



**DEVELOPMENT CONTROL COMMITTEE**  
**Thursday 2nd February 2017 at 7.00 PM**

**ADDENDUM SHEET**

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**Item 5a**

**4/03157/16/MFA - HYBRID PLANNING APPLICATION FOR THE REDEVELOPMENT OF SITE TO PROVIDE 12,503 SQM RETAIL (CLASS A1) FLOOR SPACE, 545 SQM OF CAFE/RESTAURANT (CLASS A3/CLASS A5) FLOOR SPACE, AND 180 SQM OF CAFE/RESTAURANT (CLASS A1/CLASS A3) FLOOR SPACE, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING (DETAILS SUBMITTED IN FULL); AND OFFICE (CLASS B1) BUILDING MEASURING 2,787 SQM (DETAILS SUBMITTED IN OUTLINE).**

**LAND AT MAYLANDS AVENUE, MAYLANDS AVENUE, HEMEL HEMPSTEAD**

**Further representations**

On behalf of applicant – further submission

Further to our recent conversations and the response from Peter Brett Associates ('PBA'), dated 19 January 2017, please find attached our updated statistical analysis relating to the increased quantum of convenience goods floorspace at the application site.

**Convenience Floorspace**

As you know, the statistical analysis assess the uplift in the net convenience sales floorspace from the extant position (1,414 sq. m) to the current proposal as part of the revised development scheme (1,900 sq. m). The net increase is therefore 486 sq. m.

The updated analysis responds to the matters set out on Page 5 of the PBA response and in particular includes the following:

1. Updated expenditure and population baseline data (2016) provided by Pitney Bowes (data sheet is attached for transparency and ease of reference);
2. Application of latest expenditure growth and efficient rates, provided by Pitney Bowes;

3. Updated average sales densities using latest available information from Verdict and Mintel;
4. Inclusion of sensitivity analysis which adopts £12,000 psm as the sales density for the proposed development;
5. Updates to Trade Diversion Tables to assess 100% of the proposed turnover;
6. Renaming of Tables / Columns to 'Trade Diversion' rather than 'Trade Draw'; and
7. Provision of data demonstrating the zonal composition of the anticipated trade diversion.

The methodology that has been adopted by the applicant now accords with the specific requests from PBA and provides clear evidence, having due regard to the guidance within the PPG that assessments should be 'proportionate' and the previous cumulative analysis undertaken by PBA, that there would not be an unacceptable impact triggered by the proposed uplift in convenience floorspace.

Table 9 in the attached document provides a summary of the impact of the proposed convenience floorspace and this is replicated below for ease.

Convenience Turnover of Hemel Hempstead at 2016 (£m)	56.74
Convenience Turnover of Hemel Hempstead at 2021 (£m)	60.31
Uplift in Convenience Turnover of Hemel Hempstead 2016-2021 (£m)	3.57
Convenience Diversion to Jarman Park at 2021 (£m)	1.98
Convenience Diversion to Maylands Avenue at 2021 (£m)	1.94
<b>Cumulative Diversions from Hemel Hempstead at 2021 (£m)</b>	<b>3.92</b>
<b>Cumulative Impact on Convenience Turnover of Hemel Hempstead at 2021</b>	<b>6.50%</b>

As you will see, the cumulative trade diversion of the commitment at Jarman Park and the total convenience floorspace proposed at the application site is just **£3.92m** at 2021. This represents a total impact of just **6.5%** on the convenience turnover of Hemel Hempstead. The analysis also demonstrates (Table 8) that the anticipated diversions from Hemel and other defined centres will not materially change the existing performance of any individual store and therefore there are no closures anticipated as a direct result of the proposed development. For example, the Asda store in the town centre is projected to be significantly over trading even after all diversions have taken place (177% of its anticipated benchmark level). It follows that the range and choice of services within defined centres will remain constant with the established position.

The analysis demonstrates that the growth in the convenience turnover of Hemel Hempstead between 2016 and 2021 (£3.57m) as a result of population growth and additional spending is almost the same as the anticipated level of diversion (£3.92m). It follows that there will be no real adverse impact on the centre when compared to today's trading position.

In respect of the outline permission granted at the application site, PBA undertook a detailed cumulative assessment of three proposed developments of convenience floorspace within Hemel Hempstead (see Further Retail Review, dated November 2015) ('**FRR 2015**'). These are summarised in the table below.

Development Proposal	Net Convenience Floorspace	Turnover at 2018
Jarman Park	812 sq. m	£7.8m
Lidl, Maylands Avenue	982 sq. m	£3.8m
Aviva Scheme, Maylands Avenue	1,414 sq. m	£17.2m
<b>Total</b>	<b>3,208 sq. m</b>	<b>£28.8m</b>

PBA concluded that the cumulative impact of the proposed floorspace listed above on Hemel Hempstead Town Centre would be a total of **6.3%** (see Table 5 of the FRR 2015). As the Lidl proposal at Maylands Avenue is no longer being progressed, following the refusal of the application on the ground of loss of employment space and design, the projected impact of 6.5% is consistent with the level confirmed as acceptable by PBA. The additional **0.2%** impact triggered by the revised development scheme at the application site would be imperceptible in terms of shopper number or in centre turnover and there will be no other land use impacts.

PBA's advice to the Council in respect of convenience floorspace has been quiet clear that new floorspace is not likely to trigger unacceptable impacts. Paragraph 6.3.3 of the FRR 2015 states:

*In respect of the convenience sector, the cumulative effect would be less pronounced. This is primarily because there is only one significant foodstore within Hemel Hempstead town centre and instead the additional convenience floorspace would compete most readily with the strong out-of-centre provision, including mutual impacts on the schemes themselves.*

To address on of PBA's other points:

1. The applicant has also undertaken a Sensitivity Analysis (see Table 10). That analysis demonstrates that, even if the turnover of the convenience floorspace exceeds the level anticipated, the impact on Hemel would not reach levels that are 'significantly adverse'; and
2. A Table showing the composition of the trade diversion has been produced demonstrating the majority of the store turnover (51%) will be derived from residents within the Central Zone.

