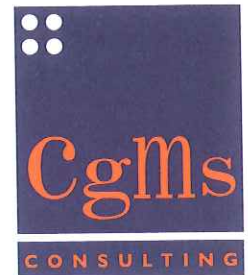


BY COURIER

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24 February 2010

Dear Mr Moore,

**TOWN AND COUNTRY PLANNING ACT 1990
LAND AT THE FORMER HAPPY MAN PUBLIC HOUSE, BERRY LANE,
MILL END, RICKMANSWORTH
(RESUBMISSION) PROPOSED REDEVELOPMENT OF SITE TO
PROVIDE RETAIL USE AT GROUND FLOOR LEVEL AND 4
RESIDENTIAL FLATS ON FIRST FLOOR**

I write on behalf of our client, Tesco Stores Limited, with regard to the above site at the former Happy Man Public House, Berry Lane, Mill End. The proposals are a resubmission of planning application 09/0537/FUL. The application presents a modified scheme with additional supporting information to address the reasons for refusal.

The proposed development would bring back into use a vacant urban site adjacent to a parade of shops for mixed use purposes. The proposal seeks:

- i. the redevelopment of the site with a two storey building to provide a convenience goods store (253sqm net sales floorspace - 377m² gross floor area) and four, two bedroom flats on the first floor.
- ii. the existing access on Tudor Way will be widened and used to serve the proposed 6 car parking spaces for the residential units (including one disabled space) and 9 car parking spaces for the retail unit (including one disabled space).
- iii. An on-site service vehicle standing area is proposed on the south side of the site.

Background to the Proposed Development

The application site was the former Happy Man Public House, which was extensively damaged by fire in 2005 and it currently lies vacant and derelict with the site boarded up.

Tesco's second set of development proposals at the application site were refused by planning committee on 18 June 2009. The application was refused as stated in the decision notice for the following reasons:

1. The proposal is an overdevelopment of the site indicated by the poor layout which results in inadequate delivery access and manoeuvring and a prominent and inappropriate location of a delivery bay fronting the highway, which also encourages commercial traffic through streets. The proposal lacks on site residential amenity space and soft landscaping and the overlooking of neighbouring dwellings exacerbates the overdevelopment of the site resulting in a lowering of residential amenity in the locality and highway safety concerns.
2. The proposed development would, by reason of its scale and siting, result in a prominent and dominating building on this corner location to the detriment of the character and appearance of the streetscene.
3. In the absence of a legal agreement the proposal fails to recognise the impact of the development upon local services.

In response to the stated reasons for refusal, the observations of the Council's Officers and feedback from the Members and local residents, a third revised proposal has been developed which meets the aspirations of all parties.

The planning officer in the committee report concluded the following matters were acceptable:

- i. A mixed use of the site for residential and retail purposes is acceptable in principle.
- ii. There is a quantitative and qualitative retail need for the proposed Express and the introduction of a retail unit complies with the sequential and impact tests.
- iii. The retail provision would maintain the viability and vitality of the adjacent local shopping parade and local centres.
- iv. The amount of retail and residential parking spaces is acceptable.
- v. The building is not considered to result in loss of light to the adjacent residential properties.
- vi. The highways authority had no concerns with the delivery bay or delivery vehicle traffic route subject to limiting the size of the delivery vehicle to a 10.35m rigid.
- vii. The delivery times were accepted subject to reduced times on a Sunday and Bank Holidays.
- viii. The location of the car parking area adjacent to no.125 Tudor Way was considered acceptable.

- ix. The plant location and noise impact were accepted.
- x. The sustainable and renewable energy measures were considered acceptable.

The minor revisions to Tesco's second development proposal mindful of the reasons for refusal are summarised below:

The revised scheme reduces the height of the proposed building from 3 storeys to 2 and therefore the number of flats from 7 to 4no. 2 bed flats. The car parking spaces for the retail remain at 9 spaces but the reduction in flats reduces the number of residential car parking spaces to 6 (1 per flat and 2 visitor spaces). Subsequently this has allowed the introduction of 136sqm of residential amenity space to the rear of the site. Communal amenity space (44sqm) is also provided at first floor level.

At the pre-application meeting held on 7 July 2009 the following matters were raised by the Council's officers:

- i. The scale and height of the proposed 2 storey building are an improvement and reduces the proposed building's prominence.
- ii. The principle of a mixed use scheme is supported.
- iii. Need to further review siting. The officers suggested we should look at better reflecting the building line of the properties on Tudor Way.
- iv. Proposed building line on Berry Lane is acceptable.
- v. Need to reflect existing openness of site.
- vi. The officers stated they had moved away from their position on whether the loading bay at the front of the site will be visually acceptable but we will need to demonstrate it is workable.
- vii. The officers believe we failed to demonstrate the proposed servicing arrangement will work mindful of its relationship to the car parking. Officers requested examples of other stores in residential areas, which the officers could visit.
- viii. On the subject of additional lorry movements through residential areas officers noted they would have to come to a balanced view if this was the only remaining issue.
- ix. The increased residential amenity space is acceptable.

