

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Zafar Iqbal
204 Belswains Lane
Hemel Hempstead
Herts

Change of use from shop to use for sale of 'Take Away'....
hot food
at 123 Lawn Lane, Hemel Hempstead

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 refuse the development proposed by you in your application dated 27 May 1988 and received with sufficient particulars on 31 May 1988 and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

1. The proposed use of the shop for 'take away' purposes would create an unacceptable level of nuisance from noise and smell to immediately adjacent and nearby residential properties.
2. The increased traffic likely to be generated by the proposed development is likely to give rise to conditions prejudicial to highway safety.

Dated Fourteenth day of July 19 88

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment 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 Borough Council in which the land is situated, 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

14 JUL 1988

4/1024/88. CHANGE OF USE FROM SHOP TO USE FOR SALE OF 'TAKE AWAY'
HOT FOOD.
123 LAWN LANE, HEMEL HEMPSTEAD.
APPLICANT: ZAFAR IQBAL

DESCRIPTION - It is proposed to use this currently vacant shop for the operation of a 'take away' facility. The property is one of three in a small group on the north-eastern side of Lawn Lane adjacent to the shop where permission was recently refused for a taxi office. The surrounding area is predominantly residential and there are, indeed, flats above the shops. On the opposite side of the road is a home for the mentally handicapped. Lawn Lane is a very busy road with parking restrictions, which extend into Seaton Road.

POLICIES

Hertfordshire County Structure Plan 1986 Review

Policy 48

Dacorum District Plan

Policies 19, 67 and 90

REPRESENTATIONS

Director of Housing and Health

Anticipates that complaints may arise as the site is surrounded by residential property, and there is a considerable potential for nuisance from noise generated by traffic, together with odour nuisance to the flats above from cooking fumes. Recommends that planning permission be refused.

CONSIDERATIONS - There are two parking spaces available to the rear of the premises - which will probably be used by staff. Customer parking will be limited to the street, where restrictions are in force, and a possibility of space on the forecourt. The junction between Lawn Lane and Seaton Road is relatively busy and in view of fast moving traffic on Lawn Lane casual parking should not be encouraged in the vicinity. The Director of Housing and Health has expressed serious reservations regarding the suitability of the premises in view of the presence of flats above and the likely nuisance from late night traffic in the residential area. In consequence I consider the proposal to be unacceptable in environmental terms.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reasons:

1. The proposed use of the shop for 'take away' purposes would create an unacceptable level of nuisance from noise and smell to immediately adjacent and nearby residential properties.

2. The increased traffic likely to be generated by the proposed development is likely to give rise to conditions prejudicial to highway safety.

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