

RAPLEYS

Further Statement for
Rapleys LLP on behalf of
Techno Limited (Representor No. 874969)

DACORUM SITE ALLOCATIONS EXAMINATION MATTER 15 JARMAN FIELDS

August 2016
Our Ref: WH/492/25/3

DACORUM SITE ALLOCATION EXAMINATION MATTER 15
RAPLEYS LLP ON BEHALF OF TECHNO LTD (REPRESENTO NO. 874969)

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1 INTRODUCTION

1.1 This Further Statement has been prepared on behalf of Techno Ltd in response to the Inspector's Matter 15.

1.2 Our client is the long leasehold owner of Jarman Fields under Proposal S/1, which is identified as S1 Jarman Fields on page 66 of the Site Allocations Pre-Submission Focused Changes Map Book, which is allocated for retail development, to which this Statement relates. Whilst our client did not object to the allocation in the previous representations made in September 2015, this statement has been prepared in response to the Inspector's specific questions, and to reflect changes in circumstance since the previous representations were made.

2 MATTER 15: QUESTION 1 SHOULD THE RETAIL FLOORSPACE BE HIGHER E.G. 10,000SQM, AS SUGGESTED BY A REPRESENTOR?

2.1 The adopted Core Strategy, which designates Jarman Fields as an out of centre retail and leisure location, seeks to resist significant new retail development above that already permitted. The Core Strategy refers to the then extant planning permission for retail development (application refs 4/00377/10/VOT, 4/02362/07 and 2/00455/07) extending to circa 6,700sq.m gross external retail floorspace. Paragraph 13.7 defines "significant new retail development" as any development that is likely to have a negative impact on town or local centres. It also recognises at Paragraph 13.8 that the precise mix and quantum of uses may change over time, but its role should remain complementary to the role of the town centre and continue to support the retail hierarchy. The Core Strategy therefore confirms that there is flexibility to bring forward appropriate retail development above the then extant planning permission, provided that new development is not likely to have a significant negative impact on the retail hierarchy.

2.2 In this regard, whilst the then extant planning permission lapsed in 2015, an outline planning permission for A1 retail development and Class A3 drive-thru café/restaurant was allowed at appeal in March 2016 (application ref: 4/00404/15/MOA, appeal ref: APP/A1910/W/15/3132774). The appeal decision is attached at **Appendix 1**. The maximum gross floor area consented is **10,305sq.m Class A1** (comprising 1,505sq.m convenience food gross floorspace (822sq.m net sales area) and 8,800sq.m comparison non-food gross floorspace (8,000sq.m net sales area)) and **185sqm Class A3 café unit**.

2.3 The appealed scheme originally proposed an unrestricted A1 consent, which was judged by the Inspector to have a significant adverse impact on the town centre. However, the Inspector concluded that with suitable conditions which mitigate the impact through a restriction on the range of comparison goods sold from the development and other conditions that control the manner in which the development functions, the development will not have a significant adverse impact on the vitality and viability of the town centre. These conditions restrict a minimum gross area floorspace of units to 696sq.m and exclude the sale and display of clothing and footwear from the permitted range of comparison goods, except ancillary clothing or footwear for DIY, motoring or cycling activities.

2.4 The increased retail floor area from the previously consented retail development is therefore accepted as being compliant with the Core Strategy, with no significant adverse impact on the vitality and viability of the town centre or the retail hierarchy.

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2.5 It is therefore considered to be appropriate and necessary to increase the retail floorspace for Proposal S/1 Jarman Fields to ensure that the policy would not unreasonably restrict future retail development to below the quantum of retail development permitted in 2016. It should also be noted that the Council's evidence base on town centre/retail development is the Retail Study Update 2011, and there is no other evidence which suggests that the retail floorspace should not be higher than currently indicated in Proposal S/1.

2.6 The suggested amendment to Proposal S/1 is set out in Section 4 of this Statement.

3 MATTER 15: QUESTION 2 HAS PLANNING PERMISSION BEEN GRANTED FOR THIS PROPOSAL AND IF SO HOW MUCH RETAIL FLOORSPACE WAS PERMITTED?

3.1 As stated in paragraph 2.2 of this Statement, Outline Planning Permission was granted in March 2016. The permitted retail floorspace is also set out in Paragraph 2.2.

