

4/01211/12/MFA - REDEVELOPMENT AND ALTERATIONS TO PROVIDE MIXED RETAIL DEVELOPMENT WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND OTHER ASSOCIATED WORKS.

BERKHAMSTED DELIVERY OFFICE, 300 HIGH STREET, BERKHAMSTED, HP4 1ZZ.

APPLICANT: METRIC PROPERTY BERKHAMSTED LTD - MR N HEATH.

[Case Officer - Richard Butler]

[Grid Ref - SP 98837 08045]

Summary

The application is recommended for approval. The application site is a prominent town centre location, representing an important gateway site into Berkhamsted and the conservation area therein. The proposed change of use is compliant with the adopted local plan policies 9, 38, 40 and emerging Core Strategy Policies CS4 and CS16. The impact on the Berkhamsted Conservation Area is considered to be positive, with the development enhancing the appearance of the existing building and providing an improved form of development to the rear of the site, according with Policy 120 of the saved Local Plan and CS27 of the emerging Core Strategy.

The development preserves and enhances the amenity offered by the preserved trees to the south and west corner of the site, through the management of the trees.

Site Description

The application site is the former Royal Mail delivery office and the delivery vehicle garage situated at the western end of the High Street on the north side of the highway. To front of the site is a wide pedestrian foot way (outside of the application boundary) which serves pedestrian access to the site. Vehicle access is from the west boundary, off of St. John's Well Lane. The site is 'L-shaped' with the BT telephone exchange occupying the area to the north west. To the north of the site is the public car-park which then joins with the Waitrose site (further east), and the Grand Union Canal and River Bulbourne further to the north. The east of the site is the A3 use of Cafe Rouge, a listed building onto the High Street, the rear of this unit is the Penny Farthing hotel.

The existing built development on site comprise the main Royal Mail office which has a two storey building set back from the neighbouring building (Cafe Rouge), the building is gable end and constructed in red brick with slate tile roof. The area to the front of the building is paved with large slabs with a mix of street furniture and utilities. At the western extent of the site the building steps down to a single storey flat roof element and the corner of the site is open grass, bordered to the south and west by significant mature trees which are protected by a Tree Preservation Order.

To the rear of the frontage building the site is made up of a north light building projecting back along the east boundary into the site to the north boundary. The remainder of the site to the west of the northern extent is hard surfaced parking area.

Proposal

The application seeks permission for the change of use of the delivery office to a Marks & Spencer 'Simply Food' store comprising 1,786 sq m gross floor space with a sales area of 1,079 sq m including a small cafe; two other small shop or cafe units totalling 497 sq m gross floor space and a parking area (with 21 standard car parking spaces, one accessible space, bike racks and a trolley bay) together with access and servicing areas.

The development involves the retention of the High Street frontage building (with some alterations to the frontage) and the demolition of the rear range of buildings and replacement

with a two storey extension from the main gabled building. An extension to the west elevation is also proposed which shall provide the smaller shop/cafe uses.

The rear extension provides two pitched roof elements of differing heights, the smaller section is positioned to the east side (2m from boundary) with the taller element positioned centrally within the site.

The side extensions are single storey and step down with regard to scale and bulk appearance as the building extends towards the west boundary, the end building is to be built with a light weight structure to avoid disruption to the roots of the retained trees; the several mature trees will all be retained as part of an enhanced soft landscaped area around one of the restaurants.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

- 4/02126/11/PRE Redevelopment to provide mixed retail and commercial development with off street parking and servicing and enhanced landscaping
Principle acceptable subject to further detail
22/01/2012
- 4/00528/08/TCA Works to trees
Raise no objection
28/03/2008
- 4/00339/04/TCA Works to trees
Raise no objection
25/03/2004
- 4/01986/97/4 Works to trees
Raise no objection
12/02/1998
- 4/01284/92/4 Submission details of materials pursuant to cond 2 of p/p 4/1657/91 (ext & int alts, re-roofing & car parking
Granted
03/11/1992
- 4/01657/91/4 External and internal alterations re roofing and additional car parking
Granted
25/03/1992

Constraints

Town Centre
Conservation Area
Area of Archaeological Importance
Flood Zone 2 &3
Tree Preservation Orders
Former Land Use

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 34, 38, 39, 40, 41, 51, 58, 99, 107, 118, 119, 120
Appendices 1, and 5.

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area [BCA 3:Bank Mill]

Conservation Area Character Appraisal for [Berkhamsted / Hemel Hempstead / Potten End]

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

Chilterns Buildings Design Guide

Landscape Character Assessment

Core Strategy - Submission Document

CS1, CS4, CS10, CS11, CS12, CS13, CS14, CS16, CS27

Representations

Berkhamsted Town Council

Object.

The proposal would be detrimental to the Conservation Area by virtue of the height, scale mass, bulk of, the rear extension to the former sorting office, which is excessive in relation to adjoining properties and the longer view, contrary to Local Plan Policy 11 and 120.

The proposed rear extension proposed building materials would have a detrimental impact on the setting of the adjoining listed building, contrary to Local Plan Policy 119.

The proposal makes inadequate provision for customer parking and places an overdue reliance on already inadequate public parking provision to meet employee parking requirements.

The Plan will create a conflict between the needs of customer and service vehicles to the rear of the building, contrary to Local Plan Policy 11.

