

JARMAN FIELDS



From the Regional Controller
(Planning)

Departments of the Environment and Transport

Eastern Regional Office (Environment)

Heron House 49-51 Goldington Road

Bedford MK40 3LE

Telephone 0234 (Bedford) 69101 Ext. 405

Switchboard 0234 363161 Fax 0234 276541

Refer to: _____

For: Action / Info.
Discuss with D.L.S.

Cleared: _____

Messrs Denton Hall Burgin and Warrens
Solicitors
Five Chancery Lane
Clifford's Inn
LONDON
EC4A 1BU

E1/A1910/2/9/08

09 OCT 1991

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
APPLICATION BY LADBROKE GROUP PROPERTIES LIMITED
FOR DEVELOPMENT ON JARMAN FIELDS, ST ALBANS ROAD,
HEMEL HEMPSTEAD, HERTFORDSHIRE
APPLICATION NUMBER: 4/0625/89

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr N J Hammans FRTPI FIAS MBIM, who held a local inquiry into your client's application for outline planning permission for a leisure and recreation centre, a retail superstore, an hotel, a restaurant and a petrol filling station; and planning permission for an athletics track and field sports arena, a children's play area and associated highways works on Jarman Fields, St Albans Road, Hemel Hempstead, Hertfordshire. The Secretary of State directed in pursuance of section 77 of the Town and Country Planning Act 1990 that the application be referred to him for decision instead of being dealt with by the local planning authority. At the same inquiry the Inspector also heard evidence about two applications made by Hertfordshire County Council for planning permission for residential development on the Mountbatten School site, adjacent to Jarman Fields. Separate letters in respect of those applications are enclosed.

2. A copy of the Inspector's report is enclosed and a copy of his conclusions is annexed to this letter. He recommended that planning permission be granted subject to conditions and to the completion of a Legal Agreement in respect of certain elements of the proposals.

3. The Secretary of State has given careful consideration to all of the arguments for and against the proposals, to the Inspector's report and to all the other representations received. He has also given careful consideration to representations received after the close of the inquiry, namely: a letter dated 31 March 1991 from Mrs B Heyworth-Dunn; further representations from the Jarman Action Group enclosed with a letter dated 9 April 1991; and a document indicating night time noise levels at the St Albans Road Boundary, enclosed with Dacorum Borough Council's letter of 3 April 1991. He takes the view that none of these representations raise issues which are materially

different from those discussed at the inquiry and do not therefore raise any new evidence that persuades him to alter his decision. The Secretary of State has received a signed and sealed copy of a Legal Agreement made under section 106 of the Town and Country Planning Act 1990, enclosed with Dacorum Borough Council's letter of 3 September 1991.

4. The Secretary of State has had regard to the following main issues in his consideration of the application: the policies contained in the approved Structure Plan, in the submitted alterations to that plan, in the adopted Local Plan for Dacorum and the consultation draft of the Dacorum Borough Local Plan Review. In particular he has had regard to those policies relating to the location of high density recreation and leisure development, to the conservation and enhancement of the pattern of open spaces within towns and to the provision of retail development outside town centres. He has also had regard to the effects of the proposed development on the highway network and in particular the impact of any increased traffic flows; and to the scale of the proposed development and its impact on the neighbouring residential areas and Hemel Hempstead as a whole. He also notes that since the inquiry was held the Dacorum Borough Local Plan Review has been placed on deposit.

5. The Secretary of State has addressed first the proposed recreation/leisure centre and the hotel. Policy 16 of the approved Structure Plan seeks to locate high intensity recreation and leisure development in town centres, although it allows for exceptions to that policy. The proposed alterations specifically allow for the identification of sites outside town centres, if there is a proven need. The Secretary of State accepts the Inspector's view that the proposed recreation/leisure centre and the hotel are high intensity development and that Jarman Fields cannot realistically be seen as being located in, or adjacent to, the town centre. He notes that Dacorum Borough Council have designated the site in their Local Plan Review for the uses proposed in your client's application. However, he takes the view that the different interpretation of policies by the County and Borough Councils, particularly regarding the location of recreation/leisure development, strengthens the view he takes that limited weight should be given to policies which are still emerging in the proposed alterations to the approved Structure Plan and the Review of the Borough Local Plan. While there are no other proposals for major development of this type within Hemel Hempstead and evidence has shown there is an acknowledged need for some of the uses of the proposed development, he does not consider that this is sufficient in itself to justify granting permission. However, he agrees with the Inspector that as policy 16 of the approved Structure Plan is not prohibitive, and emerging policy is more flexible, this part of the overall scheme cannot justifiably be refused permission unless there are other overriding reasons for doing so.

6. With regard to the proposed retail superstore, the Secretary of State notes that there was no objection made at the inquiry to the trading impact on the viability of the town centre as a whole, and he accepts the evidence that it would have no detrimental effect on existing retail outlets within Hemel Hempstead. However, he also notes that the quantitative level indicated for retail floorspace to 1996 in the approved Structure Plan has been exceeded for Dacorum Borough and that that proposed in the alterations to the plan up to 2001 has also been reached. On the question of location, he accepts

that the type of store proposed in this case would not be appropriately located in the town centre and agrees with the Inspector that it should be considered in the context of approved Structure Plan policies 80 and 81, relating to the location of retail development outside town centres. He accepts that in terms of these policies the proposed location at Jarman Fields of this type of superstore would be appropriate and therefore agrees with the Inspector's conclusion that the superstore would not conflict with shopping policy in terms of location and accessibility. In the absence of any evidence to suggest an adverse impact on existing retailing, the Secretary of State does not consider that this part of the proposals can be refused, unless there are any other reasons for doing so.

7. The Secretary of State notes that Jarman Fields is designated as public open space in the adopted Dacorum Borough Local Plan; policy 77 makes it clear that planning permission is not normally granted for any development which would result in the loss of such open space. Policy 48 of the approved Structure Plan defines the objective of conserving and enhancing patterns of open space and the supporting role of the County Council in this aim. He notes the Borough Council's contention that the site is no more than a local amenity, the loss of which would be outweighed by the benefits to be gained from the proposed development. Further statements emphasise that Hemel Hempstead has enough open space to meet the standards set down by the National Playing Fields Association, even if Jarman Fields were to be developed. The Secretary of State attaches little weight to this latter point, but considers that the issue turns on whether there would be demonstrable harm caused if this open space were lost through the implementation of the proposed development. He notes that the site has a history of applications for different forms of leisure development and that the site has been allocated for the uses proposed by this application in the Borough Local Plan Review. The Secretary of State agrees with the Inspector that the Borough Council's strong support for the scheme and conviction that it is needed and will be beneficial, must be taken into account. He also notes that Jarman Fields is at present considered to be underused as a recreation site and that replacement public open space is to be provided, so that the total open space in Hemel Hempstead will not be depleted. The Secretary of State accepts the Inspector's conclusion that the lack of a clearly defined Structure Plan policy, the relative age of the adopted Borough Local Plan, the lack of commitment to its policies by the Borough Council and the proposed provision of replacement land, on balance outweigh any harm that the loss of Jarman Fields as open space may have.

8. With regard to the scale of the proposed development and its impact on the surrounding area, the Secretary of State notes the Inspector's conclusion that the proposals would have a significant impact, particularly the leisure centre which is the largest of the structures proposed. He accepts that the concerns of local residents, voiced at the inquiry by the Jarman Action Group, are very real but he also concludes that the Borough Council have made great efforts to mitigate the effect the development would have both during and after construction. While it is obvious that views from the area surrounding the site will be altered greatly, the Secretary of State accepts that distant views of the site are not striking and agrees that careful landscaping and screening could reduce the general impact. Furthermore, he agrees that conditions relating to noise levels on the boundary of the site would protect the amenities of

nearby residents and that issues relating to contamination of the land can be controlled by condition and the Legal Agreement.

9. Turning to traffic matters, the Secretary of State notes that the main issue is the level of traffic, and potential congestion, arising from the proposed development on the A414 St Albans Road, and related junctions, which would serve the site. He notes that the County Council, as highway authority, recommended refusal of permission for the development, but that at the inquiry their main concern was with the works to be funded by your clients to mitigate any adverse effects of the development. Although conflicting evidence was presented at the inquiry concerning assessments of current and predicted traffic levels, the Secretary of State considers that the completed Legal Agreement, a copy of which he has now received, satisfactorily resolves this matter as the County Council, amongst others, are a signatory to it. Moreover, he accepts and agrees with the Inspector's conclusion that the package of improvements proposed, and certified by the Agreement, are satisfactory and will enable management measures to be introduced which will keep possible congestion caused by increased levels of traffic from the development to a minimum.

10. In coming to a final decision, the Secretary of State considers that the issues in this case are finely balanced. He can understand local residents' concern over the loss of a valued and long-established area of open space. However, on balance, he agrees with the Inspector that the package of development will be of considerable benefit to the town and wider community as a whole. In addition, he believes the development is acceptable in as much as it would not seriously conflict with any statutory policy or any policy which carries sufficient weight to justify refusal. He accepts that the hotel and retail superstore are necessary to fund the leisure and recreation development and that your clients and the Borough Council have taken steps to ensure that Jarman Fields will be replaced by open space elsewhere. He also accepts that measures will be taken to mitigate the effect of extra traffic and that the impact of the proposed development on surrounding residential areas has been minimised as far as possible. In reaching his decision, the Secretary of State has had particular regard to the Legal Agreement which he agrees is essential to control the implementation of the proposed development.

