



## Full Parish Council Extraordinary Meeting Minutes

held on

29th June 2020

Via Zoom Meeting ref 96738856939

E: [Clerk@nashmillsparishcouncil.gov.uk](mailto:Clerk@nashmillsparishcouncil.gov.uk) W: [www.nashmillsparishcouncil.gov.uk](http://www.nashmillsparishcouncil.gov.uk)

### Present

Councillor Lisa Bayley (Chairman)  
Councillor Michele Berkeley  
Councillor Alan Briggs  
Councillor Nicola Cobb  
Councillor Steve Roberts  
Councillor Jan Maddern (Vice-Chairman)  
Councillor Emily Tout

### In Attendance

45 Members of the public (maximum number-this altered throughout the meeting due to internet connection)  
Nikki Bugden (Clerk)

### Meeting Commenced at 8.00pm

*Prior to the formal commencement of the meeting the Chairman spoke to the Cllrs and attendees regarding the virtual meeting process and etiquette.*  
Business commenced at 8.05pm

### 20/001/EM Apologies

None received. Cllr Lester was not present

### 20/002/EM Interests

Received from Cllr Tout (prejudicial interest declared due to business interests)  
Received from Cllr Maddern (interest declared as Cllr Maddern will be speaking as Borough Cllr)

### **PUBLIC PARTICIPATION 15 MINUTES TOTAL (MAX 3 MINS PER PERSON)**

### 20/003/EM Public Issues/Participation

Three members of the public were pre-registered. Borough Cllr Maddern gave her presentation (*Appendix 1*)  
The two other members of the public who had requested to speak were not showing on the Zoom participants list, the clerk then requested that both made themselves known to the Chairman to enable them to be unmuted. No such action was forthcoming, so the clerk checked parish emails and telephone in case the individuals had connectivity issues. No notifications received so the Chairman closed the public participation section.

**20/004/EM to consider the appeal 20/00015/REFU noted below and once discussed, to resolve any actions that NMPC may wish to take in relation to this appeal.**

Cllr Bayley explained that all councillors would now be asked for their views following their own individual appraisal of the appeal documentation to enable NMPC to determine actions to be taken.

Cllr Briggs spoke in detail regarding the appeal document and his view that there were inconsistencies in the document, inaccuracies of the calculations used, inaccurate use of planning references and a lack of mitigation for the parking issues raised. Transcript attached (*Appendix 2*)

Cllr Berkeley spoke in support of Cllr Briggs's view and asked that NMPC also note her concerns regarding surface water runoff, in particular the need for further confirmation from Herts Lead Local Flood Authority, The Environment Agency and Affinity Water, in writing, that the design addresses all concerns in the original refusal. There is a particular concern in Nash Mills due to the subsidence and issues caused during the 'Chalk mines' situation and Cllr Berkeley expressed concerns that any lack of consideration of this matter could result in the creation of future issues. Transcript attached (*Appendix 3*)

Cllr Cobb supported Cllr Briggs's views, highlighting the vagueness of the appellant in the comments relating to population growth however the proposed growth, as communicated by DBC, is significant. This anticipated population growth was not sufficiently discussed by EAS in the appeal document. The anticipated impact this would have on housing and population in Dacorum, along with the continued concerns regarding capacity, attendance numbers, parking and highways usage have not been effectively addressed.

Cllr Roberts agreed with the Cllrs' comments and confirmed that there was no material point in the appeal document that would change his original stance. Cllr Roberts reiterated the earlier NMPC view that appropriate development of this site would be of benefit to the locality but that any development must be of appropriate scale. Cllr Roberts expressed concern of the use of the terminology 'small-scale' as he believed the proposed development was large scale in this context. Cllr Roberts expressed concerns regarding the impact on the highway and that the Herts Highways comments (23<sup>rd</sup> Sept 2019) expressing their issues with the proposed development had not been given sufficient gravity (or resolution) in the appeal document. Cllr Roberts also expressed a concern regarding the parking, both at prayer times but also when the community space was being used. The proposed community space is 3 times the size of NMVH, however the proposed number of parking spaces is equal- this would push 'over-spill' parking out on to surrounding highways, which is even more pertinent with a highly probable shift in people working from home post Covid-19 reducing the number of available spaces.

Cllr Bayley thanked all Cllrs for their input and confirmed that all points that she wished to raise were contained within the comments raised by the other Councillors. Cllr Bayley expressed her fears relating to the issues that could be caused by the surface water run off due to her personal experience of the chalk mines. As a long-standing local resident Cllr Bayley had serious concerns regarding the scale of the development and the associated parking issues that has not been addressed in the appeal document.

