

OFFICER DECISION RECORD SHEET

PART I

Name of decision maker: James Doe, Assistant Director – Planning, Development and Regeneration

Service Areas: Strategic Planning

Title of Decision: Immediate Article 4 Direction – Hemel Hempstead Town Centre

Decision made and reasons:

Decision: To make an immediate Article 4 Direction for properties in Hemel Hempstead Town Centre as shown edged and hatched in red on the attached plan.

Reasons:

1. Legislation was introduced in March 2021 and will come into force on 1 August 2021. This will allow shops, gyms, restaurants, nurseries and health centres to be converted subject to certain conditions.
2. This risks a potential significant loss of facilities in the town centre with resulting substantial adverse impact on the vitality and vibrancy on the town centre.
3. The Article 4 Direction is limited in geographical extent and is imposed on the ground floor of the areas edged and hatched red on the attached plan. This will protect the primary and secondary frontages.
4. Further background is provided in the attached report to SLT dated 15 July 2021.

Reports considered:

See attached report to SLT dated 15 July 2021.

Officers/Councillors/Ward Councillors/Stakeholders Consulted:

Group Manager (Development Management and Planning) and Assistant Director (Corporate and Contracted Services).

Report to SLT 20 July 2021

Leader of the Council and Portfolio Holder for Planning and Infrastructure briefed on 22 July 2021 and supportive of the action.

Deputy Monitoring Officer Comments:

An Article 4 Direction removes nationally permitted development rights.

Further to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015, as the local planning authority, the Council is permitted to serve an Article 4 Direction with immediate effect where it is satisfied that the type of development set out in the

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Schedule should not be carried out unless permission is granted for it on application, because it would be prejudicial to the proper planning of the area and constitute a threat to the amenities of the area.

Schedule 3 sets out that an immediate Article 4 Direction takes effect upon publication and service of the notice and remains in force for six months from the date it is given, until it is confirmed by the Council. The Article 4 Direction will be referred to Development Management Committee to consider if it should be confirmed taking into account any representations received. The Council must notify the Secretary of State on the same day the notice is served. The Secretary of State has the power to cancel or modify an Article 4 direction at any time before or after it is confirmed.

The Council has considered the human rights issues relevant to this matter, in particular Article 1 of the First Protocol which is right to enjoy property and possessions. It is considered that the action proposed in this report represents an appropriate balance between the rights of the landowner (to enjoy land subject to the reasonable and proportionate control by a public authority) and in the interests of those affected by the matter and the wider public interest.

Deputy S151 Officer Comments:

There is no short term financial impact and implementation costs will be met from within existing approved budgets.

Implications:

Value for Money: Legislation introduced in March 2021 will come into force on 1 August 2021. This will allow properties such as shops, gyms, restaurants, nurseries and health centres to be converted to residential subject to certain conditions. In a recent KPMG report Hemel Hempstead was identified as a town centre that was particularly vulnerable as a result of reductions in footfall, poor retail and cultural offering.

Without the protection of an immediate Article 4 Direction there is substantial risk of irreversible losses to key commercial buildings within Dacorum's largest town centre. If a number of proposals came forward it could lead to substantial damage to the viability and vitality of the town centre at a time when the Council is looking to develop a long term strategy for the town centre.

Financial: Funding to prepare and implement the Article 4 Direction is provided from existing base budgets. Any expenditure over the base budget position in and 2021/22 will be reviewed and budget approval agreed.

Risk: There are risks of compensation to those whose permitted development rights have been withdrawn. However, the risk are moderated by claims not being automatic and only payable under certain conditions. For instance a claim can only be made if a planning application (made for the type of development allowed under the new permitted development rights) is submitted and then refused by the Council. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

Officer Signature:

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A handwritten signature in black ink, appearing to read "James De", with a horizontal line underneath the name.

Date: 26 July 2021