



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0184/92

M A C Shanks  
350 High Street  
Berkhamsted  
Herts

North Crook Planning Ltd  
The Former Brewery Tap  
3 Shirburn St. Watlington  
Oxon  
OXP 5BU

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

350 High Street/2 Park St., Berkhamsted,

PARTIAL DEMOLITION TO PROVIDE 3 CAR SPACES, USE OF PART OF PREMISES FOR OFFICES (A2) & PART FOR A3

Your application for *full planning permission* dated 18.02.1992 and received on 19.02.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 19.03.1992

(ENC Reasons and Notes)



REASONS FOR REFUSAL  
OF APPLICATION: 4/0184/92

Date of Decision: 19.03.1992

There is inadequate provision for vehicle parking within the site to meet the standards adopted by the local planning authority and the proposed Class A3 use is likely to exacerbate the car parking problems in the surrounding residential roads, giving rise to conditions prejudicial to general highway safety.



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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*JAN*  
*JAM*  
*JCB*

North Crook Planning Department The Former Brewery Tap 3 Shirburn Street WATLINGTON Oxfordshire OX9 5BU						Your Ref: TFN/1cr/51/90	
Dacorum Borough Council						Ack. Our Ref: /A1910/A/92/212065/P4	
DCP	T.C.P.M.	DP.	D.C.	B.C.	Admin.	File	Date:
Received						6 MAY 1993	
Comments							

05 MAY 1993

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY M A C SHANKS  
APPLICATION NO: 4/0184/92FL

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for the partial demolition of the building to provide 3 parking spaces, use of the premises fronting High Street for Class A3 purposes, and change of use of the remainder of the application site fronting Park Street for Class A2 purposes at Park Street Antiques, 350 High Street, Berkhamsted. I held a local inquiry into the appeal on 10 February 1993.

2. Planning permission was granted in March 1992 (ref 4/0183/92FL) for the retention of the premises fronting the High Street for Class A1 purposes and the change of use of the remainder of the building fronting Park Street for Class A2 office use. A small part of the building, some 12.75 sq m, was to be demolished under this application in order to provide three off-street parking spaces, and minor alterations made to the elevations. The application the subject of this appeal involves 22 sq m less Class A2 accommodation but identical car parking arrangements.

3. From consideration of all that I heard and have read and my inspection of the site and its surroundings, I find the main issue is whether or not the level of car parking provision for the proposed development would give rise to conditions prejudicial to general highway safety.

4. The County Structure Plan and modifications were approved in 1992 and with the adopted Dacorum District Plan 1984 form the relevant Development Plan for the area. The appeal proposal complies with the majority of the relevant policies,

and the Council raises no objection in principle to the loss of retail floorspace to a Class A2 or Class A3 use in this location. Policy 19 of the adopted Plan indicates that all proposals for development should include car parking based on the guidelines adopted by the Council.

5. You consider that the proposed Class A3 use would require between 16 and 21 spaces to comply with the emerging standards, whereas the Council considers the project would require at least 24 spaces, although you and the Council agreed that the exact number of spaces would be dependent upon floor area available to customers. The Council, in permitting the change of use of part of the premises to Class A2, has accepted development with a shortfall in car parking provision, as similar parking standards apply to a Class A1 and Class A2 uses. Class A3 use has a higher car parking requirement than the existing Class A1 use, but I find that any harm as a result of the need for parking for a Class A3 use should be assessed on the additional parking requirement over and above the parking required for the shop. I shall now consider whether the additional parking demand could be satisfied or whether it would prejudice highway safety.

6. The appeal site is located towards the periphery of Berkhamsted Town Centre, at the junction of the High Street and Park Street, and adjoins Avica House, an office building, to the south east. Park Street is a predominately residential cul-de-sac, with the terraced houses generally lacking off-street parking. I note there is local concern that a Class A3 use would result in additional demand for the limited available street parking spaces, and a previous application for the retention of the retail unit and the use of the remainder of the premises for Class B1 office use was refused and dismissed on appeal (ref. T/APP/A1910/90/152237/P3). The Inspector found that the failure to provide any spaces for the proposed Class B1 use would increase local parking pressure to an unacceptable degree. The current appeal differs from that previously dismissed in so far as the Class A3 use would front and be accessed from the High Street and the patrons would be unlikely to require all day parking.

7. There are day time parking restrictions outside the appeal premises on the High Street. At the site visit, you and the Council agreed that the daytime parking restrictions do not apply to an area opposite the appeal site which could accommodate about 7 cars, and that the St John's Well Lane free public car park is within a 5 minute walk of the appeal premises. I saw that available High Street spaces were fairly well parked during the day but that space was available in the free car park. Your survey conducted on the 31 July 1992 indicated that space was available in the surrounding streets and the car park at all times of that day.

