

Mr Nigel Gibbs  
Planning and Regeneration  
Dacorum Borough Council  
The Forum  
Marlowes  
Hemel Hempstead  
Herts  
HP1 1DN

11<sup>th</sup> October 2017

Dear Mr Gibbs,

**Re: Conversion of Boxmoor Hall in to 7 Residential Flats 4/02224/17/FUL**

I wish to oppose the above application for development.

**Error in the Application – The Public Rights of Way**

I start by referring to an untruth in paragraph 6 of the application form which in the final question asks:

“Do the proposals require any diversions/extinguishments and/or creation of rights of way?”

The question is answered “no” but it ought properly to have been answered “yes”.

As the Applicants know from their previous planning and licensing applications, the frontage of these premises comprises of public highway. Indeed, they produced with one of their earlier applications the enclosed copy plan illustrating, coloured orange, the land which forms the public highway. As such the “surface and such part of the sub soil as is necessary for maintenance of the highway (normally known as the two top spits)” of the land is to be regarded as “vested in” Hertfordshire County Council. (Southwark London Borough Council the Transport for London (Court of Appeal) – The Times: 3<sup>rd</sup> October 2017). It has been so since at least 1909/10. There must, of course, not be any obstruction of the public right of way shown on the plans. All members of the public must be free to pass and repass over each and every part of the public highway at all times. Although the title of the Applicants land might extend beyond the front of the building, this is not, as a matter of Highways Law, inconsistent with the rights of way over the surface. The Applicant’s ownership of the land is subject to the Highways Authority’s rights in respect of the surface and subsoil. The law is clear: “once a highway always a highway”. No prescriptive “squatters” rights can be created over highway land. The County Council, as highways authority, has so far chosen not

to take action in respect of the construction of the patio on the highway, although it continues to have a statutory obligation under Section 130(1) Highways Act 1980 to protect and preserve the highway and the enjoyment of the public right of way over it. It is open to any member of the public at any time to bring an action against the Highway Authority for breach of statutory duty when it fails to perform its obligations under the Act. The Applicants refer to two parking spaces being created and it is, of course, permissible that cars be parked on a public highway. However, as things stand, they would need to be made available to all members of the public. No parking facilities (which involve an obstruction) can be approved without the consent of the County Council. None can be allocated to this property in the manner illustrated on the drawings and described in the Application.

The Application provides for a wrought iron fence to be erected on the eastern end of the frontage. The Applicants have previously erected a fence in a similar position and were directed by Hertfordshire County Council to remove that obstruction to the highway. No fence can be erected as illustrated in the Application. No alteration can be made to the disabled access or the public highway. Some aspects of the development works cannot be carried out on the frontage (I will refer to this aspect later).

An application would need to be made to a Magistrates Court to extinguish, (see paragraph 6 of the Application) or in technical terms "stop up", the highway before any of the features shown on the frontage of the property could be provided.

### Heritage

This leads me into the issue of heritage and I have noted the terms of the heritage statement which accompanies the Application.

Prior to the Applicants' purchase, the street scene was different. For more than a century the frontage had been open and freely available for public use (copy photo herewith). There used to be a public notice board outside the Boxmoor Hall immediately adjacent to the garden wall of 4 St Johns Road. There also used to be a public telephone box close to the front wall of the Boxmoor Hall at the eastern corner of that building. That historic open public street scene would be better restored and preserved for the benefit of this and future generations of the people of Hemel Hempstead and visitors to the town – rather than it being given over to obstructed private use.

The construction by the Applicants of the patio (which duals as a parking space) began the process of destruction of the ancient street scene and this process, involving what I describe as being "death by a thousand cuts", will be furthered by aspects of the Applicants' current plans.

The Applicants have in the past laid greater emphasis upon the historic importance of the building. I reinforce this. During the Applicants' ownership it became part of the Dacorum Heritage Trail. Events have taken place at the Boxmoor Hall where the Applicants have presented the building as an important aspect of the town's heritage. "Heritage" involves the concept of preservation, not only of the elevations and the features of the steps, proscenium, rear window and chimney, (some of these features

in any event no longer being accessible to the public if the premises were converted to residential use), but the remembrance of the building's past and its importance as a community building, including the importance of the historic personalities who have been associated with it. I believe that this is the only building outside of the old town which holds such huge historical significance for Hemel Hempstead. If its heritage is lost, it is dead and buried for all future generations. The decision that is made now is of fundamental significance to the town.

