

Reference No: 5/18/1655

Valid Date: 31/07/2018

End of Stat Period Date: 24/09/2018

Case Officer: Andrew Wright

Report Written Date: 02/04/2019

Applicant: Ms Patricia Williams

Proposal: 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

Site Address: Kennels 1 Betts Cottages Little Revel End Lane Redbourn Hertfordshire

Ward: REDBOURN

Parish: REDBOURN

Constraints:

Metropolitan Green Belt

Area of Special Control for Adverts

BACKGROUND

Site / Surroundings:

The application site is of 0.27ha in area, is broadly rectangular, located within the Metropolitan Green Belt. The northern, eastern and southern boundaries adjoin open land, to the west is vehicle access and a pair of semi-detached dwellings No's 1 and 2 Betts Cottages. Vehicular access to the site is gained from a small private lane, 'Little Revel End', which runs down to Hemel Hempstead Road to the south. The site has a consented use as boarding kennels and cattery, there is a large building to the northwest, a smaller building to the southeast, and a small building between to the southwest.

Proposal:

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.

It is proposed to demolish the existing buildings and redevelop the site comprising a terrace of four residential units to the northwest of the site and one detached dwelling to the southeast of the site. The terraced dwellings to the northwest are to be of a chalet style typically with two bedrooms to the first floor within the roof space and one bedroom to the ground floor. The dwelling to the southeast is to be a bungalow with three bedrooms. The terraced units are to have their gardens aligned parallel incorporating a large area to the centre of the site. The bungalow is to have its garden aligned perpendicular to those of the terraced buildings. The parking comprises 10 spaces aligned perpendicular to the highway, and there is a turning area required following consultation responses of Herts Fire and Rescue.

Relevant Planning History:

5/1990/0203 – Change of use from agricultural to use as boarding kennels and cattery
- Refused – 03/04/90

Reason:

- 1 The proposed use of the buildings as a dog kennelling establishment in close proximity to Nos 1 and 2 Betts Cottages would be likely to cause nuisance to the occupiers of those properties through noise and general disturbance to the detriment of their amenity.

5/1990/1074 – Change of use from agricultural to use as boarding kennels and cattery

- Conditional Permission – 17/07/90

5/1993/1054 – Change of use to retail of part of existing kennels

- Conditional Permission – 14/09/93

5/1996/1781 – Provision of living accommodation within existing building

- Refused – 31/12/1996 (Reason for Refusal not on record)

5/2000/1020 – First floor side and rear extension

- Refused – 20/06/2000

Reasons:

Reason

1. The site is within an area described in the approved County Structure Plan as Metropolitan Green Belt, the precise boundaries of which have been defined in the District Local Plan Review 1994. Within the Green Belt permission will not be given except in very special circumstances for development for purposes other than that required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area. The proposed development cannot be justified in terms of the purposes specified and no exceptional circumstances are apparent in this case.

Reason

2. The proposed extension would, together with any previous extensions, be likely to materially affect the character of the dwelling within the Metropolitan Green Belt contrary to Policies 1 and 13 of the District Local Plan Review 1994.

5/2000/1971 – First floor side and rear extension (resubmission following refusal of 5/00/1020)

- Conditional Permission – 30/03/2001

5/2005/2091 – Use as boarding kennels and cattery without compliance with Condition 6

(twenty dogs and twenty cats) of planning permission 5/90/1074 dated 17/7/90 (retrospective)

- Conditional Permission – 29/11/2005

PLANNING POLICY

National Planning Policy Framework 2019 (NPPF):

| | |
|------------|--|
| Section 5 | Delivering a sufficient supply of homes |
| Section 11 | Making effective use of land |
| Section 12 | Achieving well-designed places |
| Section 13 | Protecting Green Belt land |
| Section 15 | Conserving and enhancing the natural environment |

