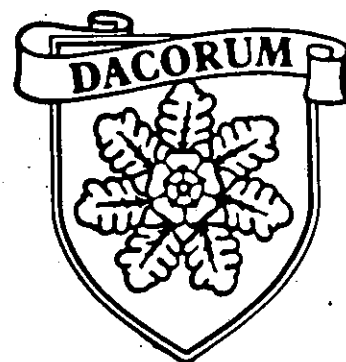


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0630/95

Eagle Star Properties Ltd
c/o Threadneedle Property-
Fund Managers Ltd
9/15 Sackville Street
London W1A 2SP

Geoffrey Reed Associates
42 Portland Place
London
W1N 3DG

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

BP Site (ex), Marlowes/Moor End Road/, Leighton Buzzard Road

ERECT A1 RETAIL DEVELOPMENT AND ADJACENT SURFACE CAR PARKING ASSOCIATED SITE
WORKS TO PROVIDE TOWN CENTRE BUS LINK & LOCALISED DIVERSION RIVER GADE,
PROVISION A3 RESTAURANT LANDSCAPE DETAILS (REVISED PLANS) (OUTLINE)

Your application for *outline planning permission* dated 16.05.1995 and received on
18.05.1995 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 22.12.1995

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0630/95

Date of Decision: 22.12.1995

1. The policies of the Development Plan aim to control the impact of new development in the interests of safeguarding the existing environment of the Borough and maintaining the safety and efficiency of the highway network.

The development of the application site has strategic highway implications and is environmentally sensitive due to its gateway location in relation to Hemel Hempstead Town Centre. Policy 8 of the Dacorum Borough Local Plan represents the umbrella policy for the assessment of new developments, specifying a wide range of criteria which need to be satisfied.

The proposal is unacceptable, in failing to accord with Policy 8 as:

- (a) it is proposed to link the site for vehicular traffic with the Plough roundabout, the strategic role of which is fundamental to the day-to-day safety and efficient functioning of the Hemel Hempstead highway network. Traffic arising from the current proposal would be likely to interfere with the free and safe flow of traffic on the highway network;
 - (b) the floor space for retail and restaurant uses proposed is excessive, as demonstrated by plans submitted in support of the application, which indicate that the proposal cannot be satisfactorily accommodated on the site.
2. There are particular shortcomings in terms of the number and layout of the car parking spaces and arrangements for vehicular circulation; servicing arrangements appear inadequate; and there is insufficient scope for soft landscaping of this key town centre site.
3. In the light of the information provided the local planning authority is not satisfied that the identified shortcomings can be addressed without a significant reduction in the scale of development proposed.
4. The site is included as S2 in the Schedule of Shopping Proposal Sites in the adopted Dacorum Borough Local Plan; the Schedule sets out a number of planning requirements which are expected to be addressed in any redevelopment scheme. The proposal fails to satisfy the planning requirements of site S2.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Your Ref:
6b/F99133/JFM

Our Ref:
T/APP/A1910/A/95/252043/P5
T/APP/A1910/A/95/261464/P5

Date:

DEPARTMENT OF THE ENVIRONMENT DACORUM BOROUGH COUNCIL	
23 MAY 1996	✓
Received	24 MAY 1996
Comments	

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY EAGLE STAR PROPERTIES LIMITED
APPLICATION NOS: 4/0337/940L and 4/0630/950L

1. As you know, I have been appointed by the Secretary of State for the Environment to determine these appeals against:- (i) the failure to determine within the statutory period and (ii) a refusal of planning permission, by Dacorum Borough Council, relating to outline applications for A1 retail warehouse development with associated car parking, a town centre bus link, a localised diversion of the River Gade and a restaurant, on land at the former BP site, north of Plough Roundabout, Hemel Hempstead, Hertfordshire. I held a local Inquiry into the appeals from 30 January to 2 February and on 12 and 13 March 1996, the site visit being carried out the following day.