#### Comparison Floorspace

As set out previously, the applicant is proposing to reduce the amount of net comparison sales floorspace from the quantum that could be developed at the application site pursuant to the extant planning permission. The revised development scheme seeks provision of 7,800 sq. m compared with the extant position of 7,848 sq. m (a net reduction of 48 sq. m).

The effect of the revised development scheme will therefore be to reduce total amount of comparison floorspace that could be developed outside Hemel Hempstead town centre and therefore reduce turnover and critically impact on all defined centres. The revised development therefore delivers a betterment in respect of comparison retail issues.

PBA has already confirmed in writing that the following amendments to the proposed comparison floorspace are acceptable:

1. The increase in units from six to nine is acceptable; and
2. The extension to include provision for baby and children's clothing and maternity wear from one unit is acceptable

## Summary and Conclusion

As set out above, the PPG is explicit that assessments submitted should be 'proportionate' to the development proposed. An assessment of proportionately must take into consideration an extant planning permission (as this is a material consideration for the Local Planning Authority).

The applicant has demonstrated that the minor changes proposed from the extant development scheme approved at the application site will not trigger any material changes to the impact of the proposed development. The applicant has demonstrated that the proposed development will either have a positive impact (the reduction in comparison net sales) or any adverse impacts are not 'significantly adverse'. It follows that the proposed development accords with the tests set out in the NPPF and the development plan.

We very much hope that the information above provides PBA with the necessary information it requires to provide formal confirmation to the LPA that the proposed uplift in convenience floorspace does not trigger any unacceptable impacts.

## PBA further response

In our letter to you on 19 January, we concluded that the Council would need to satisfy itself on the point of whether the cumulative impact is acceptable but that in addition to this, we reached the following conclusions:

- The increase in the number of units from six to nine is acceptable
- The increase in convenience floorspace could be acceptable, subject to the applicant updating their analysis as suggested in this letter
- The extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit is acceptable
- The extension to the permitted retail use to include sale of pharmaceutical goods, toiletries, beauty and healthcare products from one unit is currently not acceptable

Savills have provided some additional information to respond to the outstanding points we raised, namely in relation to convenience impact. We have briefly reviewed this in the context of those outstanding issues.

## Convenience floorspace

In line with the matters raised in our previous advice to you, Savills have provided further evidence on this point, including a short sensitivity which considers a higher turnover for the proposed convenience floorspace.

In the context of this additional work, we consider that the convenience impact of the proposal is not significantly adverse. Under the low turnover scenario, while there is a slightly higher level of impact on Hemel Hempstead, it does not alter the conclusion we reached in respect of the last application. This has regard to the nature of the convenience offer within the town centre and the fact that the majority of impact would be felt on out-of-centre provision. While the higher turnover sensitivity results in a higher level of impact on the town centre, this is not considered to be sufficiently greater to warrant a different conclusion on convenience impact – either solus or in cumulative terms.

#### Pharmaceutical, toiletries, beauty and healthcare products

No further information has been provided on this point so the issues previously raised remain. In relation to comparison impact on existing centres (specifically Hemel Hempstead), while there is a statement that the small reduction in comparison floorspace will mean that ‘the revised development therefore delivers a betterment in respect of comparison retail issues’, this is misleading. It assumes that the reduction in floorspace will also mean lower level of diversion from the town centre. The range of goods that can be sold at the application site will affect the level of diversion from the town centre so while there may be a small net reduction in floorspace, the widened range of goods may mean that the impact on the town centre is in fact greater.

PBA therefore continue to recommend that the Council should maintain the ability to prevent the sale of ‘pharmaceutical goods, toiletries, beauty and healthcare products’ and should preclude a pharmacy from being operated from the site.

#### Cumulative impact

The applicant has not provided any additional information on the overall cumulative impact of the proposed development on Hemel Hempstead town centre. The Council has instead reached its own view on the matter and has set this out in the report to committee which has already been published.

PBA’s previous advice on cumulative impact was that the impact of schemes at both Jarman Park and the application site would be significantly adverse; we remain of that view. Advice provided by Chase and Partners (C&P) at the end of 2015 concluded that the town centre could sustain two out-of-centre schemes. This advice informed the Council’s balancing exercise when the application was recommended for approval and then subsequently granted planning permission.

While it is acknowledged that there is a fall-back position in the form of the outline permission, the current application is seeking changes from that. In the case of this application, PBA’s view has consistently been that because of the changes in circumstance since the original application was determined, the cumulative impact of proposed development should be revisited and that this should inform the Council’s decision making on this application. It may well be that if this work was done, the quantitative impact of the proposed development might still be within the realms of what the Council considers acceptable against the NPPF tests. In the absence of that work, the Council have reached a judgement that draws on the C&P assessment in reaching the view that the cumulative impact of the revised scheme

would still be acceptable. In coming to this view, they refer to the reduction in floorspace compared to the previous scheme. However, as set out above, as well as floorspace, the range of goods sold will have a direct bearing on the level of impact on the town centre. It will be important for the Council to ensure that any permission is suitably conditioned so that it is controlled in line with the impacts that have been tested.

### Strategic Planning and Regeneration further comments

Draft comments to be finalised following PBA advice:

#### 1. The permitted scheme

Outline planning permission (4/01132/15/MOA) has been granted for retail development (12,503 sq. metres), offices (3,004 sq. metres) and restaurants (650 sqm) at this site. Please refer to our comments of 1 December 2015 on this application.

