

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1271/90

Lex Service PLC
c/o Montague Evans

Montague Evans, Premier House
44-48 Dover Street
London
W1X 3RF

DEVELOPMENT ADDRESS AND DESCRIPTION
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Shaw & Kilburn Garage, Two Waters Road, Hemel Hempstead

OFFICES, ASSOCIATED PARKING AREAS, FORMATION OF VEHICULAR ACCESSES ETC. (OUTLINE)

Your application for *outline planning permission* dated 10.09.1990 and received on 10.09.1990 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 10.01.1991

(ENC. Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/1271/90

Date of Decision: 10.01.1991



1. The proposal would create significant office floor space such as to exceed the provisions set out in Policy 65 of the County Structure Plan 1986 Review for the period 1981-96.
2. The proposal would lead to excessive employment and growth, and would produce no benefit for urban regeneration or renewal which might otherwise ameliorate the excess provision.
3. The development is premature pending the construction of the County Council's proposal for a major capital highway improvement to the Plough Roundabout and Two Waters Road, or other means of providing substantial relief to the highway network which would be adversely affected by the development.
4. The development would be likely to be prejudicial to the County Council's proposal to carry out a major capital highway improvement to the Plough Roundabout and Two Waters Road.
5. Traffic expected to arise from the proposed development would be likely to interfere with the free and safe flow of traffic on the surrounding highway network.



Planning Inspectorate

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LONDON
W1X 3RF

Received

21 NOV 1991

Comments

Your reference

LUE/JC/DS.1142

Our reference

T/APP/A1910/A/91/179029/P5

Date: 20 NOV 91

Madam & Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY LEX SERVICE PLC
APPLICATION NO:- 4/1271/90

1. The Secretary of State for the Environment has appointed me to determine this appeal. It is against the decision of the Dacorum Borough Council to refuse outline planning permission for the creation of 130,000 sq ft gross office floorspace (B1) together with 483 car parking spaces, new vehicular accesses, service areas & landscaping at the Shaw & Kilburn Garage, Two Waters Road & adjoining land, Hemel Hempstead. I held a local inquiry into the appeal on 11-14 June and 1 July 1991.

2. Since the close of the inquiry I have taken into account new evidence. This is appeal decision T/APP/A1910/A/90/150023/P3 of 24 July 1991, granting outline planning permission for the erection of commercial offices, multi-storey and underground parking, storage, plant and services and landscaped water gardens on some 2.3 ha of land formerly developed as the BP House site, Moore End Road, and incorporating the former Waggon and Horses Public House and part of Marlowes, Hemel Hempstead. I have also considered the written representations made by the parties on this evidence, which is referred to in this letter as the Eagle Star decision, after the name of the appellant concerned.

Decision

3. The formal determination of the appeal before me is in paragraph 95 on page 19 of this letter. Briefly, the appeal is dismissed because of the strains likely to be placed on both housing provision in Dacorum and the highway network around the appeal site. The overall proposal is judged not to constitute urban regeneration and renewal, nor to entail other benefits sufficient to offset the important planning objections to it.

Site and Surroundings

4. The appeal site of about 1.2 ha is just south of the Plough roundabout, near the focal point of Hemel Hempstead, which is actually towards the south-western edge of the town. Roughly triangular in shape, the site itself has the A4146 main distributor called Two Waters Road running along its western side. Beyond that road is the small River Gade and then Heath Park and The Moor. The northern end of the site comprises a petrol filling station, with pump islands, canopy, and kiosk/shop. The filling station has twin 2-way

accesses to Two Waters Road; and at its other end it has a wide 2-way access to the next road to the east. This is the secondary distributor named Lawn Lane, serving a suburb known as Bennetts End, which is the subject of a Safety Management Study.

5. A row of premises mainly 2 storeys in height lines the south-western side of the first length of Lawn Lane. The first 2 properties are within the appeal site and consist of a small tyre fitting depot and a shop. Most of the other properties in the row have retail units, but they include a public house further down. On the corner of the first side road, which is called Corner Hall, is a group of small, listed buildings. Across the narrow, one-way stretch of Corner Hall's carriageway from them is a larger, Grade II* listed building called Three Gables. A residential neighbourhood starts opposite all these premises on the other side of Lawn Lane, and rises to the east.

6. The main buildings of the appeal site stretch southwards from the filling station and behind the Lawn Lane frontage. They comprise a showroom, covered display area and several workshops and stores, with offices on an upper floor towards the northern end. There are irregularly-shaped surfaced ways around the buildings, with a 2-way access to Two Waters Road towards the south-west as well as a shared access with the filling station. However the main vehicular access is to Corner Hall to the south, beyond an expanse of open vehicle park and store. The south-western corner of the site is the cleared curtilage of a former Centre for the Blind, temporarily used for the display of cars.

7. Corner Hall joins Two Waters Road outside this part of the site. Just across the 2-way stretch of the side road from the former Centre are the access to, and northern end of, a DIY superstore. Between this store and Lawn Lane, and excluding the curtilages of Three Gables and some other frontage properties, is the modern Corner Hall Office Village, comprising a number of blocks up to 4 floors high and amounting to about 5,200 m² of space. This development has controlled accesses from both Corner Hall and Lawn Lane.

8. Back beyond the northern end of the appeal site, the Plough roundabout has 6 arms. In addition to Two Waters Road and Lawn Lane, these include Station Road to the south-west and St Albans Road to the north-east, which between them carry the A414 primary route from the A41(T) through the town to the M1. To the north-west is Leighton Buzzard Road, which is the continuation of the A4146 main distributor. The final arm to the north is Marlowes, which could provide access to the town's central area but is closed for the time being. The Eagle Star decision contemplates the re-opening of Marlowes but acknowledges that the highway authority is not committed to this. The roundabout itself has a large, landscaped central island through which the River passes: and its carriageway is a 2-way gyratory with 6 mini-roundabouts, one at the junction with each arm, including Marlowes.

9. West of the roundabout, on the triangle between Station and Leighton Buzzard Roads, stands the large Kodak building with its dominant, 20-storey tower. To the north of the Plough, between Leighton Buzzard and St Albans Roads and straddling the closed, southern end of Marlowes, is the Eagle Star site. Much of this has been cleared of the remains of the former BP House, demolished as unsafe several years ago. The Eagle Star decision assumes the provision of about 36,000 m² gross office floorspace in 4 new buildings ranging in height from 4 to 7 storeys.

