

Town Planning

4/1363/84

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACRUM

IN THE COUNTY OF HERTFORD

To

Boxmoor Bureau (Staff Recruitment) Ltd.,
5a Marlowes,
Hemel Hempstead,
Herts.

..... Continued use of first floor as employment agency

at 5a Marlowes, 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 permit the development proposed by you in your application dated 17th October 1984 and received with sufficient particulars on 19th October 1984 and shown on the plan(s) accompanying such application, subject to the following conditions:—

- (1) The development to which this permission relates shall be begun within a period of years commencing on the date of this notice.....

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

~~(1) To comply with the requirements of Section 41 of the Town & Country Planning Act 1971.~~

Dated.....29th.....day of.....November.....19.84.....

Signed.....

Colin Barnard

DesignationChief Planning Officer

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1.) 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.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.

(4) 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 section 169 of the Town and Country Planning Act 1971.

4/1363/84. CONTINUED USE OF FIRST FLOOR AS EMPLOYMENT AGENCY.

5A MARLOWES, HEMEL HEMPSTEAD.

APPLICANT: BOXMOOR BUREAU (STAFF RECRUITMENT) LTD

DESCRIPTION - No. 5a is the upper floor of a two-storey building situated towards the northern end of The Parade in Marlowes. The ground floor is occupied as a retail shop. There is a separate access within the shop frontage along Marlowes, with a staircase to the first floor, which is occupied by Boxmoor Bureau as an employment agency. This use has existed on a temporary basis since 1971. The most recent permission is due to expire on 31st December 1984 and this application seeks to renew the permission. The area of the upper floor measures approximately 75 sq m (810 sq ft).

POLICIES

County Structure Plan	:	Policy 6
Dacorum District Plan	:	Commercial Area. Policies 19, 53 and 72

REPRESENTATIONS

Director of Technical Services	:	The lack of car parking applies to all the shops in the Broadway and The Parade in upper Marlowes. In the circumstances, there could be no highway grounds for refusal alone.
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CONSIDERATIONS - No. 5 Marlowes was originally constructed as a single-storey shop in 1932. It was later extended by the construction of a first floor for staff rooms and storage space ancillary to the retail use on the ground floor. It is this first floor which is the subject of the current application. Permission was granted in 1968 for the change of use of the ground floor shop to a launderette. At this time, it was noted that the first floor was being used as a flat. To rectify this unauthorised use, a planning application was submitted in 1968 but this was subsequently withdrawn, and was followed by an application in 1970 to convert the first floor to an employment agency. A separate entrance from Marlowes and new staircase were also proposed. Permission was granted on a temporary basis until December 1975 and a condition was imposed limiting the premises to be used as an employment agency only by the applicant. A later permission in 1971 modified this latter condition to read 'The premises to which this permission relates shall be used as an Employment Agency only'. Subsequent permissions were granted in respect of a new frontage to the ground floor entrance in 1974 and a small first floor extension to the offices in 1979. When the application for the use of No. 5a as an employment agency was first permitted, the site was within an area zoned for residential purposes on the draft Town Map. It was considered that an employment bureau would be the least objectionable of the separate commercial uses to which the first floor

could be put. Account was taken of the previous commercial use of the whole of the premises.

The conditions limiting the duration and use of the premises were imposed to allow the local planning authority to retain some control over the use in view of the zoning of the site, the possible detrimental effect on the adjacent residential units and also the lack of car parking. The permission has been renewed on two occasions (1975 and 1979) when a 5 year time limit was imposed in both cases, although it was recognised that the employment agency had not given rise to any particular problems. A report to Development Control Committee on 13th October 1983 detailed the circumstances in which planning permission might be granted for changes of use of upper floors at The Parade, Marlowes. Most of these upper floors were originally constructed as flats. It was recognised that policies as currently stated do allow the Council some discretion when considering applications for change of use from residential to other uses, although this is limited to resolving whether or not the residential unit is 'satisfactory'. It was accepted at that meeting that when dealing with the units above The Parade policy discretion should only apply in exceptional cases, since the residential accommodation provided was considered better than most comparable flats in the district. In the case of No 5a Marlowes, however, the upper floor has never had an authorised use for residential purposes, so the adopted guidelines are not applicable. Both floors of this two storey unit were constructed for commercial purposes, therefore the building does not conform with the general pattern of development in The Parade where the units are mainly shops with two floors of residential accommodation above. The site is within the Commercial Area of the town centre where office uses are generally accepted. The major objection relating to the continued use of the premises for offices is that there is no car parking on site. The authorised use of No 5a has always been for commercial purposes; it would be unrealistic to expect the use to revert back to space ancillary to the retail use of the ground floor, therefore a separate commercial use is a reasonable alternative. It was accepted in 1971 that an employment agency is the "least objectionable" commercial use. Since the existing bureau does not appear to have caused any particular problems, and bearing in mind the comments of the Director of Technical Services, this specialist use could be granted on a permanent basis.

RECOMMENDATION - That unconditional planning permission be
GRANTED (on form DC3)

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