**NMPC Resolved**, that the clerk would draft a response for submission to the planning inspectorate, noting the NMPC stance of being against the appeal. Submission to collate comments raised at the meeting by the Councillors. Document to be circulated to all Councillors for checking prior to submission. Unanimous decision. Cllrs Maddern and Tout did not take part in the vote due to the interests declared.

Meeting Closed at 20.46

.....  
Chairman 13<sup>th</sup> July 2020

29<sup>th</sup> June 2020

### **Dacorum Borough Councillor Jan Maddern – Speech to Nash Mills Parish Council**

I would like to take this opportunity to firstly explain the process of an appeal. There are three ways this can be heard, by written representations, a hearing or a public enquiry, and the decision as to which procedure is used, is made by Her Majesty's Planning Inspector (known as PINS). In this case, it is being heard by written representations. This means that the planning officers and the appellant submit written evidence that is considered by the planning inspector.

In addition, people who filed objections on the second planning application only (which is the one being appealed) should have been contacted to invite any further comments, but please note that any comments submitted on that application have already been forwarded to PINS so people may not feel there is anything else to add.

I would also like to clarify my position on this matter, and put the history of my involvement on public record once and for all.

I was invited to view the drawings that were submitted in 2017, and met with two gentlemen from the Mosque at The Forum for just 45 minutes. All I was shown were the elevations and floor plan, and this was before the documents were available on the Dacorum website. I said at the end of the meeting that I thought the plans were attractive, and that I looked forward to seeing the application in its entirety. Of course, the drawings alone gave no indication of capacity and at the meeting I was told this building would be in addition to the mosque in St Albans Hill and would have around 100 people attending. With 35 spaces I felt this was appropriate.

However, when I saw the supporting documents it actually stated that the prayer hall would hold over 500, then there were classrooms and a room for women and children, meaning that the building would have a capacity of around 700. I did never, and would never, agree that this was suitable development for that site. If the mosque building had a maximum capacity for 100, with fire regs that supported that, and no option to further expand the size, I would have had no issue with the application.

Dacorum Borough Council's planning experts refused this application based on parking, which has always been my issue with it. Last week I received severe abuse on social media calling me a liar and a racist – neither of these are true and I was quite shocked by the comments. My concern is solely about the parking issues and the detrimental impact that such a large capacity building will have on current shops and residents. It is irrelevant that the appellant says there will be no increase in numbers; the moment an application is approved for 700 no-one could ever stop that many people turning up as often as they wished. We have 10,000 new homes being built in Hemel Hempstead, so it is obvious that this will put pressure on doctors' surgeries, churches, mosques... any building that draws from the community. The bulk of development is happening across the other side of town, so of course people will drive! THIS is my concern. I will take no further part in tonight's discussions as I will be responding as the borough councillor.

Jan Maddern

Speaking as the Dacorum Borough Councillor for Nash Mills and as a member of the community.

**Proposal:** Demolition of existing building & construction of place of religious worship

**DACORUM BOROUGH COUNCIL (DBC) Reference:** 4/01828/19/MFA

## 29<sup>th</sup> June 2020 Review by Nash Mills Parish Councillor Alan Briggs of the Written Representations Appeal Statement dated 30 March 2020

The Planning Inspector is urged to carefully examine both a number of the claims within the document, and in particular the statistics as many of them are inaccurate or misleading.

Reference is given to the page numbers of the Appellants document, unless otherwise specified.

This document analyses the Appellants case related to these subject matters:

- A. Reasons for Refusal
- B. Location
- C. Community Impact
- D. User Volumes
  - Funerals
- E. Parking
- F. Consultation

## **A. REASONS FOR REFUSAL**

Two Planning Applications have been put forward and refused, with both emphasising insufficient evidence put forward regarding **severe impact** on the safety of the local highway network and the **severe impact** of inadequate parking provision.

<b>A. REASONS FOR REFUSAL</b>
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The Reasons for Refusal and the subject of this Appeal are as follows:

