



# The Planning Inspectorate

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

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117-987-8927  
Switchboard 0117-987-8000  
Fax No 0117-987-8769  
GTN 1374-

G L Hearn & Partners  
Delta House  
175 Borough High Street  
London Bridge  
LONDON  
SE1 1XP

Your Ref:

ABL/vnj25-7

Our Ref:

T/APP/A1910/A/95/248101/P5

Date:

- 5 SEP 1995

PLANNING DEPARTMENT			
DACORUM BOROUGH COUNCIL			
19.1	19.2	19.3	19.4
T/APP/A1910/A/95/248101/P5	19.5	19.6	19.7
- 6 SEP 1995		Comments	

Dear Sirs

## TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPEAL BY TESCO STORES LTD APPLICATION NO: 4/0834/94

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for a car wash facility associated with petrol filling station and superstore on land at Jarman Fields, St Albans Road, Hemel Hempstead. I held a local inquiry into the appeal on 8 August 1995.

2. Before dealing with the issues arising from this appeal I would first clarify a matter of procedure. After lodging the appeal you submitted an amended plan showing a revised access to the car wash and the Council confirmed that it had no objection to the substitution of this plan for the one it considered when dealing with the planning application. I am entirely satisfied that there would be no injustice if I were to consider the amended plan and I shall, therefore, determine this appeal on the basis of Drawing 2086.P.024A.

3. From my consideration of the evidence and submissions made at the inquiry and from my inspection of the site and its surroundings, I consider that the main issue in this case, having regard to the prevailing policies, is whether the development would materially harm the appearance of the area.

4. Looking first at the policy background, Policy 8 of the Dacorum Borough Local Plan (adopted on 12 April 1995) states that a high standard is expected in all developments and they should be appropriate, amongst other things, in terms of landscaping. Policy 9 refers to Environmental Guidelines set out in Part 5 of the Plan and Section 7 of those guidelines concerns landscaping and states that spaces around buildings are as important as the buildings themselves to the character and amenity of the area. These policies are up to date and worthy of due weight in the determination of this appeal.

5. Also due some weight is the document entitled 'Jarman Fields Design Guidelines For External Works' produced by the Council to achieve some uniformity of approach over the whole 3.6 hectare development area which was seen by the Council as a prominent, prestige



RECYCLED PAPER

site on one of the main approach roads into the town. It has not been approved by the Council nor been the subject of any public consultation exercise and its weight must, therefore, be limited.

6. Dealing with the main issue, the appeal site is located at the entrance to the development area on the western side of the junction of Jarman Way with the A414, St Albans Road, a dual carriageway road linking the town centre with the M1 motorway. The existing petrol filling station forms part of the Tesco superstore development which has the store located about 140m back from the roundabout junction with the A414, just over 600 car parking spaces, sited mainly between the store and the filling station, and the filling station itself located between the car parking and the roundabout.

7. The filling station has a T-shaped canopy about 32m by 14m with a small area about 10m square providing a covered walk from the pump islands to the sales kiosk, a single storey flat roofed structure about 8.5m by 7m. Your client's proposal is for a small plant room extension, in matching brickwork, on the rear of the kiosk and a glazed car wash, with its open end facing towards the roundabout, attached to the plant room extension.

8. The only matter of dispute between your client and the Council is whether the reduction in the width and amount of the existing landscaping to make way for the car wash and its access would increase the impact of the overall development to such an extent that it would be materially harmful to the appearance of the area.

9. I agree with the Council that the appeal site is in a prominent location and I acknowledge that a generally wide landscaped area was retained in the most prominent part of the site to soften the impact of the development, particularly the very large superstore building. Whilst I agree that about 14 young trees would be removed to enable the car wash and plant room to be constructed, I accept your estimate that about half could be replanted in the immediate vicinity once the work has been completed. I am of the opinion that the view of the store from the roundabout would not be significantly different once these trees have been replanted and others have been added in appropriate locations around the car wash; some would be in much the same place as they now stand.

