> July and have removed their objections to the proposal.

The Lead Local Flood Authority have confirmed that they have no objections.

### Response to Neighbour comments

8 These points have been addressed above other than:

“The village has an adequate local store and does not need a supermarket.”

The shop unit could more accurately be described as a convenience store. Whilst the village may well have an existing local store, this does not preclude a further store being provided. It is the role of the planning department to assess application on their individual merits.

The Hicks Road Masterplan clearly states that the introduction of retail uses in this part of the village would be positive for the vitality of Markyate.

Opinion seems to be split as to whether the store is needed. Comments received from no. 15 Cowper Court (below) offer a different view:

*“After living in Markyate for a number of years as a family we strongly support the planning on Hicks Road. The village is lacking a adequate convenience store, which provides fresh and affordable produce. We currently never use the small shop in the village as its over priced and lacks fresh food. For many years we have felt that more and more house have been built, with a lacks of local amenities. As a house hold of workers it is a pain that we always have to stop off on the way home to some of the other local villages to get something half decent to eat because Markyate does not offer this.”*

### Non-delivery of a new Doctor's Surgery, which we understand was part of the original Hicks Road regeneration scheme.

One of the objectives of the re-development of the site was to provide a new and improved medical facility for local residents. Unfortunately, Unit 1 was subsequently deemed unsuitable. The surgery is, however, currently in the process of obtaining planning permission for extensions to their existing premises. Consequently, the use of this unit as a retail store would not prejudice the provision of improved medical facilities within Markyate.

### Added pollution from increased traffic

It is assumed that a large majority of customers would be from the local area and therefore would not arrive by car. There will be some car-borne passing trade. However, given the size of the store, this is unlikely to result in significant traffic flows into Hicks Road.

### Harvest time will be impossible as the big lorries needing to get to the local farms will not be able to get through

The dedicated loading bay would ensure that delivery vehicles do not block Hicks Road.

### Disruptive & noisy for residents in the vicinity with very early morning deliveries including weekends

Deliveries in the early morning (prior to 8am) would be limited to newspapers, magazines and sandwiches. These types of deliveries are unlikely to cause a significant disturbance to surrounding properties.

Community Infrastructure Levy (CIL)

9.9 This application is CIL liable. As per the CIL Charging Schedule, new residential development is charged at a rate of £100.00 per square metre and £150.00 per square for convenience based supermarkets.

**10. Conclusions**

10.1 The proposal would bring vacant units into a productive use and, in the case of Unit 1, provide an active frontage, ensuring that Richmond Square fulfils the purpose for which it was originally intended.

10.2 The provision of three new flats would make a small but valuable contribution to the borough’s housing stock. Adequate parking has been provided for these units.

10.3 The proposed convenience store would offer a greater choice of food products for the local residents of Markyate. It would also serve as a link to the High Street, where other goods and services are available.

10.4 There are no sequentially preferable sites within the Markyate Local Centre that could accommodate a convenience store. Hicks Road represents an edge of centre location with good transport links to the surrounding area; therefore, development in this location is not considered to be inappropriate. A retail impact assessment on the Markyate Local Centre is not required as the floorspace proposed falls below the minimum threshold specified in the NPPF (2,500 square metres).

10.5 Matters pertaining to parking and Highways have been carefully considered and, on balance, are considered to be satisfactory.

**11. RECOMMENDATION** – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

Conditions

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>102/1675/105      rev. C            PL/1675/002      rev. H</p> <p>Drawing no. 09            Drawing no. 11</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing</p>

	<p>building.</p> <p>Reason: To ensure a satisfactory appearance to the development, in accordance with Policy CS12 of the Dacorum Core Strategy/</p>
4	<p>The residential units hereby approved shall not be occupied until a scheme providing for the insulation of the building against the transmission of noise and vibration between both the residential and any non-residential part of the building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to first occupation of the new residential units and retained thereafter.</p> <p>Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and paragraph 127 (f) of the NPPF (2018)</p>
5	<p>Development shall not commence until a scheme detailing provision for on-site 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.</p> <p>Reason: To ensure adequate off-street parking during construction in the interests of highway safety.</p>
6	<p>The landscaping works shown on 1202/1675/105 rev. C shall be carried out prior to first occupation of Unit 1 and retained thereafter.</p> <p>Reason: In the interests of the visual amenities of the area, in accordance with Policies CS11 and CS12 of the Core Strategy (2013).</p>
7	<p>The customer and staff parking shown on 1202/1675/105 rev. C shall be provided prior to first occupation of Unit 1 and retained thereafter.</p> <p>Reason: To ensure that sufficient parking is provided to serve the development, in accordance with saved Policies 57 and 58 of the Dacorum Local Plan (2004); saved Appendix 5 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).</p>
8	<p>The 4 parking spaces shown on drawing no. 1675/001 rev E shall be kept permanently available for parking and retained for the sole use of the 3 residential units hereby approved.</p> <p>Reason: To ensure that sufficient parking is provided to serve the development, in accordance with saved Policies 57 and 58 of the Dacorum Local Plan (2004); saved Appendix 5 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES</p> <p>DBC Environmental Health</p>

#### Un-expected Contaminated Land Informative

Our contaminated land record shows that the land is located on a landmark historic contaminated land use of an un-specified factory or works site of medium risk. There is a possibility that this may have affected the application site with potentially contaminated material. Therefore, I recommend that the developer be advised to keep a watching brief during ground works where applicable on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

#### 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.

#### Hertfordshire Highways

##### Obstruction of public highway land

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 <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

##### 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

##### Environment Agency

#### Finished Floor Levels

We recommend that finished floor levels for the proposed development are set as high as is practically possible, ideally 300millimetres above the 1 in 100 chance in any year including an allowance for climate change flood level. This is to protect the proposed development from flooding.

#### Flood Risk Activity Permit

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. A permit is separate to and in addition to any planning permission granted. Further details and

guidance are available on the GOV.UK website: <a href="https://www.gov.uk/guidance">https://www.gov.uk/guidance</a>
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## Appendix 1

### Consultation responses

ENVIRONMENT AGENCY	No objection
<p>13/11/18</p> <p>Thank you for consulting us on the above application following the receipt of a Flood Risk Assessment (FRA). We are now in a position to remove our objection in our letter dated 12 June 2018 reference: NE/2018/128689/01-L01.</p> <p><b>Advice for Local Planning Authority</b>          You are the competent authority on matters of evacuation or rescue, and therefore should assess the adequacy of the evacuation arrangements, including the safety of the route of access/egress from the site in a flood event or information in relation to signage, underwater hazards or any other particular requirements. You should consult your emergency planners as you make this assessment.</p> <p><b>Advice for Applicant</b></p> <p><b>Finished Floor Levels</b>          We recommend that finished floor levels for the proposed development are set as high as is practically possible, ideally 300millimetres above the 1 in 100 chance in any year including an allowance for climate change flood level. This is to protect the proposed development from flooding.</p> <p><b>Flood Risk Activity Permit</b>          This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a>.</p> <p>Should you have any queries regarding this response, please contact me.</p> <p><u>14/11/18</u></p> <p>Thank you for re-consulting us on the above application upon receipt of the additional information. We have reviewed the additional information and have no additional comments to make following our previous response letter dated 23 July 2018 (ref: NE/2018/128689/02- L01).</p> <p>Should you have any queries regarding this response, please contact me.</p>	
HCC - Dacorum Network Area	No Objection

## 13/11/18 – latest amended comments

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

### CONDITIONS

1. Construction Parking: Development shall not commence until a scheme detailing provision for on-site 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.

### INFORMATIVES

1. Obstruction of public highway land: 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 <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

2. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

### COMMENTS

This application is for change of use of unit 1 (class D1 surgery/ health centre use) to class A1 convenience foodstore, together with change of use of unit 2 (class A1/A2/A3/A4 and B1) to three residential units (one 1-bed and two 2-bed flats), together with associated external alterations and provision of parking. Amendments have been proposed to the parking arrangements.

This amendment submits document no ADL/AJM/3725/14A:- DELIVERY AND SERVICING MANAGEMENT PLAN.

### LOCAL ROAD NETWORK

Hicks Road is an unclassified local access road. It is subject to a 30mph speed limit in the vicinity of the site. There are single yellow lines at the southwestern end of the road for a distance of about 50m back from its junction with High Street.

I have checked HCC's records of collisions that resulted in injury over the last 5 years. Only one is recorded in Hicks Road. That took place in 2017 at the junction with the A5183 and resulted in slight injury.

### PARKING AND ACCESS

The response to question 6 in the application form indicates that no new or altered pedestrian or vehicle accesses are proposed and no works would be required in the highway.



There are no parking restrictions outside the site. The nearest are single yellow lines at the southwestern end of the road for a distance of about 50m back from its junction with High Street.

Four parking spaces are proposed to be allocated to the three proposed flats. There is a public car park adjacent to the site, which users of the proposed convenience store would be able to use. Three cycle parking spaces are proposed, to be shared between the flats and the foodstore.

A previous version of the proposed development was for eight public car parking spaces to be provided at Richmond Square and one staff space (as per drawing 3725-05). Five spaces would require control to accommodate the delivery vehicle loading. This method of control would be achieved by prior notification (delivery driver calling ahead) which occurs at numerous Co-op stores nationwide.

This arrangement would provide more parking than required considering the proposals are for uplift in retail floor area of 109sqm. In response to neighbour concerns the scheme has been amended to provide four public spaces and one staff space with a permanent dedicated Loading Bay of 11.5m length. This would result in less public parking being available for the area but would meet DBC standards whereby the 109sqm uplift requires 4 (3.6) spaces based on one space per 30sqm. In light of local concerns about parking the developer has offered a contribution for the Council to use to review and implement further parking restrictions in this area, should it be required. These should be secured by S106 agreement and paid to DBC. This arrangement would be acceptable to the highway authority.

#### WASTE COLLECTION

It is proposed that existing residential refuse and recycling area will be used by the residents of the proposed residential dwellings. For the convenience foodstore, a dedicated storage area is provided to the rear of the property.

#### TRIP GENERATION

It is anticipated that there will be 5-6 deliveries per day to the foodstore. These would arrive between 6am and 10pm and will use the existing loading bay to the front of the site which is accessed off Hicks Road.

This amendment submits a document outlining the delivery schedule and includes a diagram indicating that a delivery lorry is able to access the loading bay. It is intended to ensure the number of individual deliveries to the premises is minimised, by consolidating depot deliveries types (where practicable) into one delivery vehicle.

The delivery vehicle would turn from A5183 to London Road south of the site, turning right from High Street to Hicks Road, and positioning within the parking bays. The vehicle would then continue north, exiting the lay-by to the A5183.

#### CONCLUSION

HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the imposition of the condition and informative notes above.

LEAD LOCAL FLOOD AUTHORITY	No Objection
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24/10/18

Thank you for re consulting us on the above application for the change of use of unit 1 (Class D1 Surgery/Health Centre) to Class A (Convenience Food store) together with change of use of unit 2 (Class A1/A2/A3/A4 and B1) to three residential units, together with associate external alterations and provision of parking.

We acknowledge that this is a minor planning application and that part of the site is within Flood Zones 2 and 3. Nevertheless we are happy to provide our advice in relation to the additional information submitted by the applicant in support to this application.

According to the letter Ref. HC/JT/P17-3018 from Henry Courtier on behalf of Pegasus Group to Dacorum Planning Authority, the applicant has submitted a flood risk assessment in light with the comments from the Environment Agency and the Lead Local Flood Authority.

Having reviewed the Flood Risk Assessment, Ref. No. ST2767/FRA-1807, Revision 1, dated 09/07/2018, prepared by Stomor, we note that:

- The applicant proposes to locate the 3 residential units and respective access within Flood Zone 1.
- The commercial areas are proposed to be located within flood zone 2 and 3.
- The change of use will not increase the impermeable area.
- It is assumed that the surface water run off discharges towards the Main River Ver and the run off from the site will remain as it currently is.

The LLFA would have no objection in principal to the proposal however we would recommend the LPA to seek from the applicant confirmation of the existing drainage connection and discharge into the Main River Ver.

19/11/18

Thank you for re consulting us on the above application for the change of use of unit 1 (Class D1 Surgery/Health Centre) to Class A (Convenience Food store) together with change of use of unit 2 (Class A1/A2/A3/A4 and B1) to three residential units, together with associate external alterations and provision of parking.