8. Patrons of a cafe/restaurant trade would be likely to require car parking for a longer period than people visiting a takeaway premises. I am satisfied that in the absence of any

available parking spaces outside the appeal premises, the free car park, which is signed fairly close to the appeal premises, would be used by daytime patrons of a cafe/restaurant. Due to the isolated location of the car park off the High Street, I consider it would be unlikely to be used by patrons at night, but after 18.30 there are no parking restrictions outside the appeal premises on the High Street, and therefore High Street spaces would be available on both sides of the road. Staff car parking may be required close to the appeal premises at times when the High Street parking is still restricted, but there would be provision for 3 spaces within the site.

9. However, I consider that customers of a takeaway use would require short stay parking spaces, and therefore would be unlikely to make use of the available free car park as this would be perceived to be too far away for the limited duration of a visit. In my opinion, a takeaway use would be likely to involve customer parking in the adjoining residential streets, particularly Park Street, if space was unavailable immediately outside the appeal premises. Due to the lack of off-street parking for dwellings in the surrounding residential streets, I consider that this would increase the demand for the limited parking available to an unacceptable degree, and would result in conditions prejudicial to highway safety.

10. The advice in Planning Policy Guidance Note 13 is that space for operational parking will normally be expected to be provided on site, but other factors like the nature of the development, the availability of public car parking nearby and local traffic management policies are relevant. I therefore conclude that although the scheme would not provide parking to the Council's requirements as indicated by policy 19 of the Dacorum District Plan, the additional parking generated by a Class A3 use, excluding a takeaway use, could be accommodated in the area without prejudicing highway safety.

11. You have referred to other Class A3 uses in Berkhamsted many of which I saw at my visit. I do not find them directly comparable or provide a justification for the proposed development, but note that the Council has operated a flexible approach where on-street or public car parks are available to meet any shortfall in the required car parking provision.

12. I have considered the conditions discussed at the inquiry in the light of the advice in Circular 1/85. Due to the restricted amount of new work, I do not find it is necessary to impose a condition in respect of materials. I find it unnecessary to specify the area to which the Class A2 and A3 uses apply as the application drawings are self explanatory. Although you suggest restricting the hours of use to a lunchtime and evening trade only, I do not find a morning or afternoon trade would have any greater impact than a lunchtime trade. I consider the proposed car parking spaces should be provided prior to the use commencing. Due to the effect of additional short term parking on the surrounding residential

streets, I consider it is necessary to restrict the use of the premises within Class A3 to exclude a takeaway use.

13. I have taken into account all other matters raised, but I find no matter of such importance as to outweigh the balance of my conclusions on the planning merits of the case.

14. For the above reasons and in exercise of powers transferred to me, I hereby ~~allow this appeal~~ and grant planning permission for the partial demolition of the building to provide 3 car parking spaces, use of the premises fronting the High Street for Class A3 purposes, and change of use of the remainder of the site fronting Park Street for Class A2 purposes in accordance with the terms of the application (No 4/0184/92FL) dated 18 February 1992 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. the premises shall be used for a restaurant or cafe use only and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order);

3. the restaurant or cafe use hereby permitted shall not be open for business outside the hours of 09.00 and 24.00 on Mondays to Saturdays, and 09.00 and 23.30 on Sundays;

4. the use shall not commence until the area shown on drawing no PD 27.89.6 for vehicle parking has been provided and that area shall not thereafter be used for any purpose other than the parking of vehicles.

15. 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 consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their planning decision within the prescribed period.

16. The developer's attention is drawn to the enclosed note relating to the requirements of the Buildings Regulations 1991 with respect to access for disabled people.

17. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Gentlemen  
Your obedient Servant

*Elizabeth Fieldhouse*

ELIZABETH FIELDHOUSE DipTP DipUD MRTPI  
Inspector

**APPEARANCES**

**FOR THE APPELLANT**

Mr C Newberry - of Counsel, instructed by  
North Crook Planning  
Limited, Agents

**He Called:**

Mr T North BSc(Hons) - North Crook Planning  
DipTP MRTPI Limited, Agents

**FOR THE LOCAL PLANNING AUTHORITY**

Mr S Baker - Solicitor, Dacorum  
Borough Council

**He Called:**

Miss A Bochnacki BSc DipTP - Principal Planning  
MRTPI Officer, Dacorum Borough  
Council

**INTERESTED PERSONS**

Mrs Perry - 6 Park Street,  
Berkhamsted

**DOCUMENTS**

- Document 1 - List of persons present at the Inquiry.
- Document 2 - Notification letter
- Document 3 - Extract from Inspector's report on the  
public inquiry into objections to the  
Dacorum Borough Local Plan
- Document 4 - Council's proposed modifications to  
parts of the Dacorum Borough Local Plan
- Document 5 - Highway Engineers comments in respect  
of proposed development ref.  
4/0184/92FL