3.2 We would also consider that Table 1 (Out of Centre Retail Locations) should also be updated to reflect the consented retail scheme, and replace "bulky non food goods" with "comparison non-food goods" for consistency.

4 SUGGESTED AMENDMENT TO PROPOSAL S/1

4.1 Based on the increased quantum of retail floor area which includes both comparison and convenience retail floor area, we suggest that the wording of Proposal S/1 is amended as follows (changes are in bold type):

4.2 "Acceptable uses are retail (**including comparison and convenience goods**) and leisure uses. Approximately, ~~7,000sq.m~~ **10,500sq.m** (gross) retail floorspace is acceptable, except for the sale and display of clothing and footwear, unless ancillary to the main use of an individual unit."

5 CONCLUSION

5.1 The National Planning Policy Framework requires that the Local Plan is based on adequate, up-to-date and relevant evidence for the area. In this regard, it is considered that the recently granted outline planning permission for retail development at Jarman Fields is the most up to date and appropriate evidence for Proposal S/1 (and Table 1) which should be amended as suggested in this Statement.

Appendix 1

**APPEAL DECISION
(APPLICATION REF:
4/00404/15/MOA, APPEAL
REF:
APP/A1910/W/15/3132774)**

Appeal Decision

Hearing held on 19 January 2016

Site visit made on 19 January 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 March 2016

Appeal Ref: APP/A1910/W/15/3132774

Jarman Park, St Albans Hill, Hemel Hempstead, Hertfordshire HP2 4JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ediston Properties Ltd on behalf of Tesco Pensions Trustees Ltd against the decision of Dacorum Borough Council.
 - The application Ref 4/00424/15/MOA, dated 3 February 2015, was refused by notice dated 16 June 2015.
 - The development proposed is the erection of Class A1 retail development (to include convenience and comparison retail floorspace and ancillary café) and Class A3 drive-thru café/restaurant unit (with ancillary takeaway) together with access, car parking, service yard and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of Class A1 retail development (to include convenience and comparison retail floorspace and ancillary café) and Class A3 drive-thru café/restaurant unit (with ancillary takeaway) together with access, car parking, service yard and associated works at Jarman Park, St Albans Hill, Hemel Hempstead, Hertfordshire HP2 4JS in accordance with the terms of the application, Ref 4/00424/15/MOA, dated 3 February 2015, subject to the conditions set out at the end of my decision.

Preliminary Matters

2. The application was submitted in outline with all matters reserved. I have therefore treated the plans submitted, aside from the site plan, as indicative only.
3. Prior to the event I accepted a late representation from the appellants. This took the form of a Committee Report to Dacorum Borough Council concerning an outline application for retail floorspace at Lucas Aerospace Ltd, Maylands Avenue, Hemel Hempstead¹ (the Maylands Avenue site) and comments thereon. The comments were received on 8 January 2015, just over a week before the Hearing took place. Given the proximity to the Hearing date I considered it reasonable for the Council and/or interested parties to attend and make their own representations on the same matter at the Hearing itself, should they wish to do so.
4. The Hearing was held on 19 January. Following the event I undertook an accompanied site visit with both parties around Hemel Hempstead, and then

¹ Council ref 4/01132/15/MOA

subsequently visited the appeal site itself and the Maylands Avenue site unaccompanied. This approach was agreed with both parties at the Hearing.

5. In the evidence a draft unilateral undertaking relating to highway safety matters was submitted. Subsequent to the Hearing I requested a final copy of the undertaking; this was submitted on 18 February 2016. Clarification of the matters covered within the undertaking was received on 23 February 2016.

Main Issue

6. The main issue in this case is whether the proposal would have a significant adverse effect on the vitality and viability of Hemel Hempstead Town Centre.