1)	Based on the information submitted, by reason of the site's location, the size of the proposed building, and the proposed parking arrangements, it has not been satisfactorily demonstrated that the development would not have a severe impact on the safety of the surrounding highway network. The proposal would therefore be contrary to the aims of Policies CS8 and CS12 of the Dacorum Core Strategy 2013, saved Policies 57 and 58 of the Dacorum Borough Local Plan 1991-2011 and paragraph I09 of the National Planning Policy Framework.
2)	Policy CS4 of the Dacorum Core Strategy September 2013 states that within residential areas non-residential development for small-scale social, community, leisure and business purposes is encouraged, provided it is compatible with its surroundings. The proposed development, by reason of the scale of the use and the associated severe impact of inadequate car parking provision on the surrounding area by reason of on-street parking and highway safety issues would not be small-scale in terms of its effects on the surrounding area and would therefore be incompatible with its surroundings. The proposal is therefore contrary to Policy CS4 of the Dacorum Core Strategy 2013.
3)	In sufficient information has been submitted with the application to demonstrate how the development would seek to reduce surface water runoff from the site o below the current discharge rates, if not to Greenfield runoff rates, and to show that the proposal would not result in an increased flood risk from the site. The proposal is therefore contrary to Policy CS31 of the Dacorum Core Strategy September 2013.

In response the Appellant incorrectly states:

Page 11: 5.4

*"It is contended that the **main issues in this appeal** are:*

A)	<i>The effect of the development on the safe and free flow of the highway network <b>in the vicinity of the appeal site</b></i>
B)	<i>The impact of the development on the character of the locality with particular regard to the Development Plan.</i>
C)	<i>The effect of the development on surface water management in the vicinity of the application site. "</i>

## Under 'Main Issues'

### Page 11

Paragraph 5.5 the Appellant states:

- *“Based upon the Council’s delegated officer report, **there are no other perceived development conflicts**, and all other matters are considered to be acceptable, subject to suitable planning conditions where the relevant tests are met.”*

It would appear that based on the above **the Appellant misunderstands the Reason for Refusal** and the responses therefore are invalid. The Appellant’s contention notably fails to specifically mention the **primary concern of the lack of parking**.

### Page 23

Paragraph 7.1 states:

- *“The Council’s delegated Officer Report (Appendix 2), has determined that three main issues are in dispute in the current appeal. This statement has therefore focused on these main issues, on the understanding that all other considerations do not result in any perceived Development Plan conflicts on the part of the Council and are capable of being addressed through suitable Planning Conditions.”*

Paragraph 7.2 quotes: (Under *“Impact on Character of the Locality”*)

- *The Council’s delegated officer reports states that it is “... concluded that due to the effects of the proposal on the surrounding area, the development would be excessive with respect to the scale of the use due to **the associated severe impact of inadequate parking provision** and highway safety issues. **These would not be small-scale and consequently would be incompatible with its surroundings**, as sought under Policy CS4 of the Core Strategy, and thus the development would be contrary to these policy objectives.”*

From then on through 7.3 to 7.12 the Appellant’s responses relate to **their interpretation** of B) above which has **no bearing on the actual Reason for Refusal at 2)** and consequently on Policy CS4 in this instance.

### Page 24: 7.9

- *“In the formal Notice of Decision, the Council identified the surrounding area as being **ENTIRELY residential in character**. Therefore, in the Council’s opinion, the development was automatically limited by Policy CS4 to being ‘small-scale’.”*

**That statement is false** – the word ENTIRELY **does not appear** in any document.

Therefore, the comments which follow at 7.10 through to 7.12 have **no bearing in this instance**.

**The Appellant then fails to quote** from page 42 which is the Delegated Officer’s detailed statement of Reasons for Refusal which are within the Appendix, where two of three points contain that parking emphasis:

Page 42

1. *“Based on the information submitted, **by reason of the site's location, the size of the proposed building, and the proposed parking arrangements, it has not been satisfactorily demonstrated that the development would not have a severe impact on the safety of the surrounding highway network. The proposal would therefore be contrary to the aims of Policies CS8 and CS12 of the Dacorum Core Strategy 2013, saved Policies 57 and 58 of the Dacorum Borough Local Plan 1991-2011 and paragraph 109 of the National Planning Policy Framework.***
2. *Policy CS4 of the Dacorum Core Strategy September 2013 states that within residential areas non-residential development for small-scale social, community, leisure and business purposes is encouraged, provided it is compatible with its surroundings. **The proposed development, by reason of the scale of the use and the associated severe impact of inadequate car parking provision on the surrounding area by reason of on-street parking** and highway safety issues would not be small-scale in terms of its effects on the surrounding area and would therefore be incompatible with its surroundings. The proposal is therefore contrary to Policy CS4 of the Dacorum Core Strategy 2013.*

Page 4

Paragraph 1.6 - it can be argued that it is misleading to state only that the Local Highway Authority does not object to the proposals, without also highlighting the LHA statement shown on page 55, namely that:

- *“**HCC are concerned that the car parking arrangements are not suitable for the proposed development** and that additional car parking on the highway network could create unsafe environment for pedestrians and result in narrowing of carriageway. The applicant has reiterated in additional information provided that the existing on-street parking facilities can accommodate as displacement; however, **HCC are still concerned over the impact on safety and visibility of cyclists and pedestrians**; however, the suitability of the parking provision is ultimately the decision of the LPA. ”*
- *“The additional information also states that for large events which may occur once or twice a year outside of the regular prayers, classes and community events, specific event management plans would be created. This would be beneficial; however, **HCC are concerned about the potential for displaced parking on the surrounding highway network.**”*

Dacorum Borough Council (DBC) is the LPA and two of their three Reasons for Refusal emphasised their concerns.