The Plane trees which have Tree Preservation Orders on them make a significant contribution to the Conservation Area, as does the green space currently owned by the Highways Agency, and are not included in the current plans. We would request an assurance that all the trees are retained and adequately maintained to ensure their future health; and that the land currently, owned by the Highways agency is retained as green space, not be built upon, and included in any future development proposals.

Spatial Planning

Please see the comments from Strategic Planning and Regeneration dated 19 December 2011 on the pre-application scheme, 4/02126/11/PRE. Since the pre-application stage, the following significant changes to the planning policy context have taken place:

- The publication of the final version of the National Planning Policy Framework (NPPF) and the cancelling of most previous Government guidance, including PPS6 on retail development.
- The submission of the Core Strategy for public examination. However, Policy CS16 on shops and commerce is unchanged from the Pre-submission version (which was published shortly before the Policy comments on the pre-application scheme were produced).
- A draft Berkhamsted Conservation Area Character Appraisal and Management Proposals (2012) has been produced by the Hertfordshire Buildings Preservation Trust. The draft document is due for publication shortly.

Paragraph 2 of the Policy comments on the pre-application scheme supported the principle of a mixed use scheme and appropriate retail development. Paragraph 3 stated that:

“When considering the appropriateness of the retail aspect of the scheme, the key things to consider are its location, scale and impact (Local Plan Policy 40 and Core Strategy Policy CS16). The store is within the town centre but outside of the main/mixed shopping frontage. We consider that it could be complementary to the core shopping areas provided it is well connected to it. The Core Strategy states that opportunities will be given over the plan period (2006 to 2031) to provide 1,000 square metres of convenience floor space in Berkhamsted if there is demand. The unit proposed is 1,200 square metres. Whilst this single proposal exceeds the total convenience floorspace figure stated in the Core Strategy, we do not think that the scale proposed is unreasonable. What is more important is the likely impact of the store.”

The comments on the pre-application scheme concluded with a number of bullet points, which set out concerns/suggestions regarding the likely impact of the proposed store.

Section 6 of Montagu Evans’s ‘Planning, Retail and Heritage Statement’ accompanying the current application provides a ‘Retail Assessment’. We accept most of the points made in the retail assessment, but not paragraph 6.9 which contends that the requirement in Policy CS16 for new retail development to be assessed in terms of its location, scale and impact is not consistent with the NPPF.

As at the pre-application stage, we regard the scale of the proposed retail development as acceptable. The current application proposes that Unit 1(intended for occupation by Marks and Spencer) will have a net floorspace of 1,097 sq metres. This unit is expected to include a customer cafe of 233 sq metres, so the likely net convenience floorspace is 864 sq metres, which is significantly lower than the 1,200 sq metres proposed in 4/02126/11/PRE.

Our previous comments identified a need for an impact assessment, to address the impact of the development on the vitality and viability of Berkhamsted Town Centre and on the Water Lane scheme (Shopping Proposal Site S1 in the Local Plan). However, such an assessment has not been carried out. Nevertheless, taking account of the scale and nature of the proposed development and the points made in section 6 of the Montagu Evans report, we do not think the proposal will have a detrimental impact on the vitality and viability of the town centre. Indeed, it may well boost vitality and viability, particularly in the western part of the High Street. The proposed development further reduces the prospects for development on site S1. However, even without the Delivery Office proposals, S1 is unlikely to come forward in the near term. Given the above, we do not see the lack of an impact assessment as a

potential reason for refusal.

We agree with paragraph 6.38 in the Montagu Evans report that there is no need for a planning condition to control the convenience / comparison floorspace. Waitrose is the major foodstore in the town, so it was appropriate to limit the proportion of floor space that could be used for comparison goods. However, use of the proposed Marks and Spencer store for comparison goods sales in the future would not cause serious harm to the vitality and viability of the town centre, particularly given the assessed need for a substantial increase in comparison goods floor space (see Policy CS16). Nevertheless, we are concerned that the application seeks full flexibility to use the proposed development for A1, A2 A3 and A4 use (see paragraph 4.2 in the Montagu Evans report). Given the assessed need for additional retail development in the town centre and the limited opportunities for such development, we would not like to see Unit 1 being used mainly or entirely for non-A1 purposes. We therefore favour a condition to control change of use to A2, A3 and A4.

The proposed car parking provision is only marginally higher than at the pre-application stage and is below the level required to comply with the parking standards in the Local Plan (bearing in mind the location within Accessibility Zone 2, where we require 25-50% of the standards). Whilst a higher level of parking would be preferred, we do not see the proposed provision as grounds for refusal. This conclusion reflects the site's central location, its proximity to public car parks and opportunities for linked trips.

The draft Berkhamsted Conservation Area Character Appraisal and Management Proposals document includes 300 High Street (Royal Mail offices and the neighbouring telephone exchange on St John's Way) on a list of buildings/sites which have a negative impact on the character and appearance of the conservation area as a whole. Also, Appendix 6 in the draft Character Appraisal provides important 'Design Guidance' for new development in Berkhamsted Conservation Area.

Conclusion: We support this proposal, which is likely to increase the vitality and viability of the town centre and (if the design is acceptable) enhance the conservation area. We suggest that a condition is imposed to control the change of use of Unit 1 to A2, A3 and A4 use.