10. The town's shopping centre lies north of that site. Uphill to the east is the modern, multi-storey precinct itself called Marlowes, and regarded as the precursor of the pedestrianisation of the centre. Broadly aligned in a formation angled around the corner of the shopping centre and on the northern

side of St Albans Road are a number of office blocks of up to about 9,000 m² in size. Some of these were wholly or partly vacant at the time of my inquiry. On the land between St Albans Road and Lawn Lane is a particularly large telephone exchange, consisting mainly of 2 linked multi-floored buildings. The more westerly structure, nearer the appeal site, is 7 storeys high including parking deck and parapet; and is of a particularly austere appearance.

Minor Issues

11. First there are a number of points relating to the exclusion from the site of most of the properties fronting the south-western side of Lawn Lane between the Plough and Corner Hall. They have been included with the appeal site in the Corner Hall General Employment Area defined by the version of the Dacorum Borough Local Plan to be placed on deposit. I saw that the condition and use of the properties vary: but plainly some of them have been the subject of considerable recent investment; and my judgement is that they are performing a valuable function as a secondary shopping and service area.

12. Policy 29 of the Local Plan understandably provides that the group of listed buildings around the junction of Corner Hall and Lawn Lane is to be retained, and the scale of any development is to respect their character. There was some concern because the effect of the appeal development on these buildings was not duly advertised by the authority. However I consider that no real prejudice has been caused because the owners did make written representations to the authority on the application. My view on the merits is that the development could be designed in detail so as to preserve the settings of these buildings, primarily by keeping any large new structure well away from the buildings themselves. They are a relatively self-contained group, and in my judgement the Office Village has set a good example of how to acknowledge their presence. Nevertheless, I do not see how anything the size of the appeal proposal could really respect the character of the buildings as distinct from preserving their setting.

13. The owners of the buildings also objected to other aspects of the proposal. Their anxieties about traffic down Corner Hall are covered in paragraph 72 of this letter. In my judgement their concerns about lighting, privacy, and general disturbance from the car park, could be met by good detailed design, as could the similar objections from the proprietor of the cafe at 8 Lawn Lane.

14. Local Plan Policy 29 also requires rear servicing access to the frontage properties to be made available through redevelopment. I consider this to be a reasonable requirement because the traffic conditions in Lawn Lane, and Bennetts End which it serves, make it clear that in the long run priority must be given on its carriageway to the traffic flow function, rather than parking and front servicing. The appeal development would be on the backland where the obvious remedy lies, and so it must in my judgement not conflict with the requirement for a service road. However I was eventually satisfied during the inquiry that sufficient land could be left for this purpose.

15. A final concern of the objectors was disturbance from the construction work itself. I agree with them that, given the restrictions of the site, this would be a serious matter: but the main building works would be towards the other side of the site and, in my view, they should just be tolerable if special efforts were made.

16. At the start of the inquiry, British Telecom objected that the illustrative 7-storey parts of the appeal development could interfere with telecommunications apparatus on the telephone exchange which is of vital national

importance. However further enquiries revealed that the apparatus in question comprises 9 cellular radio aerials on the exchange's roof; and that there should be no problem so long as the height and position of the main appeal building remain as illustrated.

17. The 4th Reason for refusal claimed probable prejudice of the A414/Plough Roundabout/Two Waters Road Improvement scheme. The present A4146 Two Waters Road joins the current A41(T) London Road to the south of the appeal site, beyond the Grand Union Canal and the River Bulbourne. However, the Department of Transport is constructing a new A41(T) further to the south-west, directly from the M25 to bypass Kings Langley and Apsley. Part of the trunk road scheme is a new link road north-eastwards from the Bypass, to join the existing alignment of Two Waters Road between the River and the Canal. But the trunk road scheme ends there, and any further ramifications of the Bypass become the responsibility of the local highway authority.

18. A crucial point is that the purpose of the new link is not simply to replace the last length of the A4146 as a connection to the trunk road, but also to divert traffic which at present uses the A414 primary route along Station Road. As I understand them, the main reasons for seeking this diversion are environmental ones. Yet an inevitable consequence of the diversion would be much more traffic on the northern length of Two Waters Road and at its junction with the Plough roundabout. The current thinking of the highway authority, with which I concur, is that this would be likely in turn to cause unacceptable congestion on the A4146 and on the Plough, and consequently on the A414.

19. The form of improvement which the authority presently has in mind is the continuation of the Department of Transport's dual carriageway from the link all the way to the Plough, where the new primary route would rise to a second roundabout elevated above the present one, and with other arms down only to Leighton Buzzard and St Albans Roads. Slip roads would of course be needed as the dual carriageway rose past the appeal site, and preliminary designs suggest that, even with considerable encroachment across the River Gade and into Heath Park, land would also be required from the appeal site.

20. The highway authority is not yet committed to the scheme. Apart from the obvious problem of the cost, it is equally apparent that the scheme would have a considerable environmental impact. Therefore the future of the A414 primary route is one of the main subjects of the current Hemel Hempstead Transportation Study commissioned jointly by the highway and planning authorities. Nevertheless the Improvement scheme has now been in the TPP Preparation List for 3 years; and it is being safeguarded by the emerging Local Plan Policy 48 as Scheme T6, albeit with an error in that it should be shown on Sheet 4 of the Proposals Map as well as Sheet 6. As pointed out by paragraph 11 of PPG13, the scheme would carry more weight if and when it becomes part of the adopted plan, but my judgement is that considerable weight should be attached to this particular one even now because it is a likely and direct consequence of a trunk road improvement which is already under way.

21. Accordingly I consider that it would be an important planning objection to the appeal development if it were to seriously prejudice this scheme. I appreciate that the parties were handicapped by the design being in the preliminary stages. But it was ultimately possible to meet the objection by showing that the development could substantially go ahead without the land to be reserved for the worst-case road improvement; and by your client agreeing to accept an appropriate safeguarding condition. I note that the Eagle Star decision treated the safeguarding of land for the Improvement on its side of the roundabout as an additional planning benefit; whereas in this case I

consider the widening and upgrading of Two Waters Road to be a likely planning requirement.

22. Points were also raised about the visibility splays at the appeal development's replacement access to Corner Hall and at the junction of Corner Hall and Two Waters Road. However these were resolved and could now be satisfactorily covered by conditions and the proposed Section 106 agreement.

Major Issues

23. As a result of considering the relevant provisions of the development plan, the evidence to the inquiry and of my site inspections and the new evidence, together with all the representations, my view is that there are 4 main issues in this appeal. These are:-

- (1) Would the likely net addition of jobs significantly exacerbate an imbalance between employment and housing provision in the Borough?
- (2) Would the extra traffic to be generated place an undue strain on the highway network around the appeal site?
- (3) Would the benefits of urban regeneration and renewal offset any such important planning objections?
- (4) Would there be other countervailing planning benefits to assist in the best use of land and a properly planned environment in the vicinity of the appeal site?