We note that no additional information has been submitted in relation to surface water drainage or flood risk therefore we maintain our position as stated in our letter dated 24 October 2018.

STRATEGIC PLANNING

No objection

No objections in principle to the change of use proposed (and associated mix of uses) given its Local Centre location (Policy CS4).

We acknowledge that there have been issues regarding the suitability of the new D1 unit to support the relocation of the existing doctors' surgery and we need to be pragmatic about finding reasonable alternatives to this. In light of this, we would support the provision of a new convenience store given its benefits to the vitality and viability of the centre as a whole.

It is disappointing to see the loss of the potential of unit 2 (to provide for a mix of commercial uses) to residential. However, again, we need to be pragmatic to ensure occupancy of the unit and to take into account what appears to be a lack of interest from the market to take on the property for its intended purpose. We would expect the applicant to demonstrate that the property has been effectively marketed over time and any subsequent lack of interest.

14/11/18

We do not wish to comment on the amended plans/additional information.

CONSERVATION AND DESIGN

No objection

The proposal involves the change of use of the units in the new build Richmond Square. We would not object to the changing of these units to another use provided that it did not impact on the viability of the shops within the High Street of Markyate. It is most important to preserve the vitality and character of the central shopping street and we would not want town centre businesses to close many of which are in historic buildings to be replaced with modern buildings outside (although close) to the village centre.

In relation to the conversion of the building into a dwelling the flat (blue hatched) to the street frontage would appear to be entirely unusable without the need for permanent blinds installed to both bedrooms. We therefore completely disagree with the planning statement 6.28 that the "future occupants of the flats will enjoy good quality of living space". The corner bedroom to the square would appear particularly unusable given that the ground floor bedroom appears to be almost entirely glazed to the pavement. It would therefore be recommended that if this proposal is to be considered that the window openings be infilled and more appropriate domestic scale windows installed. This would allow the flat to be usable, provide a better external appearance when in use as a flat and enhance the appearance of the overall scheme. It would also help visually define the space between the domestic dwellings and the retail elements of the site.

The only other concern would be that as this is a major gateway entrance into Markyate that any signage should be limited and illumination kept to a minimum to ensure that it does not detract from the setting of the conservation area.

**Recommendation Provided that the proposal is considered by the planning officer not to impact on the viability of businesses in the centre of the village we would not object. The fenestration for the corner flat to the street frontage is unacceptable and should be reconsidered at this time. Bricks, brick bond, joinery details to match existing.**

08/11/18

We have now reviewed the amended drawings:

Our previous concerns have been addressed and we believe that the proposals would not be acceptable. The alterations would allow the new flats and shop to site comfortably within their surroundings and not detract from the original composition. As such we would support the proposals and recommend approval. Brickwork, brick bond and mortar colour to match existing, Joinery details and finishes to match existing.

DBC – Contaminated Land

No objection

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/01278/18/FUL for the change of use of Unit 1 (Class D1 Surgery/Health Centre Use) to Class A1 (Convenience Food store) together with change of use of Unit 2 (Class A1/A2/A3/A4 and B1) to three residential units of (One 1-bed and Two 2-bed flats), together with associated external alterations, landscaping, amendment to Richmond Square and provision of parking and I will like to comment as follows.

Please be advise that we have no objection to the proposed change of use application in relation to Noise, Air Quality and Land Contamination.

However, with the development located on a landmark historic contaminated land use of an un-specified factory or works site of medium risk, the following planning condition and informative are recommend should planning permission be granted.

Noise Insulation ? Residential & Non-Residential

Prior to the occupation of the proposed change of use new dwelling, a scheme providing for the insulation of the building against the transmission of noise and vibration between both the residential and any non-residential part of the building will need to be submitted to and approved in writing by the Local Planning Authority. The scheme will need to be carried out before the use commences.

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies and procedures of Dacorum Borough Council.

**Un-expected Contaminated Land Informative**

Our contaminated land record shows that the land is located on a landmark historic contaminated land use of an un-specified factory or works site of medium risk. There is a possibility that this may have affected the application site with potentially contaminated material. Therefore, I recommend that the developer be advised to keep a watching brief during ground works where applicable on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

**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.

Should you have any further query in respect of the application, please do not hesitate contact me on Ext 2719 quoting Flare reference 566537

Markyate Parish Council	Objection
<u>04/07/18</u>	
<p>Much opposition by Councillors. Much opposition by NISA local store. Much opposition by High Street businesses - petition sent. Public objection - over 1000 residents - petition sent. Major issue is parking - there is just not enough room. Harvest time will be impossible as the big lorries needing to get to the local farms will not be able to get through. Taking footfall away from the High Street - which will have an impact on local business. Planning information misleading. Condition 29 states 103 sq. mtrs, these plans propose 347 sq. mtrs. - 300% bigger</p>	
<u>06/11/18</u>	
<p>Strongly object. The size is way over the original 105 sq. meters that was granted. All shops and businesses are opposed; it will take business away from them. Delivery lorries every day will be a nuisance. The car park is not big enough - what about staff parking? 4 to 1 objections.</p>	

**Appendix 2**

**Neighbour notification/site notice responses**

**Objections**

Address	Comments
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<p>9 HICKS ROAD, MARKYATE, ST ALBANS, AL3 8LJ</p>	<p>I completely object to this development. This cause absolute traffic build up on Hicks Road. The parking is horrendous already. People from neighbouring villages use Hicks Road as a through road from their respective villages - with the added cars parking illegally on pathmants and curbs this poses a safety risk for my young family.</p> <p>I have also noticed there is a proposal to change the public car park parking to a maximum of 4 hrs and the is a payable stay. With this in proposal too this add further traffic issues.</p> <p>I am also very concerned for the added pollution from the added traffic!</p> <p>Please do not allow this proposal to go ahead. We have a village shop and I will continue to use it and boycott the Co-Op!</p> <p>Not ha happy resident</p>
<p>7 HICKS ROAD, MARKYATE, ST ALBANS, AL3 8LJ</p>	<p>I do not object to the residential element, but a shop cannot be allowed into this unit unless there are additional plans to make parking restrictions on Hicks Road. The road is extremely busy and lots of parked cars on the kerb from residents already. Yellow lines must be put in place and the "loading zone" enforced if this is to be allowed as this road will become even more problematic, like the issues on the High Street which effectively one way only due to the volume of parked cars</p>
<p>4, Saberton Close, Redbourn, St Albans, AL37DS</p>	<p>I object to the change of use of Unit 1 from Class D1 Surgery/ Health Centre to A1 Convenience Store because it goes against Dacorum Borough Council's Core Strategy for Hicks Road development and will be detrimental to Markyate residents.</p> <p>The DBC strategy for Hicks development was</p> <p>To secure improvements for community facilities by replacement of the doctor's surgery.</p> <p>A1 retail will go against this. The village needs an accessible doctor's surgery.</p> <p>Retail units to be 'small A1/A2/A3/A4 units to complement existing offer within the village centre'.</p> <p>Unit 1 is x3 the largest shop in the High St. This store will dilute trade in the High St with loss of village facilities, erosion of choice and subsequent loss of local jobs.</p> <p>To ease peak time congestion provide &amp; focus on a safer environment.</p> <p>A store this size will create noise, congestion, unsafe environment &amp; loss of parking bays in a residential area.</p> <p>Dacorum planning must fulfill their obligation &amp; refuse this</p>

	application.
Unit 1,Sharose Court,Hicks Road,Markyate,AL3 8JH	<p>I write to state my strong objection to the planning application detailed above specifically for change of use of Unit 2 Richmond Square to three residential units (one 1-Bed and two 2-Bed Flats).</p> <p>The basis of my objection is that the 'provision of parking' as stated in the Planning Statement submitted by Pegasus Group, on behalf of Harkalm Investments Ltd, as part of the planning application, does not exist. The information relating to parking provision given in the Planning Statement, specifically Clauses 4.7 (page 5) and 6.34 / 6.35 is factually incorrect and completely misleading to the Planning Application.</p> <p>In detail:</p> <p>The parking spaces, highlighted on the Location and Block Plan submitted and referred to in Clauses 4.7 and 6.34 of the Planning Statement, are on land that was conveyed by the previous owners Zog 2 Limited and Zog 3 Limited to Weston Homes on the 20th December 2012. This conveyance provides at clause 12.3.6 that the right to park on the said parking spaces is reserved for the benefit of the retained land being the land that Markyate Precision Machining Co now own. They are not available for allocation to anyone else. The parking spaces have always been white lined and marked as CP (Corporate Parking) not RP (Residential Parking) and bear MPM Parking signs. Contrary to the claims in the Planning Statement these spaces are not 'currently unallocated' and are permanently assigned under rights of the lease to MPM and not 'occasionally used by visitors' as claimed.</p> <p>The other parking spaces referred to in Clause 6.34 of the Planning Statement of an 'adjacent bank of further unallocated car parking spaces' are in fact allocated to MPM and indeed situated on land owned by MPM following a freehold purchase of the land comprising of the entire service road area, including turning circle and car parking spaces. Any claim of ownership by Harkalm Investments Ltd is totally false. As such these parking spaces are certainly not available as 'overspill' for residential parking and indeed MPM will be taking steps to restrict access to the Service Road by residents as we, and other tenants of Sharose Court business units have been plagued by illegal parking and fly tipping in our bins, since the residential development was completed in 2014/15.</p> <p>Nothing should be done on the site that impedes the current commercial use of the buildings on Sharose Court. The original development was always supposed to have a commercial element to ensure balance and employment.</p> <p>In conclusion, I believe that the application should be refused</p>

	<p>on the basis that the information provided in the planning statement is factually incorrect; there are no permanent or ad hoc parking facilities for use by the proposed residential units which, as I understand it, is a planning requirement and certainly one which should be strongly implemented within this area of the village. If by some tweak of planning regulations, the development is allowed to progress without parking, this will increase the already unacceptable incidents of illegal parking on pavements in Hicks Road. Pedestrians, often with pushchairs and young children, are forced to walk on the road which is extremely dangerous. Please refer to photograph attached which was taken mid morning on a weekday (9.44am 8th June) but quite frankly could be taken on any day as it is typical of the current everyday parking and obstruction of pavement situation in Hicks Road.</p>
<p>5 HICKS ROAD, MARKYATE, ST ALBANS, AL3 8LJ</p>	<p>I write to object to the change of use to A1. There is currently a sufficient local store and the village will not sustain two; hence one will ultimately close with loss of employment. Markyate has a successful bakery which also serves local villages and local business should be supported and not taken away by national chains. Early morning deliveries will create unacceptable noise to local residents. The public car park statement is misleading there is no spare capacity and residents park on the pavements in Hicks Road. This is due to the councils mismanagement of the Weston Homes development which locals now have to live with. I understand the car parking proposed for the residential is on land not owned by the applicant and hence will exacerbate the situation further. Both the local and county councillors are aware of the dire traffic problems in Markyate. I therefore request the planning committee to refuse this application.</p>
<p>Rt Hon Sir Mike Penning, The Bury, Queensway, Hemel Hempstead, HP1 1HR</p>	<p>I recently visited the shop/business owners in Markyate and the consensus is that they are really worried that the vibrancy of Markyate High Street would be seriously damaged should the Council approve the above planning application for the change of use of Richmond Square. I have been told that objections have been submitted to the Planning Department and these have my full support.</p> <p>In fact, Condition 29 on the original application, A/001173/11/MFA, it is noted that any shop unit shall not exceed 105 square metres. This condition also states this requirement shall apply to any future re-arrangement of the commercial floor-space within the development permitted. This Condition was inserted 'in order to maintain the viability of existing retail units within the village'.</p> <p>My understanding is that in the change of use application is that the shop units should be in excess of 105 square metres; and also that the existing retail unit be changed to residential use.</p> <p>I do believe that the Conditions agreed by James Doe, Assistant Director, Planning Development &amp; Regeneration on 4th July 2012, should be strictly adhered to in order that the</p>

