

MR

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning  
Ref. No. 4/2260/88

Other  
Ref. No.

THE DISTRICT COUNCIL OF ..... DACORUM .....  
IN THE COUNTY OF HERTFORD

To Mr J Mehmet  
3 Sheridan Close  
Hemel Hempstead  
Herts

Mr D Clarke  
47 Gravel Lane  
Hemel Hempstead  
Herts

..... Change of use of Ground Floor Shop to .....  
..... Take-away Facility .....  
.....  
at ..... 94 London Road, Apsley, 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 permit the development proposed by you in your application dated 8.12.88 and received with sufficient particulars on 15.12.88 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.
- (2) A shop window display shall be maintained at ground floor level.
- (3) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of suitable ventilation including appropriate filtration as necessary to prevent odour nuisance to nearby residents.
- (4) The shop shall not be open for trade outside the hours of 18.30 to 23.00, Mondays to Saturdays and 18.30 to 22.00 on Sundays.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) So as not to prejudice any future retail use on the site.
- (3) In the interests of amenity.
- (4) In the interests of amenity.

Dated..... **Second** ..... day of..... **February** ..... 19..... **89**

Signed.....  .....  
Designation..... **CHIEF PLANNING OFFICER** .....

**NOTE**

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1.) 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.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.

(4) 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 section 169 of the Town and Country Planning Act 1971.

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TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning  
Ref. No. 4/0509/89

Other  
Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr Mehmet  
3 Sheridan Close  
Hemel Hempstead  
Herts

Mr D Clarke  
47 Gravel Lane  
Hemel Hempstead  
Herts

Modification of condition to planning permission  
4/2260/88 (change of use - ground floor shop to  
hot food take away);  
at 94 London Road, 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 permit the development proposed by you in your application dated 9 March 1989 and received with sufficient particulars on 21 March 1989 and shown on the plan(s) accompanying such application, subject to the following conditions:—

~~xxxx The development to which this permission relates shall be begun within a period of xxxxxx years commencing on the date of this notice~~

The premises shall not be open for trade outside the hours of 08.30 to 23.00 Mondays to Saturdays and 11.00 to 22.30 on Sundays.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:-

~~xxxx To comply with the requirements of Section 41 of the Town & Country Planning Act 1971 xxx~~

To safeguard the amenity of adjacent residential properties

Dated.....Eighth.....day of.....June.....19 89.....

Signed.....



Designation.....CHIEF PLANNING OFFICER.....

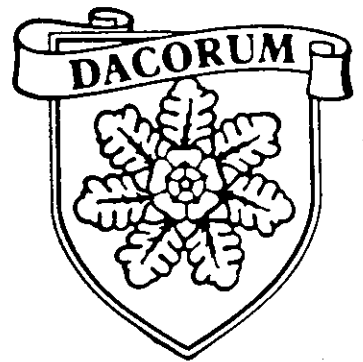
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(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Marsham Street, London, S.W.1.) 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.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.

(4) 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 section 169 of the Town and Country Planning Act 1971.



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0908/91

D Mehmet  
94 London Road  
Hemel Hempstead  
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

94 London Road, Hemel Hempstead

MODIFICATION OF CONDITION RESTRICTING OPENING HOURS P/P 4/2260/88 (C.O.U.GROUND FLOOR FOR TAKE AWAY)

Your application for *full planning permission* dated and received on 02.07.1991 has been *REFUSED*, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 19.07.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0908/91

Date of Decision: 19.07.1991



The existing condition relating to the hours of use was imposed to safeguard the amenity of adjacent residential properties. The proposed extension of hours later into the evening would be seriously detrimental to the residential amenity of the locality by reason of noise, disturbance and nuisance arising from the increased use of No.94 London Road as a take-away.

NORTHGATE  
DOCUMENT STAMPED  
TO ENSURE DETECTION  
BY SCANNER

**IMPORTANT - THIS COMMUNICATION AFFECTS  
YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning  
and Compensation Act 1991)**

**ENFORCEMENT NOTICE  
(BREACH OF CONDITION)**

**ISSUED BY: DACORUM BOROUGH COUNCIL**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(b) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at 94 London Road, Apsley, Hemel Hempstead, Hertfordshire shown edged red on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

On 2nd February 1989 planning permission was granted for change of use of the ground floor shop to takeaway facility subject to conditions. The planning permission was modified on 8th June 1989 by the alteration of Condition 4. Condition 4 is that the premises shall not be open for trade outside the hours of 0830 to 2300 Mondays to Saturdays and 1100 to 2230 on Sundays. It appears to the Council that the condition has not been complied with fully, because the hours stated in the Condition are being exceeded.

**4. REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred since the end of 1963.

General Policy and Principles (PPG 1) states that it is the purpose of the planning system to regulate the use of land in the public interest. This includes assessing whether development would affect the locality generally and unacceptably affect amenities that ought in the public interest be protected.

In addition to being a neighbourhood shopping area Apsley is also a residential area. Occupants of flats in the vicinity of the premises are entitled to expect reasonable residential amenity and for this reason a condition was imposed on the planning permission for change of use restricting the hours of opening. The opening of the premises beyond the permitted evening closing times has resulted in noise, disturbance and nuisance from pedestrian customers and vehicles visiting the premises. This has adversely affected the amenities of local residents and thus causes harm to interests of acknowledge importance.

**5. WHAT YOU ARE REQUIRED TO DO**

Cease trading outside the permitted hours.

Time for compliance: 28 days after this notice takes effect.



6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on *13th March 1992* unless an appeal is made against it beforehand.

Dated: *7th February 1992*

Signed:

*A.N. Walker*

ASSISTANT DIRECTOR (LAW)

*PS* Director of Law and Administration

on behalf of:

Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
Herts HP1 1HH

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before *13th March 1992*. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on *13th March 1992* and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or

remedial action by the Council. On conviction, a fine of up to £20,000 may be imposed by the Magistrates' Court or an unlimited fine by the Crown Court.

2.92/ENF/2447/387/AMW/JDD/BS.5

NORTHGATE  
DOCUMENT STAMPED  
TO ENSURE DETECTION  
BY SCANNER