11. For the reasons given above, the Secretary of State accepts the Inspector's conclusions and agrees with his recommendation that planning permission should be granted for this application. He has received a copy of the section 106 Agreement, signed and sealed on 3 September 1991. With the Agreement now completed, the Secretary of State, as recommended by the Inspector, accordingly hereby grants outline planning permission for a leisure and recreation centre, a retail superstore, an hotel, a restaurant and a petrol filling station (including means of access and the internal access road which are reserved matters); and planning permission for an athletics track and field sports arena, a children's play area and associated highways works on Jarman Fields, St Albans Road, Hemel Hempstead, Hertfordshire in accordance with application number 4/0625/89 (and subsequent amendments), dated 7 April 1989 and as shown on the accompanying drawings, numbers 87377/75A, 88348/APP/1 and 2, R1565B/RPS6, RPS6a, RPS7, C/4553/117, 88348/18, 25, 27 and 28, subject to the conditions set out below.

1. GENERAL CONDITIONS

1.1 The parts of development hereby permitted comprising the hotel, retail 'superstore', restaurant, petrol filling station, clubhouse and leisure/recreation centre, (hereinafter called 'the outline buildings') shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, design, landscaping and external appearance of the buildings, and the means of access thereto (hereinafter called 'the reserved matters') which shall have been submitted to and approved by the local planning authority;

1.2 no work shall be commenced on any outline building, with the exception of infrastructure works, until all of the 'reserved matters' relating to the relevant building shall have been approved by the local planning authority. For the purposes of this permission, the infrastructure works shall comprise:

- (a) site strip (including removal and storage of top soil) and earthworks (including grading and levelling of land);
- (b) ground treatment and contamination measures (including compaction of filled land and measures for control or disposal of chemical contamination and treatment of landfill gases);
- (c) drainage works, with the exception of drainage connections to individual sites and buildings;
- (d) diversion of services other than drainage;
- (e) formation of contractors' roadways;
- (f) construction of the internal circulation road referred to in Condition 4.1 hereof;
- (g) foundations of the leisure/recreation centre and retail 'superstore' providing that the 'reserved matters' relating to siting and design in respect of the relevant building shall have been submitted to and approved by the local planning authority in accordance with Condition 1.1. hereof;

- 1.3 (a) application for approval in respect of all matters referred to in Condition 1.1 above shall be made to the local planning authority within a period of 3 years from the date of this letter;
- (b) the development hereby permitted, inasmuch as it relates to the outline buildings, shall be begun by not later than whichever is the later of the following dates:

- (i) the expiration of a period of 5 years commencing on the date of this letter;
 - (ii) the expiration of a period of 2 years commencing on the date upon which final approval is given by the local planning authority, or by the Secretary of State or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the local planning authority or by the Secretary of State;
- 1.4 the development hereby permitted, inasmuch as it relates to the athletics track and field events arena, the children's play area, the open space and the construction of or improvement to proposed and existing junctions with St Albans Road, (hereinafter called "the detailed works"), shall be begun before the expiration of 5 years from the date of this letter.

2. THE ACCESSES AND HIGHWAY WORKS

- 2.1 Except as hereinafter provided, there shall be no vehicular access to the site other than from St Albans Road (A414);
- 2.2 the vehicular access from St Albans Road referred to in Condition 2.1 hereof shall comprise a roundabout junction (hereinafter referred to as the "St Albans Road Roundabout"). There shall be no other access or form of access temporary or otherwise to St Albans Road, including any access for pedestrians and cyclists, except in accordance with a scheme to be submitted to and approved by the local planning authority;
- 2.3 no work shall commence on any part of the development hereby permitted until details of any temporary access arrangement to the site and a phasing programme for the construction of the St Albans Road Roundabout shall have been submitted to and approved by the local planning authority. The said temporary access arrangement and roundabout junction shall be constructed in accordance with the details and phasing programme so approved, and no other work, other than the provision of wheel cleaning facilities referred to in Condition 17.4 hereof, shall be commenced until the said temporary access arrangements shall have been provided;
- 2.4 no work other than:
- (a) the temporary access arrangement referred to in Condition 2.3;
 - (b) the infrastructure works referred to in Condition 1.2 (to be carried out in accordance with a

phasing programme to be submitted to and approved by the local planning authority);

shall commence on any part of the development hereby permitted until details of the construction and final surfacing of the St Albans Road Roundabout shall have been submitted to and approved by the local planning authority and the said roundabout junction shall be constructed in accordance with the details so approved;

- 2.5 the exceptions referred to in Condition 2.1 hereof shall comprise only an emergency access or emergency accesses from St Albans Hill and a single vehicular access from St Albans Hill to the clubhouse and athletics track and field events arena and children's play area in accordance with details to be submitted to and approved by the local planning authority;
- 2.6 one emergency access referred to in Condition 2.5 hereof shall be provided prior to the first occupation of any of the outline buildings and a second shall be provided upon first occupation of the leisure /recreation centre. Prior to any said occupation, the said emergency access or accesses shall be connected to the internal circulation road by roadways. The roadways shall be constructed in accordance with details to be submitted to and approved by the local planning authority and the roadways and said emergency accesses shall be kept free from obstruction throughout the construction of the development. The said emergency accesses shall be retained and kept free for such use at all times following completion of the development;
- 2.7 the vehicular access to the clubhouse from St Albans Hill shall be used only for vehicles required for servicing and maintaining the clubhouse, athletics track, field sports arena and related development and for no other purpose. Suitable signs shall be displayed at all times at the said access indicating such restriction;
- 2.8 the access to St Albans Hill referred to in Condition 2.7 hereof shall include the provision of visibility splays measuring 2.4m x 70m in both directions within which there shall be no obstruction to visibility between 0.6m and 2m above carriageway level;
- 2.9 no work shall commence on the construction of the St Albans Road Roundabout referred to in Condition 2.2 hereof until:
 - (a) details of any alterations to the existing pedestrian footbridge across St Albans Road that may need to be carried out to facilitate construction of the said roundabout junction; and

(b) a scheme of landscaping for the said roundabout junction;

shall have been submitted to and approved by the local planning authority;

2.10 alterations to the existing pedestrian footbridge across St Albans Road shall be carried out in accordance with details referred to in Condition 2.9 hereof and shall be completed before the St Albans Road Roundabout is completed;

2.11 all planting, seeding or turfing comprised in the details of landscaping approved pursuant to Condition 2.9 (b) hereof shall be carried out in the first planting and seeding season following the completion of the roundabout junction, and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year;

2.12 the St Albans Road Roundabout shall include forward visibility sight lines measuring 160m to the west and 120m to the east as shown in principle on drawing 88348/25 (plan 4/0625/89) within which there shall be no obstruction to visibility between 0.26m and 2.0m in height above carriageway level and the roundabout junction shall be constructed in accordance with the details so approved;

2.13 no work shall commence on any part of the outline buildings hereby permitted until details of the alterations to the roundabout at the junction of St Albans Road/White Hart Road/Bennetts End Road (hereinafter referred to as "the Bennetts End Roundabout") as shown in principle on drawing no. 88348/27 (plan no 4/0625/89) shall have been submitted to and approved by the local planning authority;

2.14 prior to the first building forming part of the development being opened to the public the Bennetts End Roundabout shall have been altered in accordance with the scheme referred to in Condition 2.13;

2.15 no part of the development hereby permitted comprising the clubhouse, athletics track, field sports arena shall be brought into use until the access to St Albans Hill referred to in Conditions 2.5 and 2.7 above shall have been provided in accordance with the details as so approved.

3. PHASING

- 3.1 The part of the development hereby permitted comprising the hotel shall not be brought into use until the leisure/recreation centre, the athletics track/field events arena, the clubhouse, the children's play area (not including children's play equipment, boundary treatment and landscaping) and the open space (not including boundary treatment and landscaping) shall have been provided and shall be ready for occupation and use;
- 3.2 no works other than infrastructure works shall be commenced before the completion of the St Albans Road Roundabout.

4. THE INTERNAL CIRCULATION ROAD

- 4.1 No work shall commence on any outline building hereby permitted until details of layout construction and lighting and final surfacing of the internal circulation road and pedestrian footways and ancillary development shall have been submitted to and approved by the local planning authority. For the purposes of this permission the internal circulation road shall comprise the principal road within the site connecting all of the curtilages of the outline buildings and other land uses with St Albans Road;
- 4.2 no part of the development hereby permitted shall be brought into use until the internal circulation road serving that part of the development shall have been provided in accordance with details approved in Condition 4.1 hereof with the exception of final surfacing which shall be laid before the last building hereby permitted shall open for public use;
- 4.3 the layout of the internal circulation road referred to in Condition 4.1 hereof shall include provision of a layby for buses and coaches to set down and pick up passengers;
- 4.4 the details submitted in accordance with Condition 4.1 hereof shall include a scheme of directional signs and such signs as refer to a particular part of the development shall be provided in accordance with the details as approved prior to that part of the development hereby permitted being brought into use;
- 4.5 no barriers, gates or ticket machines shall be provided on the internal circulation road, or at any vehicular entrance to or exit from any car park served by the internal circulation road except in accordance with a scheme which has been submitted to and approved by the local planning authority;

- 4.6 the use of the development hereby permitted shall not be commenced before an arrangement for maintenance of the internal circulation road has been submitted to and approved by the local planning authority.

5. THE HOTEL

- 5.1 The hotel hereby permitted shall contain not more than 160 bedrooms and shall not exceed a total floor space of 10,500 sq m (measured externally) and shall not exceed 3 storeys in height and the said floor space shall not include any such space for the purposes of an electricity sub-station;
- 5.2 the details of the hotel submitted as reserved matters shall include the provision of not less than 250 car parking spaces together with facilities for loading and unloading of vehicles and those spaces and facilities shall not be used for any purpose other than the parking and loading and unloading of vehicles;
- 5.3 the details of the hotel submitted as reserved matters shall include details of construction and final surfacing of the car parking spaces, loading and unloading facilities and circulation roads, and the development shall be carried out in accordance with the approved details;
- 5.4 the hotel hereby permitted shall not be brought into use until the car parking spaces, loading and unloading facilities, circulation roads referred to in Conditions 5.2 and 5.3 herein shall have been provided;
- 5.5 the details submitted as reserved matters shall include details of any refrigeration ventilation or air-conditioning plant or equipment to be installed in or on the building together with details of measures to minimise airborne transmission of noise, toxic or pathogenic agents and the building shall be constructed in accordance with the details as so approved;
- 5.6 the landscaping details submitted as reserved matters in respect of the hotel shall include indications of all existing trees and hedgerows on the land and details of those to be retained together with measures for their protection in the course of development and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows;
- 5.7 all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the hotel buildings and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced

in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.