	<p>shops, and businesses in Markyate, and in particular the High Street, should not be adversely affected.</p> <p>Also, if the application for change of use should be approved, then the impact on Markyate Village from the increased traffic could be disastrous. There exist a large number of road traffic issues that have yet to be satisfactorily resolved and to add to these would be calamitous.</p> <p>I would, therefore, respectfully say that my belief is that the Conditions, to which the original planning application was subject, should be applied to the current application for change of use.</p> <p>I would be grateful if you would consider the contents of this letter and come back to me with your comments.</p>
<p>JMS Planning &amp; Development, Valley Farm, Rumburgh Road, Wissett, IP19 0JJ</p>	<p>I act on behalf of Mr Patel who operates the Nisa Local &amp; Post Office at 66-68 High Street, Markyate AL3 8HZ. In addition to meeting the day-to-day convenience shopping needs of the local area the Nisa Local also provides a free ATM facility, lottery, pay station and pay point along with Post Office services. The store is open from 6.00 am to 9.00 pm seven days a week and due to being a member of Nisa is able to bring services and products that are wanted and needed by the community.</p> <p>My client has operated the shop for some 10 years. The shop forms an integral part of the local community having donated over £6,000 to the village from a 'Making a Difference Locally Charity' providing donations to the Markyate Noise Project, Markyate Football Club, Markyate Baptist Church, Markyate's St John's Church, Markyate Scouts and many more. Accordingly, the shop is as key local resource and is well utilised and supported.</p> <p>This letter sets out my client's concerns about the proposal at Richmond Square, Hicks Road, Markyate against the history of the site, the retail provision within Markyate with reference to both national and local policy.</p> <p>The Proposal</p> <p>Planning permission was originally granted in 2012 under reference 4/01173/11/MFA (with a Non-Material Amendment approved on 13 August 2013 reference 4/00528/13/NMA) for the development of the site to provide 75 dwellings, new Class B1, B2 and B8 accommodation, a new surgery/health centre (Class D1), three commercial units for Class A1, A2, A3, A4 and B1 use, the creation of a public square, associated landscaping, formation of new access roads and provision of 197 car parking spaces (amended scheme). This permission restricted any shop unit falling within A1 use to a maximum size of 105 sqm. The development was constructed in 2015 but Unit 1, which was to comprise a surgery/health centre of 348 sqm and Unit 2 comprising the commercial unit with permission for A1, A2, A3, A4 and B1 uses (214 sqm) have</p>



remained vacant.

#### Site and Surroundings

The application site is located on Hicks Road and forms part of the Richmond Square development, which comprises both commercial and residential development constructed in 2015. The site is adjacent to the Hicks Road public car park with the doctors' surgery located to the rear.

The main shopping area of Markyate is located to the west of the site on the High Street, with the defined centre boundary being some 60 metres from the application site. Car parking for the High Street is provided as on-street car parking or within the Hicks Road public car park.

The application site is physically, functionally and visually separated from the village centre as it is not visible from the retail units/High Street detailed above. Furthermore, the footway linking the application site with the High Street is narrow in parts and at its junction with High Street experiences regular occurrences of vehicles mounting the pavement to negotiate the turn.

Notably, Hicks Road is narrow and suffers from regular parking on street as a result of the adjacent car park usually being full. Many of these cars park partly on the pavement and on the street (as the street is not wide enough to park without doing so) and as a consequence create problems for pavement users. This is discussed in more detail below.

#### Planning Policy Background

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and now constitutes guidance for local planning authorities and decision makers and is a material consideration in the determination of planning applications.

The purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6). Paragraph 7 confirms that there are three dimensions to sustainable development; economic, social and environmental and these roles are mutually dependent. To achieve sustainable development, economic, social and environmental gain should be sought jointly and simultaneously through the planning system (paragraph 8).

Paragraph 17 sets out 12 core principles, which underpin both plan making and decision taking within the overarching roles that the planning system should play. These include; proactively drive and support sustainable economic development to deliver homes, businesses and industrial units, infrastructure and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and characters of different areas promoting the vitality of our main urban areas; conserve heritage assets in a manner appropriate to their significance so they can be enjoyed for

their contribution to the quality of life for this and future generations; and take account of and support local strategies to improve health, social and culture wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

Section 2 of the NPPF is dedicated to ensuring the vitality of town centres. Paragraph 23 confirms that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It suggests this should be undertaken with consideration to recognising town centres as the heart of their communities and pursue policies to support their vitality and viability; define a network and hierarchy of centres that is resilient to anticipated future economic changes; promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of town centres and allocate sites when 'need' is identified. Paragraphs 24 and 25 confirm the application of the sequential approach to site selection and paragraph 26 sets out the requirements for impact assessments, setting a threshold of 2,500 square metres, but allowing local authorities to set their own thresholds. The section concludes by saying that where the application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors it should be refused.

Paragraph 70 of the NPPF confirms that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should, 'plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities in residential environments'.

The development plan for the site comprises the Core Strategy adopted in 2013, saved policies from the Dacorum Local Plan 2004 and the Proposals Map. On the Proposals Map the application site forms part of the land at Hicks Road, Markyate Strategic Site SS2 and falls outside the defined local centre. The site is not included within the Conservation Area.

Policy 43 (Shopping Areas in Local Centres) details each local shopping centre containing a shopping area, of which Markyate is specified as 38-48, 66 (the Nisa Local & Post Office), 73-75 and 91-99 High Street. Whilst this policy focuses on the loss of shop uses the reason stated for the policy is that 'the size and character of shopping areas in local centres varies considerably, but each should be capable of providing a basic range of goods which people wish to obtain near their homes. A minimum level of shopping thus needs to be protected'.

Saved Policy 44 (Shopping Development Outside Existing Centres) applies to the application proposal being that it is outside the defined shopping area of Markyate. This policy

advises that proposals will need to demonstrate a sequential approach to site selection in accordance with Policy 38 (now superseded by Core Strategy policy – see below) and that there is a need for development in relation to:

- a) The quantitative requirement for additional floorspace;
- b) The qualitative need for the facility.

The Policy continues to state that shopping development will only be permitted outside existing centres if it meets the aforementioned tests and it:

1. Does not result in an over provision of floorspace likely to damage the main shopping hierarchy in Dacorum or adjoining districts;
2. Would not seriously affect the vitality or viability of a nearby town or local centres;
3. Would not prejudice future investment in existing centres;
4. Provides a necessary extension to the range and diversity of outlets available to shoppers;
5. Is easily and safely accessible by a choice of means of transport, including passenger transport as well as by cyclists, pedestrians and people with disabilities; and
6. It would help reduce the need to travel.

The supporting text to this Policy states that 'careful assessment should be made of all retail development schemes to ensure that function of centres is not damaged'.

Policy 45 (Scattered Local Shops) suggests loss of shops outside local centres will not be supported and that additional small local shops may be permitted in exceptional circumstances where there is proven need. This policy is not strictly relevant, albeit the applicant refers it to as the site is adjacent to a local centre where other policies apply (and small is defined as shops of less than 235 sqm).

The Core Strategy is more up-to-date and was adopted on 25 September 2013. Policy CS16 (Shops and Commerce) confirms that the main retail hierarchy of town centres and local centres will be strengthened by encouraging appropriate new retail development and retaining sufficient existing shops in these centres. (Markyate is noted as being a local centre with a neighbourhood shopping function providing a range of mainly small shops, services and facilities of a local nature serving a small catchment). The policy advises that new retail development will be assessed in terms of its location, scale and impact. It will be permitted if it accords hierarchy and conforms to the sequential approach. Most retail development will be directed to the town and local centres. The policy states that new retail development will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of the Impact Assessment.

The Core Strategy confirms that the sequential approach will be used to assess applications for new retail development that are not in an existing centre and are not in accordance with

policy. The requirement applies to extensions or retail uses where the gross floorspace of the proposed extension is greater than 200 sqm.

A strategic site SS2 'Land at Hicks Road, Markyate' sets out the redevelopment this for the site and amongst other things includes 'small A1/A2/A3/A4 units' confirming these are to be complimentary to the existing retail provision within the village centre. Such uses create a link or extensions of the High Street into Hicks Road.

#### Planning Issues

My client, as a longstanding occupier within Markyate Local Centre of some 10 years, is familiar with the way the village operates and the fragility of the existing retail and commercial units within the centre. In this respect, my client has three principal objections. These relate to;

1. Retail issues;
2. Loss of the Post Office services;
3. Highway issues

Each of these is considered in turn below.

#### Retail Issues

Notably, whilst the supporting planning statement for the application details the planning history it fails to detail the conditions particularly relevant to any unit used for Class A1 purposes. Specifically, Condition 29 of the original redevelopment permission states, 'any shop unit falling within Use Class A1 shall not exceed 105 sqm as shown on the approved plans. This condition shall apply to the original construction and any future rearrangement of the commercial floorspace within the development hereby permitted'. The reason stated for this condition is 'in order to maintain the viability of existing retail units with the village in accordance with Policy 43 of the DBLP'. All reference to this condition is omitted from the applicant's submission. This is a significant omission and appears to our client to be intended to deflect attention from the key issues.

As noted above the unit that the Co-operative Food Group intends to occupy is 347 sqm, which is over 300% larger than the threshold set within the original permission for the site. This would have been unacceptable when the scheme was originally granted planning permission in 2012 and the policy position (both national and local) remains unchanged. My client is unaware of any changes locally which would now dictate that the reasoning and basis for the previous condition is no longer applicable. Notwithstanding this, the onus is clearly on the applicant to demonstrate why this restrictive condition is no longer required. The applicant has not addressed the condition at all within its planning submission. In the absence of any such justification my client sees no reason why Condition 29 should be set aside.

In this case whilst the applicant suggests that it is effectively a swap of A1 use from one unit to another. However, there was a restriction on the amount of Class A1 floorspace allowable and the proposal is over 200 sqm greater than that allowed under Condition 29 of the original permission.

The applicant's assertion that it only needs to undertake a sequential test assessment relating to the difference between the existing retail floorspace on site (which has never actually been used) is erroneous. The applicant provides no basis or justification as to why the sequential assessment for the residual floorspace only is required. This is considered at paragraph 6.22 of the applicant's Retail Statement. However, there is no justification for the assertion only that the net uplift of 133 sqm only would need to be considered. This is not correct. Paragraph 24 of the NPPF confirms that the sequential test should be applied to planning applications for main town centre uses (not simply parts thereof). The application proposal is for a Co-Op Foodstore of 347 sqm. This is the application proposal and it is this for which the sequential test is required.

It is then the applicant's argument that even if there was a sequentially preferable site comprising the additional floorspace required (and there appears no evidence that any assessment has actually been undertaken) that this would not be suitable as disaggregation of floorspace would be unsuitable for the Co-Op's operation. This is no justification for accordance with the sequential test. Applicants are required to demonstrate flexibility. Accordingly, it is considered that the applicant has failed to demonstrate that the application proposal is acceptable in the context of the sequential test.

The applicant has thus completely ignored the planning history of the site and failed to consider either the sequential assessment or retail impact in its planning submission or to provide any justification as to why the increased unit size is acceptable.

The Nisa store within Markyate village centre sells circa 6,000 lines and has a retail area of some 90 sqm. It is, therefore, significantly smaller than the proposed Co-Op store. My client has operated the main convenience store in Markyate village centre for circa 10 years and has become a key local service. My client has invested in re-fitting the store on a number of occasions and donates to local good causes through its 'Making a Difference Charity'. My client considers that the application proposal will have a significant direct impact on its store resulting in a significant trade diversion which will threaten both the viability of the store itself and the viability of the Post Office counter within the store (discussed in more detail below).

The location of the proposed Co-Op store is considered too distant to easily facilitate linkage with the remainder of the village centre. There is no visual connectivity with the main

shopping area and it is considered that the proposed application site is sufficiently distant to ensure that significant 'linked trips' are unlikely.

It is noted that the applicant has asserted that the application proposal will provide local residents with additional choice. However, it should be acknowledged however that my client's existing Nisa store (following Nisa's takeover by the Co-Op) already has access to some 800 Co-Op lines. Shortly rising to the full Co-Op range of some 2,000-3,000 lines. Simply put, I cannot see any evidence submitted by the applicant to justify the proposal or, to demonstrate that there has been any change in circumstances since the previous permission on the site which was restricted by condition.

#### Highway and Planning Issues

There is no car parking specifically provided for the proposed retail unit and given its size and likely attraction it is considered that it will generate visitors with cars. The applicant intends to make use of the adjacent public car park albeit no evidence has been provided as to whether this car park operates at capacity or whether it will meet the operational needs arising from the Co-op Foodstore.