2. Although these were outline applications with only siting and means of access not reserved for later approval, revised plans were produced before, during and after the Inquiry. The second application and appeal in effect superseded the failure case and first appeal and at your request, I have registered the first appeal as withdrawn. You have asked me to decide the second application and appeal on the basis of drg.no.93194(D)8J with only siting and access not reserved. Although that drawing was forwarded to me four weeks after the Inquiry closed, it was within the time I allowed for the submission of a Section 106 obligation and it has been considered by Council Officers and the main technical consultees. With the exception of the dedicated bus link and its design implications now for cyclists, Revision J raises no new issues and since your client is prepared to relegate this bus link to "reserved matter" status, I have dealt with the second appeal on that basis.

3. The site-specific Dacorum Borough Local Plan (DBLP) Policy S2 permits shopping or offices as the main use here but also requires public car parking and a replacement restaurant for the Waggon and Horses PH. There is no objection to retail warehousing as against more 'traditional' shopping, provided a high standard of design and landscaping is achieved to reflect the location adjoining Marlowes and the award winning Water Gardens. Existing footpath and open space links to the southern end of the pedestrianised part of Marlowes are to be kept and a bus/cycle route from Plough Roundabout to Waterhouse Street is sought. DBLP Policy 8 requires, amongst other things, 'sufficient' space for parking, servicing and landscaping and ecology enhancement.



4. Therefore, from what I have seen, heard and read and having regard to DBLP advice and guidance in PPGs 6 and 13, I consider the main issue is whether your scheme achieves these objectives or represents overdevelopment of the site as alleged by the Council.
5. This 2.6ha former office site lies at the southern end of the town centre, being bisected by the closed section of Marlowes, which until 1984 connected the main shopping street with Plough Roundabout. The highway land is used now for casual limited-stay car parking, accommodating around 100 cars. Planning permission for 36,000sq.m. of shopping on two floors (Lakeside) was granted in 1988 but that consent has expired. However, outline consent for a similar amount of office floorspace was granted on appeal in 1991 and that is extant. The Lakeside shopping scheme provided two floors of roof top parking for 1200 cars while the offices provided 900 parking spaces of which 280 were in a multi-storey car park and would be available for public use at weekends. The latter figure corresponds, I am told, with the amount available for public use at weekends before the offices were demolished. Your latest scheme is for 5,760sq.m gross shopping floor space and 235 parking spaces.
6. Dealing first with car parking, because of good access from the primary road network and inherent attractiveness of this site to car-borne travellers, from the outset the Council has sought a parking ratio of 1:20. Initially, that figure was considered desirable by your client too and on that basis, the current scheme would justify some 288 spaces. Steadily, however, the amount of parking has reduced as the scheme has evolved in order to meet detailed criticism concerning the access and servicing arrangements, the bus link, pedestrian and cyclists' provision, landscaping - including the loss of preserved trees - and the treatment of the River Gade corridor. 235 spaces does not satisfy the Council's concerns about these matters and it maintains that 288 spaces should be the minimum amount. Inevitably, with this format, that amount of parking would lead to a reduction in floor space. The gist of your client's case now is that the Council is applying the wrong car parking standard but it believes that irrespective of whatever figure is arrived at, the prime, "honey pot" location means that careful management and day-to-day control of car parking is essential to avoid the use of essential staff and customer parking by commuters.
7. Despite minor disagreements about existing car park capacity figures, it is common ground that on Saturday mornings between 1100hrs and 1200hrs, across the town centre as a whole there is an overall surplus of about 500 spaces. Survey data from March 1995 confirmed findings of the earlier joint Dacorum/Hertfordshire County Council Hemel Hempstead Transportation Study that maximum overall usage is about 80% of capacity. Some car parks are over-loaded or near to capacity, while others are under-used. The nearby Marlowes multi-storey car park was the most under-used at the time of the March 1995 survey, having some 400 spaces available.
8. Your client's belated but worthwhile attempts to meet the concerns outlined in paragraph 6 above, led to some progress as the Inquiry progressed but it has been clear to me from the outset that the fundamental question of whether the latest scheme represents overdevelopment of this site, turns on the reasonableness of the Council's car parking requirement. Suffice it to say I find it very difficult to understand the rationale behind that 1:20 requirement, especially in the light of longstanding Government exhortations - most recently expressed in the draft PPG6 replacement - to reduce dependency on the private car for town centre trips. Current and emerging PPG advice has been acknowledged throughout by the Council but in reality, I believe it has been given little weight in assessing this scheme.
9. Ostensibly, the Council has applied its "off-centre non-food" retail warehousing standard to what patently is a town centre site where by common consent, dependency on the private car is significantly lower than out-of-town. The evidence suggested that 44% travel to this town centre by car, 30% by bus and 26% by other means. That compares with typical car travel of around 90% to out-of-centre retail warehouse parks.