Relevant Policies

24. The Notice of Approval of 9 May 1988 of the Hertfordshire County Structure Plan 1986 Review is part of the statutory development plan, with which my determination should accord unless material considerations indicate otherwise. Paragraph 5.4 makes it clear that a net nil migration basis is appropriate for housing provision for the county as a whole; and that the Plan's employment policies do not justify increasing the housing provision to allow for further net in-migration. Paragraph 6.2 in turn supports the strategy of providing sufficient land and floorspace to make possible a return to full employment in the county. At the same time it specifically rejects arguments on the one hand that there should be an increase in employment provision to allow for the work needs of people outside the county, and on the other that the Plan will lead to a growth spiral.

25. Approved Structure Plan Policy 64 provides that:-

Permission will normally be given for the expansion of existing employment generating activities, subject to the other policies of this Plan. Provision for employment uses will be made having regard to:

- i) the available labour supply;
- ii) changing employment densities;
- iii) restructuring of the local economy;
- iv) emerging technological requirements.

The suggestion in the Proposed Alterations 1991, submitted in January, is to retain this strategic policy because it remains sufficiently robust to cater for changed economic circumstances. At the time of the inquiry into this

appeal, it was not intended by the Secretary of State that the EIP, to be held in late July, would examine this or any other employment policy.

26. Approved Policy 65 gives broad indications, not be used as maxima, of an additional provision of 693,000 m² gross floorspace for business use over the period 1981-1996, distributed amongst the districts so that Dacorum's provision is 105,000 m². Generally, additional business floorspace may be permitted where this secures the aim of urban regeneration and renewal. There have been difficulties in interpreting and monitoring this policy, for 3 main reasons. The first is that additional floorspace allocations are in any event only one source of overall employment provision to implement the strategy. The second reason is that the allocated use had been changed from office to business in the course of the statutory procedures, to come into line with the new Use Classes Order. The third is an apparent difficulty in interpreting what is meant by "urban regeneration and renewal".

27. The Proposed Alterations 1991 would make separate provision for an additional 1,750,000 m² gross for business use over the period 1986-2001, distributing 286,000 m² to Dacorum. The additional provision for urban regeneration and renewal would be qualified so as not to undermine the principles of the Policy in terms of the figures stated. A new Policy 65A would make other provision for industry and warehousing. The Borough Council's representations on these proposals ask for clarification and amendment. Apart from a definition of urban regeneration and renewal, the main request is for an increase in the business allocation so long as it would then become a ceiling for restraint. Your client, in turn, has objected that floorspace allocations to each district are unrealistic, and should be replaced by general guidelines and monitoring; and that the qualification to the last part of the Policy would actually make it more ambiguous.

28. Approved Structure Plan Policy 73 provides that:-

Employment areas may be defined in district local plans. Within such areas priority will be given to industrial development but other employment uses may also be identified. Development and redevelopment of sites already identified in local district plans will be encouraged. Proposals for the development or redevelopment of other land and premises for employment uses may be permitted where these proposals are acceptable in terms of the other policies of this Plan and in environmental terms or where such development is in the national or regional interest.

The Proposed Alterations 1991 would delete the reference to priority for industrial development, and replace it with:-

...adequate provision is to be made for B1 and B2-8 uses in accordance with Policies 65 and 65A. Where a local need is identified separate provision may be made for these uses. Local planning authorities should ensure industrial job needs in their area are met and may identify separate areas for warehousing in accordance with Policy 77.

The Borough Council's representations seem to support this proposal, but your clients' question the need for the Policy at all.

29. The Dacorum District Plan adopted in 1984 conforms generally to the previously approved Structure Plan. Policy 53 provides that:-

Planning permission for new offices, extensions to existing offices or changes of use of existing buildings to offices will normally only be granted where the proposal is located within the commercial area of the

town centres of Hemel Hempstead, Berkhamsted and Tring, as defined on the Proposals Map.

The appeal site is not within the defined commercial area, but the Eagle Star site is. Policy 54 is a lengthy one which aims to restrict any new office development to that which is required to serve the local community, save in exceptional circumstances.

30. In 1986 the Borough Council resolved, as a relaxation of Policy 53, to view favourably proposals for office development in a defined Two Waters Road/Lawn Lane area. This defined area comprised the Shaw & Kilburn garage and filling station; a large factory and timber yard south of Corner Hall; and the entire Lawn Lane south-western frontage as far down as the timber yard. It excluded the Centre for the Blind and the DIY superstore. The relaxation was expressed to be in the interests of supporting employment generation and urban renewal initiatives: and it was subject to access, car parking and normal environmental criteria being satisfied, and to not undermining any town centre development opportunities.

31. The Corner Hall Office Village has been built on the site of the factory. An Unemployment Benefit Office has also been built following a successful appeal. Planning permission was granted too in 1988 for a 3-storey office building with 1,900 m² floorspace on the site of the Centre for the Blind.

32. The District Plan does not conform to the approved Structure Plan Alterations. It is being replaced by the Dacorum Borough Local Plan which at the time of my inquiry was shortly to be placed on deposit. The basic timescale of the new Plan is until 1996 to conform to the present Structure Plan: it is not subject to the expedited procedure so as to conform to the 1991 Alterations, mainly because there is a difference of opinion between the County and Borough Councils over the proposed policies for the Markyate area.

33. Despite representations about the consultation draft from your client and others, the version of the Local Plan to be placed on deposit contains lengthy and complex employment policies. Policy 25 sets out how "full employment" is to be defined; and aims to achieve it by supplying sufficient land for employment generating uses to make up any difference between the full employment requirement and the jobs potential of other uses. Policy 26 lists 5 sources of supply of employment land, one of which is general employment areas, to be regulated in detail by Policy 29. The scheme of Policies 25 and 26 is not to increase the supply above that from the listed sources unless this is necessary to make up the number of jobs, and not to permit departures from the mix of developments set out in the detailed Policies 29 and 30.

34. Policy 27 applies the Structure Plan allocation of 105,000 m² additional business floorspace for 1981-1996 as a general ceiling to such development in the town centres, local centres, and Corner Hall and one other General Employment Area. There are exceptions for small-scale proposals; overriding planning advantages; and relaxations to achieve the requisite number of jobs. But it was this general transformation of a strategic allocation into a restraint limit to which your client particularly took exception in commenting on the consultation draft. Nevertheless, Policy 28 safeguards an employment land reserve, as a precaution against future employment needs, sudden economic changes and serious unemployment problems.