### Page 10

Paragraph 4.2 states:

- *“The Appellant had engaged with the reasons for refusal prior to submitting a further planning application, but with additional evidence and justification to address all of the Council’s concerns. The second application was also refused by the Council, and it is the second application that is the subject of the current appeal.”*

In fact the second application contained only minor changes that did not fundamentally address those Reasons for Refusal of the first application, and certainly not **“all of the Council’s concerns”**.

### Page 23

Paragraph 7.1 states:

- *“The Council’s delegated Officer Report (Appendix 2), has determined that three main issues are in dispute in the current appeal. This statement has therefore focused on these main issues, on the understanding that all other considerations do not result in any perceived Development Plan conflicts on the part of the Council and are capable of being addressed through suitable Planning Conditions.”*

Paragraph 7.2 quotes:

- *The Council’s delegated officer reports states that it is “... concluded that due to the effects of the proposal on the surrounding area, the development would be excessive with respect to the scale of the use due to the associated **severe impact of inadequate car parking provision** and highway safety issues. These would not be small-scale and consequently would be incompatible with its surroundings, as sought under Policy CS4 of the Core Strategy, and thus the development would be contrary to these policy objectives.”*

### Page 26

Paragraph 7.1 states:

- *“The Revisions to the NPPF published in February 2019 confirm the Government’s approach to ensuring that parking for cyclists and people with disabilities remain a high priority and that the threshold for refusing an application on the grounds of highway safety is very high and requires that cumulative residential highway impacts are severe, even after consideration of mitigatory measures such as Planning Conditions, Travel Plans and S.278 Highway Improvements.”*

If the development proceeded, the *“cumulative residential highway impacts”* would indeed be *“severe”* and thus the refusal threshold is met. Whilst there is strong provision of cyclist parking, the practical consideration omitted is that the proposed development sits near the bottom

of a very steep hill which even the most proficient cyclists find challenging. The topography of the local area does not make cycling a practical option for this site.

Page 107

The Transport Assessment states:

- *“In general, therefore the Highway Authority (Hertfordshire County Council) are supportive of the scheme as it currently stands, including the parking provision. This has however not always been the case and the below is a recap of the history of the discussions undertaken with Hertfordshire County Council highways in order to resolve any concerns they may have had.”*

This is a false and misleading statement. The Delegated Officer’s Report states that “HCC are concerned that the car parking arrangements are not suitable for the proposed development....” and “HCC are concerned about the potential for displaced parking on the surrounding highway network”

## **B. LOCATION**

### Page 5

Paragraph 2.5 states

- *“The site is located within the Bennetts End Ward and is within the Nash Mills Parish Council Area”.*

This is incorrect, the site is within Nash Mills Ward not Bennetts End.

### Page 25

Paragraph 7.10 states:

- *“The Appellant contends that the Council have inappropriately characterised the appeal site. The Proposals Map, of which an extract has been included within the Submitted Design and Access Statement, shows the appeal site to be contiguously connected to a designated Local Centre, shaded in blue on the Proposals Map, which was formally adopted by the Council in 2004. The appeal site is therefore physically and functionally connected with the existing Nash Mills local centre. Therefore, the appeal site cannot rationally be claimed to be within a wholly residential area. Based upon these material considerations, the Appellant contends that the ‘small-scale’ requirement of CS4 does not exist in this case, and instead, the principle of use for a community facility is clearly established, and that there is no conflict with Policy CS4.”*

DBC Core Strategy (pages 79 and 80) describe two categories of “Local Centre” – those with a district function versus those with a local function. It identifies that The Denes in Nash Mills is in the **smaller local category** “with a neighbourhood shopping function”. It states that it “Provides a range of mainly small shops, services and facilities of a local nature, serving a small catchment.” This supports the Delegated Officer’s conclusion 2 that:

- *“Policy CS4 of the Dacorum Core Strategy September 2013 states that within residential areas non-residential development for **small-scale** social, community, leisure and business purposes **is encouraged, provided it is compatible with its surroundings**. The proposed development, **by reason of the scale** of the use and the associated severe impact of inadequate car parking provision on the surrounding area by reason of on-street parking and highway safety issues **would not be small-scale in terms of its effects** on the surrounding area and would therefore be **incompatible with its surroundings**. The proposal is therefore contrary to Policy CS4 of the Dacorum Core Strategy 2013.”*

Further, the statement within Paragraph 7.10 states

- *“The Appellant contends that the Council have inappropriately characterised the appeal site. .... Therefore, the appeal site cannot rationally be claimed to be within a wholly residential area”*

The Council / Delegated Officer **does not state** that the site within a wholly residential area. A simple search for the phrase within the appeal documents shows that it only appears in paragraph 7.10 and not in any of the quoted DBC reports. The false claim is in fact by the Appellant, a further example of a misstatements that seemingly seek to deceive.

#### Page 25

Paragraph 7.11 states:

- *“In addition to the above, even if the ‘small-scale’ requirement of Policy CS4 were found to be applicable in this case, the Appellant contends that the approximately 1,600 square metres of floor area proposed, less the floor area of the existing church building to be demolished, is within the threshold of ‘small-scale’ when compared to the total non-residential floorspace associated with the non-residential uses contained within the Nash Mills Local Centre. **Although the Appellant has not been able to precisely measure the total non-residential floorspace associated with these uses, a preliminary estimate, based upon building footprints, would suggest that the gross external floorspace is approximately 4,800 square metres of non-residential floor area that exists at ground-floor level alone.”***

This is a wholly inaccurate statement. The lease of a single retail unit identifies that it is 80.5m<sup>2</sup>. There are 3 single, 1 double and 1 triple units within **the Denes which is thus 644m<sup>2</sup>** in total. The proposed development cannot therefore reasonably be classed as “small-scale” since it would be **2.5 times larger than the existing local centre**.

#### Page 26

Paragraph 7.14 states:

- *“The NPPF seeks to locate new development in sustainable locations where the need to travel, especially by motor car, is reduced. The appeal site is, from a transportation perspective, located in a highly sustainable location at the edge of a well-connected, thriving local centre, with significant multi-modal trips associated with the variety of uses operating in this location, including a medium to large sized retail store that meets the convenience and comparison shopping needs of a large mixed-us area.”*

With regard to the statements within this paragraph, a number are mis-leading:

- i. The Tesco Local is neither Medium nor Large. This retail format is designed to serve a **local neighbourhood** shopping function. Whilst convenient for the local neighbourhood, it is somewhat outlandish to say that it meets “*comparison shopping needs of a large mixed-use area*”.
- ii. Nash Mills is situated on the south-west edge of Hemel Hempstead. Journeys from much of the rest of Dacorum would involve multiple bus trips which are perhaps not compatible within the time pressures associated with the culture of attendance at Muslim prayer meetings – especially on Friday lunch times during a gap in working hours.
- iii. Much is made of multi-modal transport and specifically the provision of cycle parking. Whilst encouraging cycling is commendable, the reality is that the proposed development sits near the bottom of a very steep hill which even the most proficient cyclists find challenging. The topography of the local area does not make cycling a practical option for this site. Given the parking pressures at the current mosque, **why has the proposed modal shift not been achieved there?** It sits near the top of the plateau on which a large part of Hemel Hempstead is situated, yet the Applicants Mode of Transport survey (page 142) notes that there were **only 8 cyclists amongst the 333 attendees.**

## C. COMMUNITY IMPACT

### Page 16

Paragraph 6.23 states in referring to the NPPF:

- *“Paragraph 127 outlines that planning policies and decisions should ensure that developments:
  - a) will function well and **add to the overall quality of the area**, not just for the short term but over the **lifetime** of the development;”*

Due to its inevitable impact on the saturation of parking in the local area, and the potential to **restrict trade at the local shops when peak trading and prayer times coincide**, the development would have a severe **negative** impact on the overall quality of the area for many lifetimes.