10. If any Council standard is to be applied to this somewhat unique proposal, it should be the "other shops" 1:35 ratio. However, in this case DBLP Policy 9 requires car parking requirements to be assessed on merit. While the Council argued that had been done here, it is noteworthy that earlier shopping and office schemes provided parking at a ratio of approximately 1:30 and 1:41 respectively, at a time when concern about sustainable development and unnecessary car use was far less widespread. The Council acknowledged that it had not reviewed parking standards since the publication of the revised PPG13 and it seems to me that its insistence on a far greater amount of parking than your client wishes to provide and its reluctance to accept a lower amount where pedestrian and bus access is very good, flies in the face of the unequivocal advice in paragraph 4.6 of that guidance.

11. The Council went further by suggesting that a ratio of 1:15 could have been applied to reflect DBLP Policy HHTC 10 which requires replacement parking for that lost as a result of new development. However, the lower case text of that policy says that only 60 weekday public parking spaces were lost on the Lakeside site as a result of the offices' demolition, rather than the 140 alleged at the Inquiry. It states also: "...the peak demand for parking in the central car parks exceeds the number of spaces available. At the same time, spaces are often available in the less convenient car parks." Clearly, that is not the case now because not only have about 500 surplus spaces been identified, but about 400 of those are nearby in the Marlowes multi-storey car park. Moreover, the lower case text of HHTC 10 suggests that because of increased town centre provision generally, the Council is considering converting the nearby 82 space Moor End Road car park to landscaping. Irrespective, therefore, of whether one takes into account the 100 or so casual spaces on the appeal site now or the 60-280 public spaces apparently available on weekdays/weekends before the former offices were demolished, the nearby surplus well exceeds those amounts and does not lend support to replacement parking being provided by this scheme.

12. Moreover, your client's survey, carried out on the first day of the Inquiry, showed that about half the cars parked on the appeal site at approximately 1400hrs had been parked there at 0900hrs. The four hour limit had been ignored by those motorists and clearly, that was commuter parking rather than short or medium-stay shoppers' parking. That too seems to fly in the face of DBLP Policy HHTC 10 which emphasises the need for short-term parking in areas most convenient to the shops.

13. The Council's apparent reluctance to enforce traffic regulations to preclude the current long-stay parking on the appeal site is contrary to advice on enforcement in paragraph 4.7 of PPG13 and to emerging guidance in PPG6, where paragraph 2.22 suggests the adoption of proactive policies favouring short-term parking, combined with management and pricing policies. Structure Plan Policy 69, its emerging replacement Policy 18 and the Transportation Plan for Hemel Hempstead published in November 1995, all discourage travel by private car and positively encourage travel by bus. However, on 22 November 1995 the Council considered the latter document's findings. In the light of its conclusions that the town centre was not short of parking and that "Current problems do not justify the use of car park pricing to discourage car trips into the town centre for environmental or congestion control reason.", the Council resolved that no controlled Parking Zone should be introduced and no charges should be introduced for town centre parking for the time being.

14. Paragraph 4.6 of PPG13 states that town centre parking requirements in general should be kept to the operational minimum. The 235 spaces shown on your latest drawing provide a safety margin well above the agreed operational requirement of 150 spaces and your client's approach more closely reflects important Government advice to curtail and combine car-borne town centre trips. Your car parking expert suggested 240 spaces was "a good amount" and while cognisant of the possible commercial implications of insisting on a further reduction, it seems to me that even the current figure of 235 ignores the surplus space nearby and pays little regard to this almost unique combined-trip retail opportunity.