35. Policy 29 and the Proposals Map define the Corner Hall General Employment Area so as to include all of the appeal site and indeed all land in the triangle formed by Two Waters Road, Lawn Lane and the open Canalside. Much of the first part of the Policy is concerned with Areas allocated for industrial or mixed uses, whereas the Corner Hall Area is allocated for business use.

However, a general part of the Policy provides that:-

The scale and nature of development proposals in General Employment Areas will be assessed having regard to:

- (I) the character of the particular General Employment Area;
- (II) other planned development;
- (III) the character of adjoining areas; and
- (IV) traffic generation and highway impact.

Balance of Employment and Housing Provision

36. In my view, there was little meeting of minds between the parties on this issue. The authority tended to be slow to identify the interests of acknowledged importance which the development plan and refusal of your client's application are intended to protect: whereas the appellant was inclined to reluctance in acknowledging that the relevant policies have much significance in this particular case.

37. For my part, it is clear that the approved strategy for Hertfordshire is to maintain employment and housing provision broadly in balance; and there is no indication that this strategy is about to be changed. The Structure Plan policies, including the floorspace allocations to districts, are flexible, but within the parameters of this strategy. The wordings of Policies 64, 65 and 73 all contain some obvious implications of constraint, to reflect these parameters. In particular, they are intended not to lead to a growth spiral.

38. Appeal decisions, including ones at Borehamwood and St Albans and now the Eagle Star decision itself, properly emphasise the point that mere breach of Policy 65 does not in itself constitute material harm justifying refusal. However a serious breach must, to my mind, be a leading indicator that an important threshold is at hand. Moreover, this threshold could well vary in position and significance between districts, in my judgement. Although your client is unhappy with it, some weight must now be given to the deposit version of the Local Plan, and to the point that this document is shaping an early and firm threshold for Dacorum. Whilst the Plan is introducing some restraint immediately at the Structure Plan allocation figure, nevertheless it is making exceptions for more categories than just urban regeneration and renewal and keeping some land in reserve too.

39. With the Eagle Star decision, the additional provision for 1981-1996 of gross business floorspace in Hertfordshire, within Structure Plan Policy 65 as construed by the County Council, seems to be already at least 708,500 m². I derive this figure from the March 1990 statistics in the 1990 Annual Monitoring Report, plus the agreed space for the Eagle Star development, together with, coincidentally, an adjustment for over-estimating the space demolished in BP House. The adjustment nevertheless takes the replacement element as 17,400 and not 15,000 m² as cited by the County Planning Officer in November 1990.

40. This excess of 15,500 or 2.2% over what is only a broad indication may seem very small, particularly as it concealed an excess of 37,500 or 47% in an individual district: but conversely another district had 40,000 still to go. Moreover, I consider that the 15,500 is very likely to be a significant under-estimate of the current excess. It also has to be borne in mind that these statistics by no means include all business floorspace commitments in the county. Therefore to my mind the strategic position is now such under the

approved Structure Plan that it is reasonable for an individual authority to proceed with caution if local circumstances already indicate difficulties. This view is confirmed by the situation with the 1991 Alterations. The altered Policy 65 would roll the relevant period forward 5 years but extend the scope to include all business developments, avoiding the present interpretation problems. Yet the County Council estimates that the overall county allocation of 1,750,000 m² is already exceeded by commitments: and these matters were not due to be reviewed at the EIP.

41. More up-to-date figures were available for Dacorum than for the county at our inquiry. Adding the Eagle Star commitment to the unchallenged March 1991 statistics would, in my view, amount to a provision of about 137,300 m² in the Borough, excluding the 1,900 m² at the former Centre for the Blind on the appeal site. This would constitute an excess, above the broad indication of approved Structure Plan Policy 65 and the general ceiling of deposited Local Plan Policy 27, of about 32,300 m² or over 30%. For some reason, the Borough Council is willing to discount the replacement element in the Eagle Star development, even though, as I understand it, the County Council has already allowed for this in its monitoring statistics. On this apparently generous basis, the excess would be 14,900 or 14%.

42. Turning to put the appeal proposal in this context, the approximately 12,000 m² could all be excess, constituting another 11.5% above the guideline or normal ceiling. But the first specific question is whether the appeal floorspace should be counted in this way, given the County Council's interpretation of Policy 65. This interpretation includes within the Policy B1 developments in town centres and on new employment sites not identified in District Plans as at 1981; and normally excludes developments within industrial areas existing in 1981, or similar locations.

43. Your client suggested, with some diffidence, that the appeal site comes within the exclusions, as an industrial area existing in 1981. In my judgement, the Corner Hall area was rightly described by the Borough Planning Officer in 1986 as one of mixed development. More particularly as to the appeal site, the Centre for the Blind was presumably not an industrial use; whilst the filling station/showroom/workshop service use is of a kind of its own, albeit with a strong industrial element, in my judgement.

44. Perspective is added to this point, in my view, by considering the situation under the Structure Plan Alterations 1991, which would dispose of the problems of interpretation. Not only is there already an excess over the proposed county business floorspace allocation for 1986-2001; but also in Dacorum commitments at March 1991, together with the entirely new element of the Eagle Star development, and other sites allocated in the deposited Plan and available before 1996, would amount to about 408,300 m². This would be 122,300 or about 43% above the proposed allocation for the Borough. Your client demurred at priority being given in this way to other sources of employment land, but it is not for me to overturn a distinction which is clearly being made in implementing the approved and emerging development plans. Moreover this approach still discounts other business projects and opportunities which conceivably could have significantly more planning benefits than the appeal project.

45. For it is important to bear in mind that the authority's objection is to the scale and timing of the appeal project, and its relative lack of planning advantages. It is not to the principle of business development, which is the specific employment generating use actually proposed by deposited Policy 29 for the Corner Hall General Employment Area. Indeed the crux of your client's argument on this issue was that, because of this accord with principle, the

authority cannot establish harm to an interest of acknowledged importance. Your client believed that the Eagle Star decision would support this argument. But that decision records that the authority conceded the point in the Eagle Star case, whereas it has not done so in this one. Clearly it believes that a line should be drawn between the 2: and a critical factor pointed out in the Eagle Star decision is that its site is indeed one of the priority employment ones identified by the emerging Local Plan.

46. Thus the appeal scheme would entail provision of about 12,000 m² of business floorspace in a situation indicated by the development plan as one of considerable surplus over that requisite to maintain the strategic balance between employment and housing provision. There must therefore be a serious risk of its contributing to a growth spiral, putting a pressure upon housing provision amongst other things. Your client emphasised the recent, rapid rise in unemployment in the Borough, but the evidence suggested that this is mainly due to the current, national recession. The approved strategy was actually devised under the influence of the last recession, and proved its robustness during the intervening boom. Its long-term aim is to provide sufficient workspace to sustain full employment, and so a departure from it cannot be justified merely by the transient depression, in my judgement.