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

- The gross retail floor area shall not exceed 12,503 sq. metres. The net retail floor area shall not exceed 9,290 sq. metres. comprising a maximum of:
  - 1,414 sq. metres of convenience food goods
  - 7,848 sq. metres of comparison non-food goods
- The retail units shall have a minimum gross internal area of 650 sq. metres.
- There shall be no more than six retail units.
- No retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services.
- The Class A3 floorspace shall be limited to 650 sq. metres (GIA).

The outline permission was also granted pursuant to a Section 106 Agreement which imposed the following additional limitations on the permitted retail use of the approved retail floorspace:

- Not more than one unit can be used for the sale of goods related to sports and outdoor pursuits, provided not more than 49% of the net sales area of that unit is used for the display of sports and outdoor pursuits clothing and footwear.
- Not more than one unit can be used for the sale of clothing (excluding sports clothing), footwear, jewellery and fashion accessories, toiletries and cosmetics provided it is limited to 49% of the net sales area.

- Notwithstanding the above two restrictions, no more than 3% of the net sales area of units can be used for the sale of food and drink, clothing and footwear, jewellery and fashion accessories, pharmaceuticals, toiletries and cosmetics.

## 2. The current application

The application is a hybrid and seeks full planning permission for the retail development and restaurants and outline permission for the offices.

The key changes between the extant permission and the new application, in terms of the retail provision and anticipated controls on operation, are as follows:

- An increase in number of retail units from six to nine.
- An increase in the net sales area and the area permitted to be used for the sale of convenience goods (from 1,414 sq. metres to 1,950 sq. metres).
- An increase in the amount of Class A3 space from 650 sq. metres to 725 sq. metres.
- An extension to the permitted retail use to include the sale of baby and children's clothing and maternity wear from one unit (xxx sq. metres).

A condition is suggested by the applicants to stipulate that no more than 2,612 sq. metres (GIA) of the total retail floorspace (Class A1) shall be provided at mezzanine level.

557 parking spaces are proposed, marginally more than the 553 spaces in the outline permission.

With regard to the office development, the application only seeks approval for the principal of the land use and quantum of space (2,787 sq. metres, compared to 3,004 sq. metres in the outline permission). All other matters relating to the offices are reserved for future consideration. A notional development site for the offices is located in the south of the site, facing Breakspear Way (whereas the outline permission showed the offices in the north of the site fronting Maylands Avenue). The timescale for the offices is uncertain given the lack of office demand.

## 3. Planning policy context

### (i) National context

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

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

NPPF paragraph 22 is also relevant as the proposed development involves land allocated for employment use.

(ii) Dacorum planning policy context

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

Dacorum Local Plan (April 2004)

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

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

Maylands Master Plan (September 2007)

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

Maylands Gateway Development Brief (July 2013)

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

Dacorum Core Strategy (September 2013)

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

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

"New retail floorspace will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of the impact assessment."



Following the Site Allocations public hearing (October 2016) and the Inspector's initial note, the Council is now consulting on the 'Site Allocations Modifications December 2016'. Substantial weight should now be given to the Site Allocations document, given the advanced stage it has now reached. It is expected that the Site Allocations document will be adopted by the council in spring or summer 2017.

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

#### Dacorum single Local Plan

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

#### 4. Examination of key planning policy issues

The key planning policy issues raised by the current application are examined below. In examining these issues, we have taken account of the advice provided to the Council by PBA in their letter of 19 January 2017 and in their emails.

Issue 1: How much weight should be given to the extant permission for retail and office development on the site?

The extant outline planning permission was granted less than a year ago and should be given high weight, particularly as the current application proposes the same amount of retail floorspace as the outline scheme. Nevertheless, the current application differs from the permitted scheme in a number of respects. Therefore, the issues examined below should be considered carefully in deciding whether the revised proposals are acceptable.

Issue 2: Does the proposed development meet the sequential test?

Yes – see page 3, paragraphs 5 and 6 of PBA's 19 January 2017 letter.

PBA's conclusion on this issue is set out below;

“...we can agree that at the time of writing (January 2017) that the application site is sequentially preferable for the uses proposed. Therefore, the sequential test has been met.”

Issue 3: Would the proposed retail development on the site and at Jarman Park have a significant adverse cumulative impact on Hemel Hempstead town centre?

PBA's advice is that a cumulative impact assessment should be carried out (see the last three paragraphs on page 2 and paragraphs 1-3 on page 3 of PBA's letter).

Paragraph 1 on page 3 of the letter refers to various factors relating to retail impact. This paragraph concludes as follows:

“All these factors could result in different conclusions on retail impact and, as you are aware, PBA has always advised that the applicant should re-examine cumulative impact and omitting this analysis means that we are unable to reach judgements on whether the cumulative impact of the development, with the additional changes, is acceptable.”

PBA also pointed out (paragraph 2 on page 4) that the applicant’s evidence on retail impact and cumulative impact is highly misleading. This is because the commitment modelled was the previous permission for a bulky goods scheme at Jarman Park (now expired) and not the more recent development granted on appeal.

PBA provided the following further advice on cumulative impact by email on 19 January 2017 that:

“Our advice is firm on this point. Failure to address this and to be consistent with our November 2015 advice, it would be to refuse the whole application.”

As the applicant has not provided a cumulative assessment, we consider that the Council should commission PBA to undertake the assessment. We will finalise our comments on Issue 3 once PBA has reached conclusions on this matter (or if you decide not to commission PBA to do this work).

The cumulative impact assessment should take account of the planning permission granted on appeal (since the approval of the outline application on the Maylands Avenue site) for retail development at Jarman Park. The Jarman permission is for 10,305 sq. metres (gross internal area) of class A1 retail floorspace, subject to a condition preventing the sale and display clothing and footwear, unless ancillary to the main use of an individual unit.

