

AJP

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning Ref. No. 4/0948/87

Other Ref. No.

THE DISTRICT COUNCIL OF DACORUM IN THE COUNTY OF HERTFORD

To Albany House Developments Ltd Albany House 324 Regent Street London W1R 5AA

Archer Boxer Partners ABP House Salisbury Square Hatfield, Herts

Erection of office building and associated car parking at Selden Hill/Park Lane/Wolsey Road, Hemel Hempstead

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby permit the development proposed by you in your application dated 24.6.87 and received with sufficient particulars on 24.6.87 (amended 5.8.87 and 19.8.87) and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.
(2) No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to and approved by the local planning authority, and the development hereby permitted shall be carried out in the materials so approved.
(3) The developer shall construct the crossover to Standards set out in the current edition of Hertfordshire County Council's 'Specification for the Construction of Residential Estate Roads' and the development shall not be brought into use until the access is so constructed.
(4) The development shall not be brought into use until the accesses in Wolsey Road and Park Lane have been altered and the kerbs and footways reinstated to the standards set out in the current edition of Hertfordshire County Council's 'Specification for the Construction of Residential Estate Roads'.

/Conditions continued on attached sheet.....

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) To ensure a satisfactory appearance.
- (3) In the interests of highway safety.
- (4) In the interests of highway safety.
- (5) To ensure proper development.
- (6) To ensure proper drainage of the site.
- (7) To maintain and enhance visual amenity.
- (8) To maintain and enhance visual amenity.
- (9) For the avoidance of doubt.

Dated.....28.....day of...August.....19...87.

Signed.....

Designation **CHIEF PLANNING OFFICER**

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

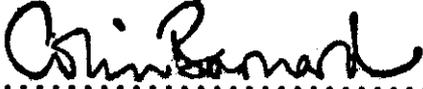
(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

Conditions /Continued.....

- (5) The development hereby permitted shall not be occupied until the arrangements for vehicle parking circulation, loading and unloading shown on plans 1660/P/20, 1660/P/21 and 1660/P/22 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.
- (6) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved by the local planning authority.
- (7) 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 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.
- (8) 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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) This permission shall not relate to the provision of the 111 parking spaces indicated (and shaded) on Drawing No 1660/P/20.

Dated 28 day of August 1987

Signed..... 

Designation CHIEF PLANNING OFFICER



Planning Inspectorate
Department of the Environment

Room 140 Tollgate House Houlton Street Bristol BS2 9DJ
 Telex 449321

Direct Line 0272-218927
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2 DA
2 epa 5
3 RB
4 File

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL				
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GTN 2074			Admin.	File

E A Powdrill & Associates
 Ptolemy House
 Lower Wharf
 Reading Road
 WALLINGFORD
 Oxon OX10 9AP

26894

CHIEF EXECUTIVE OFFICER
 13 OCT 1988
 File No.
 Refer to ...
 Clear # ...

Received 14 OCT 1988
 Your Reference:
 RTH/CF/8820
 Our Reference:
 T/APP/A1910/A/88/87909 &
 91444/P2

Date: 11 OCT 88

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 hoardings 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 planing 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.

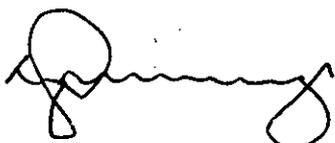
4. all planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following occupation of the buildings, or completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years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

A handwritten signature in black ink, appearing to read 'Tony Pickering', with a large, stylized initial 'T' and a long, sweeping horizontal stroke.

TONY PICKERING FRTPI FRICS
Inspector

APPEARANCES

REF NO: TR/APP/N0410/A/88/80879
and A/88/91444

FOR THE APPELLANTS

Mr E A Powdrill MC DipTP FRTPI FSS

Planning Consultant,
E A Powdrill & Associates
Ptolemy House, Lower
Wharf, Reading Road,
Wallingford

He called:

Mr Stuart Aldridge CEng MICE

Consulting Engineer,
Cyril Lea & Associates,
Thorncroft Manor, Dorking
Road, Leatherhead

FOR THE COUNCIL

Mrs Amanda Walker

Senior Solicitor, Dacorum
Borough Council

She called:

Mr A G Chambers BSc CEng MICE

Assistant Chief Engineer,
Dacorum Borough Council

DOCUMENTS

Document 1 - Attendance list

Document 2 - Extracts from Mr Aldridge's proof:

2a: traffic study, future year assignment

2b: future highway network

2c: appeal development predicted trip increases

2d: predicted total traffic flows

2e: traffic comparisons and capacities

2f: letter from Chief Planning Officer dated 14 July 1988

Document 3 - Appendices to Mr Chambers' proof:

3a: traffic study, base year assignment

3b: traffic study, future year assignment

3c: accident records

3d: County Council TPP

3e: analysis of traffic generation from appeal site

3f: extract from TD 20/85

3g: letter from Archer, Boxer, Partners dated 8 April 1987

Document 4 - Report of Chief Planning Officer to committee

Document 5 - List of planning conditions suggested by the council

Document 6 - Town Centre plan

PLANS

- Plan A - Drawing 1660/P/20B)
- Plan B - Drawing 1660/P/21A)
- Plan C - Drawing 1660/P/22C)
- Plan D - Drawing 1660/P/23)
- Plan E - Drawing 1660/SK/63) Application plans
- Plan F - Drawing 1660/SK/64)
- Plan G - Drawing 1660/SK/65)
- Plan H - Drawing 1660/SK/66)
- Plan J - Drawing 1660/SK/67)
- Plan K - 1:1250 location plan
- Plan L - Draft Town Centre plan map
- Plan M - Sketch plan of existing and impending developments
in area of appeal site

TOWN & COUNTRY PLANNING ACT 1971



DACORUM BOROUGH COUNCIL

To:

Archer, Boxer, Partners
ABP House
Salisbury Square
Hatfield
Herts
AL9 5AQ

Erection of offices and car parking
Details of external materials:-
Ibstock Roughdales Buff Rustic facing bricks
Pilkingtons Grey 'Antisun tinted glass
Brown concrete block paviors
Park Lane/Selden Hill, Hemel Hempstead

Brief description and location of proposed development

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder the Council hereby gives approval to the details which were reserved for subsequent approval in planning permission no 4/0948/87

granted on 28 August 1987 at the above-mentioned location in accordance with the details submitted by you, with your application dated 8 January 1988.

Dated 15 day of March 19 88

Signed *Colin Barnard*
Designation Chief Planning Officer

NOTE: This is not a separate planning permission, but must be read in conjunction with any conditions attached to the permission indicated above.