47. Whilst the current economic downturn may nevertheless be a reminder not to attach too much weight to the phenomenon of cyclical overheating at a local level, any untoward pressure on housing could have much longer-lasting harmful effects. The Secretary of State reduced the County Council's proposed housing provision for Dacorum 1981-1996 in the 1986 Review from 8,600 to 6,800 dwellings. This was less than the estimated housing requirements of the Borough on a net nil migration basis because its capacity was constrained by the Green Belt. I note that the Borough's development capacity is also constrained by the recently extended Chilterns AONB. Although by March 1990 the county was estimated to have an excess of completions, commitments and potential over allocation of about 4,645 dwellings, the surplus in Dacorum was only 368, still well short of the original net nil migration allocation. Moreover, any surplus cannot be compared directly with that for Policy 65 business floorspace, since the latter is merely one of several sources of jobs.

48. Although the dwelling surplus had risen to 782 in April 1991, with a theoretical 8 years' housing land supply, this is still a shortfall from the originally proposed allocation; and the roll forward of the Structure Plan has raised the question of the environmental capacity of the Borough all over again. PPG9 has given a new, increased level of provision for the county between 1991 and 2001. This entails a 1986-2001 provision of 57,000 dwellings, thought by the County Council to be above both a net nil migration requirement and the environmental capacity of existing urban areas. The proposed general allocation for Dacorum is 4,400 dwellings, with a strategic allocation of 600 at the village of Markyate. The Borough Council is strongly opposed to this scale of expansion of the village on various planning grounds. It believes that its overall allocation of 5,000 could be met by making up completions and commitments with 1000 dwellings from small schemes on hitherto unidentified sites, with a reserve of another 530 on 5 other sites expected to come forward.

49. Thus the position is that the County Council considers that there is insufficient capacity in the urban areas of the Borough, whilst the Borough Council relies on 20% provision from unidentified small sites and/or drawing on a reserve of unallocated sites. This is in sharp contrast to the situation with employment land where the proposed provisions until 2001, although geared to the housing provisions, could easily be met without calling on even the allocated reserves. Although, as your client pointed out, the Secretary of

State has in the past resisted suggestions to push back the Green Belt boundary in such situations, it appears that the alternative ways of meeting surplus housing demand may be a contentious village expansion or town cramming.

50. Accordingly it seems superficially obvious that an employment project of the scale of your client's would for the time being put a noticeable strain on the provision of housing land, since the authorities are struggling to maintain the requisite balance in accordance with the approved strategy. However your client claimed that a realistic analysis of the project would show this to be incorrect. In the first place, it was said that more employment opportunities in Hemel Hempstead might help reduce the significant proportion of out-commuting by residents. But the business floorspace allocation already assumes that net out-commuting is to be held down to 1981 levels, whereas monitoring shows that out-commuting continues to increase.

51. Secondly, I agree with your client that the creation of about 550 jobs gross by the appeal project should be reduced to some extent to account for existing employment. The 80-100 present jobs on the site would not be lost but moved to another location nearby with detailed planning permission. I accept that the most likely appropriate alternative use of that site would be in the B1 Class with about 210 jobs. However, the entire 210 should not be deducted from the 550, in my view, because that would ignore the net nil migration strategy. The most appropriate deduction would be the maximum difference between the B1 potential and the relocated use, namely 130 jobs. But again I do accept, for the reasons given in paragraphs 76 & 82 below, that a further deduction should be made for the 85 jobs capable of being provided in the previously permitted floorspace on the former Centre for the Blind, which has so far been excluded from the commitments.

52. This would leave 335 jobs net. In my judgement, the authority has then taken an exaggerated view of the potential housing demand from the job holders. I consider that the fairest assumption to make is that the distribution of their places of residence would correspond most closely with the profile of existing workers in Dacorum. The evidence before me suggests that broadly 1 in 4 workers in the Borough commute into it. Therefore I regard 335 workers as likely to include about 250 residents. On the authority's more conservative assumption of 1.34 workers per household, this would represent a demand for about 185 dwellings in the Borough.

53. However, I do not regard a demand of this scale as insignificant. For example, it would be about 70% of a year's theoretical minimum housing land supply as at 1 April 1999, or about 55% of a year's provision under the 1991 Alterations. It would equate to about 35% of the known reserve capacity of unallocated sites. Moreover, if a potential volume of demand of this size were considered to be unimportant on its own, a critical cumulation of such demands would be difficult to resist.

54. Accordingly I have concluded on this first main issue that the volume of additional employment provision entailed in the appeal project would at the present time put an obvious strain on housing provision in the Borough. Although in the course of arriving at this conclusion I have largely discounted the authority's concern about overheating, as a cyclical economic difficulty, I do appreciate that the authority also claims that strains would be placed on transportation provision too. However I have chosen to deal with this under the second main issue below.

55. On the other hand, I do not accept your client's claim that the weight to be attached to this particular conclusion should be reduced to reflect the authority's eagerness to negotiate just before the inquiry. The authority was

entitled, in my view, to have the strength of this objection tested on its individual merits without prejudice to its willingness to continue to discuss projects with appellants in accordance with national policy. Also the Eagle Star decision has, by making a large contribution to the committed supply of employment land, tended to strengthen the authority's arguments rather than weaken them.

Highway Network

56. The requirement of deposited Local Plan Policy 29 for the scale and nature of development proposals in General Employment Areas such as Corner Hall to be assessed having regard to traffic generation and highway impact has to be seen in the context of the Transport Section of the Plan. This seeks, amongst other things, to design improvements to the A414 so as to limit its attraction and capacity as an A41(T)-M1 through route. Also developer contributions are anticipated to implement or bring forward schemes. However, there would be a presumption against major development beyond commitments until the completed traffic study has made proposals for longer-term improvements and traffic management. Hence the authorities' objections include one of prematurity.

57. The particular provisions for Scheme T6 classify it as a short-term scheme likely to be started by March 1996. It is considered on the one hand that the scheme should be brought forward by developer contributions in association with major developments; but it is also specified on the other hand that the proposal be investigated further by the comprehensive traffic study. Notwithstanding my preliminary conclusion in paragraphs 17-21 above that this scheme should be safeguarded, it became clear to me during the inquiry that the particular approach in the Plan could well be optimistic for 2 related reasons.

