

C/123/RE/P

**Department of the Environment and  
Department of Transport**

Common Services

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL						
Ref.	C.P.O.	D.P.	D.C.	D.C.	Act.	
					Admin.	File
Received				- 8 AUG 1983		
Comments						
Your reference						
NA/BAH						
Our reference						
T/APP/5252/A/83/1101/PMS						
Date						
- 5 AUG 83						

Messrs Aitchisons  
Chartered Surveyors  
63, Marlborough  
Hemel Hempstead  
Herts  
HP1 1LE

Your reference

Our reference

T/APP/5252/A/83/1101/PMS

Date

- 5 AUG 83

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY W H LAVERS AND SONS LTD  
APPLICATION NO: 4/1177/82

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the construction of a 2-storey office building on land at Corner Hall Wharf, Lawn Lane, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by other interested persons. I inspected the site on 2 June 1983.

2. From my inspection of the site and surroundings and consideration of the representations made, it is my opinion that the main issue is whether there are special circumstances to justify the development proposed outside the commercial area of Hemel Hempstead town centre and if so whether the appeal site is an appropriate location.

3. The statutory policy in the approved Structure Plan regarding office development seeks to restrict office development to firms serving the local community, requiring a Hertfordshire location in the regional or national interest, or which would provide an essential ancillary use to an existing industrial business. This policy is re-iterated in the draft Dacorum District Plan which identifies Hemel Hempstead as a principal location for office development but normally restricting new floorspace to the commercial area of the town centre. Your clients' site is outside that area and within an area allocated for industrial purposes.

4. There is vacant office floorspace in the commercial town centre zone but I understand that you have been unable to find premises which would provide the ground floor space required for the unemployment benefit office for which the appeal proposals are intended. You also pointed out that the Council generally resist ground floor office uses in the town centre on the grounds that they interfere with the shopping function of the centre. Furthermore although the Council suggest that a higher standard of car parking would be available for town centre offices, it is your opinion that on-site parking can be more easily provided on the appeal site and that the 22 spaces proposed exceed the Council's normal standards for such development. You suggest that in view of the nature of the existing and proposed development in the wedge of land between Lawn Lane and Two Waters Road, there is a good case for extending the commercial zoning south to include the area. That however is not an appropriate matter for my decision but should be dealt with during the normal Local Plan preparation procedures.

5. The Council intend that potential sites for further industrial development should be protected despite the current volume of floorspace available. They consider that although the appeal proposal is intended to accommodate an acceptable local user, only offices ancillary to an industrial firm should be permitted on the appeal site. They do not accept your contention that further land should be brought forward if a shortage arises. You point out however that the appeal site occupies only 0.33 acre and leaves a substantial area for future industrial development if your clients ever found a need to release land. I noted that the appellants have been gradually upgrading their operational buildings and that with the use of modern equipment and methods, the appeal site is no longer required. Planning permission was earlier granted for a new access and warehouse on the site.

6. Bearing in mind that the proposed offices are for an acceptable user in policy terms, I am of the opinion that in the absence of any evidence that there are undeveloped sites available in the allocated commercial centre the appeal proposals are acceptable in principle in that there is an overriding need for suitable premises for the unemployment benefit office. I have noted that the Council consider the site poorly related to public transport facilities and that local residents are concerned particularly about the visual impact of the proposed building on the character of the surrounding residential area. Although not an ideal location, public transport facilities do run past the site. The topography of the area and the orientation of the dwellings opposite the site is in my opinion such that the proposed building will not be intrusive and given the industrial allocation and variety of buildings in the area, although I do not consider the proposed office building to have any domestic or visual merit, I do not consider these objections are overriding. A detailed landscaping scheme will be necessary.

7. The Council consider that if permission is granted that it should be restricted to occupancy by the Department of Employment. The Structure Plan requires that any office development permitted should be the subject of an occupancy condition restricting it to firms and companies carrying on activities in accordance with Structure Plan Policy 6. In my opinion in the present case, an occupancy condition restricting its occupation by the Department of Employment in the first instance and thereafter in accordance with that Structure Plan policy would be more appropriate. An unrestricted permission would not be acceptable in this case where only the special circumstances involved justify departing from the District Council's policy.

8. I have considered all the other matters in the representations including the possible traffic hazards involved but there is nothing of sufficient weight to override those that have led me to my decision to permit the development subject to an occupancy condition and the submission of a landscaping scheme.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the construction of a 2-storey office building on land at Corner Hall Wharf, Lawn Lane, Hemel Hempstead in accordance with the terms of the application (No. 4/1177/82) dated 28 September 1982 and the plan submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. the premises shall be used only by the Department of Employment in the first instance and thereafter by a firm or company carrying on activities in accordance with Policy 6 of the approved Hertfordshire County Structure Plan;
3. before the development is commenced approval of the details of landscaping the site shall be obtained from the Planning Authority.

10. Attention is drawn to the fact that 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 approval is refused or granted conditionally or if the authority fails to give notice of their decision within the prescribed period.

11. Your clients attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

12. This letter does not convey any approval or consent which may be required under any enactment, bylaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen  
Your obedient Servant

*Gordon M. Pain*  
MISS G M PAIN MA DipTp(Lond) MRTPI  
Inspector

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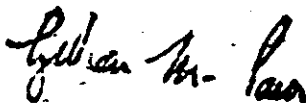
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