

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To
Bride Hall Developments Limited
56 Grosvenor Street
LONDON W1X 9DA

Fuller Hall & Foulsham(Hemel)
81A Marlowes
Hemel Hempstead
Herts

Erection of Office Building (Outline)

at White Lion Public House, Queensway,
Hemel Hempstead, Herts.

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 26.5.88 and received with sufficient particulars on 26.5.88 and shown on the plan(s) accompanying such application.

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

The proposed development is contrary to Policy 53 of the Dacorum District Plan which aims to restrict new office development to the commercial area of the town centres of Hemel Hempstead, Berkhamsted and Tring, as defined on the Proposals Map. The introduction of office development onto this site would not be in keeping with the primarily residential nature of surrounding properties, and would have a detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated FOURTEENTH day of JULY 1988

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.



**Planning Inspectorate
Department of the Environment**

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28329

**CHIEF EXECUTIVE
OFFICER**

15 FEB 1989

File Ref.

Refer to ... 280 132 ...

Cleared

Messrs Fuller Hall & Foulsham (Hemel Hempstead)

81A Marlowes

HEMEL HEMPSTEAD

Herts

HP1 1LF

Your reference PRB/JDS/4111

Our reference

T/APP/A1910/A/88/100750/P6

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
APPEAL BY BRIDE HALL DEVELOPMENTS LTD
APPLICATION NO: 4/1000/88

Date		14 FEB 89	
RM	100750/P6		
CPC	100750/P6		
SCHEDULE 9		15 FEB 1989	
Received		15 FEB 1989	
Comments			

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision, by the Dacorum Borough Council, to refuse outline planning permission for the erection of a building for Class A2 use, as defined in the Town and Country Planning (Use Classes) Order 1987, on the site of the White Lion Public House, Queensway, Hemel Hempstead. Details of the siting, design and external appearance of the proposed building, of the means of access to it, and the landscaping of the site were reserved for subsequent approval. I have considered the written representations made by you, the Council and interested persons, including a petition with some 30 signatures, and also the representations made to the Council. I inspected the site on 17 January 1989.

2. Although the application was made in outline and the accompanying plan is marked as illustrative, I note that the floorspace of the proposed building is given on the application form as 1279 sq m and I have therefore considered this appeal on the basis that the proposal is to erect a building of that order of size.

3. From my inspection and study of the representations I find that the main issues in the appeal are whether the redevelopment of the White Lion for office purposes would be so prejudicial to the Council's policies for the restraint of office development, or so harmful to the amenities of neighbouring residents, that the refusal of planning permission is justified.

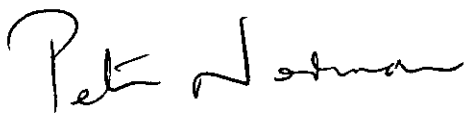
4. You have explained that, owing largely to the expansion of Hemel Hempstead beyond the original brief for the New Town, there is a substantial unmet demand for office accommodation for small professional firms. The authority do not question the demand, but point out that your clients' proposal is contrary to Policy 53 of the relevant Local Plan, adopted in 1984. That policy seeks to restrict office development to the commercial area of the town centre as defined on the Proposals Map, in order to control the total growth of offices in the District. The Plan justifies this control by reference to the pressure for additional housing to which office development gives rise and, even within the commercial area, permission for offices is normally to be restricted to firms serving the local community.

5. The appeal site is outside the commercial area defined in the Plan, but in your view it is well located to provide for the overflow of demand from the High Street and Marlowes. My attention was drawn to other office uses in the vicinity and the authority concede that permission for office development has been granted on at least three sites close to the White Lion, though largely for reasons connected with conservation objectives and the history of the sites concerned. You also make the point that the proposed building would be designed to meet the needs of local professional firms, and therefore have little or no effect on the housing market. I agree that offices restricted to Class A2 use might be expected to generate less demand for housing than a building available for business use (Class B1), and bearing in mind the authority's acceptance that there is an unmet demand for professional offices I have considered whether your clients' proposal ought to be permitted as an exception to the location policy set out in the Local Plan.

6. The Council and a number of local residents have, however, expressed concern about the effect of an office block of the scale proposed on the surrounding area. Objections to the massing and design of the building shown on the illustrative drawings are, as you say, out of place when considering an outline application but I note that the reduction to a minimum of the impact on other uses is a further justification given by the Local Plan for restricting office development to the town centre. In this instance I have formed the view as a result of my inspection that, notwithstanding the proposed two-storey elevation to Queensway, the building illustrated would be out of proportion and overbearing in the context of the houses to the south and east. Bearing in mind the requirement for parking spaces, I consider that any alternative design for this site accommodating the proposed amount of office floorspace would almost certainly produce an equally dominant building, out of keeping in its size, appearance and activity with what is still a mainly residential area. Therefore, having taken into account all the points made in the representations, I have come to the conclusion that in these circumstances the Local Plan policy to restrict new offices to town centre sites is justified, and that the Council's decision should be upheld.

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

I am Gentlemen
Your obedient Servant



PETER NORMAN MA MRTPI
Inspector

therefore contrary to Policy 53 of the District Plan which aims to restrict offices to the Commercial Area, and, whilst the site is fairly close to the town centre and Old High Street, it is within a primarily residential area and not within a shopping area where it would be more appropriately located.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reason:

The proposed development is contrary to Policy 53 of the Dacorum District Plan which aims to restrict new office development to the commercial area of the town centres of Hemel Hempstead, Berkhamsted and Tring, as defined on the Proposals Map. The introduction of office development onto this site would not be in keeping with the primarily residential nature of surrounding properties, and would have a detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

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