### Page 17

Paragraph 6.26 states in referring to the NPPF:

- *“In relation to community facilities, Paragraph 182 states that decisions should **ensure that new development can be integrated effectively with existing businesses and community facilities** (such as places of worship, pubs, music venues and sports clubs). **Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established**. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.*

Due to the unavoidable saturation of parking by vehicles overflowing from the proposed mosque into the spaces outside the adjacent local shops, it would be inevitable that their trade would be restricted at peak prayer times, thus the development would impose significant and unreasonable restrictions placed upon them, bringing **direct harm** potentially affecting their viability. The shops currently include a café, fish & chip shop, beauty salon and Tesco Local store – all of which rely on a regular flow of traffic and the availability of short-term parking. **Existing businesses would have unreasonable restrictions placed on them as a result of the proposed development.**

## **D. USER VOLUMES**

### Page 31

Paragraph 7.32:

- *“Surveys conducted at the Applicant’s existing mosque have identified that 97% of all prayer meetings held throughout the year have an attendance of less than 30 persons. The Council’s delegated officer report has specifically focussed on Friday afternoon prayers, as this is the 2-3 hour window of each week where attendance is likely to be at its greatest, particularly in summer time.”*

The Appellant has already made clear that they do not apply “a rigid” or “overly arithmetic” approach” to their calculations. This perhaps explains why their statistical models have **chosen to exclude the largest attendance numbers when calculating averages.**

### Page 31

Paragraph 7.33 states the **CURRENT ATTENDEES:**

- *“The Transportation Assessment identified that the current Friday afternoon prayer attracts around **330 attendees**, split over two separate prayer sessions, which since February 2018 have been an hour apart (13:00 & 14:00 in winter and 13:30 & 14:30 in summer). There are currently around 170 people attending the first prayer and around 160 attending the second prayer.”*

### Page 109

**FUTURE GROWTH:** The Appellant’s Transportation Statement Submitted at Application Stage states that there is unlikely to be a material increase – a 10% increase is not “material”?:

- *“Most Muslims who could attend the Jummah prayer are already attending at St Albans Hill, owing to attendance at Jummah prayer for able bodied males being obligatory. **There is therefore unlikely to be a material increase in the male attendance at the Mosque at the Jummah prayers.** However, there is the potential for increased female attendance, likely to be around 10% of the total attendance which would mean around 18 additional attendees at the first Jummah prayer and around 16 additional attendees at the second Jummah prayer.”*

Page 37

**FUTURE GROWTH:** Paragraph 9.2 refers Hemel Hempstead’s future growth and that the proposed **mosque would be expected to accommodate that growth:**

- *“The proposed scheme is contended to be acceptable in principle and would contribute towards meeting the cultural and religious needs of both the existing population of Hemel Hempstead, but also **those future residents to be accommodated within the wider area as part of the growth identified within the Development Plan during the Plan Period.** An examination of the relevant Development Plan context has not identified any conflicts with relevant Policies that could not be overcome through suitable planning conditions.”*

Page 27

**FUTURE GROWTH:** Paragraph 7.20 confirms that the mosque serves the **whole Muslim population of Hemel Hempstead:**

- *“It was reaffirmed that the existing mosque already serves the whole Muslim population of Hemel Hempstead and there is unlikely to be an increase in attendees owing to this location – further information has been supplied so that Hertfordshire Highways are satisfied that the site would not attract additional attendees from the wider area; ”*

The Appellant does not address the issue of whether any attendees are likely to transfer from the other mosque in Highfield which has capacity for around 300 persons for Jummah prayers on Friday (only), other than to say that it is “predominantly used by those of Bangladeshi origin as opposed to the St Albans Hill mosque which is mainly used by those of Pakistani descent”.

Page 51

**FUTURE GROWTH:** The DBC Delegated Report quantifies the Muslim proportion of the Hemel Hempstead population

- *“Based on the 2011 Census there were 2759 Muslims in Hemel Hempstead, representing **2.8% of the population of the town.** The proposed Mosque is located in the Dacorum 020 area which has a Muslim population of 749, 28% of the Muslim population of Hemel Hempstead”*

Dacorum Borough Council has a central government home building target of 18500 units between 2020 and 2037/38. **THIS EQUATES TO 518 ADDITIONAL ATTENDEES** (based on only **one male** per household, 2.8% representation and **excluding** females and children) which are **ignored in the projections.**



Page 31

Paragraph 7.33 states :

- *“The Transportation Assessment identified that the current Friday afternoon prayer attracts around 330 attendees, split over two separate prayer sessions, which since February 2018 have been an hour apart (13:00 & 14:00 in winter and 13:30 & 14:30 in summer). There are currently around 170 people attending the first prayer and around 160 attending the second prayer.”*

Whilst the split of the prayer sessions does clearly reduce the attendees at a single session, the assessment does not address the **overlap of attendees** arriving and departing. **Neither does it address the impact of future growth.**

The DBC SOCIAL AND COMMUNITY FACILITIES BACKGROUND STUDY (January 2006) identifies:

- “7.3.2 The current mosque comprising approximately 312 square metres of accommodation is only capable of accommodating approximately 200 worshipers. It would not be unusual however to expect around 300-400 worshipers with **600 regularly wishing to attend Friday prayer. Festivals such as Eid can generate in the region of 1000 worshipers.**”

With the additional capacity that the proposed mosque would deliver, it is reasonable to suppose that attendance would increase.