The Applicants refer to the reintroduction of bull nose steps, but at the same time I get the impression that they are to be narrowed to allow for the parking spaces (which as I have observed cannot be allocated to use by the property until there has been an extinguishment of the existing public rights of way).

It is planned that the windows at the front of the premises should be altered, but no "elevations" have been provided in respect of either the front or rear of the premises. Instead there is a "proposed section with dimensions" which only looks at the property from the front and is cluttered by extraneous materials so that it is left unclear as to what the Applicants have in mind and how it might look. I have never known of a planning application being presented without elevations. There were front and rear elevation drawings with the last application. Please demand that they be produced and published on the Planning Portal so that the public may inspect them. If the Application is defective without elevations please take the appropriate action.

The Applicants refer to the restoration of the round window in the rear elevation. This hardly benefits the public but prospectively has an adverse impact upon the privacy of my garden which backs onto the Boxmoor Hall. As I say, no rear elevation drawings have been provided, but there are references to the introduction of 7 other windows, including 3 "small windows" without indicating where those are and therefore what implications they may have as far as over-looking and privacy are concerned. I have noted that since the last application some recognition has been given to the need to provide opaque windows in places. I am pleased to note this, but until I see the elevation drawings we cannot know what is planned.

### **History**

When considering the heritage of the building, one must have regard to the fact that 4, 6 and 8 St Johns Road and Boxmoor Hall land were at one time all owned by Henry Balderson. He was an extremely influential figure in the Victorian development of Hemel Hempstead in general and Boxmoor in particular. Apart from other business interests, he leased and developed Boxmoor Wharf (now the B & Q site) with which he was associated from 1843 until shortly before his death (aged 77) in 1908. He was the High Bailiff and first Mayor of the borough of Hemel Hempstead (elected in 1890 shortly after the borough received its Charter). Baldersons Moor is named after him. He was a member of the Highway Board. He was a Boxmoor Trustee from 1871 to 1905 he described in the Conveyance as a "merchant", conveyed the Boxmoor Hall land to the charitable Trustees of the Boxmoor Improvement Fund on 26<sup>th</sup> March 1889. The Fund had been derived from sums voted annually out the surplus funds of the Boxmoor Trust over many years. Mr Balderson was one of the Trustees of the Boxmoor Improvement Fund, although the first named Trustee/Purchaser was the

Reverend Alfred Cornelius Richings "Vicar of Boxmoor" since the hall (erected in 1890) was to be used, inter alia, as Vestry Meeting Rooms, in conjunction with St Johns Church of which Henry Balderson was a Church Warden. The charitable Boxmoor Trust expended about £1,300 of its surplus funds, gathered over a period of 12 years upon the erection and fitting out of the hall. The Trustees of the Fund themselves had to borrow £300 from a bank at the time to fund their activities. The building was subsequently used as a Magistrates Court and Henry Balderson was one of the early Secretaries of the Petty Sessions.

The Hall was conveyed to the Borough ("and inhabitants of Hemel Hempstead") in December 1897. I am enclosing a copy of the Conveyance. Boxmoor Hall was described as a "Public Hall with reading rooms". £113.3s.6d was still owing to the bank. The Council agreed to take on this debt. The sale was subject to conditions imposed on the Council including that its Bailiff would "annually appoint at the Court of Pie Powder following his election 9 principal Inhabitants of the Ecclesiastical District of St Johns Boxmoor to whom, in conjunction with the Bailiff of Hemel Hempstead, shall be entrusted with the management of the said buildings".

The Court of Pie Powder was a medieval Court whose name was derived from the French for "dirty feet". Issues arising at markets and fairs (including that chartered by Henry VIII) had to be determined immediately before itinerant visitors to the market moved on. Some say that the last Court of the Pie Powder was held in Hemel Hempstead in 1898. All in all, the building and surrounds enjoy a glorious panoply of fascinating historical association – and this is just scratching the surface.

The Council also agreed maximum charges for the charitable use of the building and to use the building as a library upon the specified enactment in that regard coming into force.

For many years Boxmoor Hall was used for charitable community and social objects. The handover of the premises to the Council in 1897 was no doubt on the basis of an assumption by the Council of, at the very least, a powerful moral obligation to maintain the premises available for community and social use. The Council remain entrusted with these obligations. More recently, in 1963 the building was used as the Boxmoor Arts Centre for Young People – this time with charitable funds from the Margaret Lloyd Trust.