Reasons

7. Jarman Park is a large shopping and leisure centre, located to the south east of Hemel Hempstead town centre. The Park is accessed directly off St Albans Road, a busy dual carriageway which links Hemel Hempstead with the M1. At present the Park hosts a large Tesco superstore, a cinema, and numerous restaurant and leisure facilities. Jarman Way circles the inside of the Park and is a 1 way two lane route; spurs onto and off the appeal site are already in place off this road. The appeal site comprises of a large piece of overgrown land in the north east side of the Park and a section of existing car parking to the south. The proposal seeks to construct 10,305m² of class A1 retail, consisting of 1,505m² of convenience retail and 8,800m² of comparison retail, along with a 185m² café unit.
8. A previous consent for 6,700m² of retail warehousing for the appeal site expired in August 2015. Policy CS16 of the Dacorum Core Strategy, 2013, sets out a retail hierarchy of town centres and local centres, and allocates floorspace requirements for comparison and convenience goods for the whole of Hemel Hempstead for the time periods 2009-2021 and 2022-2031. Both parties are in agreement that Jarman Park does not lie within defined centres and can be considered out of centre. Policy CS16 states that most retail development will be directed to the town and local centres and 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. The Statement of Common Ground states that the proposal complies with the sequential approach; this was confirmed in the Hearing. Furthermore it was also confirmed that the wording 'a positive overall outcome' effectively means in this context no significant adverse impact; such a wording and understanding accords with paragraph 27 of the National Planning Policy Framework (the Framework).
9. Paragraphs 13.7 and 13.8 of the Core Strategy provide useful supporting text to Policy CS16. These state that significant new retail development will not be allowed at out of centre retail locations, and that 'significant' is defined as any development likely to have a negative impact on town or local centres. At Jarman Fields it is stated that significant new retail development over and above that already permitted will be resisted, and that the role of the site should remain complementary to the role of the town centre. In this context that 'already permitted' refers to the 6,700m² of retail previously allowed, and as referred to above.

10. The Dacorum Borough Council Site Allocations 2006-2031 Focused Changes document (the Site Allocations document) is at a reasonably advanced stage of preparation. It was confirmed at the Hearing that it is planned to submit the document to the Inspectorate for examination in February 2016. The document confirms that Jarman Fields will be re-allocated as an out of centre retail location where non food retail warehousing is acceptable. The document states that approximately 7,000m² of retail floorspace is acceptable, except for the sale and display of clothing and footwear, unless ancillary to the main use of an individual unit. A representation from the appellant considered that the floorspace figure should change to 10,000m². At the Hearing I was informed that it was likely that the reference to 7,000m² would be removed, to address this representation and also the fact that the former consent has now expired.
11. Whilst the fact that this document hasn't yet been examined somewhat limits the weight I can give to it, it is a strong indicator of the Council's views of the future of the site. Taking the Core Strategy and the Site Allocations document together, it is clear that the Council support retail development at the appeal site in principle, subject to the site remaining complementary to the role of the town centre.
12. Hemel Hempstead town centre can be categorised into two main areas; the old town, to the north, and the new town to the south. The new town has a very linear shape, running roughly from north to south. The southern end of the centre effectively terminates at the Plough conglomeration of 6 mini roundabouts. This southern end is dominated by the Riverside Shopping Centre, a new open area including shops such as Debenhams, H&M, TK Maxx, and Top Shop. Running to the north, the pedestrianised Marlowes has a range of shops located on it; the covered Marlowes shopping centre is accessed off this street. At the Hearing I heard how a substantial amount of public money has been invested into the town centre to increase its attractiveness and retain and attract new retail offering, in line with the Hemel Hempstead Town Centre Masterplan (January 2013) which has the aim of the regeneration of the town centre through the phased redevelopment of key sites to strengthen and diversify the town centre economy, and create a quality environment that generates community pride
13. The Riverside centre appeared to have a number of vacant units, although these largely seemed to be A3 restaurant uses, as opposed to A1 units. The Marlowes shopping centre had a larger percentage of vacant units, and more were visible roughly the further north one travelled in the town centre, particularly around the old bus depot. Objections to the proposal were received from the Riverside Shopping Centre, as well as from a retail operator in Watford.
14. At the Hearing I heard evidence considering that, despite recent public and private investment, the health of the town centre was fragile and delicate. However, in the committee report for the Maylands Avenue site, the Council state that there has been a clear improvement in the town centres health, although there are still a number of vacant units. This accords with my observations from my visit. It is clear that substantial improvements have been made, and continue to be made, to the public realm and public transport connectivity, and to the retail offer at the southern end of the town centre. .