Conservation and Design

I have considered this application in detail and remain of the view that the proposed rear extensions to the former Royal Mail Sorting Office would for reasons of height, scale and massing:

- Be detrimental to the character of Berkhamsted Conservation Area;
- Be detrimental to the adjacent listed building;
- Have an adverse impact on longer distance views
- Not make a positive contribution to local character or local distinctiveness.

For the above reasons I consider that the proposal is contrary to Paragraphs 56, 58, 131, 132 of the NPPF, Policies 11 and 120 of the adopted Dacorum Local Plan, and Policies CS12 and CS 27 of the pre-submission Local Planning Framework Core Strategy.

Update 28/08/2012:

I have re-considered this amended application in detail and whilst it is an improvement on the initial scheme I remain of the view that the proposed rear extensions to the former Royal Mail Sorting Office would for reasons of height, scale and massing:

- Be detrimental to the character of Berkhamsted Conservation Area;
- Be detrimental to the adjacent listed building;
- Have an adverse impact on longer distance views

- Not make a positive contribution to local character or local distinctiveness.

The former Royal Mail site/building is considered to have a negative impact upon the character and appearance of Berkhamsted Conservation Area (highlighted in the draft Berkhamsted Conservation Area Character Appraisal Statement). The building is unduly horizontal in form and has little visual interest; it occupies a prominent location in the conservation area and is an important gateway into the town centre. The site/building is also adjacent to Cafe Rouge a Grade II listed building; the Penny Farthing Hotel is physically linked to Cafe Rouge and therefore is also considered listed through attachment.

The existing former Royal Mail building fronting on to High Street is 10m in height to its ridge in comparison to Cafe Rouge which whilst two storey is a minimal 6.5m to ridge. There are two pitched rear extensions proposed to the Royal Mail building. The lower in height of the two large extensions measures 8.5m to ridge (increasing to 9.2m) and the taller extension measures 10.8m to ridge (increasing to 13m). The scale and bulk of the proposed extensions would in my view dominate the listed building and small scale buildings in the locality. Whilst I note that there are other boxy buildings in the locality and in the conservation area, building heights at the rear of High Street are largely of domestic in scale unlike the bulky commercial scale extensions proposed.

During discussions with the developers team finding a subservient form for the proposed extensions to the Royal Mail building has always been an issue. This has largely been hindered by the proposed occupiers desire to have an unbroken internal floor slab running from the front to the rear of the building. From a commercial perspective (which is not a conservation concern), I understand their preferred trading requirements however a break in the floor slab could provide a change in levels and provide a reduction in height of the proposed extensions.

I do however note that the first floor of the existing building and larger of the two extensions is proposed as "Back Up Space". I understand from discussions that staff accommodation is proposed within the existing building and storage within the proposed extension. The floor to ceiling height of the first floor of the existing building is 2.4m, in comparison to floor to ceiling height at the first floor of the proposed extension of 3.2m. In addition the proposed extension has an open unusable void in the space above the ceiling. Given that the rear extension is proposed for storage I can see no reason why there cannot be more flexibility in lowering the proposed floor to ceiling height in the extension, perhaps having storage within the eaves and opening up the roof void to maximise usable space.

Either breaking the floor slab level or reducing floor to ceiling height of the proposed storage area would in my view have the big advantage of reducing the overall height of the extension and making this element less dominant in its setting. The key to obtaining a successful scheme at the rear of the existing building is in my view subservience to the existing form.

For the above reasons I consider that the proposal is contrary to Paragraphs 56, 58, 131, 132 of the NPPF, Policies 11 and 120 of the adopted Dacorum Local Plan, and Policies CS12 and CS 27 of the pre-submission Local Planning Framework Core Strategy.

Historic Environment Advisor, Herts County Council

Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF), and the PPS 5 Practice Guide which DCLG have formally confirmed is still active.

Having read the Archaeological Site Impact Assessment submitted in support of the application, I believe that the evidence of this document alone is insufficient to adequately assess the likely impact of the proposed development on the archaeological interest of the

site. I understand that the archaeological monitoring of geo-technical test-pits is planned. However, to date, I have not received details or results of this exercise.

The site of the proposed development is situated within Area of Archaeological Significance No.21. This notes that the area contains a number of important prehistoric, Roman and mediaeval sites, including the mediaeval town. The Hertfordshire Historic Environment Record (HER) records several important heritage assets in the area of the proposed development. These include:

- the site of St John the Baptist hospital for lepers (MHT4142),
- the site of St John's Well (MHT4143), a spring associated with the hospital, which may have had a pre-Christian ritual significance, given the reference to the Bishop of Lincoln having come to St James's in the late 12th century, in order to prevent the worshipping of nymphs and spirits in the well.
- the probable site of the parish church of St James (MHT9181), and graveyard (MHT9182). St James' may have been the parish church of Berkhamsted Borough before the construction of St Peter's church (MHT9092) in the 13th century. The church is believed to have become the chapel for the hospital.

In addition, archaeological investigations undertaken in the vicinity of the development site have identified significant evidence for medieval occupation, including rare and archaeologically valuable water logged deposits (MHT17541). Some medieval deposits have been identified at depth, suggesting the possibility for the survival of deposits below the current buildings on the site. Notably, excavations undertaken recently in connection with a development at 8 Manor Street, identified very significant archaeological features (MHT16203, MHT17443), which had survived beneath a modern office block and tarmac car-park.