Since the original Maylands Avenue outline permission was granted, the proposals for Jarman Park in the Site Allocations document have changed. Following the Site Allocations public hearing (October 2016) and the Inspector’s initial note, the Council is now consulting on the ‘Site Allocations Modifications December 2016’. Main Modifications MM4 and MM5 in this document relate to Jarman Park:

- MM4 proposes to amend the entry for Jarman Park in Table 1 (Out of Centre Retail Locations (updated)) to state:

“Food retailing and non-food goods (excluding clothing and footwear unless ancillary to the main use of a unit). Leisure uses.”

The wording in brackets above is new and it is also proposed to delete ‘bulky’ before ‘non-food’.

- MM5 proposes to amend the planning requirements for site S/1 in the ‘Schedule of Retail Proposals and Sites’ to state:

“Acceptable uses are retail and leisure uses. The nature and scale of development should aim to maximise the use of the site and ensure no significant adverse impact on Hemel Hempstead town centre. The sale and display of clothing and footwear is not acceptable, unless ancillary to the main use of an individual unit.”

Substantial weight should be given to the Site Allocations document, as it has reached an advanced stage. It is expected that the Site Allocations document will be adopted by the Council in spring or summer 2017.

The Jarman Park site has been marketed recently and a number of bids submitted. These bids put forward a range of proposals for the site, with none of the bids proposing to implement the outline planning permission granted on appeal for 10,305 sq. metres (gross internal area) of Class A1 retail floorspace.

Therefore, it remains uncertain what will happen on the Jarman site, but a retail scheme along the lines proposed in the Site Allocations document should be assumed at this stage.

Issue 4: Is the increase in the number of retail units acceptable?

Yes – see PBA’s 19 January 2017 letter (page 4, paragraphs 1-3).

PBA’s conclusions are contained in paragraph 3:

“It is considered that the additional units and therefore choice would have some harmful impact on the Hemel Hempstead town centre on the grounds of increasing the attractiveness of an out of centre detail destination from a qualitative perspective. Taking into account the evidence it is considered that, on its own, this harm is not so great to justify insisting that the six unit limit remains, particularly since the 650 minimum sqm threshold will not be breached and thus ensuring that the development retains its characteristics that distinguish itself from the town centre.”

Issue 5: Is the increase in the amount of floorspace used for convenience good sales acceptable?

This issue is addressed on pages 4-6 of PBA’s 19 January 2017 letter.

Page 5 of the letter sets out PBA’s concerns over the robustness of the analysis undertaken by the applicant. The following conclusion is reached:

“PBA advise that the analysis is updated addressing the concerns above. It is recognised that PBA’s November 2015 advice found that there would not be a harmful cumulative impact on the convenience sector from three schemes and this included a Lidl store of some 982 sqm net of convenience floorspace. The application for this Lidl was refused and an appeal has not been submitted. Therefore, subject to the applicant undertaking the necessary analysis (bearing in mind the changes in convenience forecasts) and taking a proportionate approach to the evidence (bearing in mind it is not our role to justify the scheme), it is expected that the increase in net convenience floorspace could be acceptable. They add that subject to the necessary analysis being undertaken, it is expected that the increase in net convenience floorspace could be acceptable.”

Additional information was submitted by the applicant on 25 January in response to PBA's concerns. We will finalise our comments on Issue 5 once PBA has considered the additional information.

Issue 6: Is the proposal to include a unit selling baby and children's clothing and maternity wear acceptable?

Yes – see page 6 of PBA's 19 January 2017 letter. PBA's conclusion is that;

“...taking into account the qualitative gap for this type of retailer, the fact that the existing children's clothing provision is within existing stores selling other products, the low level of turnover per sqm net vis-à-vis the turnover used in the extant permission means that we can agree that this change on its own would not cause an unacceptable impact on any designated town centres.”

Issue 7: Is the proposed increase in the quantum of A3 floorspace acceptable?

Yes – see page 8 in PBA's 19 January 2017 letter.

The proposed increase in A3 floorspace is only 75 sq. metres. PBA's letter states that:

“...we accept that in the context of the application scheme and the size of the town centre, this level of increase of A3 floorspace will not harm the town centre and therefore is not unacceptable.”

Issue 8: Is the reduced office floorspace and the changed location of the offices acceptable?

We have no objection to the modest reduction in the office floorspace from 3,004 sq. metres in the permitted outline scheme to 2,787 sq. metres.

Also, we have no objection in principle to the proposed location of the offices in the south of the site. However, we do have serious concerns about the deliverability of offices in this location, as explained under issue 10 below.

Issue 9: Is the office development deliverable given the proposed layout of the retail development?

Probably not.

We accept that offices are unlikely to be built on the site in the near future because of current market conditions. However, even if the market improves we are concerned that the offices are still likely to be undeliverable due to the proposed layout of the retail development.

The application is not accompanied by any plan showing the potential location of the offices or the proposed access arrangements. It appears that access would be taken through the middle of the retail park car park. Assuming this to be the case, it seems highly unlikely there would be any interest from developers in building offices

or from firms wishing to occupy offices in such a location. Indeed, it appears that the only type of development that could realistically take place in this location is more retail floorspace.

Advice should be sought from the highway authority on whether access to the offices through the retail park car park would be acceptable on safety grounds.

As explained, in section 3(ii) of these policy comments, the application site forms part of the Maylands Gateway where the Council's policy is for a high quality office led development. Indeed, Maylands Gateway is the only site in the Borough with potential for large scale office development. This is an important consideration, particularly as the office floorspace targets in Core Strategy Policy CS15 are not being met and the South West Hertfordshire Economic Study (February 2016) proposes substantial office floorspace in Dacorum over the period to 2036.