6. THE RETAIL SUPERSTORE

6.1 The retail superstore hereby permitted shall not exceed a total floor space of 6,503 sq m (measured externally), and the said floor space shall not include any such space for the purposes of an electricity sub-station;

6.2 not less than 80% of the nett retail floorspace of the retail superstore hereby permitted shall be used for convenience goods sales which for the purpose of this condition shall be deemed to comprise food, alcoholic and other drinks, tobacco and other goods (ie newspapers, magazines, soap, matches and cleaning materials, pharmaceutical and toiletries and small ancillary electrical products such as light bulbs and plugs, not being electrical appliances). Within the said 80% floor space, a restaurant/coffee bar not exceeding a floor space of 140 sq m may be provided. The following goods shall not be sold from the store: motorised vehicles; caravans; power boats and sailing craft; motor vehicle accessories; building materials. For the purpose of this condition, the nett retail floor space shall comprise the gross internal area of the retail 'superstore' used for the display of goods (including all counters, gondolas and other display units, bakery delicatessen and any food preparation areas directly associated with sales) and all associated aisles and other areas to which the public have access, but excluding:

- (a) customer toilets and customer relations areas; and
- (b) any concourse or lobby area; and
- (c) trolley storage areas; and
- (d) tills and payment points and the passageway from the same to exits;

6.3 the details submitted as reserved matters shall include the provision of not less than 610 car parking spaces together with facilities for loading and unloading of vehicles and those spaces and facilities shall not be used for any purpose other than the parking and loading and unloading of vehicles;

6.4 the details submitted as reserved matters shall include details of construction and final surfacing of the car parking spaces, loading and unloading facilities, circulation roads, and the development

shall be carried out in accordance with the approved details;

- 6.5 the retail superstore hereby permitted shall not be opened for trade until the car parking spaces, loading and unloading facilities, and circulation roads referred to in conditions 6.3 and 6.4 herein shall have been provided;
- 6.6 the details submitted as reserved matters shall include details of sound insulation work required to reduce noise emission from any heating, refrigeration, or ventilation plant, air conditioning or compactor unit and the development shall be carried out in accordance with the details as so approved;
- 6.7 no goods, crates, packaging materials, trolleys, waste or refuse shall be stacked or stored on the site of the retail 'superstore' except within the building or service yard. Any compactor unit provided shall be enclosed within a permanent walled and roofed structure. No trolleys shall be stored otherwise than within the building under any canopy area of the building or within designated storage areas in accordance with a scheme to be submitted to and approved by the local planning authority;
- 6.8 any service yard provided in connection with the loading and unloading of vehicles shall be enclosed by walls and gates;
- 6.9 the landscaping details submitted as reserved matters in respect of the retail superstore shall include indications of all existing trees and hedgerows on the land and details of those to be retained together with measures for their protection in the course of development and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows;
- 6.10 all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the retail superstore buildings and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year;
- 6.11 the details submitted as reserved matters shall include the location of any bakery that may be included within the building together with measures required to control emission of fumes therefrom and

the development shall be carried out in accordance with the details as so approved. Any subsequent alterations to the location of the bakery shall be agreed in writing with the local planning authority.

7. THE RESTAURANT

- 7.1 The restaurant hereby permitted shall not exceed a total floor space of 743 sq m (measured externally) and the said floor space shall not include any such space for the purposes of an electricity sub-station;
- 7.2 the restaurant hereby permitted shall not be open prior to 0730 hours on any day and shall close not later than midnight on that same day;
- 7.3 the details submitted as reserved matters shall include the provision of not less than 50 car parking spaces together with facilities for loading and unloading of vehicles and those spaces and facilities shall not be used for any purpose other than the parking and loading and unloading of vehicles;
- 7.4 the details submitted as reserved matters shall include details of construction and final surfacing of the car parking spaces, loading and unloading facilities, circulation roads, and the development shall be carried out in accordance with the approved details;
- 7.5 the restaurant hereby permitted shall not be opened for trade until the car parking spaces, loading and unloading facilities, circulation roads referred to in conditions 7.3 and 7.4 herein shall have been provided;
- 7.6 the landscaping details submitted as reserved matters in respect of the restaurant shall include indications of all existing trees and hedgerows on the land and details of those to be retained together with measures for their protection in the course of development and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows;
- 7.7 all planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the restaurant, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year;

- 7.8 any service yard provided in connection with the loading and unloading of vehicles shall be enclosed by walls and gates.

8. THE PETROL FILLING STATION

- 8.1 The retail kiosk forming part of the development hereby permitted shall not exceed a total floor space of 100 sq m (measured externally);
- 8.2 the details submitted as reserved matters shall include the layout of the petrol filling station and ancillary facilities including underground storage tanks and facilities for parking for staff and visitors and the same shall be carried out in accordance with the details as so approved;
- 8.3 no part of the petrol filling station hereby permitted shall be used for any other purpose nor shall it be used for the repair or service of motor vehicles nor for any other industrial process defined in the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) nor shall it be used for the sale, hire or display of motor vehicles. No part of the petrol filling station shall be used for display and sale of retail goods except within the retail kiosk and any area immediately outside, the details of which shall have been approved by the local planning authority in accordance with Condition 8.2;
- 8.4 the landscaping details submitted as reserved matters in respect of the petrol filling station shall include indications of all existing trees and hedgerows on the land and details of those to be retained together with measures for their protection in the course of development and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows;
- 8.5 all planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the petrol filling station, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.

9. THE CLUBHOUSE

- 9.1 The clubhouse forming part of the development hereby permitted shall not exceed a total floor space of 388 sq m (measured externally);

- 9.2 the clubhouse hereby permitted shall be used only for purposes ancillary to the operation of the athletics track and field sports arena and for no other purpose including any other purpose in Class D2 of Part D of the Schedule to Article 3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order);
- 9.3 the landscaping details submitted as reserved matters in respect of the clubhouse unit shall include indications of all existing trees and hedgerows on the land and details of those to be retained together with measures for their protection in the course of development and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows;
- 9.4 all planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the clubhouse, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year;
- 9.5 the clubhouse hereby permitted shall not be brought into use until the car parking arrangements provided for the leisure/recreation centre shall have been provided.

10. THE ATHLETICS TRACK AND FIELD EVENTS ARENA

- 10.1 The athletics track and field events arena is to be provided in accordance with the details as shown on drawing no 87377/75A. However, no work other than infrastructure works shall be started on the athletics track and field events arena until preliminary details of levels, embankments, cuttings and all other earthworks shall have been submitted to and approved by the local planning authority. Following completion of infrastructure works, inasmuch as they relate to the athletics track and field events arena, no further work shall be commenced on the said development until details of levels, embankments, cuttings and all other earthworks shall have been submitted to and approved by the local planning authority and the said development shall be carried out in accordance with the details as so approved;

10.2 the details submitted in accordance with Condition 10.1 hereof shall include details of drainage of the same and the athletics track and field events arena hereby permitted shall not be brought into use until the details as approved shall have been provided;

10.3 no work other than infrastructure works shall take place on the construction of the athletics track and field events arena hereby permitted until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development, and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows;

10.4 all planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the athletics track and field events arena and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year;

10.5 no part of the athletics track or field events arena hereby permitted shall be brought into use until the car parking arrangements provided for the leisure/recreation centre shall have been provided;

10.6 the details submitted in accordance with Condition 10.1 hereof shall include details of the siting, construction and final surfacing of a footpath link between the leisure/recreation centre car park referred to in Condition 13.4 hereof and the athletics track and field sports arena.

11. THE CHILDREN'S PLAY AREA

11.1 The children's play area is to be provided in accordance with the details as shown on drawing no 87377/75A. However, no work other than infrastructure works shall be started on the children's play area hereby permitted until preliminary details of levels and all other earthworks shall have been submitted to and approved by the local planning authority. Following completion of infrastructure works in as much as they relate to the children's play area, no further work shall be commenced on the said development until details of levels and all other earthworks shall have been submitted to and approved

by the local planning authority and the development shall be carried out in accordance with the details as so approved;

- 11.2 details of equipment to be provided on the children's play area hereby permitted shall be submitted to and approved by the local planning authority and the equipment as so approved shall be provided within 12 months of the completion of the children's play area in accordance with Condition 11.1 hereof;
- 11.3 the details submitted in accordance with Condition 11.1 hereof shall include details of drainage of the children's play area and the same hereby permitted shall not be brought into use until the details as approved shall have been provided;
- 11.4 no work shall be started on the children's play area hereby permitted until details of pedestrian access to and from the site shall have been submitted to and approved by the local planning authority, and the pedestrian access shall be constructed in accordance with the details as so approved;
- 11.5 the children's play area hereby permitted shall not be brought into use until the pedestrian access referred to in condition 11.4 hereof shall have been provided;
- 11.6 no work other than infrastructure works shall take place on the children's play area hereby permitted until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows;
- 11.7 all planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the children's play area, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.

12. THE OPEN SPACE

- 12.1 A single area of land of not less than 0.48 hectare within the site shall be reserved as open space for use for recreational purposes and shall not be used for any other purpose except with the written approval

of the local planning authority, but nothing in this condition shall prevent the provision of other areas of open space within the site subject of this permission;

- 12.2 no work other than the infrastructure works shall be started on the open space hereby permitted until preliminary details of levels and all other earthworks shall have been submitted to and approved by the local planning authority. Following completion of the infrastructure works inasmuch as they relate to the open space, no further work shall be commenced on the said development until details of levels and all other earthworks shall have been submitted to and approved by the local planning authority and the said development shall be carried out in accordance with the details as so approved;
- 12.3 the details submitted in accordance with Condition 12.2 hereof shall include details of drainage of the site and the open space hereby permitted shall not be brought into use until the details as approved shall have been provided;
- 12.4 no work other than infrastructure works shall take place on the open space hereby permitted until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows;
- 12.5 all planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the open space, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year;
- 12.6 the development hereby permitted shall not be brought into use until a management scheme for the maintenance of the open space shall have been submitted to and approved by the local planning authority.