In my client's experience, the car park is generally full for the majority of the time. Furthermore no assessment has been undertaken to understand whether the additional traffic generated by the proposal would have any impact on Hicks Road/High Street junction, which appears to be operating close to capacity and is constrained by the built form and on-street car parking. The applicant notes within its planning statement that there was no dedicated car parking provided for the retail uses at Unit 2 under the previous planning permission nor for the doctors' surgery. However, it would appear that on the approved car parking plan (reference: 3616/P70) referred to in the Decision Notice that there was dedicated parking for the pharmacy/surgery (albeit it is evident from reviewing the plans and the existing situation on site that the Hicks Road car park was not redeveloped and therefore this provision was not actually made.) Given that the proposed A1 retail unit is of a sufficiently greater size than that allowable under the original permission and thereby the type and style of shopping significantly different, it is likely that the car parking requirement/need may be different from the previous scheme and should be assessed.

Hicks Road also suffers from cars parking along it (both on and off the pavement) which makes movements difficult for pedestrians and also vehicles. In particular, there is regular parking within the servicing bay at the front of the site. In addition, due to the tightness of the corner and the subsequent turn from High Street into Hicks Road, vehicles regularly mount the inside pavement when undertaking the turn. This raises significant highway safety concerns.

Attached to this document are a number of images which have

been taken which demonstrates:

The car park at capacity, which is regularly the case;  
The regular parking on Hicks Road.

#### Loss of Community Facilities

My client is concerned that the application proposal will adversely impact on Markyate Post Office. My client is concerned that the Post Office may be lost from Markyate with the consequential impact that this will have to local residents. The existing Post Office counter within my client's store currently operates on the margins of viability. Any trade diversion from my client's store, which would result in the store's closure, would obviously result in the loss of the Post Office facility. Furthermore, any significant trade diversion from my client's store prejudices its ability to underpin the existing Post Office counter.

The Council is required by the NPPF (Paragraph 70) to plan positively for local facilities which includes Post Offices and must guard against the unnecessary loss of such services. Consideration of the likely land use consequences from my client's operations and the land upon which it sits, such as the loss of the Post Office to Markyate and the consequent loss of employment, are relevant material land use considerations which must be considered in determining this application.

There is no theme of competition within the NPPF or the planning system such that the land use consequences of competition are immaterial considerations. As part of the officer's assessment of all relevant material considerations, a view of the likelihood of Markyate Post Office closing must be reached. The loss of the Post Office would have a significant social effect on local residents and the village of Markyate in addition to the direct effects arising through the loss of employment etc. These are matters which require proper consideration and which we consider presume against a grant of planning permission for the application.

Notably, there is no consideration within the applicant's submission of this issue. No justification or assessment of the impact on the Post Office is provided within the applicant's submission, there is therefore nothing submitted by the applicant to rebut my client's assertion.

In addition, the application proposes the change of use of the existing retail unit which has permission for Use Classes A1/A2, A3/A4 and B1 to residential use. This is considered contrary to Local Plan Policy 45. In particular, there is no evidence that all reasonable attempts to sell or let the premises have failed. The commentary within the applicant's Planning Statement does not accurately reflect the comments within the Marketing Note prepared by Brasier Freeth, which confirms that firstly, marketing of the medical unit only commenced at the end of December 2017 and that in respect

	<p>of the retail unit, the relevant documents to allow the site to be marketed have only just been released. As such, it has not been possible for any occupier to take up the retail unit until recently. Notwithstanding this, the marketing documents confirms that interest has been received to be used as a retail shop, café, restaurant and fitness studio, ie, four separate uses. The report then confirms that the offer was accepted from the fitness studio. As such, the marketing note confirms interest in the unit from four different uses (which may include more than one occupier relating to each use) and confirms that occupation of the retail unit could not occur because the relevant documents were not available. As such, there is no evidence provided by the applicant that the change of use of the retail unit complies with the criterion of Policy 45.</p> <p>Summary</p> <p>Accordingly, it is considered that the above application should be refused as the current proposal does not accord with the previous permission on the site and it is considered that the retail unit is too large and will have an adverse impact on the character of Markyate and therefore is in contradiction with Policy CS16 and saved Policies 43 and 44 as it would have an adverse impact on the existing retail centre within Markyate and has failed to address the sequential approach to site selection. Furthermore, the proposal also raises significant highway safety issues and does not make appropriate provision for car parking. My client also raises concerns over the impact of the application proposal on Markyate Post Office and the failure to comply with saved Policy 45 of the Dacorum Borough Local Plan. 8</p> <p>I would be grateful if the above points could be noted. I would like to be notified should the application be presented to Planning Committee. I confirm that I wish to speak at Committee on behalf of my client. Shoud you wish to discuss</p>
<p>24 Friars Walk,MARKYATE,Dunstable,,LU6 3JA</p>	<p>I am a frequent visitor to Markyate and thus regularly drive around the village.</p> <p>I object to the development based on its failure to provide adequate consideration to the safe use of public roads. I struggle to find parking as it is with many residents using the space on Hicks road and even the goods loading only bays. I am often needing to park several hundred yards away from the High Street just to visit. I fear that with a big shop opening on a busy road it will become very difficult to access Markyate.</p> <p>Besides the difficulty in finding parking, the Hicks road junction with the A5 is very dangerous, with people having to queue on the high speed busy A5 to turn into Markyate. This is exacerbated by people parking on the pavement and narrowing the roads, which I would imagine worsens with big lorries making deliveries to Co-op.</p>
<p>20 THE COPPINS,MARKYATE,ST ALBANS,,AL3 8RP</p>	<p>We have only moved into the village recently, but were dismayed to learn about the potential planned redevelopment of vacant commercial units to create additional retail capacity,</p>



	<p>without delivering a new Doctor's Surgery, which we understand was part of the original Hicks Road regeneration scheme.</p> <p>Granting planning permission for another grocery store, in direct conflict with the village's sole convenience shop, does not achieve diversification of retail within a village.</p> <p>The issue is further compounded by the applicant (The Co-Operative Group) purchasing the Nisa brand (as the symbol group, rather than the existing retail site) in November 2017. This application could place a local, family-run and community-focussed business at risk of closure.</p> <p>Furthermore, this application will have a detrimental effect on traffic volumes, causing congestion and localised pollution (both noise and emissions) in an already busy route through the village.</p> <p>This Change of Use should not proceed.</p>
<p>5 FLEMING DRIVE,MARKYATE,ST ALBANS,,AL3 8FG</p>	<p>My objections are; having a supermarket in this situation will cause disruption and disturbance through noise and parking issues. The planning for the Silverbrook estate included three small local shops in Richmond Square not a large shop with the frequency of deliveries likely at a supermarket.</p> <p>The village has an adequate local store and does not need a supermarket.</p> <p>The parking issues are chronic. It is dangerous to turn out of Fleming Drive on a daily basis due to parking both on Fleming Drive and Hicks Road that obscures the view of oncoming traffic. It is very dangerous for our children simply to cross our road at the junction to walk up to the High Street. If the square is to be used for parking then that will be an ugly eyesore and cause noise to residents all around.</p> <p>The shop is obviously intended to attract people driving past on the main road and this will exacerbate the traffic issues in the centre of the village and change its atmosphere too. People coming off the main road and those joining it often speed on Hicks Road causing danger to local pedestrians especially children. The cars that currently park along the side of the road by Richmond Square already create considerable danger to children and to add to this would be really unforgivable.</p> <p>Having created a successful new development at Silverbrook why detract from it in this way.</p>
<p>66 High Street,Markyate,St Albans,,AL3 8HZ</p>	<p>On 9th November 2018 I visited the Co-Op located on Westfield Road in Dunstable to assess the delivery procedure in the transport and planning statement for the development versus the reality of Co-Op's operations. The store is of relevant size at 370 sqm and located within a residential area such as the units on Hicks Road. During the assessment we found that Co-Op contravene their own planning statements and provide photographic evidence highlighting the lack of control Co-Op have over their deliveries.</p>

	<p>Planning application CB/11/04115/FULL made to Central Bedfordshire on behalf of Co-Op stated:</p> <p>'The junction toward the west of the site will provide access and egress for customers only, with the junction toward the east providing access for service vehicles, which will exit via the western junction enabling them to enter and exit the site in a forward gear. This arrangement will enable service vehicles to park and unload in the area immediately in front of the retail unit, preventing conflict with customer vehicles...' (our emphasis).</p> <p>A short commentary is provided to expand on what the photographic evidence attached in the appendix exemplify:</p> <p>Figure 1</p> <p>Narrow roads prevent safe access to the store leading to motorists completely mounting the kerb. Hazards are created by the Co-Op delivery for both pedestrians and motorists.</p> <p>Figure 2</p> <p>Far from precision delivery timings, a second Co-Op delivery vehicle arrives at the store via the access point designated as an exit point only for lorries in the planning statement.</p> <p>Figure 3 &amp; 4</p> <p>The layout of the car park and barriers show the lorry will have to engage its reverse gear to complete its delivery once the first delivery vehicle has left, flouting the transport and planning statements.</p> <p>The lorry is seen conflicting with pedestrians and several customer vehicles whilst seriously reducing safe access. At this point no new customers could use the car park and resorted to illegal parking as a direct result of Co-Op neglecting their unrealistic planning statement.</p> <p>It is considered of material planning concern that Co-Op are unable to control their deliveries to discharge their own planning statements as evidenced by this letter. Based on an unlikely, dangerous and complex access plan along with a demonstrated lack of capability to guarantee safety of the public; application 4/01278/18/FUL should be rejected.</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>This letter is in response to the Traffic Statement submitted by ADL Traffic Engineering Ltd dated 25 October 2018.</p> <p>Two errors have been identified within the Traffic Statement:</p> <p>ADL have shown longer runs of double yellow lines that do not exist as noted in Figure 1. The road south of the indicated point is in constant use by residents for parking as shown in</p>

Figure 2. In reality it is highly unlikely for the body or wheel alignment to be in the positions as demonstrated by ADL given the number of legally parked cars where ADL have improperly drawn double yellow lines. It is suggested ADL produce a revised traffic statement taking this vital information into account.

Failure to attach a drawing to scale makes it impossible to verify the drawings, it is suggested a scale also be included in an updated traffic statement along with the removal of the double yellow lines and how the turn may be completed given the heavy use of the road for parking where ADL currently place their tracking information.

The junction at Hicks Road/High Street is a source of major concern as identified in the public petition. Due to the narrow dimensions of the junction, vehicles are often driving on the oncoming lane in order to negotiate the turn onto Hicks Road and avoid the corner kerb shown in Figure 3. Oftentimes road users do mount the kerb when driving on the oncoming lane is not possible due to risk of collision and is also depicted in Figure 3. Access to the High Street, to the detriment of the pedestrian, is via a single footpath on one side of Hicks Road and is a mere 32 inches wide.

According to [www.crashmap.co.uk](http://www.crashmap.co.uk), since 2015 8 incidents including those defined as serious have occurred in the close vicinity of Hicks Road and its junctions. The statistic is above the norm and a concern to our village.

Figure 4 shows the delivery vehicle will impinge the kerbs as evidenced by the green body tracks. It is also noteworthy for your consideration that this manoeuvre would require a 100% accurate turning circle by the driver every single time a delivery is made to prevent further ingress into the pedestrian footpath. A feat that is impossible by any human driver leading to the conclusion that ADL deem it permissible to have Co-op's delivery vehicles endangering public safety through this zero-error margin manoeuvre. The conclusion is reasonable and must be considered in a further traffic statement to demonstrate a safe planning statement.

Whilst making the turn, the lorry is shown to massively encroach on the oncoming lane of Hicks Road. The narrowest point on Hicks Road is 5.56m as shown in purple in Figure 5 and each lane has a width of 2.78m. Following a turn from the lorry onto Hicks Road, the lorry would need to travel a further 25.35m (15.00m + 10.35m length of rigid) before vehicles in the opposite lane are permitted a 2.78m clearance to continue their journey towards the junction. In order to keep traffic flowing road users will be forced to reverse and/or mount the pavement to avoid a standstill or collision. Thus, the traffic statement also deems it permissible to inhibit the free flow of traffic.