### **Loss of Community Facility**

It is I think right that the full terms of the Pre-Application advice be set out as follows:

"Our chief concern lies in the proposed loss of this community facility (Policy CS23). Policy CS23 seeks to safeguard social and community facilities, unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. We note that no evidence is provided in support of the loss of this use and therefore no view can be taken on the strength of their case in justifying this. We would stress that it would be difficult to support the scheme in policy terms without such evidence being provided with the application".

"Overall we raise concerns over this proposal in the terms of the lack of evidence in support of the loss of this social and community facility".

The Council does, of course, have policies which in appropriate cases favour residential development.

At the same time the Council has a mixed-use policy and the retention of this unique community facility is to be balanced against the residential policy. Proper application of the Policy requires that it is the viability of "the facility" and not the Applicants' businesses which is the determining factor.

I flag at the outset that it was as recently as 23<sup>rd</sup> August 2017 that I learnt from one of your Councillors that the Boxmoor Hall is on the short list of premises under consideration for conversion to a Mosque. This would fall within the existing use category. Another theatre Company (Gobstoppers) expressed an interest in the building in May 2016.

#### **(1) The Planning Agreement**

The Applicants have made no mention in their application of the fact that the premises are subject to an existing planning agreement.

When the Council sold the premises in 2007, (following a campaign to Save Boxmoor Hall from developers), it had proper regard to its responsibilities and obligations in that it sought to ensure that the premises would continue to be used for community purposes. In the Transfer Deed which was prepared for Land Registry purposes to evidence the sale, and which was dated 21<sup>st</sup> July 2007 and made between Dacorum Borough Council (1) and Sally Jane Ilsley (2) (now Lardner), a covenant was imposed which was expressed in the following terms:

"The Transferee (Miss Ilsley/Mrs Lardner) hereby covenants by virtue of Section 106 of the Town and Country Planning Act 1990 (as amended) for the benefit of land owned by the Transferor (the Council) that the Transferee shall not use the Property otherwise than for social, voluntary, educational arts and community activities".

That planning covenant and obligation is recorded on the Applicant's Title Number: HD430245 at the Land Registry. While it might be said that ordinary restrictive covenants are not the proper considerations for planning purposes, those which are imposed under Section 106 of the Town and Country Planning Act 1990 are clearly of fundamental significance. The Applicant entered into a binding solemn promise by Deed to the Council that the premises would continue to be used for Class D1 and D2 purposes. And yet, the Applicants have made no mention whatsoever of the undertaking which was given to the Council in 2007. The sale price was £175,000, which would have been a trifling sum had it not been that the sale was subject to the strict condition that the premises were to remain in community use.

**(2) Life and Soul Academy**

At the time Mrs Lardner represented that the premises were to be used for dance, theatre (performance arts), and health and beauty therapy. The premises were at the outset known as "The Life & Soul Academy". The permitted planning use had been confirmed to Mrs Lardner prior to her purchase as D1 and D2 (education, assembly, leisure etc) by a Decision Notice in 2006 under number A/02566/06/LDE. We as a family welcomed that use. There were some parking issues for a while, but these were addressed in April 2013 when the parking area on the opposite side of the cul-de-sac outside the Boxmoor Hall was added to Zone K Residents Parking. Users of Boxmoor Hall can use these spaces, but must pay modest sums by way of fees. There is ample other public parking available close by in Park Road.

The Applicants have referred to issues concerning noise and public nuisance arising from the use of the premises for liquor licence activities. It was following the grant of the Licence in 2008 that the Life & Soul Academy was rebranded to the Boxmoor Hall. I will not dwell on the licensing issues, but will touch upon them only to the extent of answering the points the Applicants have raised.

The Applicants have misrepresented (certainly in respect of myself) in their Planning Statement that neighbours "are strongly opposed to the current use of the hall as D2 use". This is not so from my perspective. The issues arose in respect of the sales of alcohol which are A3 and A4 use, unless wholly ancillary to D1/D2 use. The problem was not with D1/D2 use, but rather that the Licence had been granted subject to conditions, and there were many breaches by the Applicants. These became so bad that we and other neighbours did seek a review of the Licence. This was heard by the Licensing Committee in June 2014. The Licensing Committee found it to have been proved that there had been public nuisance and amended the licensing conditions. Shortly afterwards, the Environmental Health Department of the Council carried out noise meter tests and having regard to the high levels of noise from events held at the Hall, served a Noise Abatement Notice on Mrs Lardner. We are grateful to the Council for acknowledging the issues and taking steps to improve the situation. There has been a reduction in noise levels. While the Applicants' assertions in the Planning Statement that a change to residential use would eliminate the noise problems and it would be easy to seize on this as a plus, one must remember that the Applicants are promoting the argument that there should be a change to residential use against the background of their own misconduct in creating the noise and nuisance which led the Licensing Committee and Environmental Health Department to step in.