13. THE LEISURE/RECREATION CENTRE

13.1 The leisure/recreation centre hereby permitted shall not exceed a total floor space of 18,892 sq m (measured externally) and the said floor space shall not include any such space for the purpose of an electricity sub-station;

13.2 the leisure/recreation centre shall first comprise a building containing all of a Bowling Green, Leisure Pool and Ice facility but nothing in this condition shall prevent the inclusion of other leisure/recreation facilities such as ten pin bowling alley, discotheque, seven-screen cinema, snooker hall, amusement arcade and rides together with and ancillary thereto:

- (i) bars, restaurants, cafes and other sales of food and drink for consumption on the premises; and
- (ii) plant, storage, administration, toilets, and changing rooms.

The application for approval of reserved matters shall include details of all proposed facilities and uses of the said building;

13.3 car parking provision of not less than 1000 spaces will be provided together with facilities for loading and unloading of vehicles, and for parking of taxis, buses/coaches, motorcycles and cycles and those spaces and facilities shall not be used for any purpose other than the parking and loading and unloading of vehicles. This requirement has been calculated on the basis of the following proposed illustrative uses:

(i)	Waterworld	(2800 sq m)
(ii)	Leisure Ice	(2500 sq m)
(iii)	Indoor Bowls (seven rinks)	
(iv)	Ten Pin Bowls (twenty-eight lanes)	
(v)	Multi-Screen Cinema (seventeen hundred seats)	
(vi)	Sports and Games Bar	(770 sq m)
(vii)	Nightclub/Discotheque	(1145 sq m)
(viii)	Pub	(229 sq m)
(ix)	Amusement Centre/Fun Rides	(195 sq m)
(x)	Athletics Facility (as illustrated on drawing 87377/75A);	

13.3A if the details submitted as reserved matters differ from or add to the list of uses in Condition 13.3 or are different from the uses in Condition 13.3 by way of being an increase in their size or capacity then full particulars of the parking provision proposed in connection with any alternative additional or modified use shall be submitted to and approved by the local planning authority. If the details as submitted show that the alternative or additional or modified use either:

(i) attracts additional volumes of traffic or traffic movements; or

(ii) creates a significant demand for additional parking spaces

then the details as submitted must also show that:

(a) the effects of additional volumes of traffic/traffic movements can be mitigated; and/or

(b) sufficient additional parking spaces can be provided.

The use together with the requisite parking shall not be provided otherwise than in accordance with the details as approved, but nothing in this condition shall apply to the athletics facility referred to in Condition 13.3;

13.4 the details submitted as reserved matters shall include details of construction, design and final surfacing of the car, taxi, motor cycle, cycle, bus/coach parking spaces, loading and unloading facilities, circulation roads and related development, and the development shall be carried out in accordance with the approved details;

13.5 the leisure/recreation centre hereby permitted shall not be brought into use until the car, taxi, bus/coach, motor cycle and cycle parking spaces, loading and unloading facilities, circulation roads referred to in Conditions 13.3 and 13.4 hereof shall have been provided;

13.6 the details submitted as reserved matters shall include details of the location of all plant rooms and similar servicing facilities including refuse storage arrangements ancillary to the building and details of sound insulation work required to reduce noise emission from any heating, refrigeration or ventilation plant or compactor unit and the development shall be carried out in accordance with the details as so approved;

13.7 no goods, crates, packaging materials, waste or refuse shall be stacked or stored on the site of the leisure/recreation centre except within the building or within designated storage areas in accordance with a scheme to be submitted to and approved by the local planning authority prior to the commencement of the leisure/recreation centre building hereby permitted and the leisure/recreation centre building shall be constructed in accordance with and inclusive of the details as so approved. Any compactor unit provided shall be enclosed within a permanent walled and roofed structure;

13.8 any service yard provided in connection with the loading and unloading of vehicles shall be enclosed by walls and gates or in accordance with a scheme to be submitted to and approved by the local planning authority. Such scheme as is approved shall be carried out in accordance with the details as approved.

14. DRAINAGE

14.1 No part of the development hereby permitted shall be commenced until details of a surface and foul water drainage 'strategy' shall have been submitted to and approved by the local planning authority and no building shall be commenced until details of the sewage disposal and drainage therefrom shall have been submitted to and approved by the local planning authority;

14.2 no works on the outline buildings shall be commenced until a scheme of works to safeguard and/or divert the main trunk sewer traversing the site shall have been submitted to and approved by the local planning authority, and such works shall be carried out as approved;

14.3 no part of the outline buildings hereby permitted shall be occupied until the details of sewage disposal and drainage required in connection with that part of the development and approved in accordance with Condition 14.1 hereof shall have been provided and the works shall be carried out in accordance with the details as so approved.

15. CONTAMINATION

15.1 No work shall be started on any part or parts of the development hereby permitted until either:

(a) there has been submitted to the local planning authority in respect of that part or parts of the development evidence that:

(i) there is no contamination of the land or groundwater or presence of landfill gas in the land comprising that part or parts to be developed; and

(ii) there is no likelihood that such contamination will occur of the land comprising that part or parts of the development as a result of development of other part or parts of the land the subject of this permission;

and the local planning authority have confirmed in writing that such evidence as submitted is acceptable; or,

- (b) a scheme has been submitted to and approved by the local planning authority indicating the extent of contamination of the land and/or ground water and/or presence of landfill gas in the land comprising the part or parts of the development and the means by which such contamination and/or gases are to be controlled or removed;

and no part or parts of the development shall be carried out other than in accordance with the approved details;

15.2 Any scheme submitted in accordance with Condition 15.1(b) hereof shall include:

- (a) measures for the control of gas or gases and contamination within any land the subject of development in accordance with this permission;
- (b) proposals for safeguarding buildings and other structures erected on the said land, and buildings, structures and other works (including the adjacent ski-slopes and mound) situated on land outside that the subject of this permission;
- (c) proposals for long-term monitoring of contaminants and gases.

16. NOISE

16.1 Between the hours of 0700 and 2300 on Mondays to Saturdays inclusive, noise from operations conducted within any building or structure within the site shall not exceed 47 dBA at any point on the boundary of the application site except that part which abuts St Albans Road where the noise level shall not exceed 61 dBA and expressed as that level exceeded for 90% of the time in any 15 minute period. At any other time noise emanating from any of the said buildings or structure shall not exceed 40 dBA at any point on the boundary of the application site also expressed as the LA90(15 minutes);

16.2 following first occupation of any of the outline buildings, between the hours of 0700 and 2300 Mondays to Saturdays inclusive, noise from plant and machinery used within the application site as expressed as the noise rating number (NR) shall not exceed NR45 at any point on the boundary of the application site except for the part which abuts St Albans Road, where the noise level shall not exceed NR60. At any other time noise from the said plant and machinery shall not exceed NR35 at any point on the boundary of the application site.

17. GENERAL MATTERS RELATING TO THE SITE

- 17.1 Any scheme of external lighting and floodlighting of the development hereby permitted shall be submitted to and approved by the local planning authority and such lighting and floodlighting shall be carried out only in accordance with the scheme as approved;
- 17.2 the landscaping details submitted as reserved matters or in accordance with the requirements of conditions relating to the detailed works for part or parts of the development shall include details of the treatment of the boundaries of the site adjoining those parts of the development and such details as approved shall be carried out as part of the implementation of the approved details of landscaping;
- 17.3 notwithstanding the provisions of the Town and Country Planning General Development Orders 1988-1990 (or any Orders revoking and re-enacting those Orders):
- (a) no electricity sub-station shall be erected on the site except as part of the buildings hereby permitted, unless otherwise agreed with the local planning authority;
 - (b) no development which would necessitate breaking through any methane-resistant membrane (or similar device) provided in the development of this site in accordance with the requirements of Conditions 15.1 and 15.2 of this permission shall be carried out, unless otherwise agreed with the local planning authority;
 - (c) no alternative or additional vehicular access to and from the internal circulation road shall be constructed unless otherwise agreed with the local planning authority;
- 17.4 no work shall be started on the development hereby permitted (with the exception of the works to St Albans Road Roundabout and Bennetts End Roundabout and temporary access arrangements) until details, including location, of wheel cleaning facilities shall have been submitted to and approved by the local planning authority. The facilities as so approved shall be provided concurrently with the provision of the temporary access arrangement or other access arrangement, whichever is the earlier and shall be retained at all times during the construction of the said development at the location as approved or at any alternative location agreed in writing with the local planning authority;
- 17.5 there shall be no obstruction to visibility between 0.6m and 2.0m in any visibility splay or between 0.26m and 2.0m in any visibility sight line provided as part of the development hereby permitted.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw or Regulation other than Section 57 of the Town and Country Planning Act 1990.

13. Copies of this letter have been sent to all the parties appearing at the inquiry.

14. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged in the High Court.