Given the potential importance of the above sites in expanding our understanding of the medieval and earlier periods in Berkhamsted, the archaeological interest of the proposed development site can be regarded as high. I recommend, therefore, that an archaeological field evaluation is undertaken to establish the significance of the heritage assets likely to be affected by the proposed development. This work should be completed before determination of the planning application, as the findings of these investigations may impact on the extent and/or design of the development.

Based on the results of the field evaluation, further archaeological works may be required by condition to mitigate the impact of the development. These may include:

- a) the preservation of any remains *in situ*, if warranted,
- b) appropriate archaeological excavation of any remains before any development commences on the site,
- c) archaeological monitoring of the groundworks of the development,
- d) such other provisions as may be necessary to protect the archaeological interests of the site.

Thames Water

Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved 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".

Hertfordshire Highways

Ok with this scheme. Initial concerns were over the potential increase in vehicular trips the food store element may generate to a busy town centre like Berkhamsted. Having looked at the TA the trips this proposal would generate is reasonable. Agree with the TA's findings that customers have a choice in Berkhamsted and would not do their weekly shopping at a simply food store. They are not trying to tap into the large family/ weekly grocery shop market but to offer choice to the other food stores in Berkhamsted. It follows that vehicular congestion should not be a major concern as they seem to be steering towards local foot fold based customers that are already shopping in Berkhamsted. The parking allocation is small but again this is a 'pop in and out' arrangement and of course there is the pay and display car park behind the store should it be needed. It is important to remember the sites former use in comparison and the different class of motor vehicles that used the sorting office.

Trees and Woodlands

No comments received.

Scientific Officer, Environmental Health

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

Environment Agency

This site is in Flood Zone 1 and is under a hectare. Therefore cell F5 of the consultation matrix applies and you did not need to consult us. The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. We recommend the surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.

Comments received from local residents /businesses:

Glanville Consultants (on behalf of Waitrose Limited)

Objections raised on the following grounds:

Traffic Impact - The traffic impact section of the TA relies heavily upon the assumption that additional food retail floor space in the town will not give rise to many new trips. The trip generation rates for food retail are taken from TRICS and relate to retail floor area, and appear quite low. Permission is sought for a range of possible uses for Units 2 and 3; the TA assumes that one unit would be occupied as a restaurant and the other by a non-food retailer. Trip rates from TRICS for restaurant use have been applied to the total GFA for Units 2 and 3. Given that permission is sought for a range of uses, the traffic generation should be based on the worst case.

Therefore, the trip generation of the development could be significantly higher than suggested within the TA and the impact on the local highway network could be more severe. No allowance appears to have been made for future traffic growth.

No capacity assessments have been carried out for the High Street / Lower Kings Road

junction. The TA justifies this on the basis that the impact is small (1.2% increase overall). However, the TA estimates that increases on certain movements at this junction are as high as 4.5% and if the increases in traffic are higher than assumed then the impact would be greater. This junction is signal controlled and already suffers from congestion at peak times. Therefore, capacity assessments should be carried out on the basis of more robust traffic impact assumptions to demonstrate that the impact is acceptable.

The proposed scheme does not comply with Local Plan Policy 51.

Car Parking - The level of car parking proposed for M&S (20 spaces) is well below the maximum level permitted by Local Plan Policy 57 (see Table 5.1) and the Parking Standards SPD (July 2022) which requires between 25 and 53 spaces given the accessibility of the site. No parking is proposed for Units 2 and 3.

The TA seeks to justify that the level of provision is adequate based on assumed trip generation rates and proportion of linked trips. However, as stated above, these assumptions have not been supported by technical evidence and are not robust.

Therefore parking demand could be much higher than the TA suggests resulting in congestion within the car park with a knock-on effect back to the public highway. Any shortfall in provision against demand would have to be met either on-street or in local public car parks. The TA acknowledges that local off-street public car parks operate close to capacity at peak times. The TA also mentions that the lack of restrictions means that on-street parking is widespread. The TA also states that Dacorum Borough Council is in the process of preparing plans for the introduction of Controlled Parking Zones in the town centre to reduce inappropriate on-street parking. If approved, the CPZs would reduce the availability of on-street parking for public use and therefore increase demand for off-street public parking which would exacerbate existing capacity problems.

Servicing - Servicing for the M&S is from within the site but the car park is required for vehicles larger than a rigid lorry to manoeuvre. This means that deliveries would need to take place outside of the store's trading hours which gives rise to concerns for residential amenity. The swept path drawings for the servicing arrangements do not extend to the High Street / St John's Well Lane junction. This is a mini-roundabout and is quite constrained with a pedestrian refuge on the St John's Well Lane approach. The applicant should demonstrate that this junction can accommodate the turning of service vehicles. There is also a steep uphill gradient on the St John's Well Lane approach to High Street which HGVs would find difficult to negotiate and may cause increased delay and congestion. The TA states that deliveries to Units 2 and 3 are expected to be undertaken by 3.5t box or Transit type vans, although there is no guarantee that this will be the case. The TA does not explain whether these units will be serviced from High Street or from the rear, via the access road to M&S. Either way, the servicing of these units may be disruptive to traffic flow. On this basis, the proposal is in conflict with Local Plan Policy 51.

Resident of 6 New Manor Croft

Boost to the town. Worthy addition. Parking is an issue in Berkhamsted generally but I feel that people visiting M&S will be attending other stores as well hence minimal extra cars.

