

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr James Holmes
Aitchison Raffety
154 High Street
Berkhamsted
Hertfordshire
HP4 3AT

APPLICANT

Ms Patricia Williams
1 Betts Cottages
Little Revel End Lane
Redbourn Hertfordshire
AL3 7AJ

PLANNING PERMISSION

Construction of four, three bedroom dwellings and one, two bedroom dwelling with associated landscaping, parking, bin stores and turning area following demolition of existing buildings

Kennels 1 Betts Cottages Little Revel End Lane Redbourn Hertfordshire

In the pursuance of their powers under the above-mentioned Act 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 08/06/2018 and received with sufficient particulars on 31/07/2018 and shown on the plan(s) listed below subject to the following conditions and reasons:-

Condition

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Condition

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 110A, 211, 202A, 210, 205F and 201D.

Reason

2. For the avoidance of doubt and in the interests of proper planning.

Condition

3. No above ground construction works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including external landscaping materials, have been approved in writing by the Local Planning Authority. Sample materials should be made available on site when discharging this condition. Development shall be carried out in accordance with the approved details and retained as such.

Reason

3. To ensure that the finished appearance of the development is satisfactory. To comply with Policies 69 and 70 of the St. Albans District Local Plan Review 1994.

Condition

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

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- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway; and
- f. Provision of sufficient on-site parking prior to commencement of construction activities.

Reason

4. To ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity and to ensure that the impact of construction traffic on the local road network is minimised. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

Condition

5. Prior to the commencement of above ground construction works, full details (in the form of scaled plans and / or written specifications), shall be submitted to and approved in writing by the Local Planning Authority of the following:

- Full details of refuse collection arrangements including access arrangements and swept path analysis for refuse collection vehicles expected to access the development.

The refuse collection arrangements shall be implemented in accordance with the details so approved.

Reason

5. In the interests of amenity and the provision of satisfactory arrangements for refuse collection. To comply with Policy 34 and Policy 70 of the St. Albans District Local Plan Review 1994.

Condition

6. No trees shall be damaged or destroyed, or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until at least 5 years following the contractual practical completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

Reason

6. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

7. All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of any demolition, site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority of:

2.4 m minimum height heavy duty hoardings securely mounted on scaffold poles.

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason

7. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

8. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include

- (a) proposed finished levels and contours;
- (b) means of enclosure;
- (c) car parking layouts;
- (d) other vehicles and pedestrian access and circulation areas;
- (e) hard surfacing materials;
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- (g) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.);
- (h) retained historic landscape features and proposals for restoration where relevant;
- (i) existing trees to be retained;
- (j) existing hedgerows to be retained;' and
- (k) implementation programme

The plans and particulars shall include details of size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason

8. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

9. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

10. If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless otherwise the Local Planning Authority gives its written consent to any variation. The tree or plant shall be planted within three months of felling/dying or if this period does not fall within the planting season by 31 January next.

Reason

10. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

11. A desk-top study shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The desk-top study shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the desk-top study shall be submitted to the Local Planning Authority without delay upon completion.

Reason

11. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

12. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the interpretative report shall be submitted to the Local Planning Authority without delay upon completion. The site investigation shall not be commenced until:

- (i) a desk-top study has been completed satisfying the requirements of the previous condition;
- (ii) The requirements of the Local Planning Authority for site investigations have been fully established; and
- (iii) The extent and methodology have been agreed in writing with the Local Planning Authority.

Copies of the interpretative report on the completed site investigation shall be submitted to the Local Planning Authority without delay on completion.

Reason

12. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

13. The results of the site investigation and the detailed risk assessment referred to in the previous condition shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person.

Reason

13. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

14. A verification report demonstrating completion of the works set out in the remediation strategy in the previous condition and the effectiveness of the remediation shall be submitted in writing and approved by the Local Planning Authority. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

14. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

15. Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with the options appraisal and remediation strategy approved by

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the Local Planning Authority. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing. On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

Reason

15. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

16. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

17. This permission does not extend to the installation of external lighting and a scheme for such works shall be submitted to and approved in writing by the Local Planning Authority, before commencement of works to install external lighting. The external lighting shall be constructed and retained in accordance with the scheme so approved.