I am Sir
Your obedient Servant

R. A. Bird

R A BIRD
Authorised by the Secretary of State
for the Environment to sign in that behalf

15.11 If the statutory policy 16 does not justify refusal, then the new, non-statutory policies would not alter that decision and I need not anticipate the final outcome of the development plan process by deciding how closely the emergent Local Plan proposals for Jarman Fields fit the 4 new criteria in the submitted 1991 Structure Plan. [4.14 5.5 5.10]

Retail development outside town centres

15.12 The proposed Tesco Superstore is intended to subsidise the sports facilities. Its inclusion in the package raises quantitative and qualitative shopping issues, but by common consent there is no objection to the trading impact on the viability of the town centre as a whole. Indeed the applicants say that it would assist the trading position of the town, by retaining trade which escapes to surrounding towns and competing stores at present, and the County do not deny it. There seems little doubt that the supermarkets in the town centre would continue to trade. It would inevitably have some effect on 2 nearby neighbourhood shopping centres, but they both appear to be trading vigorously at present and there is no substantive evidence to suggest that they would cease to serve their customers' everyday needs after the initial impact of Tesco has been absorbed. [3.41 3.43 4.34 5.21 6.11 3.26 4.30]

15.13 The quantitative objection stems from policy 66 of the Structure Plan which is the basis for distributing new retail floorspace in each district between 1981 and 1996. Existing commitments already exceed the allocation for Dacorum. As this policy as so nearly run its course, it seems sensible to take account of the next succeeding policy in the roll-forward plan of 1991, which indicates likewise that almost all the allocation for 1996-2001 is already committed. Unless the proposed superstore is deferred until after 1996, it will traverse these guidelines, whether the Lakeside site is used for shopping or not. [5.15 5.16 3.16 6.10 5.20]

15.14 These guidelines indicate a lack of quantitative justification for more shopping of any kind anywhere in Dacorum, but they do not differentiate between durable and convenience floorspace, and are not intended to set an absolute maximum to development. [5.16 6.10 3.16 5.15 4.29]

15.15 In the absence of any general policy requirement for more shopping, the crux of the shopping strategy is policy 68 which encourages retail development to locate in and adjacent to existing centres. This strategy seems to have borne fruit, in the impressive new Marlowes Centre in the main street, and the new Gateway store close at hand. [5.18 5.19 4.31 4.29 3.37]

15.16 Policy 68 only applies if the relevant retail development would be consistent with the role and character of the town centre. I found that Hemel Hempstead is the local stronghold of durable shopping, although convenience trading has some sturdy representatives. The proposed Tesco store of 6500 sq m is intended to trade in convenience goods, on one floor, amid extensive surface car parking. That would conform with the company's current style of trading, and Dacorum agree that this would be the appropriate way to trade. On that understanding, a superstore of the type specified by Tesco could not be accommodated in the town centre. Moreover it would take up a very large site, which would be inconsistent with the well-developed character of the centre, and might displace trading in durable goods. Consequently it should be considered outside policy 68. [3.37 4.32 3.32 3.33 5.24 3.41 4.31 5.20]

15.17 That puts the proposed superstore in the context of Policies 80 and 81, which apply to retail development outside town centres. The rationale of these policies is to encourage new forms of retailing, such as superstores, which are difficult to accommodate in town centres. Having said that the chosen type of development cannot be accommodated in the town centre, and would not affect the viability of the centre, I consider that Policy 80 would fit the case. It is moreover suggested that such a superstore would overload the roads and car parks of the town centre; and that would satisfy another criterion of policy 80, notwithstanding any precedent set by the

Lakeside scheme. The architectural character of the town centre is not at issue; and neither is the size of the superstore, but evidently compliance with just one of the criteria of policy 80 confers compliance with the policy as a whole. [5.22 3.37 4.32 5.21 5.20 3.15]

15.18 Policy 81 goes on to specify what kind of sites are acceptable in such circumstances: Jarman Fields answers to the criteria of accessibility, and avoidance of sites needed for employment or housing, so even if the redevelopment of this recreation ground would be no help to urban regeneration (which is the third and last criterion of policy 81), I conclude that the superstore would not conflict with Structure Plan shopping policy. [4.38 5.23 3.15]

15.19 In the absence of a general overall need for more shopping in Dacorum, perhaps the proposed development might reduce the stimulus to improve some of the older shops in the town centre at some future date. However, that appears to be the worst harm which could arise in terms of shopping strategy in the Structure Plan, and I do not think it warrants refusal. [5.22]

Conservation and enhancement of the pattern of open space in towns

15.20 Structure Plan Policy 48 defines the proper objective of District Councils to conserve and enhance the pattern of open space; and it refers to the supporting role of the County Council. This policy is not clearly focused on development control. The District Council advocated approval while the County took pains to confine their evidence to strategic matters. The local objectors had no such inhibitions and so environmental issues were fully ventilated. [5.25 5.1 6.26 4.40 4.43]

15.21 In terms of Structure plan policy 48 there can be little doubt that a recreation ground the size of Jarman Fields makes a significant contribution to the pattern of open space in Hemel Hempstead, even though there is plenty of open space elsewhere in the town. The Statutory Local Plan does not attempt to identify which areas of open space are important, although the emergent Plan is intended to rectify that. For the time being Dacorum consider the recreation ground is no more than a local amenity, and the loss to local residents would be outweighed by the leisure enjoyment of lots more people. That has to be weighed in the balance. Plainly, the proposed development would not leave much green space remaining in Jarman Fields except for a small landscaped park, play area, landscaping, and the peripheral grassland around the balancing pond. It plainly would not conserve or enhance the pattern of open space, and although the policy is not simply intended to maintain the status quo, there is a conflict here. Policy 77 of the statutory Local plan is comparatively explicit: planning permission is not normally granted for any development which would result in the loss of public open space. The Local Plan makes no provision for the current proposals. Nor does it reflect the 1979 permission for an ice rink, sports hall and athletics track which were current when it was prepared. [4.40 5.25 3.15 3.12 3.13 4.43 5.26 3.53 4.10 4.25 4.47 6.8]

15.22 Hemel Hempstead is a new town with a great deal of open space. I regard that as an inherent part of the character of the place, and not as a reason to develop open land. However, the outcome of this application depends to some extent on value judgements which have not previously been faced. [6.26 3.47 3.48 5.25 5.26]

15.23 The history of the site is merely the background to its importance in the environment. It was once the site of a sewage works, and then a tip, which was managed so that it could eventually be reclaimed as open space. The huge existing ski slope sets the scene for further development. The Fields have been regarded for many years as a potential site for sports or leisure facilities although the relevant concepts have changed from time to time, and none of the earlier schemes envisaged the development of so much of the site. None of the early history represents a commitment to development of the sort which is now proposed, and local residents understandably

strive to thwart it. A formal notice of the intended disposal of the Fields in 1988 provoked a significant reaction from those who want it to be conserved. [4.8 6.8 7.11 4.4 3.92 2.1]

15.24 Jarman Fields offers a broad and liberating vista from the A414, and from adjoining residential areas across to distant hilltops. I do not underestimate the pleasure which local people get from it, despite the lack of features, sparse trees and planting. If it is retained as open space it could be made into a beautiful local park. However, apart from limited use for soccer, it does not seem to be used much at present. I saw that the sports pitches are rough. Apparently the field is used largely for walking dogs. [2.4 3.45 6.21 6.26 4.64 4.46 2.2]

15.25 The Local Plan adopts the familiar standards of the National Playing Fields Association. There would still be enough open space and informal playspace in town to meet the adopted standards if Jarman Fields is developed. These standard open spaces are supplemented by woodlands, old canal and railway routes. There are not enough equipped playgrounds in town to meet the adopted standard, but the proposed development would not make that deficiency any worse. [4.48 4.50 4.52 4.53 3.51]

15.26 In answer to the constraints of statutory policies, Dacorum refer insistently to the emergent Local Plan, first published in draft for public consultation in April 1990. It is said to be particularly germane to this case because it specifies the very proposals in the application. That does not imply a foregone conclusion, because those proposals in the Plan are subject to the ordinary process of objection and Public Local Inquiry. In terms of circular 22/80, it has reached stage (a), which is an early stage of preparation, so it carries only limited weight. The emergent Plan continues to make progress, and there seems no reason to doubt that it will be certified in conformity with the Structure Plan in due course, but it still has a long way to go. [4.12 4.20 3.13 4.47 5.28]

15.27 One of the emergent policies specifies a standard walking distance within 400m from houses to leisure space. By those standards a small area of housing would be too far from the residual area of open space left among the proposed development. I do not think that is a crucial issue in the context of this application, though it arises again in the context of public access at Mountbatten School, and the proposed development there. [3.46 3.49 6.18 6.25 15.67]

15.28 The emergent Local Plan places more emphasis on the protection of the environment, in step with the forthcoming Structure Plan and recent government publications. It is intended to assess the contribution which every open space makes to the local environment. Surveys were produced for the inquiry but the necessary value judgements have not been made yet, so at this stage in the evolution of the Local Plan I consider it is best to concentrate on the actual use and appearance of Jarman Fields in the context of current statutory policy. The development would patently conflict with the policy. The harm ought to be balanced against the benefits. [3.13 5.25 3.46-50 3.100 9.29 11.18 4.45]

Effect on the Highway Network

15.29 Although the Highway Authority recommended 5 reasons for refusing outline planning permission for the proposed development, the sticking point at the end of the inquiry was the size of the cash contribution towards mitigating the adverse effects of the development. Such a contribution is part of the proffered package. The pursuit of contributions from developers is part of the policy background to this application: each development is expected to contribute at least enough to meet the consequences, and to pay for a localised improvement which caters for the predicted design flow. The developers do not apparently cavil at the principles involved; throughout the inquiry, helpful and constructive compromises were offered and accepted, but evidence about the sum and purpose of the contribution was neither given nor sought. [5.30 5.34 3.87 5.53 3.88]

15.30 Development Plan policies, implemented by the TPP, establish a hierarchy of roads, according to which the east-west orbital A414 is an important route upon which traffic should be canalised. The main issue is congestion and delay at the junctions although the A414 operates within its design capacity. The County are anxious to maintain a good level of service, and a minimum of congestion on the route, even at peak hours. Nevertheless, they indicated in 1988 that the proposed development could be permitted if there is a satisfactory package of highway improvements. [5.32 5.33 5.36 3.60 5.35 5.29 4.65 4.69.]