	<p>In a bid to avoid disturbing oncoming traffic on Hicks Road, as described in point 4, prior to the turn, the lorry driver may wish to obtain a line of sight to gauge the vehicle movements on Hicks Road. Figure 6 demonstrates the lorry would not have this freedom in the current track and would actually need to proceed further down the High Street to ensure a safe turn before proceeding to reverse (if clear of vehicles) and attempt the manoeuvre. In either outcome the free flow of traffic is inhibited, and the lorry will mount the pedestrian footpaths. It is noteworthy that this portion of Hicks Road houses Harts Motors, Dales Vehicle Engineers, Markyate Hand Car Wash and the Public Car Park resulting in many cars being present in the vicinity of the intended manoeuvre.</p> <p>The ADL traffic statement fails to meet The Highway Code by breaching Rule 145- 'You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency' whilst Rule 204 states 'the most vulnerable road users are pedestrians, cyclists, motorcyclists and horse riders' which the current traffic statement does not account. The traffic statement is also in contravention of relevant planning policies including NPPF Paragraph 109 &amp; 110, DBLP Saved Policies 12 &amp; 51 and Core Strategy Policy 8.</p> <p>On these bases, we believe the application should rightly be refused given the failure to provide a safe and accurate traffic statement, which is an essential ingredient for any application as dictated by Dacorum Borough Council, Herts County Council and the central government.</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>This letter is in response to the additional information submitted by ADL Traffic &amp; Highways Engineering Ltd &amp; Garden Studio, dated 12 and 15 October 2018 respectively. Due to these documents bringing significant change to the original planning application, it is considered that these should be subject of formal consultation.</p> <p>Previous documents have established that Hicks Road has inadequate parking provisions, as well as the public car park on Hicks Road being at capacity. According to Dacorum Borough Council's Parking Standards Review, between 9 - 12 parking spaces are required for the proposed Co-Op store of 347 sqm.</p> <p>In order to meet this parking requirement, ADL suggest 8 car parking spaces, each limited to 1 hour for public use. These parking spaces are set to cover part of the 'Goods Vehicles Loading Only' bay and cross onto the public square at Richmond Square. Bollards are to be installed to 5 of these parking spaces to stop vehicles parking whilst lorries service the store. A further single parking space has been proposed for staff use, to the rear of the unit. This totals 9 parking spaces; the minimum required.</p> <p>A comprehensive response to the latest submitted documents</p>

is bullet pointed below for your consideration.  
(Please note, point 11 corresponds to a dismissed appeal decision made on 17 October 2018 attached within the Appendix of this letter).

ADL state, 'The Loading Bay is to be controlled by Co-operative (or whomever occupies the retail unit) who are proposed to be the sole retailer within the square as part of the planning application proposals'. We suggest this approach is short-sighted, as it does not consider future changes to the units that would require use of the loading bay. The loading bay was never intended to be for the prime use of the sole retailer, but rather for the wider public. According to Dacorum Borough Council policy, goods vehicles loading only bays can be used for 'heavy and/or bulky' goods including uses such as 'moving house'. As such, the loss of the loading bay from public access or use, by privately controlling the bay through use of bollards is undesirable. Doing so would shift genuine users of the bay to other parts of the road, increasing Highways concerns previously established on Hicks Road.

The re-development on Hicks Road (4/01173/11/MFA) was designed to include a pocket park and public square for the residents of the 75 dwellings to help compensate for the current lack of open space within the village. Whilst the pocket park failed to be constructed, the public square now remains to be the sole amenity space for residents at the development. As described within the planning statement (4/01173/11/MFA) the public square is intended for farmers markets, community events and children play with clear pedestrian movement - away from Hicks Road. Introducing 8 unbroken expanses of car parking on the square and in constant use would not allow safe pedestrian movement way from vehicles. It is essential the public square continues to benefit the public and remains a focal point on Hicks Road; not taken as surplus space for Harkalm Investments to use at their disposal.

Furthermore, ADL's recent submission now stands contrary to Pegasus's planning statement, which states, 'there is no opportunity to provide external amenity space, however the flats will front onto the public square'. The same public square Pegasus relies on for amenity space to occupants of the residential conversion, has now been proposed by ADL to be reduced down by circa 25%, by encroaching onto the square for parking.

Out of the 8 proposed public car parking spaces, no parking space has been provisioned for a disability vehicle. According to Dacorum Borough Council Parking Standards Review, 'The parking needs of disabled motorists shall be met in full irrespective of location'. If the minimum of one bay for the less able be introduced, a further 6 ordinary car parking spaces would fit within the width of the loading bay. To allow the clearance necessary for wheelchair users, a further 1.2m to the rear of the parking space would result in the disabled bay protruding further over the loading bay, edging onto Hicks

Road. To avoid this, the disabled bay would encroach further into the public square by 1.2m. In either scenario providing a disabled bay would reduce the number of parking spaces to below parking standards.

The track analysis by ADL demonstrates lorries reversing into the loading bay. Figure 1 exemplifies the demanding use of Hicks Road. Hicks Road is a crucial link to the A5183 for the High Street, Markyate Village as a whole and several other villages to its' rear. As such, on an already congested road, it is unrealistic for rigid lorries to reverse safely on Hicks Road into the loading bay, without causing a backlog of vehicles. Furthermore, with vehicles parked to the opposite side of the road, the nose of the lorry would project onto oncoming vehicles which are manoeuvring off the A5183, consequently blocking vehicles from passing. Particular to this point would be if the backlog of vehicles followed through onto the 50mph A5183.

ADL suggest up to 6 commercial vehicles per day would deliver to the store. ADL confirm that, 'parking spaces are prepared ahead of the Co-Op delivery vehicle arrival' (our emphasis), via alerts to the store 30 minutes beforehand. With 2 of the 6 deliveries being Co-Op delivery vehicles, 4 are via other suppliers from non-Co-Op depots. Consequently, staff at the store would not be pre-warned of these other supplier deliveries and hence not be able to raise bollards. This is reinforced by the fact that the sole newspaper & magazine supplier to the county- Smith News- does not provide any advance warning of their deliveries. Without prior warning, bollards would not be raised leading to lorries causing various highway safety concerns as discussed in point 7.

The public (not Co-Op only) are offered a parking bay restricted to 1 hour. With public car parking spaces in high demand, it would be sensible to assume many drivers would use these bays for a variety of uses for the full duration. By providing a 1-hour parking bay, drivers of parked vehicles would not be required to move from the parking space until this time had expired. Consequently, after receiving a 30-minute pre-warning from a delivery lorry, the public driver would still have up to 30 minutes before being required to vacate their bay. Staff at the proposed site would not be able to raise bollards as per their proposed plan. Irrespective of whether the lorry is a Co-Op delivery vehicle, and therefore was to receive pre-warning or not, it would take only 1 bay to be occupied to jeopardise any delivery to the store, effectively making it impossible for a lorry to park within the loading bay, causing numerous highway safety concerns as discussed in point 7.

With up to 5 car parking spaces occupied on arrival of a delivery lorry, lorry drivers would either wait up to 30 minutes for parked cars to vacate before raising bollards to manoeuvre into the loading bay, or begin servicing the store with cars in situ:

Figure 2 demonstrates a lorry (in dark green and to scale) waiting before the loading bay:

The assumption a lorry can wait in this location is made by removing all vehicles that currently park around the loading bay. If a vehicle was parked in this location, the lorry would wait closer to the junction of Hicks Road/High Street where the road is narrower and difficult, increasing the concerns raised. Vehicles heading towards the A5183 would be blocked from passing, risking free flow of traffic.

Visibility of drivers attempting to pass the lorry, drivers manoeuvring into and out of Fleming Drive/Hicks Road and of drivers attempting to navigate out of the proposed 8 public car parking bays is impaired, creating hazardous blind spots. The driver in car parking bay marked with a dark green star within Figure 2, would struggle by not having sufficient turning circle to reverse out of the parking space in order to head towards the A5183.

Figure 2 illustrates a lorry (in purple and to scale) serving the store, parking partly within the loading bay and partly on Hicks Road:

The lorry protrudes dangerously onto Hicks Road, risking free flow of two-way traffic.

The lorry would block-in drivers of up to 5 parked cars that are making use of the parking bays

Visibility concerns are raised for the cars parked within the 3 remaining bays attempting to manoeuvre out of the bay, including drivers manoeuvring into and out of Fleming Drive/Hicks Road.

The driver in car parking bay marked with a purple star within Figure 2, would struggle by not having sufficient turning circle to reverse out of the parking space in order to head towards the A5183.

It is reasonable to assume the latter of the two scenarios would occur, as there is no feasible space for a lorry to stop for any length of time on Hicks Road, either due to the width of the road, constant use of road, or due to vehicles parked along Hicks Road.

Furthermore, vehicles parked within any of the centre parking bays, regardless of a delivery truck being present or not, would need to reverse out of the bay crossing both lanes on Hicks Road before heading in their direction of choice. Dacorum Borough Councils Parking Standards Review stipulate, 'manoeuvring space between rows of spaces or other limits is 6m', with vehicles parked to the opposite side of the road, the clearance necessary is highly unlikely.

If we considered the store was alerted of a delivery 30 minutes before arrival, enabling staff to raise bollards, and on average if a lorry was parked for just 30 minutes whilst carrying out

duties i.e. stock unloaded 'by hand or cage', loading waste and cages, completing paperwork etc, multiply the downtime of 60 minutes by 6 deliveries - 6 hours of parking, across 5 bays, would be rendered useless each day, every day. Consequently, 5 public car parking spaces would be effectively unavailable for use over 1/3 of the time the store is open.

Furthermore, Dacorum Borough Councils Parking Standard Review suggest, 'all spaces should be capable of independent usage'. From the minimum number of car parking proposed, privately controlling 60% percent of these spaces via bollards, whilst potentially blocking in users fails to adhere to this requirement.

Within the planning application form, Co-Op envisage employing 25 staff at this location. With public parking bays limited to 1 hour, staff would be unable to use these bays whilst working a shift, requiring the single staff car parking bay located on the footpath at the rear of the store to accommodate staff that choose to travel by car. Visibility and manoeuvrability concerns are raised of a vehicle reversing out of this staff car parking space onto Fleming Drive which regularly witnesses cars parking along it.

ADL on behalf of Co-Op in October and November of 2017, when applying for permission of A1 retail use at Cody Road of South Cambridgeshire (planning application reference S/1695/16/FL of South Cambridgeshire District Council) and Hatch Motors of Swayvi used relevant TRICS data to understand the number of car parking spaces they required. Within this data ADL considered a 375 sqm Co-Op located in Peterborough to be a suitable comparable to both sites. The proposed site on Cody Road was of 350 sqm, similar to the proposed store on Hicks Road at 347 sqm. ADL calculated the average time a customer would park for and concluded 9 car parking spaces would be required on site for customer use. It's important to note both sites provided Co-Op only customer car parking, whilst the proposed car parking spaces on Hicks Road are for public use, of which there is high demand. Naturally, a parking time limit of 1 hour would lead to a lower turnaround of spaces due to use of bays for a variety of purposes.