It is indeed tempting to conclude that an end to community use of the premises and their conversion to residences would take away some issues, but as we will see, others will arise. I feel that I must be consistent and principled. I have throughout sought to preserve the community purpose and heritage of the building and its frontage – and I continue to do so now.

**(3) Evidence of Lack of D1/D2 Viability**

It is extremely important that in weighing the continued use of the building as a community facility one must look not at the viability of the particular business presently

being operated from the premises by the Applicants, but a potential loss of the facility for all and every community use. Whether the Applicants can or cannot make profit is not the test.

Having said this, I urge the Council to carefully consider the Applicant's case of non-viability and the availability of other local community outlets. I said in response to the March 2016 application that it is easy to adjust levels of business activity to suit one's purpose and to manipulate the figures in respect of the financial performance of the business. Looking at the bigger picture and an overall objective, one can see how from the business and commercial perspective an objective of turning a £175,000 purchase into around £2million to be achieved on the sales of flats it is worth the cost of operating the present business temporarily at lowly levels. One must therefore approach the figures and position statements with appropriate circumspection.

The Applicants blame the recession that all the other businesses mentioned in the application were subject to the same pressures and came through. Hemel Hempstead was in any event prevented from the worst of the recession. Nine years have elapsed since 2008 with every opportunity to recover from the "crash". One needs only to look at the success story of the very high levels of employment in Dacorum.

The Applicants now present a very different picture from the evidence they presented to the Council's Licencing Committee in June 2014. At that hearing (14 months after the introduction of controlled parking) the Applicants were urging that the dance and theatre side of the business was thriving. Questions had been raised about the shift in the core of the business to licenced activities. The Applicants were, at that hearing, at pains to urge the Committee that the sale of alcohol was very much ancillary to the main D1/D2 business. They accordingly urged that the dance and theatre side of the business was thriving.

The Minutes of the meeting record that Mr Smith, the Solicitor for the Applicants, (the Respondents at the Licensing hearing) confirmed that "the Hall runs a total of 27 classes plus 4 classes which are run by other teachers, but these could be temporary....there were 255 hours of events, including christenings, wakes and children's birthday parties as against 1621 hours of dance teaching and health and well-being activities". No mention was made then of problems arising from the extension of Zone K.

The Applicants produced a lot of documents in the form of Studio Timetables and so on in support. They produced a copy of "the Dance Centre" (formerly of High Street, Hemel Hempstead) website dated May 2014 to evidence that it had closed and accordingly their dance offering was benefitting from this. All the Minutes and material can all be inspected in the Council's records.

The Planning Statement is entitled "Conversion of Wedding Venue at Boxmoor Hall, St Johns Road, Hemel Hempstead into residential units". This is misleading. Weddings are not the Hall's core business. Nor are "private/corporate events". The core business (and the basis upon which the sale was originally negotiated) is dance, theatre, health and well-being.

In assessing the reliability of the evidence being presented on this planning application it is very relevant to note that they now seek to reverse the evidence given to the Licencing Committee.

I return to my submission the Applicants cannot properly blame their problems on issues on their neighbours. From my perspective, and with respect, those were self-inflicted and were personal to the way in which the Applicant's sought to develop the business by indirectly encouraging nuisance by rowdy activities, associated with alcohol and loud music. Again, the focus must be on the viability of the premises and not on the viability of the Applicant's personal business.

The making of the application in March 2016 will in itself have discouraged bookings. Prospective customers were bound to think twice about booking courses and events when there was a prospect of the business closing down. The business could recover if the Applicants were once again to declare their commitment to it.

The Applicants protest that they have spent £100,000 on legal expenses. Even taking that the figure is right, it is to be remembered that on each occasion when the neighbours had to appeal to the Licencing Committee and to Environmental Health, their case was sustained such that by reason of findings of the Licencing Committee against the Applicants, the conditions on the Licence were beefed up. Environmental Health would not have intervened to issue a noise abatement notice without (following noise tests) it being proved that the levels of noise were so excessive as to breach the law. Throughout, it was open to the Applicant's to conduct alcohol sales and to provide music in a manner which did not breach the terms of their licence and was within the law. All they need to do was to comply. If they had complied it is powerfully arguable that by avoiding the £100,000 expense this amount of additional profit would have been available.