15. The Council's retail expert did not want to see a reduction below 288 spaces but his suggestion that two hours free parking should be allowed here to maintain a competitive edge over other towns, would create a demand far greater than that at this "honey pot" location. It would negate any benefits of a larger amount of parking for combined-trip purposes and similarly ignores the surplus space nearby. In that respect, the Moor End Road surface level car park has good accessibility and is extremely well sited to serve this development. For that reason, its closure would make little sense if the appeal site had to compensate for it.

16. Given the "honey pot" location, there can be little doubt that without a satisfactory management and pricing structure, apart from the highway implications, virtually any amount of parking here would attract a high percentage of long-stay parking to the detriment of town centre businesses as a whole and your client's tenants in particular. Council Officers accept the need for effective management but the 'free parking' decision of 22 November 1995 raises serious doubt about the Council's commitment to discouraging car travel.

17. This doubt means that the balance of advantage lies in your client deciding the means of achieving a satisfactory parking management regime, albeit preferably in consultation with the local authority; the emerging PPG6 and 'The Guide to Better Practice : PPG13' support that approach. Suffice it to say I do not consider that barrier control would be more effective here than 'pay-and-display' because the latter would have the benefit of providing substantial internal queuing space. That is better than relying only on the short access road from Plough Roundabout to cope with vehicles waiting to park if the barrier is down and the Variable Message Signing (VMS) is showing 'full'. Barriers can be unreliable and can cause delays entering and leaving car parks, especially with unfamiliar users. Given their proximity to Plough Roundabout and the strategic road network, entry to and exit from these twinned car parks needs to be as smooth as possible. While privately controlled parking relies on different enforcement methods, 'pay-and-display' is commonplace, well-understood and would provide greater flexibility when motorists ignore VMS messages. Moreover, I have no reasons to doubt your client's ability to secure the essential short-term use of these spaces.

18. For all these reasons, I find that the amount of parking required by the Council is excessive. It has not been substantiated by cogent planning reasons and purely from an access and road safety point of view, the County Council's highways' expert conceded in cross examination that given the choice, he would prefer no parking at all, rather than a large amount inadequately managed to discourage long stays. Apart from the need to discourage car travel where bus access is good - which by common consent applies here - the visual impact of a sea of cars on a prime, gateway site does not represent an attractive use of high value land. In my view, a parking-dominated scheme of the type shown on drawing 93194 (B) 37 - which the Council's landscape consultant felt was the optimum solution - would be out of character with its surroundings and detract from this traditional town centre shopping environment. In sustainable development terms, 235 spaces should be seen as an absolute maximum and a reduction of 5-10% below that figure would not only improve this scheme appearance-wise but would enable many of the Council's more detailed criticisms to be resolved without difficulty. I move on to deal with those shortly.

19. Dealing first, however, with the replacement restaurant, despite the wording of Condition 14 suggested by the Council, I was told categorically during the first week of the Inquiry that there would be no insistence on that facility. "It would be left for the market to decide." By the time the Inquiry closed, the Council had retreated from that position, in so doing reiterating DBLP Policy S2. However, I can find no reasoned justification for the restaurant in S2 (or in Deposit Policy S1) and the 'Hemel Hempstead Town Centre Plan' contained in Part 4 of the DBLP, does not justify it either. That is a fundamental omission in terms of the Council's ability to insist on such provision, notwithstanding such a facility might add vitality to this part of the town centre and represent "planning gain".

20. The fact that some sort of replacement for the Waggon and Horses PH may be desirable does not make it essential and I agree with you that there is no compelling evidence of need at this point in time. If a restaurant would assist in marketing the scheme, no doubt your client would pursue it but it cannot be insisted upon from a planning point of view.

21. With regard to the access and servicing arrangements, some improvements were made during the course of the Inquiry but the County Council as Highway Authority remains concerned about the single vehicular access lane from Plough Roundabout because of the risks of tailback and buses being delayed by queues. I can understand that concern though it is difficult to judge the impact, if any, on the principal road network and on road safety. However, that access shows a carriageway width of 8m now and I am not convinced about the need for pavements on both sides between Plough Roundabout and the internal mini-roundabout because it would encourage jay-walking along that stretch. Possibly, the pavement on the west side could be eliminated and pedestrians on the east side could be channelled to the crossing points at each end of that section by guard rails. That would provide more scope for widening the access to two lanes in each direction and also would enable the mini-roundabout to be increased in size to reduce occasional overrunning by service vehicles.

