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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Act:

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Our Reference:

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91444/P2

Date:

11 OCT 88

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CHIEF EXECUTIVE
OFFICER

13 OCT 1988

File ref. ... 13/10
referred to ...
Cleared ...

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY ALBANY HOUSE DEVELOPMENTS LTD AND PENGAP EROSTIN (HEMEL) LTD
APPLICATIONS NO:- 4/0948/87 AND 4/1967/87

1. The Secretary of State for the Environment has appointed me to determine these 2 appeals. The first is against the decision of Dacorum Borough Council to grant planning permission, subject to conditions, for the erection of an office building and associated car parking on land at Park Lane/Wolsey Road/Selden Hill, Hemel Hempstead. The second is against the refusal of the council to grant permission for an office building and associated car parking at the same site. I held a local inquiry into the appeals on 2 August 1988.

APPEAL BY ALBANY HOUSE DEVELOPMENTS LTD: reference A/88/87909

2. This appeal lay against condition no.9 of the permission issued on 28 August 1987; the condition sought to withhold the benefit of consent from 111 parking spaces at the lowest level of the building. It was agreed at the inquiry the application drawings were 1660/P/20A, 21A and 22A. On the first of these a prominent note states the 111 spaces shown shaded are not part of the application and appear for information purposes only.

3. I understand the council's aim to ensure any future developer is aware of the limitations of the proposal. However it seems to me while some note on the decision notice might have been appropriate, the imposition of a such a condition was misconceived. Neither party advanced any evidence in relation to the matter, and although I heard your submission that the condition was nugatory for lack of adequate reasoning, I consider there is no valid appeal before me and I shall take no further action in this case.

APPEAL BY PENGAP EROSTIN (HEMEL) LTD: reference A/88/91444

4. Notice of the inquiry was not given in the usual way because the council's practice was to advise only residential occupiers and there were none in the vicinity. Previous publicised applications on the land had attracted no comment. I saw a notice displayed by the appellants on boardings enclosing the site. As it is close only to commercial under-

takings and abuts a major redevelopment area for a new shopping centre, by the nature of the appeal project I am satisfied this absence of notice has not prejudiced other interests.

5. From all the evidence I consider the main issue to be decided is the effect of the development on the efficiency and carrying capacity of the local highway network, having regard to the provisions of the adopted town centre plan.

6. It was common ground permission had been granted on the site for 10005 sqm of gross office floorspace with 222 car parking spaces. What was now proposed was adaptation of the approved scheme to provide 11340 sqm of space, and extra parking to suit the standards: i.e. another 1335 sqm and 30 more car spaces. The council had no policy or design objections but based its opposition on the implications of the increased traffic generation for the free and safe flow of traffic around the town centre, most particularly the Selden Hill/Moor End Road section.

7. The principal feature of the town centre plan, adopted in June 1988, was closure of the main shopping street to vehicles. This would induce changes in the volume and movement of traffic around the centre, and as part of the plan preparation a traffic study had been commissioned. In the study theoretical future capacity of the relevant roads was derived from DTp Technical Directive TD 20/85 for Category B roads as 2000 vph and it was predicted future p.m. peak hour volumes for Selden Hill/Moor End Road would exceed that figure by up to 230 vph.

8. The parties agreed that the total additional traffic generated by the development during the p.m. peak hour (taking no account of the approved plans for the site) would be of the order of 70 vph. So, the council argued, the expected overload would be increased with serious adverse effects on circulation around the town centre. But to add to the problem the study wrongly classified the roads concerned as Type B; their geometrical characteristics and frontage accesses, and developments not built into the model used by the study, clearly marked them out as Type C roads. The design flows for such roads were only 1700 vph and as a consequence the impact of the appeal proposals on the highway system would be materially worsened.

9. I accept avoidance of congestion around the central area is an important planning consideration. However I find it difficult to accept the council's suggestion that the consultants responsible for the traffic study ignored entirely the development potential of the site through lack of adequate information. No evidence was called from them and the council's witness candidly admitted he had no personal involvement in their original instructions. Yet the report was commissioned in November 1986 and the preamble refers to '...notified new developments and expected future development'. Immediately before work on the study began applications were submitted for 7500 sqm of offices and 161 parking spaces on the site, which was identified for possible development on the draft town centre plan appended to the report. In these circumstances I cannot imagine the consultants would omit such significant traffic generating prospects from their calculations.

10. It seems to me equally unlikely they would misjudge the nature or role of the Selden Hill link. While it displays various features which categorise Type C roads, the pedestrian crossings from the south were identified on the draft plan, the existing accesses were known, and the traffic signals at Waterhouse Street were contemplated. The only

element excluded from the study was the bus stop at the junction of Wolsey Road. In my view this component is not so important as to vitiate their assessment, according with that of your witness, of the road type. I think it is more appropriate than the council's Type C estimation, which was reached only a week before the inquiry.

11. About this time last year the council granted permission, in the same planning and traffic circumstances rehearsed at the inquiry, for a project of offices and associated parking on the site. This is now being built. The effect of the appeal proposals would be to increase peak hour traffic generation by 10 vph or so more than the approved development. Against the background outlined above, and the allowable short period fluctuations acknowledged in the traffic study, I consider this marginal increase would have no seriously adverse consequences for the town centre traffic system. I am therefore satisfied the appeal should be allowed.

12. The council suggested a number of conditions ought to be imposed if permission was granted, and I have considered these in the context of Circular 1/85. Materials should be more precisely agreed. Drainage matters were not part of the council's case and condition 6 is not necessary. Similarly, the detailed design of the project was not questioned by the council and I am satisfied that if constructed in accordance with the application the arrangements will be safe and effective from the point of view of traffic convenience; conditions 3, 4, and 5 would therefore serve no useful planning purpose and will be omitted. Landscaping and conservation of the mature trees on site are justified, and the timing of submission of these matters should reflect the fact work has started on the previous approved development. The requirement and a concomitant section 52 agreement, advanced separately, for the widening of Selden Hill/Moor End Road I regard as unreasonable because it would entail land some considerable distance from the site, outside the control of the appellant.

13. I have considered everything else raised but find nothing to outweigh the considerations leading to my decision.

14. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of an office building and associated car parking on land at Park Lane/Wolsey Road/Selden Hill, Hemel Hempstead, in accordance with the terms of the application (No 4/1967/87) dated 22 December 1987, and the plans submitted therewith subject to the following conditions:

1. the development hereby permitted shall be commenced not later than 5 years from the date of this letter.

2. within 3 months of the date of this letter there shall be submitted for the approval of the local planning authority details of all external materials.

3. within 3 months of the date of this letter there shall be submitted for the approval of the local planning authority a scheme of landscaping, which shall include details of all existing trees and shrubs on the land, and details of any to be retained, together with measures for their protection in the course of development.

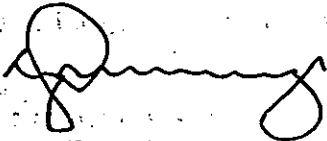
4. all planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following occupation of the buildings, or completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years 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.

15. Attention is drawn to the fact that 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 approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

16. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

17. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



TONY PICKERING FRTPi FRICS
Inspector