Given the above, our view is that the application should not be permitted if it appears that an important element of the scheme is undeliverable. We consider that there are two possible ways forward:

- **Either** the applicant should be asked to provide further information to demonstrate how the proposed offices could be satisfactorily accessed.
- **Or** the proposed offices should be relocated to a part of the site where road access can be obtained without going through the retail park car park.

## 5. Conclusions

Following the examination of the key planning policy issues in section 4 above, we have the following concerns about the current application:

- Issue 3: The lack of a cumulative retail impact assessment, assessing proposed retail development on the application site and Jarman Park, makes it impossible to reach a conclusion on whether there would be a significant adverse on Hemel Hempstead town centre. As the applicant has not provided a cumulative assessment, we consider that the Council should commission PBA to undertake the assessment. We will finalise our comments on Issue 3 once PBA has reached conclusions on this matter (or if you decide not to commission PBA to do this work).
- Issue 5: The necessary analysis to show whether the proposed increase in net convenience floorspace is acceptable has only just been provided by the applicant. We will finalise our comments on Issue 5 once PBA has considered this information
- Issue 9: The proposed office development appears to be undeliverable, as it seems that access would have to be via the retail park car park. Permission should not be granted unless either the applicant provides further information which demonstrates that the office element can be satisfactorily accessed, or the proposed offices are relocated to a part of the site where road access can be obtained without going through the retail park car park.

If planning permission is granted, we consider that a condition should be attached to stipulate that no more than 2,612 sq. metres (gross internal area) of the total retail floorspace (Class A1) shall be provided at mezzanine level, as suggested by the applicant.

#### Hertfordshire Lead Local Flood Authority further comments

Thank you for consulting us on the above hybrid application for the redevelopment of the site to provide 12,503sqm retail floor space (Class A1), 545sqm of café/restaurant floor space (Class A3/Class A5) and 180sqm café/restaurant floor space (Class A1/Class A3) with associated parking, access and landscaping (submitted in full); office building (Class B1) details submitted in outline.

Following a review of the Flood Risk Assessment carried out by MJM Consulting Engineers reference 6011-001 Rev D dated January 2017 submitted with this application, we can confirm we can confirm that the points raised in our previous response have now been satisfied and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

We acknowledge that the application site will continue to discharge into existing Thames Water sewer at Greenfield rates and confirmation has been provided from Thames Water that they are satisfied in principle with reutilising the connection at the proposed rates and volumes. The drainage strategy is based upon attenuation tanks, porous surfacing for the car park and balancing ponds. Detailed surface water run-off calculations for 1:100 year plus climate change have been provided within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all above rainfall events.

As the application forms part of a hybrid application, we therefore recommend the following condition for the outline component to the LPA should planning permission be granted.

#### LLFA position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment carried out by MJM Consulting Engineers reference 6011-001 Rev D dated January 2017 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by MJM Consulting Engineers reference 6011-001 Rev D dated January 2017 and the following mitigation measures:

1. Implementing appropriate SuDS measures to include attenuation tank, porous surfacing and balancing ponds.

2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Discharge into Thames Water Sewer restricted to greenfield run-off rate
4. Details of how the scheme shall be maintained and managed after completion.
5. Detailed engineered drawings of the proposed SuDS measures.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

We consider that outline planning permission could be granted to the proposed development if the following planning condition is included as set out below.

#### Condition 2

No development approved by this planning permission shall take place until such time a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.

The scheme shall also include:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Details of how the scheme shall be maintained and managed after completion.
3. Details of the proposed drainage scheme providing a drainage plan showing the location of any proposed SuDS, pipe runs and any areas of proposed informal flooding.
4. Details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

Informative to the LPA

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

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

The LPA will need to be satisfied that the proposed drainage strategy will be maintained and managed for the lifetime of the development

#### Hertfordshire Highways further comments regarding access to office site

The concern of your strategy team colleagues, as I understand it, is that access to the proposed offices that would be at the south of the site is not defined sufficiently and/ or might be unsafe.

This is how this is covered in our response;

#### Access Arrangements

The application is a hybrid application with a full application for the retail and restaurant land uses and outline application for the office site. It is noted, however, that as part of the office site, no new access arrangements are required as the office will be accessed via the proposed retail car park to be agreed as part of the full planning application portion of the hybrid application. Therefore, the vehicle and pedestrian accesses will be agreed as part of the full planning application.

And then, in the section Vehicle Access;

At the pre-application meeting held 5th July 2016, it was suggested that the existing access may be used for the proposed office land use as there is currently still a right turn lane on Maylands Avenue into this access. However, it is proposed within the current planning application documents to have an exit only at this existing access location.

The TA describes construction of the proposed office element (in para 5.9) thus: 'Finally, Phase 3 would involve the creation of an access into and construction of the B1 office Building'. Parking for the offices is described thus in para 5.34; 'It is proposed that parking for the B1 Office area be provided during the Reserved Matters application for that site in due course'. Parking for and access to the offices is described thus in para 9.11: 'It is proposed to apply for the access arrangements to the office building at a later stage, and that the office and its access remain as outline with all matters reserved for future application. However, land has been identified for both the office plot and earmarked for an access road.'

Appendix A of the TA is a set of notes from a preapp meeting...

Section 2.11 of those minutes record the discussion about access to/ egress from the offices thus: 'Access / Egress for Office – the consented office space is proposed to be located along the southern boundary of the site, with circa 80 car parking spaces. The intention is to leave this element of the scheme as outline, as no end user is currently known. It is proposed that the former Lucas factory access be used to access and egress from the proposed offices. An existing right turn pocket is still present into the entrance.'. The HCC Highways comment to that was: 'Further



information as part of the TA is required before this can be agreed.'. I would argue that that has not been provided

The permission which 'created' the access road, traffic lights on Maylands Ave and 4-way roundabout was for six large individual office blocks and associated car parking. It had your ref 4/2728/03. Only one of those office blocks was constructed (the Peoplebuilding) with another subsequently built out as a health club. Therefore, there is in excess of 50,000 sqm of unimplemented office space of the extant site, which has already been assessed in terms of access and impact on the local highway network..