## USER VOLUMES - FUNERALS

### Page 150

The Transport Assessment states:

- “Funerals will only be held on rare occasions and are always in conjunction with one of the existing afternoon prayers, never the Friday Jummah prayer. The funeral prayer lasts around 10 minutes and attracts only a small number of additional attendees. If the coffin is kept overnight at the mortuary only immediate family will be present with a maximum of around 10 people.”

The Delegated Office Report quoted on page 90 states:

- “with the mortuary being on site, not only will the deceased be brought there **it is likely that all funerals in Hemel and nearby catchment areas be held here**. The numbers involved are not adequately quantified.”

Publicly available resources regarding the principal of Muslim funerals indicate:

- The whole community participates in a Muslim funeral. It’s not unusual for someone to attend the funeral of someone they don’t know well.
- Preparations for the funeral should begin immediately, because the deceased must be buried as soon as possible.
- After the funeral and burial, the immediate family will gather and receive visitors. It is customary for the community to provide food for the family for the first few days of the mourning period (usually three days).

**The Appellant has not justified that “funerals will only be held on rare occasions”.** However brief the ceremony, the attendees would still need somewhere to park. The statement that there would be “only a small number of additional attendees” would seem to be at odds with the tradition of whole community participation. Since the proposed mosque would include community rooms, it is reasonable to assume that they could be used by families for post-funeral receptions. **It is unlikely that any of the Appellants claims / justifications could be enforced if permission to develop was granted.**

## E. PARKING

This is the key matter that determines why the proposed development is wholly unsuitable for the site, as the DBC Delegated Officer correctly identified and detailed in his reports and Reasons for Refusal. The Appellant has not come close to satisfactorily addressing the issue in either of the refused planning applications, nor within their appeal. The Appellant's attempts to mislead the planning authorities regarding this matter is an abuse of process and shows their complete disregard of the reality of the proposals. Standards are defined and a scientific approach can be used to validate whether proposed development complies. The Appellant "*disagrees with this overly arithmetic approach to the assessment of parking provision*" (paragraph 7.29). The art of perception supports the science of arithmetic that 35 parking spaces are insufficient for a building designed with a capacity of up to 2178\* people when that large building would be located in a small local neighbourhood outside of a town centre.

\* The [Building Regulations 2010](#) specify that building capacity should be calculated according to its type, and in the case of "assembly halls" the floor space factor per person is 0.5m<sup>2</sup>. **Thus the capacity of the proposed area dedicated to worship alone is 2178 persons.**

The Appellant seeks to mitigate the shortfall using diverse calculations, a number of which are questionable and seek to use arithmetic to justify that shortfall. However, whichever of the range of calculations is used, **the shortfall is between 90 and 143 spaces. The proposed on-site parking is 35 spaces** (excluding double parking which has been rejected as unsafe by consultees) and so even at 75% of the maximum standard **there is an agreed minimum shortfall of 90 spaces**. The spaces at the Snow Centre which is 1.3 miles away cannot reasonably be counted as parking provision for this development.

The Appellant contends in Paragraph 7.24 that according to the NPPF:

- "*Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network*".

There is indeed **a clear and compelling justification** that **maximum parking standards are necessary** to enable the local road network to be managed since it would **otherwise be overwhelmed by off-site parking**.

Page 28-30

Paragraph 7.24 states:

- *“Of the total GFA proposed, there would be 1089 square metres of floorspace attributed to religious worship. Based upon the Council’s SPG, the maximum car parking provision would be calculated, using a rigid arithmetical approach, **at 107- 143 spaces** based on the Council’s requirement of 75% to 100% provision.”*

Paragraph 7.28 states:

- *“The Case Officer notes that measurements taken from the floor plans (not double- counting lift voids, void over level one prayer area and stairwells) generate a total gross floor area of 1,668.82 sqm, where the parking requirement in accordance with saved Appendix 5 would be **125 to 167 spaces**. The proposal, based upon a rigid numerical calculation, would therefore, in the Council’s opinion, represent **a shortfall of approximately 90 car parking spaces**.”*

Paragraph 7.29 states:

- *“The Appellant disagrees with this overly arithmetic approach to the assessment of parking provision. The Appellant also wishes to draw attention to the Council’s errors regarding the total number of parking spaces that can be achieved within the appeal site during times of peak demand. The proposed place of worship has 35 marked parking spaces and a further 14 available at the Snow Centre, making **a total of 49 parking spaces**. The Mosque have already stated that no other activities would occur during the Jummah prayer and therefore all of these spaces are available to the Jummah attendees.”*