17 North Road, Berkhamsted

I write to object to the proposed application. Another major store with inadequate provision for parking for shoppers and, more particularly, staff would make matters even worse.

The developers should be encouraged to build a multi-storey car park which is what we badly need. Doubtless there would be room for some retail space as well.

17 North Road

Insufficient parking spaces, not only for people visiting M & S and the other proposed units, but also for the staff who work in these premises. Berkhamsted, as is well known by the planning department, already suffers from insufficient parking spaces. This site should have a multi storey car park on it, and then you can consider whether to introduce more business premises.

17 Boxwell Road

The proposal takes no consideration for or makes no mention of the possible impact to local side streets from additional visits.

The parking provision is inadequate and is likely to see additional pressure on local streets over weekdays and weekends.

328 High Street, Berkhamsted

Whilst we welcome Marks and Spencer coming to the town, there is great concern over the problem of parking in the town centre and related traffic congestion. Although it would be nice to be able to agree to the Transport Assessment's assertion that "there would not be an unacceptable impact on the local highway and transport network" I can see that in using the existing entrance, there will be long queues of traffic tailing back along the High Street.

Waitrose have two entrances into their car park of 200 spaces which is often packed to capacity and still causes queues in the St Johns Well Lane car park back up to the High Street. If Metric propose such limited parking facilities operated by a barrier system on site, how will vehicles be able to turn and exit the site when they find there are no parking places available?.

Metric states that "the traffic system in the car park to the north would make it very dangerous to form a new link (access)" but I believe this would be a much safer option in bringing cars away from the junction of the High Street and St Johns Well Lane.

What we need is a solution and/or assistance from Metric to alleviate the existing severity of parking problems in Berkhamsted both for shoppers and workers alike.

320 High Street

- 1) Existing mature tree cover must be maintained;
- 2) Adequate car parking must be provided on site;
- 3) Late alcohol drinking licences must not be granted to businesses and outside drinking must be limited at all times;
- 4) height of buildings should be restricted to existing structure.

Considerations

Policy and Principle

The site is located within the town centre but outside of the main mixed shopping frontage. The proposed uses comprises a mix of retail uses, primarily a convenience food store, but also smaller cafe, restaurant or shops units.

Policy 9 of the Adopted Local Plan notes that in town centres:

- (i) a mix of uses, normally including housing and social and community uses, is sought.*
- (ii) shopping (including financial and professional services and catering establishments) is encouraged.*
- (iii) compatible leisure uses are encouraged.*
- (iv) business use, including offices, is normally acceptable.*
- (v) shopping and business development will be controlled, however, to enable a broad range of uses to be maintained or achieved.*
- (vi) a high density of development, linked to the achievement of transport objectives, is generally supported.*
- (vii) the mixed use of individual buildings is generally encouraged."*

The development accords with the above principles, and the retail uses are acceptable at the broad principle level. Similarly Policy CS4 supports the change of use of the existing site to retail uses due to the town centre location.

Policy 40 states the criteria to assess proposals for new retail uses:

"Development will not be permitted in town centres and local centres, unless it is of a scale which is compatible with:

- (a) the size and function of the centre; and
- (b) the centre's historic and or architectural character.

Development will not be considered compatible in scale if:

- (i) the height or massing of building, the area occupied by the use or the level of activity it generates would significantly exceed that associated with the surrounding pattern of buildings and uses;
- (ii) the resulting movement and parking demands cannot be accommodated without damage to the character of the surrounding area; or
- (iii) it fails to respect any special local character, particularly in Conservation Areas."

Core Strategy Policy 16 states, "*New retail development will be assessed in terms of its location, scale and impact*".

With regard to the proposed developments compatibility with the location, the scale of the proposed store has been confirmed by the Spatial Planning department to be acceptable. The Core Strategy identifies a need of 1,000sqm of additional convenience food retail floor space over the period until 2031. The application puts forward a net convenience retail floorspace of 864sqm; whilst this goes somewhat towards fully achieving the future requirement of such floorspace within the town, the impact of the development is not considered to cause a detriment to the vitality of this part of the town centre and is considered to have a positive impact in this regard.

Effects on appearance of building

The development includes the removal of the existing single storey side extension of the building and the more industrial vehicle store areas to the rear of the building. The loss of these elements does not detract from the building and removes elements of the existing structure which in fact detract from the appearance / character of the surrounding area.

The alterations to the front elevation, although subtle, provide a great improvement to the appearance of the building. The concrete pillars and elevational beams are accentuated providing a good horizontal emphasis across the building, while also creating a striking focal point to the main entrance of the building with the vertical delineation and double storey glazing to the entrance. The full height glazing to the frontage of the building across the

ground floor level provides an active frontage that shall positively enhance the appearance of the building.

The new extension to the west fronting onto the High Street are designed with an obvious step down in height and bulk as they approach the landscaped corner. This transition is considered to be a positive feature to the corner and moves away from the light industrial appearance of the existing building and creates an appearance which is more suitable for the retail use and town centre street scene.

To the rear, the proposed extension creates a significant change to the appearance of the building. At present the building does not address the northern boundary and has a boundary wall with open parking area beyond. The proposed development provides a rear projection of two pitched roof structures of differing heights. The lower (and longer) projection extends adjacent the east boundary. The higher element is central within the site and emphasises the functional layout of the development and the optimisation of the L-shaped site and provides a new entrance to the building at the northern extent, highlighted by full height glazing to the corner, demarking the entrance and providing visual interest to the building.