In 2015 an outline planning permission (4/01132/15/MOA) was granted for the full redevelopment of the unbuilt site for a mixed-use development comprising A1 food and non-food retail, A3 restaurant facilities and a B1 office building. As part of that all traffic entering the site was to utilise the existing access junction of the site (three-arm signal junction with Maylands Avenue) which was designed in order to accommodate flows associated with the fully occupied larger business park scheme. Service vehicles for the retail units would enter via this same route, but would exit via a shared servicing exit route onto Maylands Avenue further south where the former Lucas factory access was previously located.

### **Conditions**

Various conditions have been amended following further discussion with the agent and consultees and to correct errors and the full list of conditions is set out below.

### **Recommendation**

That in accordance with paragraph 5.(1) of the Town and Country planning (Consultation) (England) Direction 2009 the application be **REFERRED** to the Secretary of State (DCLG).

In the event that the Secretary of State does not call in the application that the application is **DELEGATED** to the Group Manager of Development and Planning with a view to approval subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 and the list of conditions below:

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

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

### **Outline Planning Permission element (office Class B1)**

- 2 **Approval of the details of the siting, scale, design and external appearance of the office building[s], the means of access thereto and**

**the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development of that floor space is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

**Full Planning Permission element (Class A floor space and associated physical works)**

- 3 The Class A1 retail floorspace hereby permitted shall have a maximum gross floor area of 12,503sqm. The net sales area of the Class A1 retail floorspace shall not exceed 9,700sqm comprising a maximum of;**

**1,900sqm (convenience food goods)  
7,800sqm (comparison non-food goods)**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 4 The retail Class A1 units hereby permitted shall have a minimum gross internal area floor space of 650sqm (Units 01 and 04 to 11 inclusive as shown on Drawing No. 1603 P-005 B).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 5 The development hereby permitted shall be limited to a maximum of nine (9) units for use exclusively within Class A1 (Units 01 and 04 to 11 inclusive as shown on Drawing No. 16023 P-005 B).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 6 No retail unit shall contain a dedicated in-store post office, pharmacy, photo shop or financial services.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre and Heart of Maylands Local Centre in accordance with Core Strategy Policy CS16.

- 7 Units 02 and 03 as shown on Drawing No. 16023 P-005 B shall be limited to a maximum gross internal floor space area of 725sqm for use within Classes A3 / A5 and Classes A1 / A3, respectively.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 8 **The retail units hereby permitted shall not be used other than as a shop within Class A1 in accordance with other conditions of this planning permission and Units 02 and 03 shall not be used other than for Classes A1 / A3 and Classes A3 / A5 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16.

- 9 **Of the total retail floor space (Class A1) hereby permitted (12,503sqm), no more than 2,505sqm (gross internal area) shall be installed at mezzanine level. Prior to the installation of any floor space at mezzanine level, metrically scaled floor plans showing the layout, amount and distribution shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead Town Centre in accordance with Core Strategy Policy CS16 and for the avoidance of doubt.

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

**Retail Class A1 units (Units 01 and 04 to 11, inclusive, as shown on Drawing No. 16023 P-005 B): 07:00 to 22:00 Monday to Saturday and between 10:00 and 18:00 on Sunday**

**Restaurant units (Units 02 and 03 as shown on Drawing No. 16023 P-005 B): 24 hour operation Monday to Sunday**

Reason: For the avoidance of doubt.

- 11 **The development of each building hereby permitted shall not take place before samples of the materials to be used in the construction of the external surfaces of that building are submitted for approval in writing by the local planning authority.**

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

**details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

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

12 **The development hereby permitted shall not commence before full details of both hard and soft landscape works have been submitted and approved by the local planning authority. These details shall include:**

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

**As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.**

**The approved landscape works shall be carried out prior to the development being brought into use.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

13 **The development hereby permitted shall not commence before a Landscape Management Plan for a period of five (5) years from the date of the implementation of the landscaping scheme is submitted and approved in writing by the local planning authority. The scheme shall include long term design objectives, management responsibilities and maintenance schedules for the landscaped areas. The landscaping shall be managed in accordance with the approved plan.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 14 **The development hereby permitted shall not take place before the submission of a scheme for the protection of existing trees within and adjoining the site for approval in writing by the local planning authority. The approved scheme of protection shall be installed in accordance with the details approved and shall be maintained in place during the whole period of site demolition, excavation and construction (including any excavation for the purposes of archaeological assessment).**

Reason: In order to ensure that damage does not occur to the trees / hedges during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy 2013.

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

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.**

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

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

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

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

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

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

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

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the NPPF.

- 18 **The development of each building hereby permitted shall not commence before detailed plans are submitted and approved in writing by the local planning authority which show the proposed access arrangements for the internal four-arm roundabout, servicing access for the discount retailer (Unit 01 shown on Drawing No. 16023 P-005 B), exit-only egress for the retail car park onto Maylands Avenue, and the widening of the signalised junction access to Maylands Avenue. Development shall be carried out in accordance with the approved plans and any approved phasing strategy.**

Reason: In the interests of highway safety and to safeguard the amenity of other uses of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 19 **The development hereby permitted shall not commence before full details in the form of metrically scaled plans and written specifications shall be submitted and approved in writing by the local planning authority to illustrate the following:**

- a) **Roads, footways, foul and on-site water drainage;**
- b) **Existing and proposed access arrangements including visibility splays;**

- c) Parking provision;
- d) Cycle parking provision;
- e) Servicing areas, loading areas and turning areas for all vehicles.