58. The first is that, although it is arguable that some major projects would individually have significant effects on conditions at the Plough roundabout, the really critical impact will be from the new A41(T) link. If the connecting traffic is diverted to Two Waters Road as the Department of Transport apparently intends, that alone will cause serious congestion at the roundabout. The second reason is that it is hopeful to assume that the improvement scheme would start by March 1996. The authorities are obviously awaiting the results of the study before committing themselves to any particular scheme. Although they have started to collect developer contributions in the shape of one from Eagle Star and an offer from your client, it is by no means clear that sufficient finance would be available to begin work by then on the preferred option. If the latter is the grade separation referred to in paragraph 19 above, that would be a costly and long-term project, in my judgement.

59. Your client did point out that the situation at the roundabout would be better if the A41 link traffic actually remained on Station Road to avoid the congestion on Two Waters Road. However your client also strongly pressed me to assume that the highway authority must carry out some improvement in the near future. At the same time it made clear its own view too that the grade separation is only a long-term option, since it suggested 2 alternative short-term measures, to be financed by developers.

60. The seemingly more favoured of these is to increase the capacity of the Plough by widening it on its inside. The authority gave me a critique of this suggestion which I consider your client adequately rebutted in several respects. But in my view the suggestion eventually foundered on 2 points. The first is that the new layout would entail fresh hubs for the mini-roundabouts which both local experience and design standards indicate would be too large to be workable. The second is that, even allowing for British

Telecom having been deeply pessimistic in its first shot estimate of the cost of service alterations, it is very likely that your client's own shot estimate of the overall costs is unrealistically low.

61. The other alternative is to make the roundabout one-way and instal traffic signals on the gyratory at each of its junctions, although not on the exits. But your client conceded that its layout and analysis, which predicted all signal approaches as at below saturation and with no obstructive tailbacks, did not cater for pedestrian movements across the mouths of the approach roads. I also tend to concur with the criticisms that the saturation flows used are much too high; and that one abnormal vehicle or vehicle failure could snarl up the roundabout. In my view, the highway authority is being reasonable in its claim that a feasible short-term solution has not yet been devised for congestion at the Plough, tending to confirm prematurity.

62. Your client's consultant has changed his mind over the past couple of years about the robustness of the Plough's present layout to cope with increases in traffic. Yet there was broad agreement at the inquiry that the roundabout is at about capacity now at the evening peak, and my several site inspections tended to confirm this. It was also agreed that the A41(T) link will overload the roundabout unless the link traffic is allowed to stay on Station Road contrary to the Department of Transport's intentions. Therefore the best information before me is that, at the time when the appeal project would probably be completed, the Plough would be seriously congested; and there is no doubt that most of the appeal site's traffic would use the Plough.

63. There was considerable discussion at the inquiry about the traffic effects of other major developments on the Plough. The authorities are concerned that they would add even more to the congestion, whilst your client does not see why schemes with a greater traffic impact should be approved and then used as an argument against its project. One of these projects is for Jarman Fields, and the planning application has been called in by the Secretary of State. Although I have seen one of the original statements of evidence to the inquiry in January, I find no real inconsistency in the highway authority's position, and otherwise have no useful information about the progress of this project.

64. The other major project is the Eagle Star one, in respect of which I now have the benefit of the decision letter. But I note first from the evidence to me that the potential re-opening of Marlowes would actually, all other things being equal, ease congestion on the Plough roundabout; and that the predicted overloading as a result of the A41 link is on the Lawn Lane and Two Waters Road mini-roundabouts, away from the Eagle Star site.

65. On its traffic issue, I would describe the first major influence on the Eagle Star decision as the 1988 permission for 36,250 m² of retail floorspace and a park for 1,200 cars. Apparently the highway authority had then regarded the A41 Bypass as a distant prospect which it was nevertheless assumed to have taken into account. The next influence, mentioned in paragraph 21 of this letter, was the treatment of the safeguarding of land on the Eagle Star site for the major improvement scheme as an important benefit, whilst in the case of Two Waters Road the safeguarding is necessary to meet an important planning objection.

66. Turning to a more detailed treatment of traffic considerations, the decision noted the agreed financial contribution towards some kind of improvement of the Plough within 15 years. It concluded too that an increase in traffic on the Plough due to the Eagle Star development, of 8% or less, would not give rise to significant and unacceptable levels of congestion or additional traffic hazards. Also it remarked on a concession by the authorities that significant overall benefits could outweigh the traffic

objections: and furthermore it found that there are firm proposals envisaged for the Plough which would ameliorate the impact on the local road network.

67. The Eagle Star site was already committed to a large traffic-generating development. There is no such commitment in the case of your client's site; and in my view this is the most important distinction between the 2 appeal sites. Your client has agreed to make the same capital contribution towards a Plough improvement, but it is to be spent within a much shorter period of 5 years. Although this timescale could correspond with that of the deposited Local Plan, the highway authority has no definite project on which to spend the money. The types of improvement canvassed by the Eagle Star decision were adding traffic signals, which I have discounted on the expert evidence before me; and a direct, ground level link between Station and St Albans Roads, the feasibility and purpose of which were not clarified in the decision.

68. The clear technical evidence to me, which I accept, was that after the Plough had been severely congested by the opening of the A41(T) link, the introduction onto the roundabout of more traffic from any major development would then seriously exacerbate the congestion by disproportionately increasing queue lengths and delays, unless some improvement scheme was carried out. No such improvement scheme has been approved: and the authorities did not accept that the overall benefits of your client's project could offset the traffic objections to it. I return to this point in considering my 4th main issue. Subject to this, the project seems at least premature.

69. Moreover, I consider this projected congestion of a key node on a primary route to be a serious matter, and agree with the authorities that the priority must be to keep the existing traffic flowing safely. There was no dispute between the parties about the net traffic generating potential of this appeal project, since the number of parking spaces is specified in the application and has been pursued in the appeal. This is different from the conflict in the Eagle Star appeal, in respect of which I note that the planning authority is making representations to the Secretary of State concerning the conclusions on parking provision. It is likely that your client's net traffic generation would constitute about a 3% evening peak addition to an already congested Plough. Despite this being a smaller proportion than the other major developments, I regard this as an important traffic objection, for the reasons given in the preceding paragraph.

70. In my judgement, an appraisal of the highway network immediately around the appeal site reinforces this objection. It is agreed that no redevelopment should from its start have access to Two Waters Road, since the latter is already a major distributor and a proposed primary route. This leaves the redevelopment to be served by Lawn Lane and Corner Hall. The only frontage to Lawn Lane, itself a secondary distributor likely to increase in importance, is near the Plough roundabout. To allow right turns in or out here is conceded to be out of the question. Hence the proposed utilisation is as a main car park exit, left-turn only. But this would discharge evening peak hour traffic almost directly onto the Lawn Lane mini-roundabout, likely to be the most congested approach to the second-most congested mini-roundabout on the Plough. Contrary to the agreement between the parties, I do not accept that the office workers would continually give way to vehicles already on Lawn Lane, thereby acquiescing to long tailbacks inside the premises.

