

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the BOROUGH OF Hazel Hempstead
URBAN DISTRICT OF
RURAL DISTRICT OF

TOWN & COUNTRY PLANNING ACT, 1962

To

W.V.Saunders Ltd.,
Two Waters Road,
Hazel Hempstead.

Whose agents are:-
W.P.Johnson and Associates,
39a High Street,
Hazel Hempstead.

Construction of vehicle repair shop, showrooms, etc.
off London Road, Hazel Hempstead.

Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby permit the development proposed by you in your application dated 12th January 1963 and received with sufficient particulars on 17th February 1963 (as amended) and shewn on the plan(s) 8410/1 accompanying such application, subject to the following conditions:-

- 1. All new development shall be set behind the widening line for the Trunk Road.
2. No direct access, vehicular or pedestrian, shall be permitted to the Trunk Road; all such access shall be confined to the side road (Road 152) and sited in accordance with the applicant's drawing numbered 150.51 and 150.50.
3. Provision shall be made within the curtilage of the site simultaneously with the carrying out of the development hereby permitted for the parking of vehicles in accordance with the amended plan No.8410/1 showing 32 spaces for commercial vehicles and 30 spaces for other vehicles, and such provision shall be kept continuously available during the use of the buildings for the purposes hereby approved.
4. A scheme for landscaping the site shall be submitted to the local planning authority for their approval not later than six months after the commencement of the development hereby permitted, and the scheme as approved shall be completed within one year after the date of such approval and thereafter maintained to the reasonable satisfaction of the local planning authority.

PLEASE SEE NOTES OVERLEAF
Please Turn Over

The permission referred to in this notice does not constitute:-

- (i) A consent under section 75 of the Highways Act 1959
- (ii) A passing of the plans or a consent for any of the purposes of the Public Health Act 1936 as amended;
- (iii) A consent under the Public Health (Drainage of Trade Premises) Act, 1937;
- (iv) An approval under the Clean Air Act, 1956;
- (v) A passing of plans under the Thermal Insulation Act, 1957.

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

1. So that the future improvement of the Trunk Road shall be safeguarded.
2. So that the proposed development shall have the least possible adverse effect upon the Trunk Road traffic conditions.
3. To ensure the use of the buildings is not prejudicial to the safety and free flow of traffic on the adjoining highways.
4. In order to enhance the appearance of the development and the locality generally.

Dated 15th day of June 1965

*C. W. [Signature]*

Town Clerk/Surveyor of the Council.

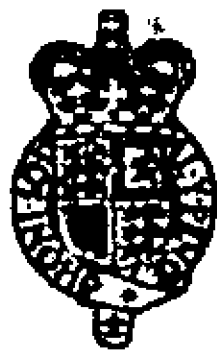
NOTE.

(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 grant permission or approval subject to conditions, he may by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provisions of Section 17(1), 18(1) and 38 of the Act and 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 Minister of Housing and Local Government, 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 Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 and Part VI of the Town and Country Planning Act, 1962.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON S.W.1

Telex: 22801 Telegrams: Locaplan London S.W.1

Telephone: Whitehall 4300, ext. 79

Trafalgar 8020

Please address any reply to  
THE SECRETARY

and quote: APP/1199/A/89224

Your reference: K/W 2092

RECORDED  
73 DEC 1965

20th December 1965

*[Handwritten signature]*

Sir,

Town and Country Planning Act 1962: Section 23  
Appeal by W. W. Saunders Ltd.

1. I am directed by the Minister of Housing and Local Government to say that he has considered the report of his Inspector, Mr. V. H. Loney, A.R.I.B.A., M.T.P.I., on the local inquiry into the appeal against the refusal of the Hemel Hempstead Borough Council, acting on behalf of the Hertfordshire County Council, to permit the erection of workshops and body repair shops for commercial and private vehicles, stores, offices, car showrooms and petrol filling station on land at London Road, Two Waters, Hemel Hempstead.

2. The Inspector concluded that objection on grounds of excessive traffic hazards had not been made out because:

- (a) the principal roads concerned were planned to revert to minor traffic routes, and were likely to do so in the not too distant future;
- (b) the suggested suitability of the frontage for a bus bay would appear to nullify, at least in part, the contention that an access only at the same point would give rise to unwarranted traffic hazards;..
- (c) that, in any event, a suitable alternative site for the bus bay could be found at a point where vehicular access to the backland was not required;
- (d) the Direction (by the Ministry of Transport) was issued without knowledge of the intended compensatory relinquishment by the appellants of their nearby existing station.

He went on to say, however, that in view of the doubt as to the ownership of the frontage land in question, and the fact that permission would of necessity include its use and the imposition of a condition governing the size, design and positioning of the access across it, coupled with the fact that it is not shown on the layout plan accompanying the application as forming part of the site of the latter, he had no alternative but to recommend that the appeal be dismissed.