22. The two main service areas are a little tight but the Council accepted they would work better than four of the five existing town centre servicing arrangements, only the Marlowes Shopping Centre achieving a comparable standard. Difficulties would only arise on Selden Hill if two of the largest articulated lorries in use were attempting to enter and leave at the same time. Not only is that size of lorry unlikely to be making town centre deliveries, but the likelihood of two meeting at the entrance is remote. If it happened, one could simply give way to the other. The occupiers of the No.1 St.Albans Road offices enjoy a right of way across the Selden Hill service access and the owner has objected to the proposed arrangement both in traffic terms and visual impact. However, I am satisfied that rights of way apart - and subject to careful detailed design control - from a planning and highways point of view, the scheme would be satisfactory. Both service areas will require careful siting of waste skips etc., but arguably, the less space available for outside storage, the better.

23. The bus-cum-cycle route is now acceptable for buses and while its alignment allegedly would cause dangers to cyclists, traffic volumes and speeds would be low here in comparison with other sections of road around the perimeter of the appeal site. A dedicated route as sought by the Cyclists' Touring Club might be better but that is not a DBLP policy requirement and I cannot see how it could be facilitated without fundamental changes to your client's layout. Such changes are not warranted and subject to a minor re-alignment of the link at the southern end - which may require the removal of a few parking spaces - in my view your latest scheme represents a satisfactory dual-use solution. Nor am I concerned about pedestrian movements within the site. Inevitably, pedestrians will mix with cars and occasionally service vehicles but that is commonplace elsewhere and it is impossible to avoid pedestrian/vehicular conflict entirely. Low speeds should, however, ensure safety all round. Main pedestrian desire lines can be accommodated and I have no qualms about the footpath widths in front of the shops. There is ample space and scope for traffic calming on the Moor End Road/Selden Hill service route, where I see no problem in keeping traffic speeds to 20mph or less to provide safe pedestrian movement between the appeal site and Marlowes. In principle, therefore, the access and servicing arrangements shown are satisfactory.

24. With regard to ecological interests and the treatment of the Gade corridor, the latest scheme is acceptable to the Environment Agency in principle. This narrow and overgrown stretch of river is not a designated corridor of nature conservation value in DBLP terms and this scheme represents a long-overdue opportunity to improve its much wider public attraction. DBLP Policy S2 refers to the need for the water to be used as a design feature/visual extension to the award winning Water Gardens to the north-west. However, without sterilising a substantial amount of prime town centre land, this corridor could not hope - and should not be expected - to ape that more peripheral open space attraction.

25. With regard to the impact on preserved trees, I can understand your concern about the eleventh hour attempt by the Council to secure their retention. Arguably, however, in this case it is better late than never but I am not convinced from my various site visits and inspections of these trees that the picture is as bleak as portrayed. I think it would be possible, with care and minor adjustments, to keep TPO 1 (Plane) - which is by no means a specimen tree - and TPO 2 (Sycamore). Neither the Plane at Plough Roundabout nor the Cypresses to its west would materially affect motorists' visibility and none of that planted area, which includes attractive hedgerow, needs to be removed. Although the present scheme affects most of the G1 TPO trees, a substantial amount of new planting is envisaged there and elsewhere which, with mature and semi-mature stock, would produce a far greater impact in a relatively short time, than the sporadic vegetation there now.

26. In conclusion, I have no evidence that your client's latest scheme would prevent Hemel Hempstead from competing effectively with nearby town centres. This almost unrivalled opportunity to provide retail warehousing on a town centre site should be extremely advantageous both in terms of increasing the retail 'offer' and halting the recent decline in prosperity evidenced by higher commercial property yields in the town centre over the past few years. I agree with the Council that there is no hard evidence that less retail space would not be viable. However, the fact that six times as much retail space has been approved here comparatively recently and with a less stringent parking ratio than the Council seeks now - makes a reduction in the floorspace, as against a more desirable reduction in parking - untenable. Despite the Lakeside shopping consent having expired, that scheme is a material consideration carrying significant weight in this appeal; and in the context of that permission, but also considered on merit, your client's scheme cannot be described as overdevelopment either in terms of its impact on the character and appearance of the area or especially upon the River Gade, which was culverted in the earlier shopping proposal.