Hatch Motors as discussed in Point 10 is located in Sway. Sway is commensurate to Markyate in that both villages are located in a rural setting, house a similar population, with the proposed stores located on busy roads. Following a refusal for A1 retail use at Hatch Motors of Sway from New Forest National Park Authority, the applicant subsequently lodged an appeal. One of the main issues of the appeal being 'The effect on highway safety as a result of parking provision and arrangement'. On 17 October 2018 The Planning Inspectorate determined 'the harm I found as a result of unsatisfactory parking and delivery arrangements is significant and is a compelling reason to dismiss the appeal'. Due to the



	<p>substantial number of issues raised by The Planning Inspectorate directly relating to concerns raised within this letter, I felt it was appropriate to append the Appeal Decision to this letter for your consideration (See Appendix).</p> <p>Taken from Dacorum Borough Councils Parking Standards Review of a comparable site, the survey of Tesco Express located at 207 Fletcher Way, Hemel Hempstead of 267 sqm, found by applying 1 car parking space to every 30sqm of retail floor area 'appear to be broadly appropriate in this instance for retail units less than 500 sqm', and that '7-12 vehicles recorded parking within the site through the occupancy surveys, with 11 at peak time on a Sunday when the larger retail stores are closed'. Bearing in mind the current proposal is for a larger floor area of 347 sqm, with parking spaces available for use by the public, it would be rational from the evidence provided to assume the minimum number of car parking proposed in under provisioned.</p> <p>The delivery and service management provisions suggested by ADL remain fundamentally flawed, with the proposals being impractical, and not fit for purpose. The approach simply does not meet the parking requirements as it fails to provide sufficient, safe and effective parking for both lorry drivers, customers or employees. The lack of parking is reinforced by ADL's own submissions on two separate Co-Op applications, as well as evidenced by an independent survey on behalf of Dacorum Borough Council. Most recently on 17 October 2018, The Planning Inspectorate refused the appeal of the planning application at Hatch Motors of Sway, on similar grounds as those identified within this letter.</p> <p>Furthermore, privately controlling the loading bay would result in the loss of a public feature, with plans to cut down on already underprovided amenity space to the detriment of local residents.</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>Concerning the survey submitted by ADL Traffic and Highways Engineering Ltd. on behalf of the applicant, I am writing to register my concerns in relation to the bullish and misinformed manner in which this planning application and the applicant is progressing. The most obvious misnomer in ADL Traffic and Highways Engineering Ltd's survey is the inclusion of the 10 bays (of which they only mention 7) allocated to the doctor's surgery for the GP's and their patients within the public capacity of the car park. Disconcertingly manipulating the data throws the entire survey into disrepute. The remainder of my letter further explains why the survey should be discounted and the submission of a new, fully comprehensive replacement which follows HCC's recommendations.</p> <p>It is bewildering to me that the numerous concerns raised by the residents and businesses of Markyate regarding the parking issues are being washed away with a mediocre one-</p>

day parking survey by a company that does not feel or live with the repercussions of the consequences they draw from an inferior data set. Firstly, after a discussion ADL Traffic and Highways Engineering Ltd. had with Ms. Valerie Spiers of HCC, it was advised a survey should ideally be completed away from the school holiday period (stated in their letter dated 5th September 2018). The date ADL Traffic and Highways Engineering Ltd. chose for their survey was Saturday 25th August 2018. Table 1 shows the term start days of the main schools in and around Markyate demonstrating the survey does not follow recommendations. HCC's own term commencing date for the Michaelmas term for schools administered entirely by them is Monday 3rd September 2018. I must stress this is not an inconsequential oversight but a continuation on the theme of disregarding residents' concerns and failing to comply with the spirit and policies of the planning application process.

Notwithstanding the obvious error in the survey thus rendering it inadmissible in delivering facts, the parking survey conducted on a single day cannot characterise the issues residents continually face. Instead, in the interest of a meaningful application process, we delivered a parking survey over a number of days showing that the public car park is at capacity. I hope it will be apparent when I forward you a new parking survey complete with photographic evidence of every data point of the car park at regular intervals during the day, which will present a stark difference when compared with the deceptive conclusions drawn by ADL Traffic and Highways Engineering Ltd. The parking survey, to follow, will span multiple days to provide an unbiased and true insight to answer whether the car park is at capacity or not, which seems central to your decision.

Now let us assume, as difficult as it may be, ADL Traffic and Highways Engineering Ltd's survey is accurate. The parking restrictions offered by the applicant via bollards on the goods loading only bay coupled with the expanding doctor's surgery, whom have requested further allocated parking in the public car park (4/01954/18/FUL), would absolutely increase the average usage of the car park as these cars will not vanish, rather the problem will have simply been shifted. The increased traffic and car park usage resulting from the huge shop's customers and staff would then need to be taken into account and it is not difficult to see even by the flawed ADL numbers that they do not make a coherent argument to support their conclusion. Trends are important in determining the outcome of an application as they help in planning positively and for the future. The ACS (Association of Convenience Stores) report was handsomely cherry-picked to drive the applicant's agenda; for completeness Figure 1 shows the figures from the ACS reports which the application/applicant's agents cite for 2016, 2017 and 2018. The figure shows a year-on-year rise in the number of car users specifically for local shopping (screenshot from the reports are provided as an appendix verifying the data)

	<p>showing the potential increase in demand for parking is by no means 'marginal'.</p> <p>The National Travel Survey, from which ADL Traffic and Highways Engineering Ltd. retrieve the following quote: 'Walking was the most frequent mode used for short trips: 81% of trips under one mile were walks.' also states that a 'trip' classifies as a number of activities and only a fifth of these are for shopping as shown by Figure 2. In conjunction with the ACS report, it is clear to see many people visit local stores using a car.</p> <p>Mr Gardner, whilst I understand yours is a difficult role requiring the careful balancing of a number of factors; I implore you to reconsider the valid and consistent arguments that the many stakeholders of Markyate have presented against the many flaws in the applicant's case. Objections from our MP to the Parish Council to the many comments you have received from the public all show deep concern, especially given the fact the previous development was cleared with objectors through appropriate conditions which now seem to be meaningless if this application is allowed to proceed as it stands. Even some of those that support the application have given the proviso of resolving the parking issues that are so desperately clear for all to see. I fear that if you do not see the troubles so many villagers deal with on a regular basis, business or residential, and the applicant is permitted their application without appropriate conditions then this case will not have been determined positively for Markyate and with the future in mind. If my letter and the new survey, to follow soon, do not convince you there are grave parking issues surrounding this planning application I strongly suggest an independently appointed surveyor of your choosing to complete the same at my expense so that the truth may prevail.</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>Following my objection letter dated 26 June 2018, I am writing in response to the recent comments prepared by Pegasus Planning on behalf of Harkalm Investments Ltd dated 25 July 2018.</p> <p>Regretfully Pegasus Planning have not addressed the main body of concerns that formed the numerous objections; namely the impact on building a strong, competitive economy, the safety of our village roads and the threat to vital services, such as the Post Office, which many residents rely upon (NPPF Issue July 2018 Paras. 92). Sadly, Pegasus have groundlessly moved to dismiss these material planning concerns under the umbrella of 'commercial motivation' that apparently I, residents and the businesses of Markyate share.</p> <p>Whilst Pegasus are entitled to their own opinions they are not entitled to their own facts, to set the record straight with evidence backed arguments rather than unfounded charges of 'commercial motivation'; I hereby identify the misleading notions in Pegasus's response:</p>

1. 'Concern has been raised by the owner of the Nisa Local & Post Office (Prepared by JMS Planning and Development) and local residents . . . [T]hese objections are commercially motivated and seek to maintain the status quo in Markyate Village Centre. The objection seeks to protect an existing retailers trading potential, contrary to established planning principles'

There is no proof or evidence that I and the residents of Markyate have concerns that are commercially motivated. The numerous concerns were raised in line with material planning policies (NPPF 2018 paragraphs 85, 87, 92, 102, 105, 182 & DBPL policy 44) such as safe access to the village, disturbances to residents due to lack of proper parking, noise and delivery provisions in addition to threats to the viability of existing retail units, of which mine happens to be one. On the contrary, we do not seek to maintain the status quo and invite Co-Op to join the village in its healthy, fair and unbiased competition as stated in our objection. An A1 unit competing with independent village retailers on a total floor area 300% larger than the limit determined fair by a democratically elected committee certainly does not reflect a balanced approach.

2. 'In the event planning permission is issued for the proposed change of use of Unit 1 to retail development, Condition 29 of planning permission 4/01173/11/MFA would no longer apply. A new planning history for the unit will be established.'

Condition 29 explicitly stated 'any shop unit falling within Use Class A1 shall not exceed 105 sqm as shown on the approved plans. This condition shall apply to the original construction and any future rearrangement of the commercial floorspace within the development hereby permitted.' (our emphasis). 4/01173/11/MFA is a related planning application and condition 29 set a precedent to protect sustainable development as outlined in the NPPF and this policy position has not changed since; therefore, the need for condition 29 still remains, the rationality and reasonability of such a condition is demonstrated in point 3.

3. 'As indicated on the plans supporting the application, it is also important to note that the proposed net sales area equates to 170sqm, with the remaining 177sqm required for back-of-house facilities and plant equipment, which is split over two levels. As such, the whole of the unit (347sqm) will not be given over to the sale of goods and the Applicant is willing to accept a planning condition that the trading area shall be no more than 170sqm.

Condition 29 clearly states 'any shop unit falling within Use Class A1 shall not exceed 105 sqm as shown on the approved plans.' (our emphasis) to foster a strong, competitive economy. Many retailers on the high street have shown they

can run successful businesses with this amount of floor area and this was taken into account when the committee issued the condition. The Core Strategy mentioned provisions for 'small' A1 units, whilst this is a relative description of size, if one assumes 'small' within the context of businesses in Markyate then 105 sqm is in fact bigger than the space many current high street businesses operate on let alone 170 or 347 sqm. Consequently, there was no appeal to the condition by the developers at the time planning permission was granted as it was determined a balanced outcome. The aim to seek a larger floor area is commercially motivated to maximise the applicant's profits; Co-Op stores nationwide have successfully operated on floor areas commensurate with the limits set by condition 29 (store details displayed in Table 1). Thus, there is no justification for a larger floor area to be granted in planning law as there have been no policy changes since.

4. 'The objection states that the policy position remains unchanged. The application site formed part of a Strategic Site identified in the Adopted Core Strategy (SS2). One of the key principles identified for the site is that 'Ground Floor retail uses will be acceptable where they meet local demand and complement the existing retail offer within the village centre' (Policy SS2). No threshold of unit size is identified in the site allocation'.

Pegasus are correct, no threshold of unit size was allocated in the core strategy adopted in 2013. However, in the very same document, under Markyate Place Strategy, clause 25.10 states 'The key local shopping and service function of the village centre will be protected. The new commercial uses as part of the Hicks Road scheme will complement and reinforce this role.' (our emphasis). Under the remit of this clause, during the detailed planning of the new development in 4/01278/18/FUL, condition 29 was attached to adhere to the Core Strategy. The DBLP, 4/01173/11/MFA case officer recommendations, committee report and the Core Strategy should be read together to understand where, why and how the threshold has been identified rather than cherry-picked. This policy position remains unchanged.

'Secondly, in attempting to address the putative concerns of an existing retailer, the imposition of Condition 29 has essentially blighted the opportunity to deliver the anticipated benefits flowing from the retail component at the site. The current units (limited to less than 105sqm) have been vacant since completion and evidence of almost 3 years marketing has been presented as part of this application submission. It is evident there is no local demand for such units (the site allocation stipulates that ground floor retail uses would be acceptable where they meet local demand)'.

Pegasus's response continues to misconstrue the vacancy of the units. There have been several parties interested in these units over the past few years including for the use as a gym, café, restaurants and indeed retail uses as noted by Brasier

Freeth's marketing note in Pegasus's planning statement. There was no mention that condition 29 'blighted' the opportunity of the units and no evidence to support this opinion. The same marketing note which Pegasus refer to admits that failure of Weston Homes, the freeholder, to produce the relevant sale documents contributed towards the vacancy of the units, this was only resolved in March 2018. Many retailers on the high street successfully trade in floor areas smaller than 105 sqm. Pegasus mention their client would be 'unable to operate effectively and the operation would not be viable' without a floor area of 347 sqm yet Pegasus provide no evidence.

Perhaps the reason for this omission is that a number of Co-op sites do in fact 'operate effectively' and trade with a total floor area commensurate with condition 29 as shown in Table 1.

Thus the condition conforms with the NPPF in that it is 'relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. Finally, condition 29 was not implemented for any single entity or persons but rather, as stated in the decision notice, to 'maintain the viability of existing retail units within the village in accordance with Policy 43 of the DBLP'. Pegasus imply a bias on the part of the council with their misleading statement which is once more not evidenced.

6. 'Put another way, this application affords the opportunity to provide a small convenience store in a location which is recognised as providing the ability to support the rest of the village centre through positive spin-off benefits. It is not the role of the planning system to restrict competition.'

'Small' is a relative term as mentioned previously, in the context of Markyate it cannot rationally mean a store size 300% the floor area of many high street businesses; this would not support the rest of the village but rather detract from the high street. I agree it is not the role of the planning system to restrict competition; however, it is entirely within the system remit to protect essential community services i.e. the Post Office and the character of the village through appropriate conditions. Consequently, Co-Op are welcome to open a store in the village and planning permission has already been granted for an A1 use; any further planning application to seek a larger floor area is simply commercially motivated and shows ineptness at adapting to the local needs.

