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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL GTN 2074

CHIEF EXECUTIVE
OFFICER

21 OCT 1986

File No.
Revised by: *CP021/10*
Cleared

Kingsley Business
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Ref.				Ack.	
Sales	D.P.	D.C.	B.C.	Admin.	File
C.P.O.					
Received				Date	
21 OCT 1986				20 OCT 86	
Comments					

Your reference
PJM/NL/HH3065

18218

Our reference
T/APP/A1910/A/86/051573/P2

Date

20 OCT 86

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR F RAHMAN
APPLICATION NO:- 4/0428/86

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 for the change of use of 21 Queensway, Hemel Hempstead, from a greengrocer's shop to a hot food take-away shop.

2. I have considered the written representations made by you and by the council, together with those made by another party. I inspected the site on 3 September 1986. From my consideration of the representations, and my inspection of the site and its surroundings, it seems to me that the main issues are the effects of the proposed change of use, firstly, on the vitality of this part of the shopping centre of Hemel Hempstead, and secondly, on the safety and free flow of traffic using Queensway.

3. Queensway is not allocated as a primary shopping frontage in the adopted Dacorum District Plan, and therefore non-shop uses will normally be accepted, provided that there is no general shortage of shops in the area and that the proportion of non-shop uses in the immediate vicinity is not already excessive. The council has reviewed the operation of this policy, although it does not appear that this review has been the subject of public participation. In the review Queensway is regarded as a principal shopping area, in which non-shop uses will normally only be granted planning permission if the proposal would not cause a predominance of such uses in the particular frontage.

4. There is a variety of shop and non-shop uses on this part of Queensway and adjacent parts of High Street and Marlowes, and there is no shortage of shops. In terms of the proportion of non-shop uses, your client's proposal would add to the significant proportion of existing non-shop uses on this part of Queensway. However, the high proportion of non-retail shops, and the presence of 2 vacant shops including the appeal premises, suggest that Queensway has already become a street of mixed commercial uses, including shops, rather than a shopping street. The primary shopping frontages of Marlowes are separated from Queensway by frontages where offices and other uses are dominant. Furthermore, a hot food take-away shop, although not a Class I shop in terms of the Use Classes Order, would attract callers, and could be made the subject of a condition requiring some form of window display. Therefore such a shop would not necessarily detract from the existing vitality of Queensway. In these circumstances no material planning objection to your client's proposal arises from an assessment of the first issue.

5. Daytime parking on Queensway is not allowed except on Sundays, and illegal on-street parking is a matter for law enforcement. However, there is no parking provision at the appeal site and the car parking locations which you suggest would involve some walking to the site, whereas on-street parking facilities are provided outside hot food shops on Marlowes. In my opinion a hot food take-away shop is likely to attract more traffic than other types of shop, since trips involving the former tend to be for the specific purpose of purchasing a meal, whereas other types of shopping trips tend to include visits to more than one shop, to take longer, and to involve parking in a location convenient to all shops visited where a car is used. You accept that there would be a parking problem.

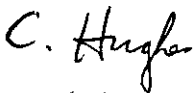
6. Your client's proposal would generate traffic outside normal retail hours, and customers would park at the most convenient location outside the appeal premises. On-street parking reduces both the road width available for moving traffic, the visibility, and I note that Queensway is about 8 m wide outside the appeal site, measured from a plan submitted by the council. On-street parking also adds to hazards because of the necessary stopping and merging movements of parking vehicles. Queensway is situated between the commercial and shopping areas of High Street and Marlowes, to the north and south respectively, and is one of a number of east-west routes across Hemel Hempstead. The frontage which includes the appeal site is located between the roundabout junction with Marlowes, and the junction with High Street, and this short stretch of Queensway also includes a pedestrian crossing. In these circumstances additional on-street parking associated with your client's proposal, even during permitted periods, would interfere with the free flow of traffic, and would increase hazards on a length of road which already requires careful attention on the part of drivers.

7. I found no conclusive evidence of residential uses near No. 21 during my site visit, nor does the council provide evidence of such uses. Nevertheless, although effects on neighbouring residents and on the vitality of the shopping centre are not significant objections to your client's proposal, the traffic objections are sufficient in my view to justify a refusal of planning permission, even taking into account national policies to encourage commercial development and small businesses.

8. I have taken into account the other matters raised, including arguments that no need exists, but all of these matters are outweighed by the considerations leading to my decision.

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

I am Gentlemen
Your obedient Servant



C HUGHES BA(Hons) DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

BH

DACORUM BOROUGH COUNCIL

To Mr. Fayzur Ranman,
89 John Walsh Tower,
Montague Road,
Leytonstone

Kingsley Business Sales
97A Waterhouse Street,
Hemel Hempstead,
Herts, HP1 1ED

Change of use of Retail Shop for the Sale of
Hot Food.

at 21 Queensway, Hemel Hempstead

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 27.3.86 and received with sufficient particulars on 21.5.86 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

- (1) The proposed development would be contrary to the provisions of Policy 90 of the Dacorum District Plan inasmuch as the proposal will result in the loss of another shop unit in an area where there already exists a predominance of non-shop uses.
- (2) The site is devoid of adequate car parking facilities and the development would, if permitted, lead to visitors cars being parked in the adjoining highway proving detrimental to the safety and free flow of other traffic.
- (3) The proposed use would prove injurious to the amenity of nearby residential uses by reason of cooking odours and visitors activities during unsocial hours.

Dated 15 day of May 1986

Signed 

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.