27. For the avoidance of doubt I intend to confirm the gross retail floorspace applied for and shall stipulate the maximum car parking provision, reflecting my conclusions above. For reasons explained in paragraphs 19 and 20, I shall not be requiring a restaurant to be provided although this consent would permit one. The Environment Agency's concerns about general drainage arrangements can properly be conditioned at this stage but its other concerns either can be dealt with at the detailed design stage or are covered by other statutory powers. The Council expressed general satisfaction with the illustrative elevations but the roofscape is important and tiled mansards, coupled with infill steel panels, would detract from the quality of this scheme, especially seen from taller buildings around. However, that too can be dealt with at the detailed design stage as can the bus-cum-cycle link.

28. A Unilateral Deed of Obligation dated 11 April 1996 has been entered into by your client under Section 106 of the Act. Principally, it covers: (i) highways' requirements and pedestrian facilities generally not in dispute, the most important aspects of which relate to the integration of the development with the town centre; (ii) the operation of the car park; (iii) the management of the River Gade corridor; and (iv) a VMS system. It does not seem reasonable to me for the County Council to insist on the dedication of footways in front of Units 1-4 and 5-7; and bearing in mind the significant contribution this scheme could make to the vitality, viability and competitiveness of the town centre - which in economic recovery terms the Council admitted has "a long way to go" - I can see no reason why your client should be required to make an additional, unquantified contribution to town centre management or public art, other than the public clock specified in Covenant 3 (d).

29. I have considered all the other matters raised, including the importance which the Council attaches to CCTV coverage and external lighting. Clearly, both those matters are in your client's best interests but the design details and financial arrangements can be dealt with later. Given that the Council's Moor End Road toilet block has been disused for as long as anyone at the Inquiry could remember, a requirement to replace it seems unduly onerous.

30. Finally, in dealing with any detailed scheme and subject to my comments about the maximum parking provision, the Council will note the considerable weight I have attached to drawing no.93194(D)8J which demonstrates an appropriate way forward of redeveloping this important site in terms of siting, access and landscaping. I have considered all the other matters raised but nothing else has been said which alters my conclusions.

31. For the above reasons and in exercise of powers transferred to me, I hereby allow appeal ref.T/APP/A1910/A/95/261464/P5 and grant outline planning permission for 5,760 sq.m. of A1 retail warehouse development with a maximum of 235 parking spaces, a town centre bus link, a localised diversion of the River Gade and a restaurant, on land at the former BP site, north of Plough Roundabout, Hemel Hempstead, Hertfordshire in accordance with the terms of application (No.4/0630/950L) dated 16 May 1995 and the plans submitted therewith, subject to the following conditions:

1.
 - a. Approval of the details of the siting, design and external appearance of the buildings, the design of the bus-cum-cycle link, and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
2. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. No retail unit shall be brought into use until the access, servicing and parking arrangements shown on the approved plan, or on any revised plan approved by the local planning authority, have been constructed.
4. The plans and particulars submitted in accordance with condition 1 a above shall include:
 - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter measured over the bark at a point 1.5m above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

5. The plans and particulars submitted in accordance with condition 4 above shall include details of the size, species, and positions or density of all trees to be planted and the proposed time of planting.
6. (a) No retained tree shall be cut down, uprooted, destroyed or lopped within 5 years of the buildings coming into use (other than in accordance with the approved plans and particulars), without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with BS 3998 'Recommendations for tree work';
- (b) if any retained tree is removed, uprooted or destroyed or dies within 5 years of the buildings coming into use, another tree shall be planted in the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority;
- (c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any fenced area and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
7. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
32. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
33. The developer's attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.
34. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



S C MEYRICK DipTP FRTPI FRSA
Inspector