

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/0646/92

A Criscenti
254 Hempstead Road
Watford
Herts

Gili-Ross, Lyons, Patel Ltd
77-79 High Street
Watford
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

10 St Johns Road, Hemel Hempstead,

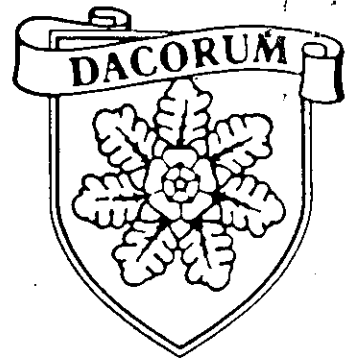
USE OF GROUND FLOOR AS RESTAURANT

Your application for *full planning permission* dated 29.05.1992 and received on 29.05.1992 has been **GRANTED**, subject to any conditions set out on the attached sheet(s).

Director of Planning.

Date of Decision: 25.06.1992

(encs. - Conditions and Notes).



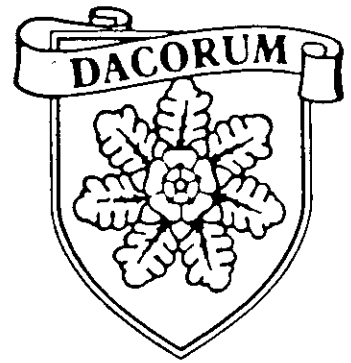
CONDITIONS APPLICABLE
TO APPLICATION: 4/0646/92

Date of Decision: 25.06.1992

1. This permission is granted for a limited period only expiring on 30 June 1994. At the expiration of this period the use shall be discontinued.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (Class A3), this permission only relates to the use of part of the premises annotated "restaurant" on Drawing No. 203411 for such purposes and extends to no other use under this Order, including the sale of hot food and take-away.
3. The use hereby permitted shall be carried on only by Mr A Criscenti in accordance with Conditions 1 and 2 in conjunction with the use of the remainder of No. 10 St John's Road as a guest house.
4. The restaurant shall not be open to non-residents outside the hours of 11am to 3pm and 5pm to 11pm on Mondays to Saturdays and 11am to 3pm and 5pm to 10.30pm on Sundays.
5. The use hereby permitted shall not commence until a scheme for the extraction (with grease and carbon filters)/ventilation of the premises has been submitted to and approved by the local planning authority and the system, as approved, shall be installed prior to the commencement of the use and retained at all times thereafter for the whole period of the duration of the use.
6. The use hereby permitted shall not be commenced until the parking layout shown on Drawing No. 209411 has been provided fully in accordance with the approved details and thereafter the parking facilities shall be permanently retained for the whole period of the duration of the use.

REASONS:

1. The site adjoins residential properties at 9 St John's Road and 71 Park Road respectively. Due to the closeness of the application site to these dwellinghouses, the local planning authority must ensure that the use of premises is not detrimental to the existing residential amenity of these properties and other dwellinghouses nearby. The local planning authority will over a two year period be able to monitor whether any environmental problems have arisen as a consequence of the use, in particular with regard to noise and disturbance associated with the use of the car park. As well as representing a reasonable period for monitoring purposes, it is also a reasonable period to enable the applicant to establish the restaurant at the premises given the background to the submission of the application as explained in the report to the Council's Development Control Committee.



CONDITIONS APPLICABLE
TO APPLICATION: 4/0646/92 (Cont'd)

Date of Decision: 25.06.1992

2. Notwithstanding that the Use Classes Order 1987 normally enables the interchange between a range of uses within Class 'A3', the local planning authority is of the opinion that the use of the premises for the sale of hot food take-aways is appropriate in this location due to the adverse impact of such a use upon the residential amenity of the locality arising from noise and disturbance. The imposition of this condition will safeguard residential amenity and is based upon substantive evidence of environmental problems arising from various A3 take-away uses within Hemel Hempstead due to, in particular, noise and disturbance. To this effect, such problems have been evident at 451 London Road, Hemel Hempstead which is owned by the applicant (see the reason for Condition 3) where the unauthorised A3 take-away use has caused noise and disturbance.
3. Due to the background to the submission of the planning application, as explained in the report to the Council's Development Control Committee, the personal permission has been imposed for exceptional reasons at this stage, aiming to resolve problems at 451 London Road, Hemel Hempstead. The condition must be considered in conjunction with the other conditions (in particular 1 and 2 and their reasons) and it is clarified that, for the avoidance of any doubt, that this personal permission was at the suggestion of the applicant, through his agent, as an alternative to a legal agreement under s.106 Agreement, in the interests of maintaining the viability of the applicant's existing small business operations, and given Department of Environment advice regarding enforcement action and small businesses.
4. In the interests of safeguarding the residential amenity of the locality and for the avoidance of doubt.
5. In the interests of safeguarding the residential and visual amenity of the locality and for the avoidance of doubt.
6. To ensure that adequate and satisfactory provision of off-street parking facilities to serve the existing guest house and restaurant.