**As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.**

**The development shall be carried out in accordance with the approved plans and any approved phasing strategy.**

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

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

**As the development may be delivered in phases, appropriate information relating to the detail of individual phases may be submitted and agreed by the local planning authority.**

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

- 21 **The development hereby permitted shall not commence before a Stage 1 Road Safety Audit for all access arrangements is submitted and approved in writing by the local planning authority. The Stage 1 Road Safety Audit should consider the four-arm roundabout access within the proposed development site, exit-only egress from the retail car park onto Maylands Avenue and the widening of the signalised junction access with Maylands Avenue.**

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

- 22 **No later than six months following occupation of each unit of the development hereby permitted, the occupier (retail, restaurant or office land uses) shall submit a Travel Plan in accordance with Hertfordshire's**

**Travel Plan Guidance to be reviewed and approved by the local planning authority in conjunction with the highway authority. Implementation of the Travel Plan shall follow a timescale to be agreed by the local planning authority and the highway authority.**

Reason: To promote sustainable transport measures to the development in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

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

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

Reason: To protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 24 **The development hereby permitted shall not be occupied before a swept path assessment for the proposed four-arm roundabout demonstrating that a 16.5m articulated lorry can safely traverse through the roundabout to access the servicing and delivery areas for the retail buildings is submitted and approved by the local planning authority.**

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

- 25 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 25 to 28 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition 28 has been complied with in relation to that contamination.**



## Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

## 26 Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use

**of the land after remediation.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

## **27 Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

## **28 Reporting of Unexpected Contamination**

**In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 25 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 26, which is subject to the approval in writing of the Local Planning Authority.**

**Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 27.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 29 **The development hereby permitted shall not commence construction before an updated Air Quality Assessment has been submitted and approved in writing by the local planning authority. The updated Air Quality Assessment shall be updated to include current baseline monitoring data with respect to traffic-related pollution and construction phase mitigation measures. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the local environment in terms of air quality in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 30 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

- a) Details of how the scheme shall be maintained and managed after completion;
- b) Details of the proposed drainage scheme providing a drainage plan showing the location of any proposed SuDS, pipe runs and any areas of proposed informal flooding;
- c) Detailed assessment of the existing surface water flood risk as shown on the EA National surface water flood maps, ensuring the development layout does not place any proposed properties at risk from surface water flooding;
- d) Justification of SuDS selection giving priority to above ground methods, reducing the requirement for an underground piped system, reducing the requirement for overly deep attenuation ponds;
- e) Detailed engineering details of the design of the proposed SuDS features;
- f) Detailed surface water drainage calculations for all rainfall events up to and including the 1 in 100 year + climate change event.

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

- 31 **The development hereby permitted shall not be commenced until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

Reason: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact on the community in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 32 **The restaurant units (Units 02 and 03 shown on Drawing No. 16023 P-005 B) hereby permitted shall not be occupied before a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the commencement of the use hereby permitted.**

Reason: In the interests of the amenity of occupants, visitors and adjoining uses in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 33 **A properly maintained fat trap shall be installed to serve any units operating within Class A3 hereby permitted at the application site.**

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

- 34 **The development hereby permitted shall not be occupied until an updated Sustainability Statement and Energy Statement showing compliance with Policies CS29 and CS31 of the Dacorum Core Strategy 2013 have been submitted to and approved in writing by the local planning authority.**

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

Reason: To ensure the sustainable development of the site in accordance with the aims of accompanying Policies CS29 and CS31 and paragraph 18.22 of the Dacorum Core Strategy September 2013 and the Sustainable Development Advice Note March 2011.

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

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

- 36 **The development hereby permitted shall not be occupied until a Car Park Operation and Management Plan to demonstrate how access and security will be controlled within the car parking areas has been submitted to and approved in writing by the local planning authority in consultation with Hertfordshire Police. The car parking areas hereby permitted shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.**

Reason: To prevent crime and protect people using the car park in accordance with paragraph 69 of the NPPF and Policy CS12 of the Dacorum Core Strategy 2013.

- 37 **No part of the development hereby permitted shall be occupied before information on the number and location of fire hydrants have been submitted to and approved in writing by the local planning authority. The relevant details shall include details on how the hydrants shall be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The scheme(s) shall be implemented prior to occupation in accordance with the approved details.**

Reason: In the interests of health and safety.

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

- **16023 P-003 C – Proposed Site Plan 1**
- **16023 P-004 C – Proposed Site Plan 2**
- **16023 P-005 B – Proposed Site Plan (received 25 January 2017)**
- **16023 P-006 A – Existing And Proposed Site Sections**
- **16023 P-007 A – Proposed Context Elevations**
- **16023 P-008 A – Unit 1 – Proposed Ground Floor Plan**
- **16023 P-009 – Unit 1 – Proposed Roof Plan**
- **16023 P-010 A – Unit 1 – Proposed Elevations And Section**
- **16023 P-011 A – Unit 2 - Proposed Plans , Elevations And Section**