7. 'The proposed convenience store is anticipated to serve the immediate community, with evidence showing 53% of customers typically living within a ¼ mile of their local store, and 78% within 1 mile (<https://www.acs.org.uk/research/local-shop-report>). As such is not intending to attract significant levels of car borne visitors. Notwithstanding this, there is an existing layby immediately to the front of the store, as well as the public car park serving the doctors surgery adjacent to the

west'.

Unfortunately, Pegasus continue their cherry-picking with this misleading statement. The very same report from the Association of Convenience Stores (ACS) to which Pegasus refer states whilst 78% live within 1 mile of their local store almost 40% still choose to drive. Therefore, it cannot be rationally deduced that there would be no significant levels of car borne visitors. Besides, Pegasus have also failed to realise the existing layby immediately to the front of the store is a goods loading/unloading bay only; it is not for the use of parking which shows a complete lack of local knowledge on which they base their application. Interestingly, the same report referred to by Pegasus also demonstrates that 61% of independent retailers operate on a shop area of 93 sqm or less demonstrating that condition 29 does not blight the opportunity of the units but instead, only blights the monopolistic potential of the units.

Thank you for allowing us the opportunity to present the facts on this matter and provide clarification on several misleading statements. As always, please feel free to contact me for further clarification on any of the information in this letter, which I summary below:

We do not seek to maintain the status quo; Co-Op are welcomed into our village providing they abide by planning conditions derived from the needs of the community. The core strategy made provisions for 'small' A1 units, which in the context of Markyate's independent trading environment implies a maximum floor space of 105 sqm. Thus, the planning officer sought to integrate this unit 'without destroying the commercial activities along the historic high street'. Condition 29 served to ensure the A1 use will complement the village and serve as an extension to the choice and diversity available in the village. No evidence backs Pegasus's claim that condition 29 has 'blighted' the opportunity of the units, in fact it has been shown the freeholder contributed to the delay of the units being taken up via the marketing note. The planning application submitted by Pegasus is commercially motivated as they seek to maximise the profit opportunities of their client by securing a much larger floorspace instead of adapting to local needs.

Co-Op have successful operational stores nationwide and many have a total floor area in line with the limit previously set by the committee, this demonstrates the units are indeed viable to reinforce and complement the village centre.

I have shown our objection is for a fair, balanced and vibrant Markyate; one which works for all including Co-Op if they choose to adapt and integrate into the community at an appropriate scale. A unit already established for A1 use at Richmond Square is available and proved to be viable. Condition 29 softens the highways concern whilst continuing to maintain the viability and vitality of the High Street and village centre and enhancing the social, cultural and economic

	DNA of Markyate.
66 High Street, Markyate, St Albans, AL3 8HZ	<p>I object to the planning application 4/01278/18/FUL made on 24th May 2018 to Dacorum Borough Council, for CHANGE OF USE OF UNIT 1 (CLASS D1 SURGERY/HEALTH CENTRE USE) TO CLASS A1 CONVENIENCE FOODSTORE, TOGETHER WITH CHANGE OF USE OF UNIT 2 (CLASS A1/A2/A3/A4 AND B1) TO THREE RESIDENTIAL UNITS (ONE 1-BED AND TWO 2-BED FLATS), TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS AND PROVISION OF PARKING at UNITS 1 AND 2, RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL</p> <p>because</p> <p>The planning application has a negative social, cultural as well as economic impact by not abiding by Condition 29 of planning application 4/01173/11/MFA and thereby lacking reasonable provision for the vitality or viability of existing retail units</p> <p>My Name is Bhavesh Patel, part owner of the Nisa Local &amp; Post Office on the High Street in Markyate.</p> <p>It was a worrying day when I discovered the submission of planning application 4/01278/18/FUL. After my discussions with Dacorum Borough Council for application 4/01173/11/MFA, the Council sided with me and several other local business owners that there was a compelling reason to include Condition 29 which states 'Any shop unit falling within Use Class A1 shall not exceed 105 square metres as shown on the approved plans. This condition shall apply to the original construction and any future re-arrangement of the future commercial floorspace within the development hereby permitted. Reason: In order to maintain the viability of exiting retail units within the village in accordance with Policy 43 of the DBLP, to ensure the businesses on the High Street remained viable and thrived into the future'. Planning application 4/01278/18/FUL is undermining the Council's approach to protect the High Street by not even mentioning or considering Condition 29 as the plans indicate a floor space of 347 square metres - 300% bigger than the limit set by Dacorum Council. The issue is compounded by the edge of village location, away from the High Street and village centre as shown by Figure 1. I feel the breach of Condition 29 will harm Markyate's local economy and urge the Council to refuse the application to protect local businesses.</p> <p>Since the early 1900's Markyate has been the home of several independently run businesses, some of which have passed down generations trading within a delicately balanced village ecosystem. As stated in planning application 4/01173/11/MFA, the village welcomes fair competition but the sheer size of the proposed store would allow the retail chain to encapsulate</p>



rather than complement what the village currently offers. The Council only need to look at nearby Dunstable, a once bustling market

town, to see the affect footfall being directed away from the High Street can have in terms of dwindling consumer choice and the closures of businesses. The opening of several large retail stores in the vicinity led to long term vacant units with 13 out of 23 retail units currently empty on High Street South as shown in Figure 2. Despite government funds being pumped into Dunstable, it has not been possible to reverse the tragic loss of a once beautiful market town full of vibrant businesses.

A large store size would effectively create an unlevel competing playing field. The proposal will harm High Street businesses by diverting trade and footfall away from the village centre. Figure 3, published by the Department for Business, Innovation & Skills, shows how this can lead to a downwards spiral as nearby stores suffer the consequences leading to closures. Even boutique businesses, which do not directly compete with the retail chain in terms of products and services, would be negatively impacted due to a reduction in linked trips to the High Street, posing a genuine threat to the community spirit which has made Markyate a lovely place to live and work for generations.

Our own MP, Mike Penning, has said 'local shops are essential to the communities they serve and the provide vital and flexible employment in the local area'<sup>4</sup>. Cardigan's Chamber of Commerce chairman, Paul Oakley, said a chain store would 'cripple independent traders' and 'these developments pose a real threat to smaller retailers'. Paul subsequently refused a retail chains application to double their store size as he felt there was 'no doubt' it would have an impact on independent shops<sup>5</sup>. Up and down the country there is a clear precedent for Councils to refuse planning applications to protect flourishing local businesses; from the market town of Saxmundham of Suffolk to Mole Valley District Council<sup>7</sup> or even West Somerset Council - these Councils have sided with their constituents to protect local interests.

Competition is inevitable; this is the path to bring out the best in businesses and I vehemently believe in this to improve Markyate. However, allowing a retail space several times the size of any other on the high street will create a one-sided playing field. It would be a shame to see businesses suffer and close after years of loyal service to our villagers. Currently we have 17 thriving local and independent businesses on the High Street alone, all significantly enhancing the character and vibrancy of the centre with each providing a service and offering truly diverse to each other. Individuality of these stores make people feel good about where they live, with these independents preventing homogenisation. The village centre has always enjoyed commercial diversity and investment, which could quickly be taken away as we join the rocketing loss of

independent stores which begins with footfall being diverted away from the high street.

The planning application states a creation of 25 jobs, however; I implore you to think about the guaranteed reduction in staffing levels along the high street, as staff are lost on one side of the village, and only some hired on the other. Studies by the National Retailer Planning Forum found retail chains create a net loss of jobs in local areas<sup>9</sup>. I employ 14 people of all ages and backgrounds in my store, in line with Simms' findings, pound for pound we hire twice the number of people than a retail chain

would to generate the same revenue<sup>10</sup>. It is reported around half of the money from local businesses remain local, whereas just five percent can be said about retail chains<sup>11</sup>. Is this the reason why Markyate's business ecosystem has survived so long? Businesses supporting each other by spending locally, through local plumbers, local electricians, local fridge engineers and more resulting in a web of interconnected spend contributing to the local economy.

My family and I purchased our business in Markyate a decade ago, we spent generous amounts of money to renovate the store to become one which our neighbours would enjoy to visit. We have continually invested in the store to evolve through the years to our customers delight. My business is a genuine village store, we supply a range of products and services tailored for our customers' needs. It may interest you to know that when a recently deceased resident OAP of Markyate struggled to live

independently, we regularly delivered groceries to him on occasions at a loss. He would call us for items worth less than £10 and we would deliver it to him. Would retail chains think twice about offering such tailored care of their customers? Yet they may be allowed to wipe out my business with impunity? We donate kindly through our Making A Difference charity to support local good causes such as the Markyate Youth F.C Under 13's, Markyate Cricket Club, Bizzee Bee Primary School, Markyate and Flamstead Community First Responders, The Fire Fighters Charity and many more inbetween because my family and I truly depend on these organisations and believe in the community spirit.

The High Street Post Office was on the brink of closure before we agreed to provide those vital community services in our store and save people, especially the elderly, leaving Markyate to access essential services. I am regretful to inform you that if the planned store was to open, there would be an adverse impact on our store and there is a high chance of the already financially struggling Post Office closing as the current usage is only supported by the foot flow to the retail element of the store. Unable to sustain the Post Office would make me have to look to convert the Post Office space into retail space and pitifully compete with the planned store's seismic floor space and commercial

	<p>advantage.</p> <p>I would like to clarify the history of the units in question which Pegasus have incorrectly referred to in their planning statement. The exclusivity period mentioned on page 28 (PDF Page Reference) expired for Unit 1 only in December 2017 and very quickly, the property was sold prior to auction in March 2018, and snapped up by an investment company for a multiple retail chain use, no reasonable amount of time was provided for the property to be marketed outside of the exclusivity period for any other complementing use. Referring to page 28, Unit 2 had several interested parties, including uses as a restaurant, café and gym. In March 2017 the council approved the conversion from flexible use to a gym and sports injury clinic D2 use and Brasier Freeth accepted an offer from a gym developer. Pegasus refer to the stalling of the gym development as 'funding issues' on page 16 (PDF page reference) point 6.12 but on the contrary, Brasier Freeth have admitted in the marketing summary note that they failed within reasonable time to obtain the appropriate documents from the freeholder, Wester Homes. Banks typically offer 3 months before an offer expires, and thus the failure of Brasier Freeth to complete the transaction led to the gym not opening. In fact, Brasier Freeth admit the documents were only received around March 2018 in their note, essentially meaning no interested party could make use of the units until now. I feel the council should not consider this a strength of the application but rather a weakness.</p> <p>I know that our Councillors care and are committed about our village and the need to secure growth but a sustainable community is equally important. The material evidence I have presented in this letter exemplifies the net loss our village will experience without appropriate planning conditions. I invite you to our store to discuss the issues directly and experience the friendly open community environment my store is first-hand. Standing by your previous righteous recommendation of Condition 29 will warrant a sustainable and diverse retail provision amongst the high street and genuinely encourage the occupier of the new units to provide a unique range of products and services instead of allowing them to encapsulate the village centre's offering. Just because the current size of the A1 retail provision does not work for retail chains should not mean the Council should change it to not work for the village. Especially as many village business owners manage to operate on much smaller floor spaces.</p> <p>Thus, please refuse the application of a commercial unit of this size in order for small businesses to compete and please join us in the fabulous community spirit that has adorned Markyate for so long.</p>
66 High Street, Markyate, St Albans, AL3 8HZ	Pegasus, Co-Op, Harkalm Investment Ltd. and Instinctif Partners need to be held accountable for false information that has been continuously peddled in the course of this planning application. The recent statement of community consultation is

marred with mathematical impossibilities and therefore lacking integrity.

Besides the community consultation taking place before the material changes to the planning application were made i.e. including the introduction of a car park in our public square; there are several grave issues relating to the data of the survey described below:

1. The percentage totals in the below excerpt from the consultation manually total 88.6%. Paragraph 4.9 mentioned 212 respondents gave a view whilst the table below shows 201 responses. Meanwhile, adding the individually numbers in the response's column returns a new and unmentioned value in the text of 178. Where have responses been removed?

Confusingly, not one data point from the table above correlates to any of the data provided within the excerpt below.