15. The application for the site was made on the basis of unrestricted A1 usage. A retail statement submitted as part of the planning application considered that the proposal would not result in a significant adverse impact on Hemel Hempstead town centre or any other centre within or surrounding the catchment area. Planning Practice Guidance (PPG) states that a judgement as to whether likely adverse impacts are significant can only be reached in the light of local circumstances, going on to note that in areas with high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. As part of the application process for the proposal the Council commissioned Peter Brett Associates (the PBA report) to undertake a retail review of the scheme. This concluded that the proposal would have a significant adverse effect on the vitality and viability of the town centre, and a real risk of retailers currently in the town centre moving to the site were unrestricted permission to be granted.
16. I agree with this assessment. An unrestricted A1 consent at the site would provide Jarman Fields with a major shopping offer coupled with a substantial leisure and restaurant presence. It is easy to envisage customers travelling solely to the site to carry out a weekly food shop, combined with clothes and fashion shopping, with the day completed with a trip to the cinema and a meal out. The approval of unrestricted A1 on site would in effect create a mini-town centre, but one with fairly easy access by car, and would offer a significant alternative destination to the town centre. Retailers currently in the town would also be attracted by potentially lower rents and the free parking offer for customers. The proposal would have a significant adverse effect on the town centre and would be contrary to policy CS16 and the Framework.
17. The PBA report considers that the adverse impacts could be best mitigated through a restriction on the range of comparison goods sold from the development and other conditions that control the manner in which the development functions. Conditions are suggested to restrict total sales area and areas for convenience and comparison goods, a restriction on the minimum size of unit allowable and the range of goods allowed to be sold (specifically restricting clothing and footwear), and revoking permitted development rights. The appellant indicated at the application stage that they were willing to accept such conditions; this was confirmed at the Hearing. Such conditions would severely restrict the ability of the site to sell fashion and footwear, and would allow such items to continue to be sold largely in the town centre.
18. As part of the consideration of the Maylands Avenue application the Council commissioned Chase & Partners to undertake a retailer demand assessment (the C&P report). The assessment specifically considered the cumulative effect of 'proposed developments at Jarman Park and Maylands Avenue', and I note that the proposal at Jarman Park considered is the same scheme as is before me.
19. The C&P report considered that the planning conditions suggested for both schemes should help to protect the town centre from out of centre competition and that both proposals would produce 'attractive and fundable retail parks in today's market'. The report also considers that there would be sufficient retail demand to support each development, with the restrictions provided offering some protection to the town centre which should remain the primary retail focus for the town. At the Hearing the view was expressed that Maylands was more likely to attract customers from out of the town, due to its proximity to

the M1 and thus have less of an impact potentially on the town centre than the appeal proposal. However, in sequential test terms both sites constitute out of centre sites. Due to its location Maylands would also be closest for many residents and office workers on the east side of the town, and I note that the C&P report states that it considers that the town centre is strong enough to withstand competition from additional out of town centre comparison retailing, subject to scale and conditions. I agree with this conclusion; the conditions would in my view mitigate the risk of the potential of some of the key retailers in the town centre moving to the Park and would ensure that the site remains complementary to the role of the town centre. For the same reasons, nor do I consider that the proposal would have a significant adverse effect on other nearby shopping centres.

20. The Council raise concerns over the precision and enforceability of the proposed PBA conditions. However, concerns over precision can be largely overcome by slight wording amendments to ensure that any alteration to conditions would require a formal application. I have no substantive evidence to suggest that the appellant would be likely to request changes to the proposed conditions or seek to act outside the controls of the conditions; in any event any possible applications to vary conditions in the future would be for the local planning authority to consider based on the evidence provided, and it would be the responsibility for the Council to enforce the conditions, as with on any consent granted. In relation to the proposed condition restricting permitted development rights, for the reasons given above, I consider that the condition would pass the test of necessity and that the potential effect on the viability of the town centre of the proposal constitutes exceptional circumstances.
21. I therefore conclude that, with suitable conditions such as those proposed by the PBA report, the proposal would not have a significant adverse effect on the vitality and viability of Hemel Hempstead Town Centre. The proposal, as constrained, would comply with Policy CS16 of the Core Strategy, the aims of the Hemel Hempstead Master Plan and the draft Site allocations document as reported to me at the Hearing. The proposal would also comply with the Framework and PPG.