3. As a result of the Inspector's conclusions it was deemed necessary to consult Ministry of Transport as trunk road authority, and the following observations were made by that Ministry:-

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The Town Clerk  
Town Hall  
HEMEL HEMPSTEAD

"The proposal provides for access to A.41 to be sited close to the heavily trafficked junction of London Road (A41) and Two Waters Road (A.4146). The access would be about 50 feet and 130 feet west of the two carriageways of Two Waters Road where this joins the trunk road on the near (W) and far (E) side of the traffic island and would join the London Road where the carriageway is only about 23 feet wide. The morning peak hour right turning movements into and out of Two Waters Road are 322 p.c.u's and 108 p.c.u's respectively and with the corresponding evening peak hour figures are 523 and 146. These, taken with the total two-way flows quoted by the Inspector are the limits of what an uncontrolled junction can handle and already there is congestion and delay which will undoubtedly become progressively worse before these roads are relieved by the proposed by-pass. The by-pass is not yet programmed and is unlikely to be constructed within the next five years. Additional traffic movements in the immediate vicinity of this junction could only detract from the junction's potential - there is already the bus garage, the main entrance of which is roughly opposite to Two Waters Road but otherwise the western approach to the junction is clear of frontal development as far as Road 152. Under these conditions traffic will tend to queue on both approaches to Two Waters Road. The standing vehicles on the western arm will occupy the eastbound lane opposite the appeal site leaving only a single lane free to accommodate moving traffic. The presence of the petrol filling station access even if it could be effectively restricted to an entrance only (which it cannot be) will cause traffic movements which must interfere with the passage of these moving vehicles and will increase the hazards of the movements and make for more increase in delays. The longer it takes to clear these moving vehicles, the less the capacity of the junction will be."

"We cannot accept your Inspector's conclusion that the objection on grounds of excessive traffic hazard has not been made out. Whilst it is true that there is a proposal to construct a new by-pass south of the present trunk road this work is not in the programme for the next five years and no indication is given as to when it might be carried out. Even when the by-pass is built London Road will remain part of the primary network. There is, therefore, no justification for your Inspector's conclusion that "the principal roads concerned are planned to revert to minor traffic routes and are likely to do so in the not too distant future."

"We consider that this application must be judged on conditions as they exist at present and that it will be wrong to take into account future road proposals that are indefinite as to time and uncertain as to effect."

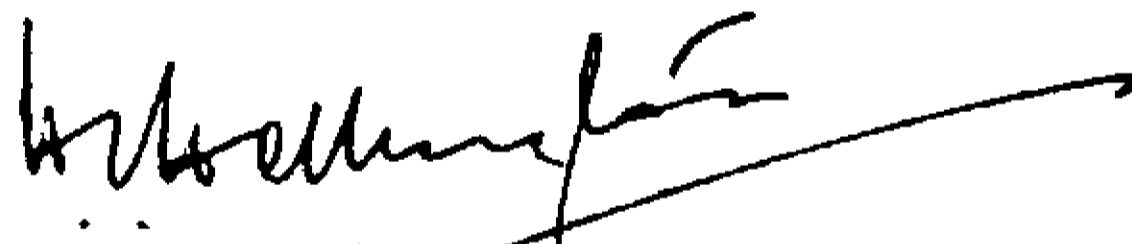
"The suggestion that the access to the petrol filling station from A.41 would be for ingress only cannot be upheld. Even though "In" and "Out" can be erected at petrol filling station accesses it is not possible to enforce compliance with these directions. Customers wishing to enter the proposed petrol filling station from Road 152 would, under the developers' scheme, need to make right hand turns on to and off the trunk road. They are far more likely to enter directly from road 152 and having done so would be more likely to proceed directly on to the trunk road than to turn round on the site and leave by the exit to road 152. The access on to the trunk road must, therefore, be considered as an access for two-way traffic."

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(With reference) "to the appellants' offer to close their existing petrol filling station which is alleged to be badly sited and without adequate visibility. Our policy in these cases is that replacement of a substandard petrol filling station by another on a site to which there are strong highway objections, and therefore no overall improvement to the highway, is unacceptable. Here, for the reasons (already) given we are quite sure that no such improvement would result."

4. In view of the Ministry of Transport's observations the Minister is minded to disagree with the Inspector's conclusion that objection on grounds of excessive traffic hazards has not been made out, whilst accepting his recommendation to dismiss the appeal. In the absence of any information as to when the proposed new by-pass is likely to be constructed it is considered unrealistic to judge the appeal development otherwise than in the light of existing road conditions, and the Minister is inclined to accept the Ministry of Transport's opinion of the effect that the appeal development would have on existing road conditions. But it seems to him that the Ministry of Transport's observations above-quoted could be regarded as new factual evidence or fresh expert evidence and he thinks it right that they should be put to the parties. Will you please say within 21 days of the date of this letter whether you wish to comment in writing thereon, or whether you wish the inquiry to be re-opened. If the inquiry is re-opened a professional officer of the Ministry of Transport will be available to answer questions in elucidation of the observations above-quoted except insofar as they represent statements of Departmental policy; and the scope of the inquiry will be limited to an examination of this evidence and any put forward in rebuttal.
5. A similar letter has been sent to the agents for the appellants.

I am, Sir,  
Your obedient Servant,

  
(H. C. HOLLINGTON)