15.31 Traffic flows and assignments were helpfully agreed, and are not in contention. My own subjective impression of peak hour traffic supports the finding that the route is not seriously congested at present. Congestion could well get worse in future, if only because of the planned growth of the area, so roads should be improved or else delay is inevitable. All the parties face that prospect with concern, and are anxious to mitigate it. However, there is very little hard evidence to show what should be done. The Highway Authority suggest a Reference Flow/Capacity Ratio (RFC) of 0.85 would be an indicator of 'acceptable delay' but there is no policy to that effect; and RFC is expected to exceed 1.0 in many places anyway by 1994, so I do not think it is a conclusive standard on which I can rely. The best available predictions of future delays, based on ARCADY analysis, proved extremely unreliable - even as a reflection of existing circumstances. [3.62, 3.63 4.75 5.31 5.44 2.15 2.18 3.59 5.33 5.41 3.59 3.73]

15.32 Although a very detailed analysis of traffic assessments has been compiled before the inquiry, the applicants introduced a fresh interpretation based on recent academic research. They have a different perception of the effect the superstore might have on traffic patterns at a distance from the site; and there may be comparable but unquantified differences to the traffic visiting other developments on the site. The premise of this theory, set out in the deposited documents, is that the traffic at a new superstore is not all new traffic: much of it is diverted or transferred from other stores, whereby the network is relieved. However, I do not think that makes much difference to the outcome of this application, because it is a corollary of the applicant's case that a successful development on Jarman Fields is bound to claw back traffic to the A414 in so far as it claws back business to the town, though there may be some easement of traffic on routes further away. Although the differences between the two interpretations are material, I do not think the conclusions which can be drawn from them are very useful and, as the County Council suggests, the overall delays would be about the same even if they occur in different times or places. Besides, the County Council indicate a preference for development in the Town Centre, and that would surely contribute to congestion there. [3.63 3.65 3.66 3.69. 5.44 5.37]

15.33 St Albans Hill would only be used as an emergency access, which would not normally create a hazard. The problems are said to arise at the junctions of A414, and it is more helpful to look at them one by one, starting with the complicated ring of mini-roundabouts which serves the Town Centre at the Plough. There is no serious problem there at present, it works well, and is not getting noticeably worse. The TPP looks forward to a major grade separated improvement there in due course. The Highway Authority regards the prospect of future congestion there as a reason to refuse outline planning permission on the strength of their estimation that the proposed development would increase traffic there by 5.7%. The applicants, applying their different interpretation, maintain that the increase would be more like 3.7%. This development, because of its size, would be specially significant and I think the Highway Authority are right to be wary of the cumulative effect, because the best figures available indicate a slight increase in traffic would produce a magnified effect on delays. The applicants equate that to about 2-3 years of normal growth. I do believe that would be harmful. However, I do not believe it is serious enough to justify refusing planning permission; because it reflects a widespread but tolerable burden on the network as a whole, because the evidence indicates that the traffic

would be able to adjust and respond by rerouting or peak spreading until major improvements take place, and because the Plough is not too badly congested at the moment. [5.39 5.40 3.71 3.61 3.76 3.42 5.42 3.75 3.72 3.73 5.38 5.41]

15.34 The site access is not at issue. The design of a new roundabout has been agreed, subject to minor amendments which the parties are ready to resolve at the detailed stage. Local people point out the new roundabout would introduce a new hazard on the main road, but the Highway Authority confirm that it could be made safe. [3.55 4.75 5.29 3.77 5.49 6.28 5.49]

15.35 Bennetts End Roundabout is within the application site. It causes some delays at present, particularly on the minor roads at peak hours, and the proposed development would increase the peak hour flow by some 15% in 1994. The developers have agreed to improve it, so that the congestion would get no worse pending a major grade-separated improvement. [3.78 3.81 5.36 3.82]

15.36 Maylands Roundabout causes the worst problems on the route at present. A 4% increase of traffic, attributed to the development, could exacerbate the delays, but the cash contributions negotiated between the applicants and County are intended to cover the whole cost of an impending improvement, and more besides. [3.83 5.45 3.84]

15.37 Breakspear Roundabout is also overloaded, and susceptible to increased delays if 3% extra traffic arises from the proposed development. The A414 junction with Leverstock Green Road does not appear to be overloaded yet, but a 5.8% increment from the proposed development would represent about 3 years traffic growth. However, neither of these junctions were cited as a particular reason for refusing outline planning permission and the developers consider their cash contributions will alleviate any harm within the network as a whole. [5.46 5.47 3.57 3.87]

15.38 Turning to the first of the specific reasons for refusal recommended by the Highway Authority, the particular reference to congestion at the Plough was not substantiated at the inquiry, and the reference to the rest of the A414 has already been considered junction-by-junction. As to the second reason, the County concedes that the development has no special propensity to cause accidents. Pedestrians and cyclists should be considered in the detailed design. The third reason relates to rat-runs of drivers diverted through the residential areas; and although the County Council did not substantiate it, the problem is very real to local people and is very relevant to the Structure Plan objective of canalising traffic on the main roads. However I consider it is a very generalised problem, and difficult to lay at the applicant's door except in the sense that drivers will be sure to find new ways around any new delays. [3.57 5.48 5.49 5.50 5.51 6.30 3.89 7.5]

15.39 A relevant transportation study has not yet been completed, so it is suggested that the application is premature. That is the basis for the last two reasons for the County's recommendation. The cash contribution is however intended to answer those objections. No-one sought to say how much is needed or how much can be afforded, so I have no basis to conclude that it is not enough. It cannot yet be said how the money should be spent, but I do not consider that it would be premature to approve development and wait until a future plan has been adopted. [5.54 3.57 4.72 5.53 3.57]

15.40 The worst effect of the proposed development in my opinion could be to use up some of the future capacity of the A414, which is just about capable of accepting the traffic from the development now. The whole thrust of the evidence is to mitigate those effects and make them acceptable. The application, with the on-site road improvements and the package of agreements, appears reasonable in physical terms. [3.87 4.78]

The scale of development, impact on residential areas and the town as a whole

15.41 Dacorum regards the proposed leisure centre as a magnificent prize for the townspeople, fulfilling many cherished hopes, on the best available site. It would be very large and would have enormous impact. The athletics track would virtually fill the large waste area beside the ski slope. No one pursued a specific objection to that. The three largest buildings would be the leisure centre, hotel and superstore. The centre of the site would be a huge expanse of car parking, relieved by some open spaces and forest trees. This application does not relate to any multi-storey or decked car parking. [4.3 4.20 6.14 7.1 2.2]

15.42 The largest building would be the leisure centre, set back from St Albans Hill with a frontage of 180 m and a height over 14 m. It would not seriously affect the sunlight and daylight reaching houses on the opposite side of St Albans Hill, but would completely change the outlook which they enjoy across the open space at present. Similarly it would obstruct the view behind houses and gardens in Bennetts End Road, overshadowing part of the back gardens. Landscaping and planning conditions could only reduce the effects on the dwellings concerned. [4.86 6.17 4.87 4.92 4.93 3.100]

15.43 The area is quiet at night, despite the proximity of the main road. It would be necessary to screen out as much noise as possible, and impose a limit on the noise perceived at the boundaries of the site, but in my view restrictions on hours of opening would be onerous or ineffectual. The proposed access works would increase noise around houses on the opposite side of A414. [4.91 6.32 6.33 7.2 2.5]

15.44 The proposed hotel would be conspicuous from dwellings on the far side of St Albans Road A414, but they would be more than 100 m away, so they would not be overlooked though they would lose their view. [4.92 6.34 6.35 3.101]

15.45 The superstore would be uncomfortably close to 2 dwellings which have a panorama across the recreation ground at present. Their outlook would be completely spoiled and the effect could only be softened by landscaping and screening. [2.4 2.2 4.93]

15.46 People in adjoining streets and houses enjoy views across Jarman Fields too, but I think it fair to say the ambience extends only short distances from the boundaries of the site. The long distance views are not very striking; from a small sector of countryside and some streets on the far side of a valley, Jarman Fields can be seen unobtrusively, among other open spaces below the skyline. [3.100 4.103 2.5 2.8]

15.47 The proposals have been widely publicised by the applicants, largely in hope of a positive response in line with their own notions and those of Dacorum. This produced a mixed reaction, and attracted the censure of the Jarman Action Group on the grounds that it was misleading. Any fears I might have that public opinion has not been fully represented are laid to rest by the valuable and independent market research carried out by Jarman Action Group. Their document speaks for itself, and shows a fairly wide range of informed opinion among people in the adjoining neighbourhoods. I am satisfied that Dacorum have been thorough and unbiased in their examination of the scheme. They now present a balanced view that unless the development is part of a package of benefits, and unless the harmful effects are ameliorated by planning conditions, the application should not be approved. [6.3-6.7 3.102 4.2 4.3 3.3 4.104]

15.48 The site is beset by technical problems, which are thoroughly explained in uncontested evidence among the deposited documents. Although the tip is still unstable, contaminated, and generates landfill gas, it would be practicable to compact it and cap the affected area with an impermeable surface in which the buildings, services and landscaping could be set. Liquor which leaches into the chalk aquifer, and gas which vents into the atmosphere, could both be monitored by Agreements which form part

of the package, and which are said, without contradiction, to represent an improvement over existing circumstances. Overall I do not consider the siteworks would have an adverse effect on amenity, except during the construction period when the tip is being disturbed and the mass is being compacted and covered over again. [3.92-98 6.31]