The Applicants say that their neighbours oppose the existing use of the premises but from my perspective that is not the case. Notwithstanding past frictions I have no problem with their present use of the building providing that they continue (as they have been doing for some months) to comply with the terms of their licence and the noise rules.

The Applicants say that £20,000 of capital expenditure was incurred at the outset of the operation. I accept this, but I understand from one of your Councillors (and I do not have evidence to support it but the position can be checked) that the Applicants have never carried out some of the works which they agreed with the Council would be affected (including on the roof of the premises) as a condition of the original purchase at a very lowly price. It is right that the Applicants have not maintained the building. The problem with damp on the west wall has nothing to do with the erection of 4 St John's Road (planning permission for which had been granted prior to their purchase) but the fact that the upper tier of guttering separated years ago and no efforts have been made to carry out a repair. The gutters at lower level are blocked and indeed full of grass/weeds. Any damp has derived from the overflow of water arising from the absence of maintenance.



The Applicant says that she has put £500,000 into the business. As I have said, £100,000 of this was incurred on avoidable legal expenses. There will obviously also have been staff costs, business rates and all the usual operational expenses but the income derived from the business since 2007 is to be set against that £500,000 expenditure.

The Applicants say that money has to be spent on a lift to provide disabled access to the first-floor level. This might be desirable but not compulsory. The disability legislation did not oblige a proprietor of premises to make such an alteration to a building erected before the legislation came in to operation if the expense involved would be unreasonable.

The Applicants refer to a quote for beefing up the noise protection. This would only be necessary if the Applicants intend to re-introduce very noisy bands and discos. Further, it will be seen the two pages of the quote relate to expenditure upon new PA and speaker systems.

There is only a passing mention by the Applicants of the Capricorn training business (education and therefore within D1/D2) which is also carried on from the premises and also produces an income stream which must be taken into account in considering the overall viability of the premises. (Again, one must keep coming back to the question of the viability of the premises not of the individual business of the Applicants).

None of the other premises (including public houses and the like) are remotely comparable to this unique community premises.

One must take account of the charitable originals and history of the building and its heritage and have regard to the viability of all and every community option for use of the premises before it determines that the community facility will be lost forever to the "inhabitants of Hemel Hempstead" to who it was conveyed in 1897. The building was placed in the trust of the Council then for community purposes and it should be preserved as such now.

With the premises having been funded by philanthropists and out of trust monies for public purposes the Council remains charged with ensuring that those uses continue. Permitting a change of use would very much be the very last resort. There were very many people who contributed to what was throughout intended to be a public building and who would be turning in their graves if they learned of the nature of this application.

#### **(4) Release of Covenants**

If (and I very much do not approve this) the Council were minded to permit a change of use of these premises, Mrs Lardner would surely be expected to pay a very substantial premium to the Council for release from her covenants. I trust that the Council's Estates Department has been made aware of the position. On the one hand it could be said that those monies could then be applied for other community purposes. However, to my mind the Council must disregard this when looking at its Policy and not allow the prospect of a source of cash becoming available to it to allow to derogate in any way from its primary responsibility to preserve this historic building funded as it was for charitable and public purposes.

### **Over Development**

In my submission the construction of 7 flats involves over development. There is an unacceptably low level of provision for amenity space. Examination of the site shows that the "garden" for only 1 flat is extremely small and at such a low level and hemmed in by existing buildings, including the flank wall of the neighbouring flats, that it will be gloomy.

It is a further aspect of over development that there is inadequate parking provision. I have explained that there can be no allocated parking provision on the frontage since the public enjoys highway rights over the surface.

There are huge pressures on existing parking. The Zone K parking spaces are generally full overnight. The Applicants suggest that purchasers of the flats or those who rent them would "not necessarily" own motor vehicles. However, even if one or two of them were to commute to London (and there has been much emphasis on this in the Application), experience suggests that there will be an average of at least one vehicle associated with each of the new flats. Such additional usage simply cannot be managed.

### **Loss of Privacy**

The creation of an additional eight new windows in the rear elevation in Boxmoor Hall is wholly unacceptable. Our rear garden mostly overlaps that rear elevation. The windows will overlook our rear garden at all but the lowest levels. Such a proposal involves the most gross breach of privacy.