Further to this meeting the scheme has again been amended with the following key revisions and additional information provided to address the officers concerns/reasons for refusal:

- i. The building has been set back from Tudor Way in line with the adjacent properties. This set back, along with the reduction in scale reduces the predominance of the building on this corner location and its appearance from the junction.
- ii. The roof is now hipped and the chimneys are taller and slender, which reduces the dominance of the building and improves the appearance and character in the streetscene.
- iii. The delivery bay has remained at the front of the site. The updated Transport Statement provides examples of similar Express stores where this works and the space is kept clean and obstruction free and is acceptable from a highways perspective. The applicant agrees to a condition which offers no external storage.
- iv. The updated Transport Statement provides details regarding the level of HGVs that are currently utilising Tudor Way and an outline of the effect that the level of commercial vehicles associated with this development will have on the local highway network.
- v. A condition restricting the delivery vehicle to a 10.35m rigid is still proposed.
- vi. A draft S106 Agreement is submitted to address the impact of the development on local services.

It is considered that the reasons for refusal have been addressed by the re-design of the application proposal and additional supporting information provided in the revised Transport Statement. Therefore, all elements of the scheme are considered acceptable. With this in mind this statement supports a re-submission of the planning application, amended to address the revised development.

Content of the Application

I have uploaded the basic documents for this planning application on the planning portal's web site, where documents are too large to be uploaded I hereby attach hard copies. The documents that have been uploaded are this letter and as follows:

- Noise Report prepared KR Associates
- Draft Heads of Terms and S106 Agreement
- A Renewable Energy Feasibility Study prepared by ECSC. This has also been uploaded to the carbon planner website by ECSC

The following documents are issued in print form (3 copies each):

- Planning, Design and Access Statement prepared by CgMs
- Economic Development Assessment (including Retail Assessment) prepared by CgMs
- Transport Statement prepared by Pinnacle Transportation Ltd
- Photographs of the site and surrounding area.
- Site Location Plan
- Design Proposal Drawings prepared by Archer Architects

- 3291 (P)500 – Existing Site Plan
- 3291 (P)200 – Existing Elevations
- 3291 (P)1501B – Proposed Site Plan
- 3291 (P)1503 - Proposed Block Plan
- 3291 (P)1502A – Proposed First Floor and Roof Plans
- 3291 (P)1201A – Proposed Street Elevations (including surrounding context)
- 3291 (P)1202 - Proposed Elevations
- 3291 (P)1125 - Proposed Site Section
- 3291 (P)1601 - Proposed Tudor Parade Improvements Plan

We also attach the planning application fee cheque in the sum of £3,350.

Planning Benefits

The information supporting the planning application addresses the issues raised by the Council's Planning Department, Council Members and local residents at the planning committee and demonstrates the scheme will bring forward the following planning benefits:

- The proportions, materials and detailing of the proposed new building draws upon the character of the area. The new building will not only blend in, but will make a positive contribution to the area.
- The site is located adjacent to Tudor Parade a parade of local shops, and as such the proposed retail store will provide a natural extension to the parade which the Council supports.
- The separate Economic Development Assessment (including retail assessment) shows that there is a clear and definable need for new convenience goods floor space in the area and the Council have accepted the proposal in principle. There are no sequentially preferable sites within the adjacent parade of shops or nearest centre. Therefore, the application site is considered as the next most suitable location. The proposed store would have a positive impact on the vitality and viability of the adjacent parade of shops as accepted by the Council in the previous schemes committee report.
- The redevelopment of the site for a Tesco Express Store and residential units would regenerate a previously developed site and provide environmental enhancement to the adjacent Tudor Parade, which is in accordance with local and national planning policy objectives.
- Pinnacle's Transport Statement demonstrates the revised proposed development has a viable on site servicing option that would not harm the safety of road users, pedestrians or have an adverse strain on parking in the area. The proposed parking levels have been agreed by the Council.
- The redevelopment of the site to include 4 residential units is considered acceptable in principle as well as being confirmed in the previous applications committee report;
- The proposed development will not affect the overall amenity of the surrounding area or people living and working in the local area and the

introduction of trees, planting and landscaping along the frontage and rear softens the boundary between the proposed development and the adjacent dwellings and achieves an enhanced level of privacy.

- The proposed improvements to the adjacent Tudor Parade will enhance the area.
- The proposed development will incorporate sustainable design and construction methodologies. The Energy Report as submitted on the Carbon Planner website provides a 25% CO2 saving in comparison to 2006 building regulations.

It is considered the further revised proposals are entirely consistent with relevant planning policies. The proposals are deemed to reflect the views of Council Officers. Accordingly it is hoped the scheme will be reported to Planning Committee in the near future with a positive recommendation for approval.

I trust that you have all the information you require to register the application. If you have any queries please do not hesitate to contact me at this office. I look forward to receiving confirmation of the registration of the application.

Yours sincerely



Nick Lawrence
Associate Director

Enc.