Other matters

22. As noted above, St Albans Road is a very busy connecting route between Hemel Hempstead and the M1. Jarman Park is a substantial draw in highway terms and the proposal would add to the traffic in the vicinity of the site. Furthermore, the width and traffic levels on St Albans Road physically separate the north and south sides of the town in the area of the Park. The County Council raised initial concerns over the details provided in a submitted transport assessment.
23. Following various representations agreement was reached with the appellant with regards to highway safety, subject to the imposition of conditions concerning material storage. These have resulted in the submitted unilateral undertaking which provides a total sum of £256,000, including travel plan contributions, and £250,000 towards the provision of two pedestrian crossings; one on St Albans Road to connect the north and south sides of the town close to the Tesco store, and one to cross St Albans Hill to the south of Jarman Park. Other highway contributions would be covered by the Council's Community Infrastructure Levy. I am satisfied that the measures provided are necessary

to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

24. Responsibility for local drainage matters passed between the Environment Agency and the County Council during the course of the application, as a result of which the Council objected to the scheme due to a lack of a satisfactory Flood Risk Assessment (FRA). Correspondence subsequent to the application decision details that the County Council now have no objections to the proposal, subject to the imposition of various drainage conditions. At the Hearing the Council were unaware of this letter; however, given the evidence I have I am satisfied that the proposal would not lead to drainage issues, although a condition to ensure the FRA proposals and County Council conclusion is presented to the Council would be required.

Conditions

25. Aside from conditions mentioned above concerning retail mix and floorspace, I have also imposed standard conditions relating to implementation times and plans, in the interest of proper planning and for the avoidance of doubt. In relation to the plans I have referred to the application site boundary plan, due to the outline nature of the application and the indicative nature of the other illustrative plans submitted.
26. At the Hearing discussions took place over conditions 8-11 and 13-15, concerning landscaping, materials and scale. I was initially of the opinion that such conditions would be better suited to Reserved Matters stage. However, on this occasion, I was persuaded by the views of both parties who considered that these conditions provided clarity and assistance to the appellant in terms of information that would need to be required and to the Council in terms of reassurance that such information would be forthcoming. Such conditions would be necessary in the interests of the character and appearance of the area.
27. Given the proximity of a large pond to the east of the site, and the views of the Council concerning Great Crested Newts, I have imposed a condition to require an ecological assessment of the site is undertaken. I have also imposed a condition concerning a Construction Management Plan, in the interests of highway safety, in addition to other conditions relating to highway safety as mentioned above. A condition relating to a travel plan is imposed, although I have amended the wording of this condition to ensure it relates solely to the appeal site as permitted.
28. Evidence states that the site was a landfill site. In the light of this, I agree with the conditions proposed by the Council concerning remediation, in the interests of the water environment and health and safety. Conditions are also imposed, as mentioned above, concerning drainage and petrol/oil interceptors in car parking areas in the interests of the environment. For the same reasons, I have imposed conditions concerning waste recycling and the ventilation of cooking fumes and maintenance of a fat trap for the proposed A3 unit, as well as a condition relating to an energy statement and sustainability statement, although I have slightly amended the wording of the Council recommended condition in this instance.

29. Representations were received from the Police to the application concerning anti social behaviour occurring on the car park of the existing leisure uses, including the area of car parking included in the appeal site. I have thus imposed a condition relating to 'Park Mark' standards, in the interests of crime prevention.

Conclusion

30. I have concluded that with the imposition of conditions, the proposal would not have a significant adverse effect on the vitality and viability of Hemel Hempstead Town Centre. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 33 CONDITIONS

- 1 Approval of the details of the siting, design and external appearance of the buildings, 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 is commenced.
- 2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
- 4 The Class A1 retail development hereby permitted shall have a maximum gross floor area of 10,305m² comprising of; 1505m² convenience food gross floorspace (822m² net sales area) and 8800m² comparison non-food gross floorspace (8000m² net sales area).
- 5 The Class A1 retail units hereby permitted shall have a minimum gross floorspace of 696m².
- 6 The A1 retail units hereby permitted shall not be used for the sale and display of clothing and footwear (except ancillary clothing or footwear for DIY, motoring or cycling activities).
- 7 The Class A1 retail units shall only be used for Class A1 uses in accordance with other conditions of this planning permission and the Class A3 unit shall only be used for Class A3 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.