15.49 At the end of the inquiry the relevant Agreement was still unconcluded, but the proposed package was willingly offered and accepted by the District Planning Authority without recourse to the tests in Circular 22/83, and was weighed in the balance. The athletics ground is regarded as an unalloyed benefit, which Dacorum will not pay for. In my opinion the existing athletics facilities in Hemel Hempstead are sadly uninspiring. Indoor bowls are badly served in the town, and the proposed rinks would be a boon. The existing pool and sports centre near the town centre fulfills the needs of enthusiasts, but a commercial leisure centre would be more fun and would have a wider appeal. An ice rink and 10-pin bowling would add to the attractions of the town at large. A cinema would be a wholly commercial venture complementary to the rest of the package. There is not much entertainment in the Town at present. I look upon the pub, restaurant, nightclub, amusement centre etc. as benefits which carry much less weight in evidence than the foregoing list. [4.60 4.61 7.6 4.59 4.57 4.56 3.20 5.27]

15.50 In providing the leisure centre, the developers perceive that they are taking a risk which Dacorum cannot afford; they intend to keep the design flexible enough to respond to changing fashions, but they are willing to commit themselves to operate the pool, ice rink and indoor bowls for the long term even if it is not viable. The package would be funded by other commercial enterprises. [4.19 3.23 3.24 3.4 3.2 3.5]

15.51 Dacorum is convinced that the population actually want a leisure centre and the applicants have done their best to estimate the demand. A great deal of investment depends on the correct estimate, although forecasting appears to be an inexact science. No doubt there are rich prizes for a speculator who invests heavily and successfully, but the local authority prefers to leave that to the developers, and generally endorses their submissions about need and the justification for extra commercial elements. [4.19 3.23 6.5 6.6 6.7]

15.52 As to the remainder of the package, the hotel is apparently needed, somewhere in town, and the developers regard the site as ideal. I have no reason to doubt that it would be viable, and its inclusion appears on balance to be beneficial. [3.27 4.25]

15.53 If an application had been submitted for a superstore in isolation on Jarman Fields, I do not think it would receive planning permission, primarily because it would not justify the loss of so much public open space. I have already reported the implications for shopping policy and impact, and concluded they would not warrant refusal. If that is so, the rationale for including the superstore is to pay for more beneficial parts of the package. [3.2 4.106]

15.54 The balance is further swayed by a series of benefits included in the draft Agreement. A substantial contribution to pavilions on sports grounds in other parts of Hemel Hempstead should bring 9 more pitches into use. Subject to the consent of the New Towns Commission, a large new public open space of 36.5 ha is proposed at Bunkers Lane on the outskirts of the town, with a contribution from the developers. That would be too far away from the application site to be much benefit to people who live in the Crabtree area, but it would be an attractive and varied open space in a sector of town where open space is comparatively sparse and the countryside is not readily accessible. [4.51 3.5 3.52 6.19 2.13 3.2]

15.55 All in all I consider the benefits outweigh the harm. The traffic issues remain in the balance because the road improvements and contributions help to compensate for the extra traffic flows. Statutory policy does not explicitly preclude high intensity leisure development or a superstore outside the town centre. The County Council's objections depend on a rigid interpretation of a policy which seems too flexible to sustain it. There are still cogent policy objections to the development

of public open space. Those policies carry the full weight of the statutory development plan. They are however undermined in this case by the unfocused Structure Plan policy, the age of the current Local Plan, its failure to address the value of open spaces, and most of all by the lack of commitment to it by Dacorum and the local community. The development at Jarman Fields presents an opportunity unforeseen by any of the principal parties when the current Development Plan was prepared. The most powerful objections are subjective: Jarman Fields has the potential to be transformed into a beautiful park, but is not much used at present. I cannot identify any major project elsewhere which would be prejudiced if outline planning permission is granted. Recognising that Dacorum and the developers have negotiated the best package they can manage at present, and no better site can be found in the town centre, I do not consider the breach of policy would justify refusing outline planning permission. [15.20 6.17 3.8]

MOUNTBATTEN SCHOOL

Structure Plan policies relating to housing

15.56 The closure of Mountbatten Secondary School has been an accepted fact since May 1990, when the Jarman Fields application was already current. The County Council as owners of the site are not yet committed to any particular use for the school and its buildings after closure. If it is used temporarily as a Teachers' Centre there will be room to spare for an Education Training Centre. Otherwise no-one denies that the site and the extensive playing fields are ripe for redevelopment and physically suitable for building houses. [9.3 9.38 9.8]

15.57 Both applications are plainly matters of principle: the County Council perceive a duty under s123 of the Local Government Act 1972 (as amended), not to dispose of the land unless they know the best consideration that can reasonably be obtained. Both applications are in outline, and the figure of 300 dwellings is used by the principal parties as a convenient basis for evidence at the inquiry; I do not think any grant of outline planning permission would carry a commitment to a specific number. [9.3 9.4]

15.58 The County claims a presumption in favour of development in terms of PPG1, PPG3 and Policy 49, which concentrates housing into towns. It can reasonably be added that the redevelopment of the school would recycle urban land in terms of Policy 48. Although Dacorum objects to the applications, they readily concede that the site of the school buildings could be redeveloped. [9.11 9.16 9.12 11.18]

15.59 Dacorum's main objection to the principle of housing is that there is more than enough land already available in the District. The basis for that contention is Policy 60, the current statutory housing programme 1981-96, which has already been exceeded, with 5 years of the Plan period unexpired. The County Planning Authority are currently rolling the Plan forward to 2001, but even so, existing commitments amount to all but 376 of the dwellings needed in the next 10 years. Windfall sites are normally discovered at a rate of about 70 sites a year. In that sense Mountbatten School constitutes an enormous windfall. The County stress that the housing programme is merely indicative, and not a maximum. They say opportunities for development should be exploited in accordance with Policy 57, and if the availability of Mountbatten School had been foreseen, the programme might have been set higher. [11.7 11.8 9.6]

15.60 In terms of PPG3 the Housing Land Supply is obviously more than adequate. That simply means that there is no additional presumption in favour of housing; it does not imply refusal. Dacorum however take the issue further, saying there is no need to develop the site, in view of the impending oversupply of land. Special low-cost housing would not be objectionable in the same terms, but these housing applications do not specify low-cost dwellings. [11.8 9.30 11.13]

15.61 The adopted Local Plan adds little to the housing policy background: it has no specific proposals for Mountbatten School site and the plan period for the purpose of housing policies expires in 1991, before building can begin. Other policies in the statutory Local Plan do not derogate from the principle that the site would be suitable for housing in physical terms. [9.24 9.25]

Structure Plan Policies concerning open space

15.62 Policy 71 states that the presumption in favour of residential development does not apply where urban form requires the land to be open space. This policy is not site-specific and there is no adopted policy which says whether the application site is required to stay in open use. A reasonable balance is expected between housing and open space and Policy 48 offers support to Dacorum in conserving and enhancing the pattern of open areas. The 1991 version of the Structure Plan gives more attention to conserving open spaces in towns and is rather more explicit - but the same presumption in favour of residential development remains unless there are justified proposals for an open space in a local plan; and it offers guidance to Dacorum about the criteria for justifying open space proposals. There are no such proposals in the statutory Local Plan; but the County does not consider Mountbatten School grounds would meet the forthcoming criteria. Dacorum thinks otherwise, but the case for retaining the school playing fields as part of the pattern of open space is by no means formalised. [9.13 9.18 9.9 9.12 11.4 9.19 9.20 11.6]

15.63 The emergent Local Plan is rather a bone of contention. It has reached stage (a); is said to be on the verge of stage (b) in terms of circular 22/84, and may yet be certified in accordance with the Structure Plan. However, it is still in an early stage of preparation; the County Planning Authority has formally objected to proposals which designate the entire County Council landholding (including Mountbatten School) as Open Land, and to emergent policies 7 and 100 which would create a strong presumption against building there. [11.3 9.27 9.28]

15.64 In response to the County's objections Dacorum are ready to change the deposit draft of the emergent Local Plan so that part of Mountbatten School is allocated for housing after 1996, though a substantial area would still be shown as open land. Other important matters are at stake in the emerging Local Plan, but that was the salient issue in this case. However, when the emergent local plan policy keeps shifting under the Council's feet, I cannot place much weight on it, and I conclude that the conservation of the playing field should be considered essentially as a subjective matter. [9.29 11.18 11.12 11.6]

15.65 The modern town of Hemel Hempstead is a child of the post war planning system, and its continued growth and successful maturity depends upon continued planning control. There is nothing in the planning history of the Mountbatten School to show that it set out to be part of a pattern of open spaces. It is on high ground, along with Jarman Fields, but is not seen by so many people from so many public roads and places as Jarman Fields, and does not overtop the houses in a discernible ridge or skyline. At a distance, it can be more (or less) visible than Jarman Fields, depending on the viewpoint, and not at all conspicuous. In my subjective opinion, it is a pleasant place to walk around, but the only thing which might distinguish it in any pattern of open space is the putative Green Chain, which was brought to my attention by Dacorum. [9.21 9.23 2.4 2.5 2.8 12.5 11.15]

15.66 The question is whether a large proportion of the site should be reserved for open space, and if so how much. In accordance with the standards of the NPFA the County are willing to provide virtually one hectare of the site as public open space. That would comply with the standards for integral open space propounded by Dacorum in the emergent Plan policy 70, and would be convenient for local residents. The developers of Jarman Fields suggest a more generous provision, nearer 2 ha, but there is a general consensus that leisure space standards justify no more than an integral open space. [11.16 12.4 9.44]

15.67 The shape of this integral open space would be reserved for subsequent approval, but the County suggest a swathe across the site, which could serve as a route for pedestrians, playspace for the neighbourhood and a link to surrounding development including Jarman Fields. [9.46]

15.68 Dacorum ask for a much larger area: either 4.2 ha or 5.2 ha; so that less than half the application site would be available for housing. They acknowledge that this would not reasonably relate to the proposed development, pointing out that it is not intended to be functional leisure space. It is intended to be an amenity to look at - to enhance the Green Chain - but its design and layout would depend on the eventual use, and that use has not yet been determined. It might be public open space, or maybe a private sports club. The 2 applications do not relate to that kind of development, but the application site is capable of being severed, and a split decision could relate to part of the application site. [11.26 11.17 11.22 9.47 14.1]