Paragraph 7.30 states:

- *“As the transportation analysis submitted with this appeal outlines, a number of additional spaces can also be created within the car park by an element of ‘double parking’ within the car park. This could create up to 18 to 20 spaces, **although is more likely to be around 10 spaces**.”*

The total floor space is “1623” square meters according to Paragraph 3.5 (the correct total is 1603) which includes:

- *“1089 square metres for areas dedicated to worship*
- *110 square metres for education*
- *295 square metres for community needs*
- *31 square metres for a library*
- *78 square metres for flatted residential accommodation”*

References to the 20-space shortfall of the current derelict site should be irrelevant given that the former Methodist church was constructed many years ago, to different standards and to serve a different very local (not whole Hemel Hempstead) purpose.

The calculations should include all the internal floor space, especially as it contains **residential accommodation and the provision for staff** both of which need would need to be accommodated in addition to prayer / event attendees.

#### Page 21

Paragraph 6.50 acknowledges:

- *“Appendix 5 outlines the Council’s car parking standards. The standards are expressed as maximum standards and not minimum standards. 1 car parking space for each 10 square metres of gross external floor space. In addition, one cycle space per 200 square metres of gross floor area is also required. In Zone 4, new non-residential development is expected to provide 75% to 100% percent of this standard. ”*

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The Parking Survey includes images of Barnacres Road. A desktop review of the data (rather than a site visit) could **inaccurately conclude that there are many spaces** between the parked cars shown in the photographs. These are in fact areas of dropped kerb that **provide access to private driveways**.

The Parking Survey also includes images of spaces outside the Denes shops. Spaces there are used short term and the **shops rely on adequate visitor parking**. The fact that they are included in the survey implies that the Appellant perceives that they would be used by the proposed mosque attendees – and there would be no way to prevent this. Thus there would be **direct harm during a key trading period** (around Friday lunchtime) to what is acknowledged by the Appellant is currently a *“thriving local centre”* (paragraph 7.14). **Existing businesses would have unreasonable restrictions placed on them as a result of the proposed development.**

## **F. CONSULTATION**

### Page 4

Paragraph 1.7:

- *“In relation to third party considerations, there was not significant public interest at the application stage to warrant escalation of the application to an informal hearing”.*

There were 33 Objections and 2 Supporting Comments to the application 4/01828/19/MFA which is being appealed.

Those Objections overwhelmingly object on the grounds of parking, these objections have not been addressed.

### Page 16

Paragraph 6.22:

- *“The NPPF is clear as to the importance of good design within the built and natural environment. Para 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. **So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.**”*

There was **no engagement with the local parish council**, nor to my knowledge any other local community groups,

**Comment from Councillor Michele Berkeley at Nash Mills Parish Council  
Extraordinary Meeting on 29<sup>th</sup> June 2020 via Zoom.**

**Appeal Notice: 20/00015/REFU**

I am in total agreement with Councillor Briggs's concerns regarding the Lack of sufficient Parking and the Scale of the size of the Development.

I am also concerned about the issue of how the development would seek to reduce surface water runoff from the site. The LLFA refused the current application due to insufficient information regarding this matter.

I note that within the Written Appeal documents produced by Planning, Design & Build prepared on 30 March 2020, one of the Appeal documents submitted was a letter dated 11 December 2019 from Woodsyde Developments Limited. However, the Plan attached with this letter is dated July 2019, so would question if it has been redesigned.?

I would like the Planning Inspector to ensure that the Design would address all the points raised in the Refusal and MUST be approved by Hertfordshire Lead Local Flood Authority, The Environmental Agency and Affinity Water.

Part of the Appeal Statement refers to a 'verbal confirmation obtained with the Environment Agency that a Flood Risk Assessment is not required'. I would expect to have seen something confirmed in writing to support this verbal statement.

I hope that the options suggested in the Appeal are all fully investigated as due to the space available, on the site, the 'above ground attenuation feature' to resolve drainage and surface water are not possible. A major concern shows no pipes appearing within the Design to collect surface water.

Having resided in Nash Mills for over 35 years I have witnessed some areas of flooding within the Highways and blocked drains at the Denes creating flooding during heavy rainfall.

On a personal level I was seriously affected by the issue of the "Chalk Mines" and the Environmental Agency and Affinity Water had major problems with surface and underground water during this difficult time.

Even to date there are still problems with underground drainage and sewage etc. I certainly would not want Residents to experience this type of problem if these matters are not addressed and a possible subsidence issue is created.