The extension is constructed with a light pallet of materials sympathetic to the area, including brick at low level, with painted render or boarding above. Metal cladding within the gable end provides a bold, yet simple appearance to the rear elevation.

A service bay is enclosed within the structure to minimise the visual impact of the necessary loading / delivery bay. This gives recognition to the need for the development to respect the surrounding area of the site.

The northern extent of the site shall provide a parking court with 21 parking spaces (1 with disabled access), the treatment of the hard surfaced area shall provide an improved appearance over the existing more industrial fore court. The rear boundary shall be replaced with a low level wall with railings above, and a ramped pedestrian access across this boundary providing access from the area to the north of the site into the site. This results in enhanced permeability of the site and this area of Berkhamsted, and create a more open appearance to the area.

The changes to the existing building through the alterations to the existing fabric at the front of the building and the replacement of previous extensions provides a much needed improvement to the appearance of the building and the site as a whole. These alterations are considered to be positive and meet Policy 11 with regard to being appropriate in terms of site coverage, and layout, of high quality materials and landscaping.

Impact on Street Scene / Conservation Area

The impact on the Berkhamsted High Street is considered to be positive. The alterations to the front elevation of the existing building are subtle but very effective, providing an active frontage to the street scene which improves the vibrancy of the street scene and compliments the conservation area character as this part of the High Street. The extensions to the western elevation also respect the conservation area character, providing a suitable terminus of the built development while enhancing the landscaped end to the street scene view.

Concern has been raised by the conservation department with regard to the height, scale and massing of the rear projections. Through the course of pre-application discussions and also the current application this has been the area of most debate and negotiation on the design of the scheme. The initial design put forward two gable ends of similar height (both of the scale of the current proposed larger element), which was considered to be too dominant with regard to long distance views from the north. As a solution to this issue the scheme was amended to provide the stepped form and height of the building; this greatly improved the appearance of

the scheme, offering interest to the building, as well as reducing the height, scale and massing of the building, particularly with regard to the neighbouring site of The Penny Farthing. This neighbouring building is relatively small scale when viewed across the rear pattern of development in the area, and the proposed building (close to the boundary) needed to respect the difference in scale between these sites. The setting down of the height of the building at this point was considered to provide an improved relationship between the neighbouring site and the proposed development. This was agreed with the conservation department.

However, following the submission of the application, the height of the central projection remained an area of concern, due to the height, scale and massing. An amendment to the application was submitted which provided a reduction in the height of this element by 1.6m, achieved through the lowering of the eaves line and reduction in pitch of the roof.

This amendment has improved the relationship between the existing (parent) building and the proposed rear projection. The proposed remains at a height of 0.8m above the height of the existing building, but is separated via a flat roof link building, giving a visual break and separation from the main building.

Concerns remain from the conservation department that the central (higher) projection is still too high, resulting in the development being detrimental to the character of the conservation area; detrimental to the adjacent listed building; would have an adverse impact on longer distance views; and would not make a positive contribution to local character or local distinctiveness.

These comments are surmised through the conclusion that "the key to obtaining a successful scheme at the rear of the existing building is in my view subservience to the existing form." A reduction in the height of the scheme to achieve a rear projection that is not higher than the existing building is noted as being a reasonable solution to this issue. The lower section of the rear projection has been confirmed as acceptable by the Conservation Officer.

These suggestions have been considered in detail and weighed against the potential impact on the proposed scheme, the potential impact to the surrounding area and the other benefits of the scheme.

The purpose of the suggested reduction in height of the higher rear projection would be to give a reduced height, scale and massing; the intention being to make the extended element of the building subordinate to the main building, particularly in long distance views of the scheme and with regard to the relationship with the adjacent listed buildings.

With regard to the High Street frontage, the rear projections, due to their set back from the building (via the flat roof link building) shall not be visible from street scene level. The rear roof scape may well be visible from views across the valley, as the land level increases in height to the south, however the proposed roof forms shall then be viewed within the context of the wider pattern of development and no detrimental impact could be identified.

When viewed from the public car park to the north, looking back at the rear elevation, the proposed rear extensions, due to the change in levels and scale of development shall always screen views of the existing building due to their positioning. Therefore, a view where these would appear subordinate to the existing building is not possible.

The relationship to the neighbouring building of the Penny Farthing has been addressed through the previous amendment to the scheme through the stepping down of the building adjacent to the boundary. These changes had been agreed through meetings between the Conservation Officers and the applicants. A further reduction of the height of part of the building by 0.8m would not have a significant impact when viewed from this aspect; indeed

this may have a detrimental impact on the appearance of the scheme as the roof pitch may need to be further reduced, resulting in an appearance that would be bulky through the lack of a strong roof form.

