



Dacorum Borough Council

Local Planning Framework

DACORUM SITE ALLOCATIONS DPD EXAMINATION IN PUBLIC

Statement by Dacorum Borough Council

**Matter 15: Proposal S/1: Jarman Fields, St Albans Road,
Hemel Hempstead**

September 2016

Purpose of this statement

The purpose of this statement is to summarise the Council's position regarding the following matters, issues and questions raised by the Inspector in advance of their discussion at the public hearing sessions.

To avoid repetition this statement includes cross references to appropriate technical work and includes relevant extracts as appendices.

Matters raised by Inspector and the Council's response

1. Should the retail floorspace be higher e.g. 10,000sqm, as suggested by a representor?

1.1 The site is allocated for mixed use development including shopping in the Local Plan (Site 3 in the Schedule of Shopping Proposal Sites). Planning permission was granted in 2007 and renewed in 2010 for 6,700 sq. metres of retail warehousing.

1.2 In the Site Allocations Pre-Submission version (examination document SUB17), the planning requirements for Proposal S/1 included the following:

“Proposed use is 6,700 sq m (gross) of non food retail warehousing as per planning permissions 04/00455/07/MFA and 04/00377/10/VOT.”

1.3 The following representation was submitted in response to the Pre-Submission Plan:

“With regard to the Retail Proposal site S/1 the planning requirements should not refer to a specific planning permission with specific consents. This makes the table unsound as any new permissions granted would render this table out of date.”

1.4 The Council's response to this representation, as set out in the Report of Representations Part 2 (Examination Document SUB2), read as follows:

*“**Change required.** On further consideration, the Council agrees that reference to a particular planning permission as a planning requirement is not the best approach. The planning requirements will be amended, although the key principles will be retained.”*

1.5 As a result, Significant Change SC6 in the Site Allocations Focused Changes document (Examination Document (SUB9) proposed that the wording quoted in paragraph 9.2 above be deleted and replaced by:

“Acceptable uses are retail and leisure uses. Approximately 7,000 sqm (gross) of retail floorspace is acceptable, except for the sale and display of clothing and footwear, unless ancillary to the main use of an individual unit.”

1.6 One objection was submitted to Focused Change SC6 (see the Report of Representations Addendum Part 2, Examination Document SUB4). This representation stated that:

“The proposed approximate retail floorspace figure of 7,000sqm is not justified as it is not in line with the Core Strategy, nor does it maximise the use of the site. There is sufficient evidence available to support an indicative floorspace estimate of 10,000sq.m in preference to 7,000sq.m.”

1.7 The Council's response as stated in document SUB 4 was as follows:

“Change required. *The Council accepts that the justification for the 7,000sqm has been weakened with the expiration of the planning permission for retail use on the site which was in existence at the time of writing the Core Strategy and the Pre-Submission Site Allocations DPD. However, it does not consider that there is sufficient evidence to justify a retail floorspace figure of 10,000sqm. The planning requirements will be amended to reflect the need to balance maximising the use of the site with protecting the town centre from harmful impact.”*

1.8 In view of the above, Full Council agreed on 20 January 2016 that Focused Change SC6 should be amended to read as follows:

“Acceptable uses are retail and leisure uses. The nature and scale of development should aim to maximise the use of the site and ensure no significant adverse impact on Hemel Hempstead town centre. The sale and display of clothing and footwear is not acceptable, unless ancillary to the main use of an individual unit.”

The above wording has been included in the Council's Matter 2 Appendices statement as a suggested Minor Change to the submitted plan.

1.9 Since this decision, outline planning permission has been granted on appeal for 10,305 sq. metres (gross internal area) of Class A1 retail floorspace. This proposal involves some 8,000 sq. metres net comparison goods floorspace and 800 sq. metres net convenience goods floorspace. The Council refused the application because of the harmful impact on Hemel Hempstead town centre. However, the appeal was allowed subject to a condition restricting the type of goods sold in order to protect the town centre.

1.10 Although planning permission has now been granted for more than the 10,000 sq. metres referred to by the representor, the Council still favours the wording in paragraph 9.8 above. This provides appropriate flexibility, whilst protecting the town centre.

1.11 In considering this question, the Council has reached the view that a further modification should be made to the Plan in respect of Jarman Fields to reflect the recent appeal decision and provide additional flexibility to the proposal. The appeal decision allows for more than just bulky non-food goods. Therefore, it is proposed that the main uses for Jarman Fields in Table 1 (Out of Centre Retail Locations (updated)) in the submitted plan should be amended as follows:

Delete: *‘Food retailing and bulky, non-food goods. Leisure uses’*

Replace by: *‘Food retailing and non-food goods (excluding clothing and footwear unless ancillary to the main use of a unit). Leisure uses.’*

This proposed change has been included in Appendix 1 to Matter 2 as a proposed Main Modification.

2. Has planning permission been granted for this proposal and if so how much retail floorspace was permitted?

- 2.1 As stated in paragraph 9.9 of the response to Question 1 above, planning permission has recently been granted on appeal for retail development on the Jarman site. This permission is for 10,305 sq. metres (gross internal area) of Class A1 retail floorspace. The proposal involves some 8,000 sq. metres net comparison goods floorspace and 800 sq. metres net convenience goods floorspace.