10. There would also clearly be a reduction in the width of the ground level planting and some alterations to the low mound it stands on. In my view, however, the remaining area would be sufficient to produce the softening effect, particularly to the filling station and cars parked in it, that would have been achieved if the original planting had been left as it is.

11. The Council did not object at all to the car wash structure and furthermore it agreed that the Design Guidelines document was mainly concerned with uniformity in the type of species to be planted and the hard landscaping (including the fences/walls to be used); it did not give minimum or maximum widths to be achieved for landscaping (which varies in width from 2m to about 18m). I acknowledge the Council's concern that the approval of this development might set a precedent for the hotel site on the opposite side of the access. However, I consider that the design and scale of the hotel and its parking will be the factors upon which the Council will be able to justify where the buildings and car parking are sited and what landscaping is appropriate for that development.

12. In all these circumstances I conclude that subject to the imposition of conditions requiring satisfactory landscaping and its implementation, the development would be acceptable.

13. I have taken account of all other matters raised at the inquiry and in the representations, including the Council's alternative suggestion. I agree with the appellant, however, that it would be likely to result in unacceptable safety problems for pedestrians using the filling station but have found nothing of such significance as to outweigh the material planning considerations that have led to my conclusions.

14. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a car wash facility, including plant room extension to existing kiosk/shop, at Tesco Stores, Jarman Field, St Albans Road, Hemel Hempstead, in accordance with the terms of the application (No 4/0834/94) dated 10 June 1994 and the plans submitted therewith, as amended by the plan Ref No: 2086.P.024A, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include proposed cross sections through the planting areas, indications of all existing trees 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 locations of all new trees, shrubs and hedgerows;

3. 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 completion of the car wash and plant room; any trees or plants which within a period of 5 years from the completion of the development hereby approved 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. For the purposes of this condition a planting season shall be deemed to run from 1 October in any year until 31 March in the next following year.

15. An applicant for any consent, agreement or approval required by a condition of 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 planning decision within the prescribed period.

16. 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



D E MORDEN MRTPI  
Inspector

## **APPEARANCES**

### **FOR THE APPELLANT**

Miss Mary Cook - Counsel, instructed by G L Hearn & Partners

She called:

Mr D Monaghan BA(Hons) - Partner with G L Hearn & Partners  
MRTPI

### **FOR THE LOCAL PLANNING AUTHORITY**

Mr R Higginson - Solicitor, Dacorum BC

He called:

Mr A Markham BA(Hons) - Principal Planning Officer, Dacorum BC  
MRTPI

## **DOCUMENTS**

Document 1 - List of persons present at the Inquiry.

Document 2 - Bundle of papers, plans and photographs attached as Appendices DM1 to DM13 to Mr Monaghan's proof of evidence.

Document 3 - Bundle of papers and plans attached as Appendices 1 to 7 to Mr Markham's proof of evidence.

## **PLANS**

Plan A(i)-(iii) - Application plans

Plan B - Amended layout drawing 2086.P.024A considered at the appeal.

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0834/94

Tesco Stores Ltd  
Tesco House, Delamare Road  
Cheshunt  
EN8 95T

Aukett Associates  
13 Chelsea Embankment  
London  
SW3 4LA

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Tesco Stores, Jarman Fields, St Albans Road, Hemel Hempstead

ERECTION OF CAR WASH FACILITIES

Your application for *full planning permission* dated 10.06.1994 and received on 16.06.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

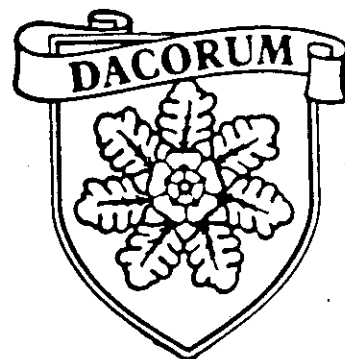
Director of Planning

Date of Decision: 08.09.1994

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0834/94

Date of Decision: 08.09.1994



The provision of boundary landscaping at the Tesco Superstore was of the utmost importance when approval was granted for the scheme now under construction and the proposed development would result in a serious loss of boundary landscaping in a prominent position and this is unacceptable in terms of visual amenity.