The view of the proposal when viewed from St John's Well Lane, is considered acceptable. The rear range projections shall be visible from the street scene with the flank wall being visible from the site entrance. This is the only view where the existing building and the proposed extensions shall be visible at the same time. The eaves lines of these buildings follow a consistent height, from the front of the building, through to the extensions at the rear, this side view highlights the aspirations of the scheme to provide a single slab level across the site; ensuring a level retail floorspace for customers, ensuring access for all mobility levels within the retail floor space. The level of the site falling from south to north is dealt with at the lower entrance point at the northern end of the building. The flat roof link building provides a visual separation at roof level between the buildings. Due to the distance of this element from the site entrance the proposed building does not appear as a dominating addition to the building; the detail within the flank elevation shall provide interest to the elevation and emphasise the form and functionality of the building, rather than being dominated by the height of the building. A reduction in height of the building would have limited impact when viewed from this aspect due to this distance from the street scene and limited opportunity to view the building within the context of other surrounding development; albeit the bulky, uninspiring telephone exchange building forms the foreground to any views of the development from this area.

On balance, with regard to the considerations above, there is considered to be an improvement to the character and appearance of the conservation area as a result of this development. This is considered with particular reference to the High Street frontage, however also with consideration to the rear aspects of the development. The character of the conservation area is considered to be enhanced by the proposed development.

Impact on Neighbours

The application site is not located immediately adjacent to residential properties, however, specific aspects of the development must be considered.

The Penny Farthing is a hotel with some rooms located close to the boundary with the application site. There are no windows which would be affected by the proposed development either through loss of light, loss of privacy or other impact as there are no windows within the flank elevation. The proposed building shall be moved approximately 2m from the shared boundary and shall be separated by a boundary wall.

The loading bay is located at the rear of the building and close to this boundary, however as the design proposes to include this element within the fabric of the building, the impact of noise emitting from this activity is greatly reduced.

Residential properties are located at the opposite side of St. John Wells Lane, at the lower (north) section of the road. Impacts of the development are likely to be screened by the telephone exchange building at this point.

Directly opposite the site entrance is a veterinary clinic, the impacts on this business are considered to be no worse than the previous Royal Mail activity.

Impact on Trees and Landscaping

The retention of the preserved trees along the south west boundary is noted, as is the general approach to respecting the existing positive aspects of the existing landscaping on the site. The scheme therefore accords with Policy 11 (b) and 118 of the Adopted Local Plan.

The TPO trees along the south west corner of the site are heavily restricted with ivy that has grown over the majority of the trunks of the trees. Most of these trees are within the application site and the landscape works propose to remove this ivy in the best interest of the trees.

Access and Parking

Access - Access to the site is to remain at the existing location off of St John's Well Lane. This road is accessed from the High Street via a mini roundabout and serves the business and residential properties of St. John's Well Lane and St John's Well Court and also the public car park to the rear of the site, which then provides access to part of the Waitrose supermarket car park.

The Highways Authority have raised no objection to the proposed access arrangement; regard has been given to the previous use of the site as the Royal Mail operations regarding deliveries and access for large vehicles.

The Transport Assessment describes how the proposed primary use of the food store is one which attracts trips rather than generates trips. This refers to effect that the store may well become a destination to visit whilst in the town centre (visiting other stores or facilities) but does not become a destination in it's own right. This is not a rule, but provides a consideration when assessing the likely impact on traffic in the surrounding area and particularly the access roads and nearby junctions. The Transport Assessment concludes, "the results of the trip distribution assessment illustrates that there could be an additional 9 to 11 trips each way along the High Street during a typical PM Peak hour, with approximately 7 to 8 additional flows each way during a typical Saturday afternoon peak hour. This anticipated level of increase is unlikely to have a noticeable or material impact of the prevailing traffic conditions." This conclusion is considered reasonable and has also been agreed with the Highways Authority.

The Site access junction with St. Johns Well Lane is a priority junction with St. Johns Well Lane having priority over traffic entering and exiting the car park. The studies conducted suggest that the junction would operate within capacity with short queues forming within the Site. However, it is recognised that the proximity to the junction with the High Street is such that queues at that junction could extend to the Site Access and it is therefore recommended that a "KEEP CLEAR" box be painted on the road surface to ensure that vehicles turning right into the site are not unnecessarily delayed and reduce the risk of queues forming for the right turn into the Site. This would be completed under a separate agreement with the Highways Authority.

The junction with St. Johns Well Lane and High Street takes the form of a mini-roundabout with the High Street forming the northwestern and south-eastern arms, and St. John's Well Lane the north-eastern leg. The assessments conducted illustrate that whereas longer queues are anticipated, the redevelopment of the site will not have a material impact on the operation of the junction.

Representations received have rased concern that the trip modelling data is not robust, and relies on assumptions that have not been substantiated. However, the Highway Authority have examined the data and do not form the same opinion. The conclusion that the road junctions and access shall operate without material impact from the development is accepted.

Parking - The adopted Policy (58 and Appendix 5) provides the maximum parking standards required for the development type. A retail foodstore within the floorspace range of 500sqm to 2,500sqm would yield a parking requirement of 1 space per 18sqm.(gfa). The site is located within the accessibility zone 2, wherein a provision of 25% to 50% percent of the parking provision is appropriate, due to the potential for good accessibilty from alternative modes of transport.

The proposed retail floorspace of 1,897sqm would imply a maximum provision between 25 and 53 spaces. The proposed development provides a total of 21 parking spaces. Cycle parking is also provided.

The shortfall of parking against the maximum provision is noted, and parking has been highlighted as an issue in comments received against the application.