Reason

17. In the interests of amenity and highway safety. To comply with Policies 9, 34 and 80 of the St. Albans District Local Plan Review 1994.

Condition

18. The proposed parking spaces shall measure a minimum 2.4m x 4.8m each and shall be maintained for this use as an ancillary to the development.

Reason

18. Such that adequate parking provision is made to meet the needs of the development both now and in the future. To comply with Policies 34, 39 and 40 of the St. Albans District Local Plan Review 1994.

Condition

19. None of the units hereby permitted shall be occupied until fire hydrants have been provided in accordance with a scheme for hydrant provision which has been previously submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by paragraph 12.33 of the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document.

Reason

19. To mitigate the impacts of the proposed development on emergency service provision, and to comply with Policy 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

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Condition

20. Neither residential Unit B nor C of the scheme hereby permitted shall be occupied until a domestic sprinkler system for Units B and C has been provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason

20. To mitigate the impacts of the proposed development on emergency service provision, and to comply with Policy 70 of the St. Albans District Local Plan Review 1994 and Section 8 of the National Planning Policy Framework 2019.

Condition

21. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings hereby permitted, including any additions or alterations to the roof, and no building or enclosure shall be constructed within the application site without the prior written permission of the Local Planning Authority.

Reason

21. To allow the Local Planning Authority to retain control of the development in the interests of residential amenity, character and appearance and preservation of Green Belt openness; and to comply with Policies 1, 69 and 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

Condition

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be constructed without the prior permission of the Local Planning Authority.

Reason

22. To allow the Local Planning Authority to retain control of the development in the interests of residential amenity, character and appearance and preservation of Green Belt openness; and to comply with Policies 1, 69 and 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

Condition

23. All buildings indicated on the plans hereby approved to be removed, shall be removed and the ground made good prior to first occupation of any of the development hereby approved.

Reason

23. In the interests of preservation of Green Belt openness and to protect the character and appearance of the site; and to comply with Policies 1, 69 and 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

Justification for the grant of planning permission

The proposed development represents appropriate Green Belt development, and it would provide housing units to meet an identified need in the District. Subject to conditions, the impact on the Green Belt and character and appearance of the site and the surrounding area would be acceptable. There would be no adverse impact on the amenities of the occupiers of neighbouring properties, and living conditions for future occupiers would be acceptable. The proposed level of car parking is acceptable. The proposal is in accordance with the aims of Policies 1, 2, 13, 19, 24, 34, 39, 40, 69, 70, 72, 74, 80, 84, 104 and 106 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

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Signed



Tracy Harvey
Head of Planning & Building Control

Dated 04/04/2019

INFORMATIVES:

This determination was based on the following drawings and information: 100, 101, 105A, 110A, Planning, Design and Access Statement and Landscape Assessment (including Appendices 1 and 2 submitted as separate documents) received 18/06/2018; 211, 202A, 210 received 28/09/2018; 205F and 201D received 22/03/2019.

The Local Planning Authority has been positive and proactive in its consideration of this planning application suggesting improvements to the development during the course of the application. The applicant submitted amended plans resulting in a form of development that improves the economic, social and environmental conditions of the District.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

The applicant is advised to ensure that necessary Building Regulation approval is obtained before commencing this development.

St Albans District Council's Building Control Department can be contacted on 01727 819289 or 01727 819218.

The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. You must apply to St Albans City and District Council's Street Naming and Numbering Officer before any street name or property name/number is used. For further information, please see www.stalbans.gov.uk/planning/streetnamingandnumbering.aspx

If bats or nesting birds are discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours

Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/ suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times. The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

Please see the following advice to inform the discharge of Landscaping conditions:
Any new hard surfacing or landscaping should be of a water permeable construction type and substantial provision for soft landscaping should be retained to the front garden, and tree and shrub planting should utilise native, locally occurring species, (e.g. English Oak, Hornbeam, Hawthorn, Field Maple, Hazel, Wild Cherry, Blackthorn, Holly). Wildflower seed mixes and planting should be used in remedial landscaping and should be of appropriate, native and locally occurring species. Furthermore, hard surfacing, such as concrete, tarmac or block paving may be inappropriate in this location.

Appeals to the Secretary of State

This is a decision to **grant** planning permission for a **Full planning permission**.

If you are aggrieved by the decision of your Local Planning Authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.