- 8 No development shall take place until samples of the materials to be used for the external surfaces of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.
- 9 Details to be submitted in accordance with condition 1 above shall include full details of both hard and soft landscape works. 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.

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

- 10 No development shall take place until a landscape management plan for a period of 10 years from the date of the implementation of the landscaping scheme has been submitted to 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.
- 11 No development shall take place until a scheme for the protection of existing trees within and adjoining the site (as agreed to be retained on any Reserved Matters application), shall have been submitted to and approved 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).

- 12 No development shall take place until a Preliminary Ecological Assessment (PEA) of the site is undertaken to determine whether there are any ecological issues that may need to be considered and further information is required in relation to the likely presence of Great Crested Newts and an assessment of potential impact that may occur to individual newts or newt habitat. The Great Crested Newt season runs from mid - March to June only.
- 13 The details of scale to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include details of the proposed slab, finished floor and roof levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings. The development shall be constructed in accordance with the approved levels.
- 14 Details submitted in accordance with Condition 1 of this permission shall include detailed proposals for vehicle parking within the site in accordance with standards adopted by the local planning authority.
- 15 No development shall take place until details of the materials to be used for hard surfaced areas within the site, including roads, driveways and car parking areas, shall have been submitted to and approved in writing by the local planning authority.
- 16 No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:
 - the parking of vehicles of site operatives, contractors and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - timing and routes to be employed by construction vehicles;
 - construction access arrangements;
 - the erection and maintenance of security hoarding;
 - wheel washing facilities;
 - measures to control dust and dirt during construction;The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.
- 17 All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the local planning authority prior to commencement of the development.
- 18 All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

- 19 No development shall take place until details of pedestrian and cycle circulation within the site, and its connection to the rest of Jarman Park are submitted to and approved in writing with the local planning authority.
- 20 Prior to commencement of the development the Outline Remediation Strategy by Waterman Environmental dated November 2006 shall be reviewed and updated in accordance with current legislation and guidance etc. and shall be tailored specifically towards the development now proposed. This shall be submitted for written approval to the local planning authority prior to commencement of the development. The recommendations of the report shall be followed and additional gas monitoring be performed on the site in order to finalise gas protection design measures.
- 21 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. 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, and where remediation is necessary a remediation scheme must be prepared and 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.
- 22 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.
- 23 No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 24 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface

- sewerage infrastructure, and the programming for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method.
- 25 Petrol/oil interceptors shall be fitted in all car parking/washing/repair facilities.
 - 26 A properly maintained fat trap shall be installed on the A3 unit hereby permitted.
 - 27 The A3 use hereby permitted shall not be commenced until there has been submitted to and approved by the local planning authority a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.
 - 28 Notwithstanding the sustainability checklist submitted, no development shall take place until a Sustainability Statement and an Energy Statement has been submitted to and approved in writing by the local planning authority. The statements shall be submitted for approval concurrently with the first of the reserved matters to be submitted. The development shall be carried out in accordance with the details approved.
 - 29 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.
 - 30 No development shall take place until details to demonstrate how the car park will achieve and maintain 'Park Mark, safer Parking Award Status have been submitted to and approved in writing by the local planning authority in consultation with Hertfordshire Police. The car park shall not be brought into use until the approved measures have been implemented in full and shall thereafter be retained.
 - 31 The development hereby permitted shall not commence until a satisfactory Flood Risk Assessment has been submitted and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority.
 - 32 The development hereby permitted shall be carried out in accordance with the following approved plans:
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 - 33 The development hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall accord with the guidance set out in the Hertfordshire County Council Travel Plan Guidance for Business and Residential Development (2014).

APPEARANCES

FOR THE APPELLANT:

Alex Mitchell

Zander Planning

FOR THE LOCAL PLANNING AUTHORITY

Cllr David Collins

Dacorum Borough Council

Cllr Thomas Ritchie

Dacorum Borough Council

Sara Whelan

Dacorum Borough Council

Tass Amlak

Dacorum Borough Council

Heather Overhead

Dacorum Borough Council

Christopher Gaunt

Dacorum Borough Council