

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

## DACORUM BOROUGH COUNCIL

To R W Commercials  
Mill Street Garage  
Mill Street  
Apsley  
Hemel Hempstead

Payne Cullen Partnership  
101 High Street  
Tring

Demolition of part of existing buildings and  
erection of workshop building, outline application  
at Mill Street Garage, Mill Street, 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 4th April 1985 and received with sufficient particulars on 10th April 1985 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 is contrary to the provisions of policy 48 (a) of the Approved Dacorum District Plan as the site is not located within either an existing Industrial area or in an area shown for industrial development on the "Proposals Map".
- (2) The proposed development would constitute a condolidation and intensification of a use which has not been "established" to the satisfaction of the local planning authority and would lead to increased use of the site by heavy commercial traffic which would be a potential hazard on the adjacent highways which, because of inadequate width and construction are unsuitable for such additional traffic.
- (3) The proposed development is excessive on a site which is inadequate to accommodate satisfactorily the proposal together with the necessary amenities, vehicle parking facilities, turning and manoeuvring facilities and landscaping.
- (4) The proposed development would conflict with the line of the proposed "Apsley Relief Road" which crosses and incorporates the site.

Dated 6th day of June 1985

Signed



Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

#### 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.

# Department of the Environment and Department of Transport

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CHIEF EXECUTIVE  
OFFICER

19 MAY 1986

File Ref. ....

Date of ...

Signed ...



Messrs Payne Cullen Partnership  
101 High Street  
TRING  
Herts  
HP23 4AB

1) MB  
2) CB  
3) ~~DB~~  
4) Team 1

Your reference

767

Our reference

T/APP/A1910/A/85/0415/3/P5

Date

PLANNING DEPARTMENT  
DACORUM DISTRICT COUNCIL

Ref.

13 MAY 86

Ack

C.P.O.

D.P.

D.C.

B.C.

Admin.

File

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY R W COMMERCIALS  
APPLICATION NO: 4/0466/85

Received 19 MAY 1986

Comments

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 outline planning permission for the erection of a workshop building following demolition of part of existing buildings at Mill Street Garage, Mill Street, Apsley, Hemel Hempstead. I have considered the written representations made by you, the council and an interested person. I inspected the site on Thursday 27 March 1986.

2. From my inspection of the appeal site and surroundings and from the representations made, I am of the opinion that the main issues are whether the proposed development would increase traffic danger or congestion in the vicinity and whether it would prejudice the implementation of the proposed Apsley Relief Road.

3. I note that your client's commercial vehicle repair garage consists of 4 sections built at different times, with a total floor area of about 180 sq m. Two of the sections containing about 110 sq m are to be demolished and a new extension of about 189 sq m floor area is proposed to be erected. This would result in a garage of about 259 sq m floor area, including 2 long workshop bays, with a more effective layout for handling commercial vehicles under repair.

4. Since the premises are not within an existing or proposed industrial area that is identified on the District Plan, the proposal would not fall to be considered under Policy 48(a), but under Policy 48(c) as a relatively small industrial site which would be considered in the light of other policies relating to design and environmental guidelines. In this regard, the site is included in a General Improvement Area but I saw that it is in an area between industrial premises and shops, and most houses are situated away from the immediate vicinity to the south-west of London Road and to the north-west of Durrants Hill Road.

5. The buildings are situated towards the west side of the site, so that much of the part that would be available for open parking consists of the strip of land on the east side which is about 9 m in width and 45 m in depth. It forms part of the application site but it is occupied by your clients on a yearly arrangement which the owners, who operate the large industrial premises and associated car parking nearby, describe as strictly temporary short term without the security provisions of the Landlord and Tenant Act 1954. Although there is no suggestion that this arrangement will be terminated in the near future, I must take account of the possibility that this part of the site might not continue to be available, leaving your client with open land that is limited to little more than the forecourt of about 9 m-12 m in depth across the remaining 16 m Mill Street frontage.

6. The narrow width of Mill Street, which is only effectively open for the passage of commercial vehicles at one end, and the busy traffic conditions on Durrants Hill Road and London Road limits their possible use for parking and manoeuvring vehicles associated with your clients' business without exacerbating the situation that they already create by causing the congestion of Mill Street and its junction with London Road/Durrants Hill Road, and potential danger to road users, particularly those including many children who use Apsley Community Centre which is directly across the road. Although I accept that the additional workshop bay would enable repair work to be continued on a vehicle without the need to take it outside between stages, it would also increase significantly the number of vehicles that your client could handle so that adequate on-site waiting and manoeuvring space would be needed, even taking account of the reception of vehicles for repair by appointment by your clients, which is widely used by most repair garages.

7. In estimating the amount of open parking space that is likely to be needed I have had regard to the circumstances and to the council's normal planning standards that are applied to repair garages. The proposed 2 long workshop bays would enable at least 2, and possibly up to 4, commercial vehicles to be under repair at the same time. I would therefore expect there to be about 8 other commercial vehicles on the site awaiting repair or dispatch but I consider that the forecourt between the workshop entrance doors and Mill Street should be left clear for vehicles manoeuvring, and out of the workshop. Based on the number of cars likely to be used by the total of 8 employees, which includes 2 extra which your clients could employ as a result of the proposed development, and the ancillary vehicles which would be operated as part of your clients' business, I consider that space would be needed to park about 8 more vehicles. The siting of the building would prevent the effective parking use of the space between it and the site boundaries to Durrants Hill Road and to the public toilets, although about 4 vehicles could be parked near the latter boundary with direct access to the forecourt. This would still leave a need for parking space for the remaining 4 vehicles, plus 8 commercial vehicles. The rest of the site, the 9 m wide strip, is inadequate in size and shape to accommodate that number of vehicles with reasonable space for them to be manoeuvred in and out.

8. While the proposed development would provide extra employment in this small business, it is based on the use of old buildings that were erected and used as a garage in the different circumstances that prevailed years ago. Their replacement and enlargement with permanent buildings without adequate space to accommodate the parking and manoeuvring of associated vehicles would result in increased use by vehicles, which would further congest Mill Street and increase the danger to other road users, including persons visiting the Community Centre. Furthermore, this situation would be dramatically worsened if the 9 m strip of land were no longer available because there would be very little open land left for parking on the site.

9. I note that the appeal site is on the line of the proposed Apsley Relief Road, which is intended to by-pass a short section of shops, and community uses on this part of London Road, the A41 trunk road. This proposal is contained in the District Plan and is on the County Council's reserve list for inclusion in the 1986/1987 TPP submission so that the prospects for its construction, although not imminent, appear real. Even if the site was sufficiently large and permanent to provide adequate parking and manoeuvring space, I regard the amount of new permanent building proposed as conflicting with the provision of the relief road.

10. I have taken account of all the other matters in the representations, including the long period that your Clients' business has been established, but I regard traffic conditions in Mill Street and the prospect of Apsley Relief Road as interests of acknowledged importance, and I do not consider that the other matters outweigh the considerations that led me to my decision.

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

I am Gentlemen  
Your obedient Servant

*D. J. Tuckett*  
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D J TUCKETT ARICS MRTPI  
Inspector