71. However, Corner Hall would also have its problems. When Two Waters Road is improved to fulfil its role as a primary route, its junction with Corner Hall should preferably be closed, in my judgement. This may cause insuperable difficulties in servicing the DIY superstore, and so the junction might be kept open subject to a ban on right turns. To my mind, this compromise cannot be used to justify continued reliance on the same junction by another large

traffic generator on the appeal site. In any event, significantly more traffic would turn into the other junction of Corner Hall, with Lawn Lane; and yet once more there would be difficulties. They would be particularly serious if it became the main HGV route to the appeal premises, notwithstanding that it may be used now by the occasional car transporter.

72. There would be 2 main difficulties. The increased traffic would be flowing one-way only between the cluster of small listed buildings on one side and Three Gables on the other. Yet I note from the statutory list that they are to be treated as a group overall. Hence the larger number of vehicles would be passing through a group of listed buildings, with increased encroachment on their setting and character.

73. The second difficulty relates to the substandard layout of the ghost island and narrow right-turn lane for southbound traffic in Lawn Lane at the Corner Hall junction. The authority showed at the inquiry that some tailbacks would be likely to occur at the morning peak, albeit that your client persuaded it to reduce its original figure of likely frequency. My inspections satisfied me that the effects of these would be accentuated by the inadequate configuration there, which cannot really be remedied within the highway boundary. Paradoxically, right-turning traffic tends to use the through lane so as to achieve an adequate turning radius, whilst through traffic is inclined to cut across the right-turn lane because that it is the straight line. In my view, the introduction of fresh queues into this situation could well add to hazards and congestion.

74. My conclusion on the second main issue is that a scheme with the additional traffic-generation scale of the appeal project would be likely to cause significant congestion, and consequential reductions in safety and amenity, on the adjoining highways. There is no clear solution to this problem. The eventual improvement to main road capacity might well entail more difficulties on the minor roads. Although your client urged me to put into the balance of highway considerations the benefits of rationalising the existing accesses, these are insufficient to offset the highway objection, in my view. For the benefits are more apparent than real. The rationalisation could actually be carried out with the existing uses, in my judgement. But there is no evidence of any real hazard; and to my mind the multiplicity of accesses actually helps the filling station in particular to provide a flexible service to town centre customers.

Urban Regeneration and Renewal

75. The interpretation of this phrase in Structure Plan Policy 65 caused difficulties for the parties; and indeed the Borough Council has represented on the 1991 Alterations that the Plan ought to contain a definition. I consider that the words are not susceptible to a classically concise definition, since they are plainly intended to cover a variety of situations to be assessed on their merits. Nevertheless a strong element of revitalisation would usually seem to be requisite. The County Planning Officer applies tests of whether the site is currently run down, possibly derelict, and of poor environmental quality, with no prospect of any improvement other than through redevelopment for the particularly proposed purpose. This was regarded as too limited an interpretation in the Eagle Star decision, since it was leading to an unacceptable conclusion that the replacement of unsafe buildings involved no element of renewal.

76. In the case of this appeal site, I would accept that the cleared curtilage of the former Centre for the Blind, temporarily in use for the open display of cars, is in need of some regeneration. The curtilage has lost its meaning; and, although the temporary use certainly makes a visual impact, it has little

life of its own. However, a remedy has already been provided for this situation, in the form of the planning permission for 1,900 m² of offices.

77. Your client considered, however, that in the Hertfordshire context currently under-utilised, outmoded or uneconomic sites can qualify for regeneration and renewal; and that the appeal site is characteristic of these. Your client claimed that the garage accommodation is outmoded: but the workshops looked to me to be commodious, well fitted out and equipped, and in a good state of repair. It was also alleged that full and efficient use is not made of the site; and yet it was being very effectively occupied at the time of my inspection, with the vehicle parks and storage compounds particularly full. I have already commented upon the service provided by the filling station.

78. It seems to me that accordingly the question of economic use might well be the real key to the argument, but I consider that a clear distinction has to be drawn in considering this between the public and private interest. Your client has calculated that, due to a corporate decision to reduce the number of franchises, it needs less garage accommodation: and that it would be less disruptive to the business to rebuild the smaller structures on a new site. But there was no evidence adduced of a lack of demand in the trade as a whole for accommodation of the present scale; nor that it is totally uneconomic, as opposed to less profitable, to rebuild on the present site.

79. It was also argued that the appeal site is at an important gateway to the town centre, and that its current form is inappropriate and detracts from its important setting. A redevelopment would allow for a high quality and significant townscape improvement, with an opportunity to achieve major landscaping, so it was said. I seriously doubt whether this argument is germane to the issue of urban regeneration and renewal, but in any event I do not accept it. Whilst the present premises have no particular visual merit, this is far from saying that they ought to be replaced on aesthetic grounds, since such an argument could be repeated far too often, in my judgement.

80. I consider that the Kodak building, Eagle Star site and telephone exchange are the southern gateways to the town centre; and they are effectively defined as such on the development plan. The appeal premises are outside the town centre; and their low-rise form is appropriate in making a break between the gateway towers and the cluster of more modest blocks in the Office Village, in my judgement. Their immediate setting is pleasantly established by the open space to the west and the rising residential neighbourhood to the east, and there is no need to introduce more major landscaping. In any event, the new built form would tend to dominate any landscaping of the appeal project, plus some of the existing open space, in my view: and the landscaping would also be affected to the west by the road improvement. The present gateway blocks do not, to my mind, provide reassurance that a high-rise development would inevitably enhance the townscape.

81. Your client rightly pointed out that, in 1986, the Borough Planning Officer and Council believed that the Two Waters Road/Lawn Lane area presented both a need and opportunity for urban renewal. This was why District Plan Policy 53 was relaxed in relation to it. The Council suggested to me that this attitude applied mainly to the land south of Corner Hall. In fairness to your client, I have to say that this explanation seems to me to be a rationalisation after the event. Nevertheless, if done with the benefit of hindsight in the light of the revitalisation of the Office Village and the Lawn Lane frontages, I consider that the change of heart is justified on the merits. Apart from the cleared site of the former Centre for the Blind, the appeal premises themselves are not in need of being revitalised, in my judgement.

