

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To

Mr. Shariff,
General Secretary,
Quwwatul, Islam,
c/o 67 Weymouth Street,
Hemel Hempstead, Herts.

Messrs. Foster and Emery,
29 High Street,
Hemel Hempstead,
Herts.

Continuation of existing use as mosque without compliance
with Condition (3) of Planning Permission dated
27 June 1985 (ref. 4/0550/85)... Alterations to existing ...
double garage at ... 150 St. Albans Hill, Hemel Hempstead, ...
Herts.

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
..... 7th November 1985 and received with sufficient particulars on
..... 23rd January 1986 and shown on the plan(s) accompanying such
application.

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

The proposed development would conflict with the recommendations set out in the
local highway authority's policy document entitled "Residential Roads in Hertfordshire
1982". Paragraph 1.8.4. recommends that for rear access to garage areas and access
to garage courts, arches may be reduced to a minimum of 2.6 m high. There is
therefore insufficient headroom provided as a result of the proposals to enable vehicles
other than private cars to pass through the structure. This will result in certain
vehicles being unable to utilise the parking facilities as approved and moreover
to turn such that they may enter and leave the site in forward gear, thereby leading
to parking on and/or reversing movements onto or from the adjacent highway, a
classified road, to the detriment of the safety and free flow of vehicles and
pedestrians thereon.

Dated 13 day of March 19 86

Signed.....



SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

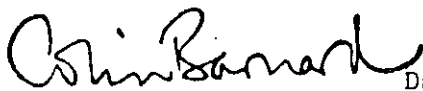
NOTE

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.

CONDITIONS (Cont'd)

- (4) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
- (5) All planting, seeding and turfing comprised in the landscaping details approved in accordance with condition 4 hereof shall be carried out in the first planting and seeding seasons following the occupation of the development, or the carrying out of the works referred to in condition 2 and 3 hereof, whichever is the soonest; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.
- (6) The use hereby permitted shall be limited to:-
 - (a) residential prayer meetings and education facilities on the ground floor of the building only, and for no other purpose, (including any other purpose within Class XIII of the Schedule to the Town and Country Planning (Use Classes) Orders 1972-1983 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order);
 - (b) residential use only of the first floor of the premises.
- (7) The use hereby permitted shall not extend to the use of the garden area which shall be used solely for vehicle parking, circulation and manoeuvring in accordance with the approved details and for the domestic needs of the occupant of the residential accommodation.
- (8) There shall be no external public address system.
- (9) The use hereby permitted, inasmuch as it extends to use of the building for prayer and meeting and education, shall not take place between the hours of 23.00 and 05.00 hours on any days.
- (10) Between the hours of 0700 and 1900 on Mondays to Fridays (exclusive of Bank Holidays) inclusive noise from the premises should not exceed 45 dBA: measured on the north west boundary over any 5 minute period, and expressed as L90 i.e. that noise exceeded for 90% of the time. At any other time, noise from operations conducted on the premises and expressed in a similar way shall not exceed 36 dBA. The measurements shall be taken at a height of 1.2 m above ground level except where the site is enclosed by a wall or other sound-opaque structure at, or near, the perimeter, when the measurements shall be taken at a position high enough to measure the noise coming over the top of such a structure.

Signed



Dated 27th June 1985

CHIEF PLANNING OFFICER