15.69 In general terms the retention of 4-5 ha of open space would be an amenity, but I do not share Dacorum's subjective assessment of the prominence of the site, nor its position on an open ridge, and so I do not think retention would be justified by any special contribution which it would make to the landscape or scenery of Hemel Hempstead. There is a very attractive series of internal routes within the town, though not particularly coherent or easy to follow, and I found the Green Chain is rather sporadic. Some existing sections are narrow swathes of open space, or footpaths which pass between built development. The route is interrupted at present when it reaches Mountbatten School and A414. I think it could well be improved upon in future, and could be a benefit to the town. The swathe of land offered by the County would then extend and enhance the Green Chain considerably, without any necessity for more extensive open spaces to look at. Therefore I do not consider the Green Chain concept provides justification to withhold outline planning permission from any more than 1 ha of the site. [11.7 2.9 3.48 9.47 11.19]

Highway matters

15.70 The Highway Authority's statement was uncontested at the inquiry, on the premise that the site can be (and may well be) used for any purpose in Use Class D1, which might have as much impact on the highways network as housing. I agree that it would have less impact than development at Jarman Fields. [10.1 9.38 11.23 9.37 13.1]

15.71 I am satisfied that there would be no impediment to the proposed route across Jarman Fields from the proposed access roundabout, if outline planning permission is granted for development. There is a consensus that this would be the best option. [9.40 10.2]

15.72 If development on Jarman Fields is refused, Mountbatten School could be developed independently with access via Old Crabtree Lane. The Highway Authority suggest it would need improvement, which could be governed by a Grampian condition. The junction of Redwood Drive requires improvement in any case, anticipated in a draft Grampian condition. [10.2 2.4 14.1]

15.73 In my opinion the Highway Authority are on the horns of a dilemma: they are concerned about development which contributes cumulatively to congestion on the network, and they object to development at Jarman Fields on that basis. The closure of the school will reduce traffic, but no objection is made to the subsequent redevelopment or reuse of Mountbatten School, on the basis that the place could legally be put to some other use which would have a comparable impact. The County are represented separately as developers and highway authority, and do not vouchsafe whether the benefit to their estates outweighs any harm to the highway network. However, I note that the public benefit relates to the capital programme; and the programme is said to include road schemes; and the relevant priorities are a matter for the County as a corporate body: so as much money as necessary could be spent on road improvements. [9.43]

15.74 The opportunity to develop Mountbatten School was unforeseen by either of the Local Planning Authorities, and is being considered while disagreement between the Authorities affects the coherence of the Development Plan. The Structure Plan is being rolled forward; the Local Plan is out of step with the Structure Plan, having been decertified by the County Planning Authority in some respects, and the new Local Plan is not yet certified. The new local plan is intended to put fresh emphasis on the environment and urban conservation, together with a new policy of housing restraint, at least until 1996. However, in terms of circular 22/84 I do not consider the emergence of these policies is a reason to refuse the applications on grounds of prematurity. [11.8 11.12 11.10 9.30 4.12]

15.75 To summarise, I do not think there is any special need for housing in terms of Land Availability, nor a special need for open space in terms of the standards of the NPFA or the pattern of the town. These 2 applications may be determined on their merits without serious conflict with any statutory policy, or any other policy which carries sufficient weight to justify refusal. As the land is suitable and available for housing with 1 ha of integral open space, planning permission may be granted.

CONCLUSIONS

15.1 From the foregoing evidence and the representations received, I have come to the following conclusions. The inquiry relates to 3 applications called in for determination by Secretary of State. The application for leisure development, hotel and superstore on the recreation ground at Jarman Fields has been in preparation for a long time, is supported on balance by Dacorum Borough Council as landowners, opposed by some local people and by the County Council as strategic planning authority. The other two applications were submitted recently, when the County Council decided to close an adjacent secondary school, and saw the opportunity to develop their site as a housing estate. One of their schemes could be developed in isolation, with access from the main road A414. The alternative scheme, which everyone prefers, would gain access from the proposed development at Jarman Fields. Dacorum Council lead the opposition to both those applications, mainly because they want more of the site conserved as open space. The County Council avoided any ambivalence in their position by presenting different cases on behalf of their estates and highways/planning departments, through two Counsel. At the inquiry there was complete agreement that the Jarman Fields and Mountbatten School projects do not depend on each other, nor pre-ude each other, and ought to be considered separately. I therefore separate my conclusions, making recommendations at the end of my report. [1.1 1.3 3.1 4.1 5.1 9.1 9.41 12.1 10.2]

JARMAN FIELDS

Structure Plan policies relating to high density recreation and leisure

15.2 Current statutory policy is founded on the Hertfordshire County Structure Plan first approved in 1979, altered in 1984, reviewed in 1986 and approved in 1988. The current Local Plan was adopted in 1984 while the Structure Plan was being altered. Both the statutory Development Plans are said to be outdated. The Structure Plan is being rolled forward to 2001, by means of alterations submitted to the Secretary of State in January 1991. A new Local Plan is emerging in draft, but the County have objected to certain of its proposals. The Development Plan is therefore in a process of evolution and there is no consensus about the weight to be given to each relevant policy. [3.6 4.7 4.11 4.12 5.28 11.18]

15.3 Structure Plan Policy 16 normally permits high intensity leisure development with good accessibility where this would strengthen the role of town centres. The policy was modified when the Plan was approved, so that it does not preclude such development on sites which do not fall within the criteria (where it would otherwise be acceptable). [4.13 3.7 5.4]

15.4 Some aspects of the scheme are not controversial. Dacorum Athletic Club are looking for a site for an all-weather sports ground and running track. Their plans to build it at Jarman Fields in 1978 came to naught, despite the willingness of Dacorum as landowners. The proposed athletics ground is regarded now as the prime benefit of the current application, but it would be subsidised by a range of commercial proposals, which some people think excessive. It is necessary to examine them in turn. The athletics ground and existing ski centre are not regarded as high-intensity recreation so they do not fall foul of policy 16. No strategic policy issues arise from the proposed restaurant or petrol filling station. [5.11 7.9 4.13]

15.5 The 1991 version of the Plan introduces new and exceptional criteria by which Local Plans may identify sites outside town centres, but only if there is a proven need; other criteria relate to restoration of damaged land, detriment to the highway network, or loss of amenity. Dacorum Council think those criteria are too restrictive, but nevertheless they consider Jarman Fields is an appropriate site for intense leisure uses, and designate it accordingly in their emergent Local Plan. In support

of the new criteria the County Council challenge the need for development, point by point. These differences between the two Planning Authorities must affect the weight to be given to both their non-statutory Plans. [3.7 3.9 4.14 4.15 5.13 5.5]

15.6 'High intensity activity' explicitly includes the proposed skating rink, 28 lane 10-pin bowling, 7 rinks of indoor bowling, sports centre, 7 screen cinema, and the hotel. Having regard to the intensity of use at the proposed leisure pool, I have no doubt that the policy would apply to that too. I do not seriously believe that Jarman Fields is in or adjacent to the Town Centre, simply because the real Town Centre is more than 1 km away in the valley. Therefore the proposed development is not generally permitted by Policy 16. [3.8 5.4 2.10 3.7 4.13 4.22]

15.7 The policy is not prohibitive, and one should consider what harm would be done if development is allowed. The objective of this policy is to strengthen the role of town centres; and the apparent harm is that the development would fail to serve that objective. Dacorum and the applicants regard it as one single magnificent package which would strengthen the role of the entire town. However, for the purposes of this policy the County suggest there is no need for all of it to be located in the same place, and no proven need for most of it in Hemel Hempstead at all. [3.8 5.4 5.2 4.20 4.3]

15.8 No specific alternative site is proposed for the entire leisure centre, in Hemel Hempstead or anywhere else. No-one currently proposes to build a leisure centre in the town centre, and there is no evidence that a site would be suitable or available for the purpose. There is already a swimming pool and sports centre not far from the Centre, and I accept the uncontested evidence of Dacorum that these would continue to serve local sportsmen after a leisure centre is allowed on Jarman Fields. Obviously if the whole new attraction could be accommodated in the town centre, it would strengthen the role which the centre serves, but I see no realistic prospect of that. [5.9 4.58 3.21 3.19 2.11]

15.9 Looking at the leisure centre piecemeal, there is an acknowledged need for an ice rink, but no alternative site has been identified in town, or in Watford where the County Council think it might go. Written representations support the need for indoor bowls but no site has been suggested within the town centre or elsewhere. The alternative to building a ten-pin bowling alley or leisure pool on the application site is simply to do without, for the foreseeable future. I realise that such facilities are not essential in any society, but I doubt if the objectives of this policy would be served by refusing outline planning permission on the only site which is currently available and which the developers regard as optimum. As the policy is not prohibitive, and no specific project would be harmed in the breach, I do not think the lack of absolute need justifies refusal. [5.6 5.7 5.8 4.56 4.63 4.59]

15.10 The proposed hotel is a separate project, which is said to be a necessary part of the package to subsidise the sports facilities, although no financial evidence was produced to prove it. To a limited extent, the hotel and leisure centre might complement one another. They are controlled by the same policy 16, and similar issues arise. There is an acknowledged need for an hotel in terms of structure plan policy, and evidence of local demand, but no relevant planning strategy has yet been devised. Some promising alternative locations have been found for an hotel to be built separate from the leisure centre, in other neighbourhoods; but the purpose of Policy 16 relates to the town centre. The only pertinent site raised at the inquiry is called The Lakeside, a building site at the south end of the main shopping street, where currently an appeal about offices remains undetermined. On the evidence of the widespread search already carried out by the applicants, it does not seem to commend itself to a leisure centre or hotel developer. Therefore even if a new hotel might contribute to the vitality of Hemel Hempstead centre, I think that is only an aspiration at present, and not a reason for refusal. [3.29 5.12 3.27 4.14 4.28 4.25 4.23 5.13]