82. Thus I have concluded on this issue that the only cogent element of urban regeneration and renewal in the appeal project would effectively be the redevelopment of the Centre for the Blind, which has already been permitted in any event. The statistical effects of allowing for this have already been taken into account on the housing and highways issues; and so there is no additional offsetting factor to be considered on this score.

Other Planning Benefits

83. However, your client suggested that there would be a number of other planning benefits or advantages which should be taken into account. For a start, it seems that, despite the recession, there is still a healthy demand for prestigious headquarters offices over 9,300 m² in the north-western sector of the M25. It was urged that the offices on offer in Hemel Hempstead, including Eagle Star's, were not large or self-contained or prestigiously central enough to continue to enhance the credibility of the town as a major commercial centre in this sector. My view, after inspecting several other office sites in the town, is that it is currently providing a good variety in terms of both size, security and location. A town of this extent cannot be expected to cater for every niche in the market; and there is no firm indication that this urban area would suffer in any relevant way from the current lack of a committed site for a glamorous, freestanding 12,000 m² block.

84. In particular, I do not accept that the extra job creation would be a significant benefit. There was no evidence that, after recovery from the recession, office-related jobs would be in short supply. Indeed, the indications were the other way.

85. The townscape enhancement potential of the project was somewhat overstated, in my view. Although the appeal site could fairly be described as rather unprepossessing, it is not an eyesore. The town centre gateways and the Office Village should not be visually linked by a large, high-rise structure, in my judgement, since that would give an impression of a sprawl from the centre towards the south, with bulky buildings really dominating the attractive wedge of open space beside the river.

86. At the more detailed level of the listed buildings, I have already noted in paragraph 12 that a proposal of this size could not respect their character. The mass of the structure would rise well above any leafy background provided for the historic group by the new landscaping. Also, if a rear service spur were to be brought in from the appeal site, this would breach both the new landscape screen and the present sense of self-containment. This alternative access could not have the immense advantage claimed for it, in my view, given the above factors and the recent planning appeal decision that a new vehicular archway through No.11 Corner Hall would be acceptable. I consider that there would at best be a marginal balance of benefit to the listed buildings.

87. The Two Waters Road/Plough Improvement is in the TPP Preparation List and the emerging development plan, and so is essentially a planning constraint on the redevelopment of the appeal site, not an opportunity to offer planning advantages. Hence the reservation of land for the scheme is not a benefit but a requirement. It was suggested nevertheless that the avoidance of an encroachment by the eventual road works onto parts of the present filling station and forecourt to the showroom/display area would be a distinct advantage. My tentative view is that, with the aid of accommodation works, it might well be possible to retain a filling station and showroom alongside the improved road. The remainder of the point seems to me to relate implicitly to the amount of compensation payable on compulsory purchase. Even if a correct

implication, which I doubt, the potential reduction in such compensation is not, in my view, a relevant consideration.

88. It was also suggested that the offered capital contribution of £0.5 million to an improvement scheme carried out within 5 years would be a significant benefit, since it was claimed that the highway impact of the appeal project would be negligible. The short point here is that, if the impact truly were negligible, then the contribution would not be related to the development and should not be taken into account at all. In fact I have found in paragraphs 59-69 that the impact is unlikely to be negligible, but that a way of spending the money to offset it has not been identified. In the Eagle Star case the impact would be even greater and the contribution available for a much longer term.

89. Finally, it was claimed that the rear service road provision for the Lawn Lane frontages should again be taken into consideration. This was on the assumption that the frontage property outside the appeal site would indeed benefit from such provision, which your client actually did not accept. I have already made clear in paragraph 14 my view that the underlying public interest rests in the removal of parking and servicing from Lawn Lane. The long term aim should be to adapt the frontage properties for rear servicing if needs be. Again, the mere reservation of land for the service road would be to meet a planning objection, in my view, and so not constitute a planning benefit.

90. However, your client did offer additionally, in late negotiations with the authority, to construct a length of the service road. I accept that any actual construction would go beyond what is required to meet the objection, yet would still be sufficiently related to the development to constitute a material benefit. But negotiations broke down because the length of road would service too few properties to offset overall objections, in the authority's view. Your client was concerned because the authority wished the road to continue across a narrow part of the site so as to inhibit the illustrative project. For my part, I concur with the authority that the benefit from the part-length of service road would be too limited to shift the balance of relevant considerations sufficiently. To my mind, the breakdown of negotiations at this juncture was yet another indication that the appeal development would be out of scale and character with its surroundings, since a less intensive development might have been able to share a complete service road with adjoining properties.

Final Conclusions

91. Drawing together my findings on the main issues, the approved strategy of balancing employment and housing provision is at risk from an overload of employment land commitments. Although there is no objection in principle to the redevelopment of the appeal site for offices, the scale of the appeal project would be likely to exacerbate that overload and add significantly to demand for more housing provision in a Borough which has ongoing capacity difficulties. The approved and even larger Eagle Star development opposite would be on a site with a greater priority for release, and would probably take the Borough to the sustainable limit for the time being of large office developments, apart from special cases.

92. Whilst the redevelopment could physically accommodate the likely line for improvement of the adjacent main distributor road to primary route status, the principal road network serving the site would probably be severely congested by the time of completion of the development, as a result of trunk road changes already set in train. Despite the offer of a financial contribution by the appellant, there is no firm prospect of a short-term solution to this

problem, which the appeal site's traffic would aggravate instead. Although the Eagle Star's traffic generation would have a greater effect, that would be from a town centre site effectively earmarked for major development for some time. Moreover, the particular roads around the appeal site do not appear to have the requisite physical and environmental capacity for the appeal project's scale of traffic in the long term.

93. Only a small proportion of the appeal development would constitute genuine urban regeneration and renewal, whereas about half the Eagle Star project would effectively replace an office block demolished as unsafe. There is, in particular no planning need for high-rise development on the appeal site. Of the several other proffered planning benefits, the length of service road to be constructed would be limited and the overall effect on the nearby listed buildings could only be of marginal advantage. There would appear to be little substance in the other claimed benefits.

94. Accordingly my ultimate conclusion is that the proposal would fail to accord with the approved development plan in its excess provision of business floorspace, and with the emerging plan by disrespecting the character of its surroundings and insufficiently curtailing its traffic generation and highway impact. Its minor element of urban regeneration and renewal, plus all other material planning benefits, would be insufficient to lead to any decision other than dismissing the appeal because of the harm likely to be caused by putting strain on both housing supply and the road network.

Formal Determination

95. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Madam & Gentlemen
Your obedient Servant

C. S. McDonald

C S McDonald MA(Oxon) DMA LMRTPI Solicitor
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