2. Paragraph 3.5 states 7 questions were asked but data for only 6 questions provided. Why has data for question 'How would you view the development specifically of a Co-Op store at the site of Units 1 and 2 Richmond Square, Hicks Road, Markyate?' been omitted.

3. Point 4.6 states '205 respondents gave a view on the existing food offering within walking distance'. The excerpt from the survey below shows only 190 responded. Where have responses been added?

4. The total of the percentage response to question 3 manually totals 105.2%. Where did the extra 5.2% of respondents come from?

5. Paragraph 4.16 states 163 choices were made for question 5 whilst the total from the excerpt below is 113. Meanwhile, adding the individually numbers in the top-Up column returns a new and unmentioned value in the text of 161. Which number is the correct one?

Unless these stark differences can be accounted for, this consultation should be given no weight. For the record, the following is the running list of false information entered by the applicant into this application:

1. Submitting a survey under the guise of HCC conformation
2. Counting the non-public 10 parking bays within the public capacity of the Hicks Road public car park
3. Claiming the most common mode of transport to the store would be on foot and falsely citing statistics from the National Transport Survey i.e. 81% of trips under one mile are on foot without stating that only 20% of these are for shopping.
4. Claiming no interest in the Units at Richmond Square
5. Stating the Co-Op would be unable to operate within condition 29
6. Falsely claiming Co-Op can precisely control the timings of deliveries when in fact, and as evidenced through my previous

	<p>letter, there is a precedent to flout their own planning statement. Additionally, Co-Op are unable to control the delivery times of their suppliers.</p> <p>7. Transport statement map showing longer runs of double yellow lines than actually exist on the high street, perhaps to ease concern about the manoeuvrability of their large lorries.</p> <p>Please find enclosed 57 individual objections from residents of Markyate, conforming to material planning considerations, which take into account recent changes to the application. Common comments include;</p> <p>Lack of Parking  Increase in noise  Concerns of lorry movement  Detriment to High Street businesses, Post Office, and existing employees  Store size too large for Markyate</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>This letter is in response to further changes made by Frampton-Martin Sage Design Limited &amp; ADL Traffic Engineering Limited, dated 12 &amp; 14 November 2018 respectively.</p> <p>Figure 1 shows an official ordinance survey map in translucent yellow layered on top of ADL's tracking map. Please note the red circles highlight all road boundaries match perfectly between both maps, except the junction box and kerb outside of building 131. According to ADL's Traffic Statement if the kerb is as shown on the OS map, the lorry would drive over the kerb and further into the footpath to make the turn, which is reported up to 4 times a day. Please note;</p> <p>The footpath connecting Hicks Road to the High Street is to one side of the road only and is a mere 32 inches wide.</p> <p>This junction is used daily by school children walking from Hicks road to catch a bus or to school.</p> <p>5 parking spaces are proposed, of which 1 is dedicated to staff. Providing 1 space for the less able as required by the Dacorum Borough Car Parking Standards Review reduces the parking bays to 3. o The Car Parking Standards Review suggests between 9-12 car parking spaces are provided for a store of 348sqm.</p> <p>On several planning applications ADL have made on behalf of Co-Op using TRICS data conclude 9 parking spaces are required for a store of this size, to which a Planning Inspectorate agreed to the calculations (however subsequently refused planning).</p> <p>o Considering store opening times are outside of bus operating hours, and given Markyate's rural location and limited bus service i.e. restricted locations, infrequent service, no service on Sunday, it is likely staff would make sure of</p>

private transport.

Why is the approach different at Markyate where parking issues are demonstrably more severe?

The loading bay in its current form allow lorries to enter and exit in forward gear and conform to HSE, 'As far as possible vehicles should not have to reverse. If you can, use one-way road layouts and drive-through loading bays.' Hicks Road connects Markyate and surrounding villages to the A5183 (Main Distributor), it is highly unlikely lorries are able to reverse on this road as proposed.

No consideration is given to tail lift use, according to Figure 2 this would take place on the public footpath; failing to conform to HSE advice, 'goods being loaded and unloaded on purpose designed loading areas' whilst '(un)loading should be off the road and pavement, well away from members of the public'. Furthermore, as indicated in Figure 2, the lorry strikes a lamppost, the location of which prevents tail lift use. This could lead to the lorry blocking a parking bay to service the store. Given the high demand of parking spaces blocking a bay may not be possible, which may result in lorry drivers parking on Hicks Road.

Figure 2 shows a car passing a manoeuvring lorry. Images within previous submissions clearly show this part of the road has no parking restrictions and is often used for resident parking.

Whilst vans and lorries make use of the loading bay, the Manual For The Streets indicate users attempting to reserve out of a parking bay crossing both lanes of Hicks Road are not provided sufficient visibility splay. This is up to 6 times per day for the applicant, and highly likely to be more from other loading bay users. Please note cyclist use Hicks Road as part of the Chiltern Cycleway and pedestrians on organised walks.

Valuable amenity space continues to be cut down for the benefit of the private company. The same public square Pegasus relies on for amenity space to occupants of the residential conversion, has now been proposed by ADL to be condensed by encroaching onto the square for parking.

Items from the Traffic Statement dated 25 October 2018 remain unresolved; o Showing longer runs of double yellow lines that do not exist on the High Street. This space is used for car parking, is its therefore highly unlikely the lorry will be in this position to turn.

o the lorry would need to travel a considerable distance before vehicles in the oncoming lane are permitted a clearance to continue their journey towards the junction

o to obtain a clear line of sight the lorry would travel further down the High Street to ensure a safe turn before proceeding to reverse (if clear of vehicles). In either outcome the free flow of traffic is inhibited, and the lorry will mount the pedestrian

	<p>footpaths.</p> <p>The ADL traffic statement continues to fail meeting The Highway Code, particularly Rule 145: 'You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency'. The traffic statement is also in contravention of relevant planning policies including NPPF Paragraph 109 &amp; 110, DBLP Saved Policies 12 &amp; 51 and Core Strategy Policy 8 and should be rejected pending a more sustainable traffic management plan.</p>
<p>5 HICKS ROAD, MARKYATE, ST ALBANS,,AL3 8LJ</p>	<p>Objection to amended application details. Ref: 4/01278/18/FUL</p> <p>Objections as follows:</p> <p>Delivery and Servicing Management Plan. October 2018</p> <ul style="list-style-type: none"> <li>- 2.1.2. The terminology "It is intended" does not mean it is guaranteed.</li> <li>- Delivery Vehicle and Timings. Who will enforce this timetable after planning has been granted. It certainly won't be the council and the residents will have little recourse to anyone to enforce it.</li> <li>2.2.2. Delivery management. Who will enforce the route these vehicles take. The statements made in the report are not enforceable.</li> <li>- 2.4. Control of Parking Spaces</li> <li>- Loading bay for the retail unit. How/who will enforce this?</li> <li>- How will the 8 public spaces be enforced/by whom?</li> <li>- 2.4.6. Van drivers are not interested in planning obligations</li> <li>- ADL letter 5 September 2018.</li> </ul> <p>The car parking survey in Hicks Road is flawed and the planning committee should visit the site themselves to see the parking situation. The survey data was carried out on 25th August, which was a weekend, during main vacation month and also sandwiched between the August bank holiday weekend period.</p> <ul style="list-style-type: none"> <li>- Instinctif Partners Survey. If the survey extended to the areas marked on Appendix 1 as stated is the catchment area, this is worrying as it will increase traffic. Contrary to earlier statements in the application, people will not walk this distance to a shop and thus it is no longer "local". I live adjacent to the Hicks Road car park and was not asked to participate.</li> <li>- DBLP Policy 43 is breached. Size of the proposed unit.</li> <li>- Core Strategy SS2 is breached . The proposed use does not complement existing uses in the village it is in direct competition with them.</li> </ul>

	<p>- Prudens is an independent bakery serving the village and surrounding villages. The delivery plan clearly shows a "Bread Delivery" vehicle.</p> <p>- The current Nisa store is now part of the Co-Op group. Two Co-Op stores in the village are not sustainable.</p> <p>Residential Units</p> <p>Markyate has had two not insignificant housing developments built out in the last 5 years. It does not have the infrastructure for continued piecemeal/ah hoc dwellings. Car usage/air quality impact/road capacity/schools/parking/medical services.</p> <p>This application should be refused.</p>
Local Petition	<p>Petition received from local residents on 19/11/18 - 57 individual responses.</p> <p>Comments include concerns over:</p> <p>Lack of parking.  Increase in noise.  Concerns over lorry movement.  Congestion.  Pollution.  Detriment to High Street businesses, Post Office, and existing employees.  Store size too large for Markyate.</p>

### Supporting

Address	Comments
15 COWPER COURT, MARKYATE, ST ALBANS, AL3 8HR	<p>After living in Markyate for a number of years as a family we strongly support the planning on Hicks Road. The village is lacking a adequate convenience store, which provides fresh and affordable produce. We currently never use the small shop in the village as its over priced and lacks fresh food. For many years we have felt that more and more house have been built, with a lacks of local amenities. As a house hold of workers it is a pain that we always have to stop off on the way home to some of the other local villages to get something half decent to eat because Markyate does not offer this.</p> <p>Markyate is a great village and more needs to be done to allow it to be more family friendly, which we feel this planning would allow. It is a shame that other planning has passed in the village, such as a so called function room, which produces more noise pollution and keeps the residence awake.</p> <p>I would like to suggest parking restrictions on Hicks Road to support the residence of the road.</p>



## Commenting

Address	Comments
10 HICKS ROAD, MARKYATE, ST ALBANS, AL3 8LJ	<p data-bbox="635 248 1449 344">We acknowledge receipt of your letter dated 1st June 2018 in regards to the above planning application and are pleased to respond as follows:</p> <p data-bbox="635 383 1449 577">As the units have been empty since construction completion of the Silverbrook development, we welcome the proposed planning application for change of use to establish additional residential units and convenience food store. However we do feel that this will require additional control of the streetscape in relation to now established parking practices.</p> <p data-bbox="635 616 1449 1048">Since construction completion, the residents of the flats within Richmond Square have utilised the north kerbside of Hicks Road, including the established loading bay, as their dedicated parking. Despite many of the flats having allocated parking spaces along Sharose Court and within the Hicks Road/Ver Brook parking area (located behind). This is exacerbated by our neighbours on the south side of Hicks Road, opposite the development, who insist on parking on the footpath; again regardless of whether they have allocated parking available in the rear car park, or availability in the Hicks Road public car park. Combined, this parking practice does cause a bottleneck on Hicks Road, restricting traffic flow to single lane movement. See attached photo.</p> <p data-bbox="635 1086 1449 1317">Our concern would be that, without suitable parking restrictions on Hicks Road there will continue to be severe traffic issues which have not been considered in the submitted planning application documents, particularly at proposed delivery times. We would therefore consider that parking restrictions along the south kerb of Hicks Road a necessity, if this application were to be approved.</p> <p data-bbox="635 1355 1449 1480">We have reviewed the 'Delivery &amp; Servicing Management Plan' produced by ADL Traffic &amp; Highways Engineering Ltd. , submitted on behalf of The Co-Operative Group Food Ltd., and have the following comments:</p> <p data-bbox="635 1518 1449 1921">Para 2.2.2 – provides the proposed routing of delivery vehicles northwards along London Road and turning right into Hicks Road and into the northside loading bay. Within the proposed delivery windows of 8am to 10am (for the 12.2m rigid vehicle) this junction is usually very busy with commuter/school traffic and queues are not uncommon. In addition, the right turn into Hicks Road is very tight for a rigid vehicle and we would consider that this may impact on existing traffic use. We would suggest that Auto tracking is undertaken for the maximum vehicle size to take the right turn from London Road into Hicks Road as this may require additional works to the existing junction.</p> <p data-bbox="635 1928 1449 2047">We note that Auto tracking has been used to model the delivery vehicle into and out of the existing loading bay on Hicks Road. This indicates that the anticipated vehicle swing when leaving the loading bay is close to, or over the southern</p>

kerb line which, when considering the current parking issues above, will be either difficult or dangerous to manoeuvre.

We trust that you will find our comments useful in your determination of the planning application, which we do fully welcome. However this development does have the capability of being detrimental to the village if these issues are not suitably considered within the determination process.

Should you have any comments or queries in relation to our comments above, please feel free to contact me on the mobile number below.