However, there must be consideration given to the following factors:

- The site is located immediately adjacent to the public car park to the rear of the site.
- The retail food store is likely to be accessed by linked trips, wherein visitors shall be visiting the site inconjunction with other visits within the town centre.
- The product within the store is for predominantly small basket selection and shall not replace the larger food store shop - this means people do not need a car to visit the store (weight of items to transport home) and are more likely to access the store on foot from other parts of the town centre.
- The stay within the store is far shorter than other store (product selection and type of shopping activity) therefore the turnover of parking spaces is far higher therefore serving a greater frequency of parking.
- Staff parking peaks occur prior to store opening therefore conflict does not occur with customers or with users of public car park to rear.

The above factors are considered to provide sufficient justification for the level of parking proposed. The optimal and fuctional layout of the site and inability to conjoin the neighbouring telephone exchange into the development has prevented further parking being able to be provided within the site.

With the above items considered the proposed parking is considered to be appropriate for the accessible location and nature of the store. The development shall not lead to issues with the surrounding highway.

Servicing - The proposals include a service bay to the rear of the store as illustrated on the plans. The deliveries to the stores are to be managed in the following way:

There would typically be 3 deliveries per day with 4 deliveries on Tuesday and Friday, and 5 deliveries on occasions summarised as follows;

- One Food delivery by articulated HGV daily before the store opens;
- One Bakery delivery by 10m rigid daily;
- One Newspaper delivery by 10m rigid daily;
- One Frozen Food delivery by articulated HGV twice a week before the store opens;
- One additional articulated HGV at peak trading times.

With regard to the delivery vehicles accessing the site and the service bay, the movements have been tracked against the site layout:

- A 16m articulated HGV would be required to use the parking spaces to manouvre into the service bay. These deliveries would take place when the car park is closed to the public.
- A 13m articulated HGV would be required to use the parking spaces to manouvre into the service bay. These deliveries would take place when the car park is closed to the public.
- A 10m rigid HGV would be able to access the service bay without using parking spaces to manouvre into the service bay. Deliveries by these vehicles could take place under the supervision of a banksman during opening hours.
- A large refuse vehicle is able to access the service bay without parking spaces. Refuse collection could take place under the supervision of a banksman during opening hours.

There appears to be a contradiction in the information submitted within the Transport Assessment; the tracking information states that all deliveries by articulated vehicles shall take place when the store is not open to the public, however the delivery expectations indicate there shall be one articulated HGV delivery at peak times. A condition precluding the deliveries to the store by articulated vehicles within store opening times shall ensure this does not take place.

An Interim Travel Plan has been prepared for the Marks & Spencer store which sets out how they intend to promote sustainable travel. It is anticipated that the document which has been submitted as a standalone report will be finalised within 3 months of occupation. In summary, the Travel Plan includes;

- The appointment of a Travel Plan Co-ordinator;
- A commitment to fund the Travel Plan;
- A commitment to promote walking and cycling;
- A commitment to review the document annually on the anniversary of the approval of the document.

These details shall be confirmed by condition.

Flood Risk and Drainage

The site is less than 1Ha in size. There are no specific flood risk issues associated with the development. The Flood Risk Note carried out on the site makes the conclusion there is not at risk of flooding from either the canal or the river and the site is suitable for re-development subject to a sustainable surface water drainage strategy which demonstrates that surface water runoff from the development will not increase flood risk.

The drainage report submitted with the application suggests a design site runoff rate of 44l/s which represents a betterment of 30% on the existing.

Flood Risk and sustainable drainage are therefore considered to be suitably addressed with regard to this development.

Archaeology

The application site is located within a significant location with regard to potential archaeological remains and the County advisor has requested that site investigation works are conducted prior to the determination of the application. This is because the significance of potential finds could give reason for the development to be affected by the presence of such material; at its greatest impact this could mean the scheme may need to be amended to take account of such finds, especially should they need to be retained in situ. This would only be the case should the finds be of significant importance.

The County advisor has discussed the required site investigation works with the applicants' advisor. These investigative works have begun on site and the results are expected to be provided in the near future.

In light of the progress that is taking place, the recommendation is to delegate the decision to the Group Manager following suitable consultation and discussion between the applicant team and the County Advisor. Should archaeology become an insurmountable issue with regard to the proposed scheme a refusal could be found on this basis. However, at this time, there is not the evidence to suggest such an issue.

Sustainability

The development proposes the re-use of an existing building as well as the extension of this regraded building. The site is within a sustainable location, promoting retail use within a town centre location. Air source heat pumps for the smaller retail units as well as solar gain principles have been applied to the main retail building.

Where possible sustainable technologies have been considered and applied where practically. The premise of the development is sustainable by its very principle.

Conclusions

The scheme represents an opportunity to provide a retail development within the sustainable location of Berkhamsted Town Centre. The design as well as the proposed use are considered to add vibrancy and an attractive, active street frontage to a part of the High Street which has an existing appearance which has been identified to detract from the appearance and character of the Berkhamsted Conservation Area. The benefits provided by the development are considered to have a positive impact on the wider town centre, enhancing choice and quality for the users of the Berkhamsted Town Centre.

RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager of Development Management with a view to approval subject to

a) the completion of the required archaeological investigations works and submission of the findings to the planning department and satisfactory consultation with the County Historic Environment officer;

b) the conditions to be provided within the addendum report.

or

2. Should the above not be achieved within a period of six months from the date of the committee resolution to grant, the application should be refused due to the potential impact on historic environment.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

Conditions to follow