### **Disabled Access/Ramp**

I do not know the angles of the slope, but suspect that when one takes account of the need for a turning space for wheelchairs part way up the rise to entrance level, wheelchair access cannot be accommodated in the space which has been illustrated. Previous proposals involved the wheelchair access overlapping the side pedestrian access to and from the Hall. This in turn would have involved, for example, refuse disposal having to be lifted up and over the level of the wheelchair access. I will want you, as Planning Officer, to please consider whether the proposals are actually workable.

### **Refuse Disposal**

I ask that you, as Planning Officer, should also very carefully examine the waste disposal arrangements to establish that the bins (which I assume will be normal residents blue, black and green (the plans provide for a garden)) and food waste bins, and as to whether they are going to be sufficient facilities to accommodate seven flats. I strongly suspect that the proposed arrangements are wholly inadequate.

Although there is talk of doors opening onto the side passageway, it is not easy to see how the doors could be opened in such a way that they would not obstruct the actual removal of the bins. The doors themselves could well be in the way of the removal of the bins.

## Gateway

There is reference to there being a gate to the passageway between number 4 and the Hall.

Previous proposals have involved attaching a gate in a new location to the flank wall of number 4. This wall, as a matter of legal title, belongs to number 4, which belongs to my wife and I. There has been no request for consent to attach a gate post to that wall. None will be given. Any gate post will need to be freestanding within the passageway. I am not confident that this makes the scheme workable.

## The Conduct of the Works

While it is suggested that the "impact of construction work e.g. through noise, disturbance and traffic" would not "normally" be a planning consideration, the problems in this case are of such a nature and extent that they are exceptional and acute.

The issues are ones which Councillors should have regard not merely as a Planning Committee but with a general Councillor hat on. Similarly, the considerations have a bearing on the County Council.

Not only does the area outside the Boxmoor Hall comprise of public parking, it also affords access to the two private car parking spaces outside the Health Park flats and more importantly, it is a main pedestrian and cycle thoroughfare to the town. As with some residential projects proposed in London and elsewhere, it is sometimes the case that development simply cannot be safely or otherwise accommodated.

I have personal knowledge of the development at 60 Alexandra Road, Hemel Hempstead. My office over-looked that development. The works involved the conversion of the premises from offices to residential. They had once been residential and accordingly the core residential set-up was pretty much in place. That project took around fifteen months. The developers had two parking spaces available to them on the frontage and a car park with around twenty spaces for workmen, skips (generally more than one to enable types of rubbish to be sorted), deliveries, materials, fabrications and so on to take place. Access to the car park was off a dedicated service road. The site was pretty much full for most of the duration of the project.

In the case of Boxmoor Hall, it is proposed that over a metre of under floor material be removed to lower ground floor. When bulked up, this will amount to a huge amount of material which will have to be removed. Local soil conditions are poor. When we had a garage erected on the site now occupied by No. 4 the digger nearly sank. We had to have 11 metre piles and slab to support No.4. Local houses have been subject to subsidence. Potential issues involving the structural integrity of the building arise from lowering the floor level. A trial hole should be dug to check the existing foundations – but that would be on a public highway!

It is also proposed that a new (mezzanine) floor be installed, along with a lift shaft and so on. Seven flats are to be created. The C29 Checklist refers to installing additional insulation. Building regulations will require that there be extensive new fire and noise prevention insulation installed. This will involve taking up the floors or taking out the

ceilings to install the required protections. The quantity of materials of this and every other nature which will need to be delivered will be monumental in scale. The frontage remains public highway, but even if temporary constructions were permitted, little or no activity associated with the development could take place within the curtilage. There are no turning facilities. Any lorries, skips or otherwise will have to enter the parking area and then back out into St Johns Road. The deliveries, grab lorries, skip lorries etc would have to share the space with the private cars, pedestrians, school children, bicycles and so on. There are no storage facilities for materials, no areas for fabrications and so on- and so on. The work simply could not be managed safely and without total gridlock of the area for what would very likely be 18 months or so.

