



# The Planning Inspectorate

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

C/529AX/HAS/P

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Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DL

Direct Line 0272-218927  
Switchboard 0272-218811  
Fax No 0272-218769  
GTN 1374

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL			
	Ack	Admin.	File
Lawson, P. J.			
Chartered Surveyors B.C.			
95 Week Street			
MAIDSTONE			
ME14 1QX			
13 AUG 1993			
Received			
Comments			

Date: 12 AUG 1993

Your Ref: 2020/ERW/DIW  
Our Ref: T/APP/A1910/A/93/222623/P4

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY DIXONS PROPERTY SERVICES LTD  
APPLICATION NO: 4/1166/92

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 216-218 The Marlowes, Hemel Hempstead from Class A1 (retail) to Class A2 (financial and professional services) or A3 (food and drink). I have considered the written representations made by you and by the Council. I inspected the site on 5 July 1993.
2. From my inspection of the site and its surroundings and in consideration of the representations made I consider the main issue in this case is the effect of the appeal proposal on the continuity, vitality and attractiveness of the Hemel Hempstead shopping centre.
3. The development plan for the area is the First Alteration to the Hertfordshire County Structure Plan 1992 and the Dacorum District Plan 1984. The District Plan policies accord with those of the Structure Plan and seek to maintain uninterrupted shopping frontages in the main retail core of shopping centres in order to sustain the viability and vitality of existing town centres. To secure this, shopping areas are designated as primary or secondary and mixed shopping frontages. In primary frontages non-retail uses of retail premises will normally be refused. The appeal premises are designated within the District Plan as in a primary frontage.
4. The Dacorum Borough Local Plan Deposit Draft has recently been the subject of a Local Plan Inquiry. The Inspector's report has endorsed the general thrust of Policy 39 of the draft Plan which confirms the subdivision of shopping frontages into main and mixed areas. In main shopping

frontages no further loss of shops will be permitted at street level.

5. The Local Plan Inspector's report refers to DCPN11 which contains Government policy on service uses in shopping areas and encourages the approach of the Council in dividing the shopping areas into 2 component parts. Vitality of the shopping area depends on the number of people it can attract. Policies designed to maintain or strengthen the dominant retail element by controlling or restricting non-retail use of shop premises in primary shopping areas are seen as justified. This is a matter of judgement for the Council in the light of prevailing circumstances including the type of centre and trends in usage there.

6. Government advice is further contained in Circular 13/87 which seeks to expand upon and explain the Town and Country Planning (Use Classes) Order 1987. The Order created a financial and property service class (A2) and a food and drink class (A3). Class A2 is for those business uses other than shops where there is a substantial element of direct service to the general public, justifying a shopping street location. The class is designed to allow flexibility within a sector which is expanding and diversifying. It reflects that such uses can be part of an established shopping scene and that other, newer financial and professional services need to be in shop type premises. Class A3 allows catering outlets to adapt to changing trends and demands for speed. The essence of the uses within Classes A2 and A3 is the provision of services principally to visiting members of the public. The contribution of Class A2 and A3 uses to the vitality of shopping areas is acknowledged in the circular. The distinction between shops and Class A2 and A3 uses clearly reaffirms the Government's acceptance of the need to control the mix of such uses in town centres.

7. Mindful of the provisions of Section 54A of the Town and Country Planning Act 1990, I have noted that the Council's policies with regard to the town centre core have been consistent over a number of years being incorporated in the 1984 District plan and reaffirmed in the emerging Local Plan. In view of the progress of the Local Plan through the statutory stages to adoption, I attach considerable weight to these policies.

8. The appeal premises are located in The Marlowes, the main retail shopping street in Hemel Hempstead town centre. The premises are opposite the entrance to a new shopping centre and stand on the corner of Bank Court, a pedestrian access to car parks. A pedestrianisation scheme is in progress which seeks to reflect and enhance the prominent role of The Marlowes as the main shopping centre of the town. At the time of my visit I noted a number of empty shops and a limited number of A3 uses.

9. The appeal site is very prominent on a corner location in a shopping centre, the future pattern of trading in which could change with the recent opening of The Marlowes Centre, a

new shopping mall. It strikes me as important that the contribution of The Marlowes to the vitality of Hemel Hempstead as a shopping centre should be maintained by the retention of existing retail premises. It is needed to complement and counter-balance The Marlowes Centre to ensure the expansion in shopping facilities which the centre represents is sustained to the benefit of the local economy and the attractiveness of the shopping centre.

10. Each application must be treated on its merits notwithstanding the restrictive wording of Policy 39 with regard to primary shopping frontages. Whilst A2 and A3 uses may contribute to the vitality of the shopping centre, it seems to me that the particularly prominent location of the appeal site, linking the primary shopping area with Bank Court, renders it particularly valuable in its contribution to the attractiveness and continuity of The Marlowes as a shopping centre.

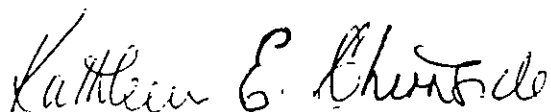
11. Policy 39 provides clear guidance with regard to mixed frontages. The Council's policies accord with Government policy to retain the retail core. I do not consider that the policies fail to reflect the Use Classes Order. The new Classes A2 and A3 were devised to enable planning control to be maintained over proposals involving the conversion of shops for purposes other than for the retail sale of goods, whilst permitting free interchange within a wide range of service uses.

12. In the light of the existing and emerging Local Plan policies and the prominent location of the site I consider that it contributes to the vitality of the Hemel Hempstead shopping centre as a retail unit and should remain in retail use.

13. I have considered all the other matters drawn to my attention but nothing leads me to take any other view on the main issue in this case.

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

Yours faithfully



MRS K E CHIRNSIDE LLB Solicitor  
Inspector