- **16023 P-012 A – Unit 3 - Proposed Plans , Elevations And Section**
- **16023 P-013 - Units 04 To 11 - Ground Floor Plan - Sheet 1**
- **16023 P-014 - Units 04 To 11 - Ground Floor Plan - Sheet 2**
- **16023 P-015 - Units 04 To 11 - Roof Plan - Sheet 1**
- **16023 P-016 - Units 04 To 11 - Roof Plan - Sheet 2**
- **16023 P-017 - Units 04 To 11 - Proposed Elevations - Sheet 1**
- **16023 P-018 - Units 04 To 11 - Proposed Elevations Colour - Sheet 1**
- **16023 P-019 - Units 04 To 11 - Proposed Elevations Colour - Sheet 1**
- **16023 P-020 - Units 04 To 11 - Proposed Elevations - Sheet 3**
- **16023 P-021 - Units 04 To 11 - Proposed Elevations Colour - Sheet 3**
- **16023 P-022 - Units 04 To 11 - Proposed Sections - Sheet 1**
- **16023 P-023 - Units 04 To 11 - Proposed Sections - Sheet 2**
- **16023 P-025 – Phasing Plan**
- **TM271L01 – Landscape Masterplan**
- **TM271L02 B – General Arrangement North**
- **TM271L03 B – General Arrangement South**
- **TM271L04 A – Planting Strategy North**
- **TM271L05 A – Planting Strategy South**
- **TM271-SKP 19 – Transformer Screening Strategy**

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

#### Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which 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) Order 2015.

#### INFORMATIVES

##### Highways

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

2. General works within the highway: Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's highway design guide "Roads in Hertfordshire". Before works

commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

### Contamination

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

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### **Item 5c**

#### **4/02528/16/FUL - CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH NEW ACCESS FROM BULBOURNE ROAD**

#### **GAMNEL FARM, BULBOURNE ROAD, TRING, HP23 5HF**

The recommended archaeological conditions. There is ongoing dialogue involving Hertfordshire County Council (Historic Environment), the Agent and LPA. Members will be updated at the meeting.

### **Recommendation**

As per the published report

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**Item 5d**

**4/00930/16/FUL- REPLACEMENT DWELLING**

**WINCHWICKS, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG**

**Recommendation**

As per the published report

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**Item 5e**

**4/02978/16/FUL- DEMOLITION OF SINGLE DWELLING AND GARAGE AND CONSTRUCTION OF TWO THREE-BED SEMI-DETACHED THREE STOREY DWELLINGS AND PARKING**

**HAVENCROFT, 13 BANK MILL, BERKHAMSTED, HP4 2ER**

**Recommendation**

As per the published report

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**Item 5f**

**4/02931/16/FUL- CONSTRUCTION OF NEW DWELLING**

**28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB**

**Further representations**

The following comments were received following the submission of additional information clarifying floor area and demolition of existing garage:

22 Merling Croft

I have just noticed a slightly amended drawing has been added to the planning application 4/02931/16/FUL.

The drawing now shows that the current garage for number 28 would be demolished. This is a double garage shared with the neighbour at number 26. Does this apply that the garage will be rebuilt as a single or the owner of 26 agrees with the removal completely? Can I just remind you that all the Houses/ bungalows' and flats in Merling Croft some of which are also one bedroom were all built originally with a garage and one parking space in front, some are attached some are detached. So neither number 28 or the proposed new build will have a garage and there will be one single drive for the two houses to share two parking spaces! Surely this contradicts all the current amenity regulations?

If this was to go ahead there would be considerable disruption to most of the residents in Merling Croft caused by the number of contractor vehicles requiring



access to Merling Croft which is a cul de sac. Because of difficulties finding parking spaces in Merling Croft some of the residents have to park on Mandelyns on a regular basis.

18 Merling Croft

In view of the submission of a further plan I wish to make the following additional comment. To demolish the garage will completely destroy the symmetry of the design of this part of Merling Croft where the linked garages make a significant contribution to the layout. The garage to be demolished is one of a pair with a common internal wall of breeze blocks. This would have to be dealt with and no reference has been made as to how this would appear.

Northchurch Parish Council

The Northchurch Parish Council commented on various aspects of the above application which I will not reiterate as they are already recorded on the website. It is the visual impact on Merling Croft which it is most concerned about.

This estate was designed in the mid 1980s as a whole, winning an award from the Berkhamsted Citizens Association, and has since matured into a very attractive area. The residents made good efforts to look after the close and, whilst not living in each other's pockets, have established a very pleasant community feeling.

To change this by demolishing a garage which is one of a pair of linked garages, will spoil the symmetry of the close: all for sake of a one-bedroom house.

We anticipate that the Development Management Committee will consider very carefully our comments and decide to refuse this application.

**Recommendation**

As per the published report

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**Item 5g**

**4/02947/16/FUL- CONSTRUCTION OF A LAUNDRY ROOM AT THE REAR OF THE COMMUNITY HALL**

**COMMUNITY HALL, THE ROWANS, HEMEL HEMPSTEAD**

**Recommendation**

As per the published report

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**Item 5h**

**4/03013/16/FHA- INSTALLATION OF SATELLITE DISH 110 CM IN DIAMETER  
8 MILLBANK, HEMEL HEMPSTEAD, HP3 9RN**

**Recommendation**

As per the published report

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**Item 5i**

**4/03282/16/FUL- FOUR TWO-BED DWELLINGS  
LAND SOUTH OF 30, WEST DENE, GREAT GADDESSEN**

**Recommendation**

As per the published report

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**Item 5j**

**4/02881/16/FUL- INSTALLATION OF 5 NEW PARKING BAYS ON AMENITY  
GREEN  
CRANFORD, FLETCHER WAY, HEMEL HEMPSTEAD, HP2 5QP**

**Recommendation**

As per the published report

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**Item 5k**

**4/03301/16/FUL- INSTALLATION OF 11 PARKING BAYS  
AMENITY GREEN BEHIND FLATS 1-23 LONGLANDS, HEMEL HEMPSTEAD,  
HP2 4DG**

**Recommendation**

As per the published report

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**Item 5I**

**4/03056/16/FUL- INSTALL 12 PARKING BAYS ON AMENITY GREEN  
LAND FRONT OF 1 TO 6, MADDOX ROAD, HEMEL HEMPSTEAD**

**Recommendation**

As per the published report