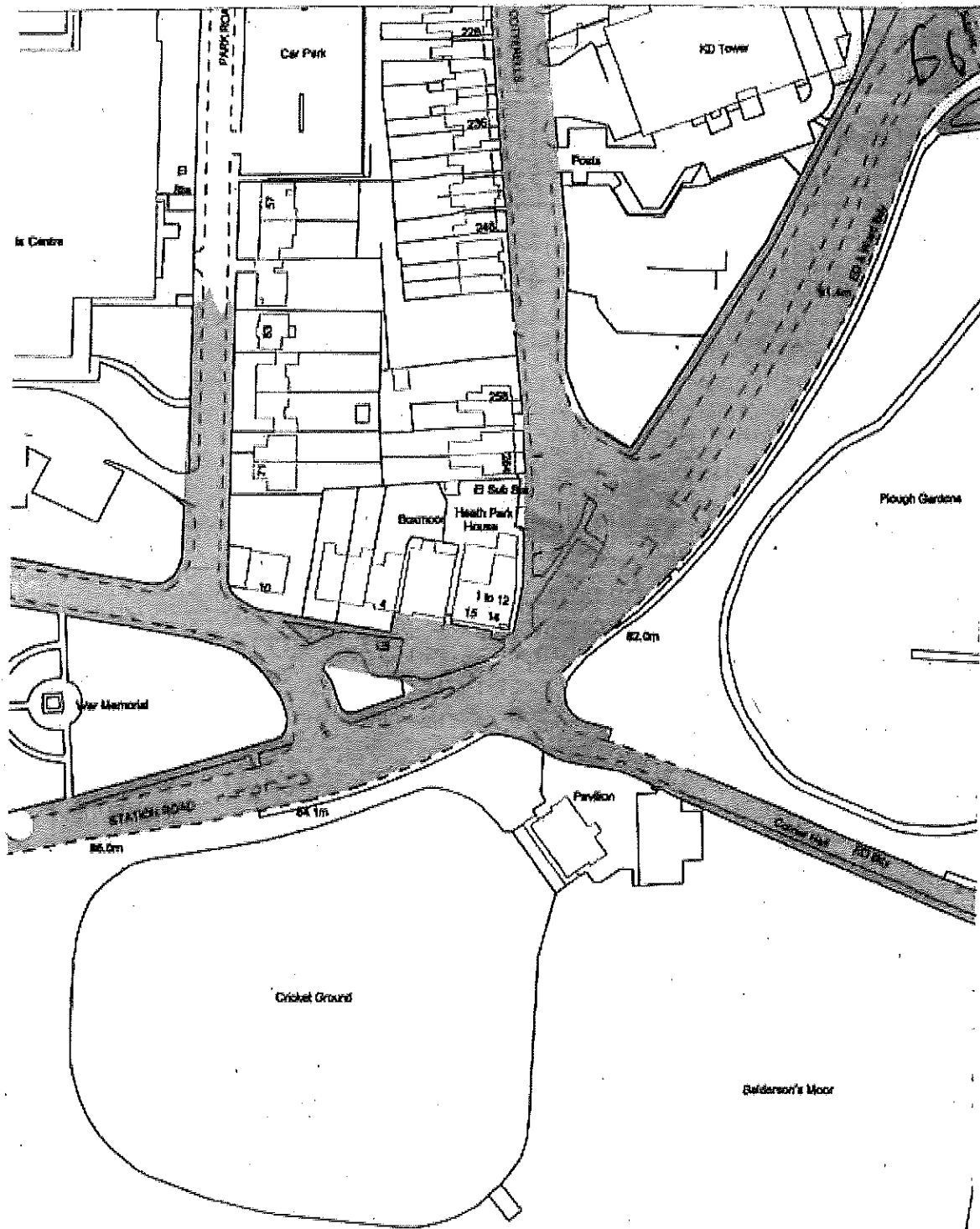
I say that the application ought to be rejected.



A procession along London Road, Apsley, postmarked 1905. St. Mary's Church can just be seen in the distance. The building on the extreme right is the Oddfellows Arms.



Heath Park hotel is decorated for a special event, c. 1900. It was an elegant building that catered for gentlemen and their families. Boxmoor Hall was built in the Flemish style in 1890. This gathering is at the junction of St John's Road and Station Road, Boxmoor.



11 Oct 2017

Mr Nigel Gibbs  
Planning Officer  
Dacorum Borough Council  
The Forum  
Hemel Hempstead  
Hertfordshire  
HP1 1DN

10<sup>th</sup> October 2017

Dear Mr Gibbs,

**Re 4/02224/17/FUL**

**Planning Conversion of Boxmoor Hall into 7 Residential Units, St Johns Road,  
HP1 1JR**

Thank you for advising me of the above application. I am enclosing a copy of my letter sent in response to the last application and ask that you include the contents with this response.

I note that this application has reduced the number of residential units by one = to seven. In my view this is still too many.

#### Building Works

I have recently seen the conversion of a similar size building from offices to residential use and witnessed at first hand the amount of lorries, materials, equipment etc needed for that project. Fortunately, that conversion had its own large car park but it was a clear demonstration of how much outside space is needed. Boxmoor Hall has none. I wrote in my previous letter of my concerns regarding this issue and now feel even more strongly that there is simply not enough room for builder's lorries and activities to operate in this area. It is already difficult for some cars to turn to exit the CPZ. The safety of the public will be put at risk. It is a very well used pedestrian area to the town, Sports Space, Boxmoor etc.

#### Windows

Again, I have serious concerns as to where all the windows will be positioned. This new application does not demonstrate this. It is a very important detail. I need to know

### **Gate on West Side**

These plans show a gate at the west side of Boxmoor Hall. There is one in existence. I wish to make it absolutely clear that I do not want any structure attached to the wall of my home. The history to this is that some years ago when the Hall was in the ownership of D B C I arrived home to see workmen attaching a frame to the side of my garage – this was prior to my house being built. No permission from me had been granted. I had not even been asked. I will not give permission for another gate post to be attached to the wall of my house.

### **History of Boxmoor Hall**

There is still the issue of a building created with Public money for the Community. This is well documented in Hemel Hempstead history books. Our historic buildings are precious. We should protect them. They should not be converted or sold for gain by Private individuals. Boxmoor Hall should remain as was the original intention. For the benefit of the Community.



Sept. 2017 Now 4/02224/17 FC

Mr Gibbs  
Dacorum Borough Council  
Civic Centre  
Hemel Hempstead  
Herts

March 2016 4/00647/16 FUL

Dear Mr Gibbs

Re: Boxmoor Hall

Thank you for your letter dated March 15 informing me of an application from the owners of Boxmoor Hall for the conversion of the building into 8 residences

Whilst in principle I have no objection to this proposal there are some areas that cause me concern

I do feel that 8 units is excessive and could be considered "over-development". Surely 4 residences would be more acceptable

However, it must be borne in mind that the Hall was sold to Sally Illsley - now Mrs Lardner - for £170,000 - mere peanuts - on the condition that it would be used for the benefit of the community. In fact we were originally told it would be a Ballet School and Health and Beauty business known as "Life and Soul". Perfectly acceptable. Yet, early on and despite great opposition from many neighbours it obtained an Alcohol License and became an advertised venue for parties and late night events. Thereby causing disturbance and distress to neighbours. It has been a difficult and turbulent time for all on both sides of Boxmoor Hall due to their activities, and against that background the prospect of private residences could be a welcome relief.

Nevertheless, this begs the question of how the Council could justify a controversial "change of use" should this application be granted. It is pretty much written in stone that it must remain a Building for the use of the Community

Not for a single moment did I consider it could be a development opportunity.

As with many building conversions or constructions the upheaval caused to neighbours is massive and I am very concerned as to how works can be carried out safely within the confines and boundaries of Boxmoor Hall. This is a cul-de-sac with very little room for manoeuvre of large delivery lorries and wagons etc

For example, will the Council be able to assure us that access to the Residents Parking Zone would be available? The current demand for parking spaces already exceeds availability, and this should be borne in mind when considering the Applicants request for 8 residences. Again, I believe 4 is more sensible.

As a person with a strong sense of "rights and wrongs" it does not rest easy on my conscience if I were to condone - without questioning, the change of use at Boxmoor Hall for residences for private ownership.

To my mind, it is entirely wrong that a property acquired for a paltry sum from the Council under the guise of "serving the Community" should profit from a change of use such as this.

Would the Council consider imposing a financial penalty for a change of use and this money could be used for the "benefit of the Community". Just a thought.

Now I move on the proposed design at the Hall. I am relieved to see that the façade would remain unaltered.

A major concern is, of course, the many windows at the rear of the property. These would overlook my garden which goes across most of the rear of the Hall, and give residents a complete "birds-eye view" of what I consider to be a private area. Surely this is wrong and an invasion of privacy.

Also, I am a little concerned as to how Refuse Collectors will have access to the waste bins. Looking at previous drawings - but unrelated to this Application - the ground levels did not seem to tally with the existing "walk through" and any wheelie bins would have to be pulled "up and over" the pathway and this could be very noisy. I hope the current Architects have given this some consideration.

There is no doubt that this Application is extremely sensitive to a great many people, both neighbours and the wider Community, given the Historical nature of Boxmoor Hall and the very strict conditions imposed by the Council in the Agreement when sold to the current owners.

I hope my observations and comments will assist you and Dacorum Borough Council to determine the right decision.

Yours sincerely