St. Albans District Local Plan Review 1994:

| | |
|------------|---|
| POLICY 1 | Metropolitan Green Belt |
| POLICY 2 | Settlement Strategy |
| POLICY 13 | Extension or Replacement of Dwellings in the Green Belt |
| POLICY 19 | Overall Employment Strategy |
| POLICY 24 | Unallocated Employment Sites |
| POLICY 34 | Highways Considerations in Development Control |
| POLICY 39 | Parking Standards, General Requirements |
| POLICY 40 | Residential Development Parking Standards |
| POLICY 69 | General Design and Layout |
| POLICY 70 | Design and Layout of New Housing |
| POLICY 72 | Extensions in Residential Areas |
| POLICY 74 | Landscaping and Tree Preservation |
| POLICY 80 | Floodlighting |
| POLICY 84 | Flooding and River Catchment Management |
| POLICY 98 | Kennels and Catteries |
| POLICY 104 | Landscape Conservation |
| POLICY 106 | Nature Conservation |

REPRESENTATIONS

Publicity:

Site and Press Notice: 11/07/2018 Expiry 01/08/2018

Following amended description and amended plans: 30/01/2019 Expiry: 27/02/2019

Notifications:

The occupants of the following properties were notified on 16/08/2018, 16/10/2018 (following amended plans) and 30/01/2019 (following amended plans and amended description):

- No's 1 and 2 Betts Cottages, Little Revel End
- North Barn, Hemel Hempstead Road

At the time of writing the report, comments had been received from the occupiers of North Barn Hemel Hempstead Road raising the following points:

- Enquired whether public access would be granted along the private road off Revel End Lane through to the Kennels Cattery.

Consultations:

Hertfordshire Highways

No objection subject to Conditions in relation to Construction Management Plan and details of access arrangements.

Environmental Compliance

No objection subject to Conditions in relation to contamination and remediation.

Hertfordshire Fire and Rescue Service

No objection subject to Units B and C being fitted with residential sprinklers. Requested fire hydrant provision.

Hertfordshire Constabulary

Raised some concern in relation to lack of natural surveillance and limited fence heights in amended plans.

Recycling and Waste

Concern raised in relation to bin collection arrangements, and drew attention to a longstanding issue with using the access road to North Barn for bin collections.

Hertfordshire Ecology

In this instance I do not consider any ecological surveys are necessary. However, as the property is in a rural location, I would recommend a precautionary approach to demolition works is adopted and advise the following Informatives are added to any permission granted: "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."

Parish Council:

Redbourn Parish Council

Object on basis that the plans submitted are not detailed enough to make an informed decision. There are no details of the street scene and there are concerns regarding the access road and safety and feel it contravenes Policy 34 (vii)

DISCUSSION

Main Issues:

The main issues with this application for planning permission are:

- Whether the proposal represents 'inappropriate development' in the Green Belt
- Housing land supply
- Rural Siting
- Loss of Business Use
- Impact on neighbour's amenities
- Living conditions for future occupiers
- Trees and Landscape
- Ecology
- Highways and Parking
- Other Matters
- Planning Balance

Whether the proposal represents 'inappropriate development' in the Green Belt

The site is within the Metropolitan Green Belt. The NPPF 2019 (paras 143 and 144) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; that substantial weight should be given to any harm to the Green Belt; and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Policies 1 and 13 of the Local Plan broadly concur with the aims of the NPPF in this regard, and weight should be attributed to these Local Plans policies also.

Paragraph 145 of the NPPF sets out that new buildings in the Green Belt should be regarded as inappropriate, apart from a number of listed exceptions including the following of relevance:

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Taking the above points in turn:

d) the proposed development includes the replacement of buildings, with the new buildings not materially larger than those to be replaced (see below), but as the use is changing it would not fall within this exception.

g) The Glossary to the NPPF includes a definition of previously developed land (PDL) as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

From the lawful use (kennels – which is not an agricultural or forestry use) and the physical nature of the site it would not fall within any of the exclusions in the above definition of PDL, and as such it is considered that the site would qualify as PDL in accordance with the NPPF definition. However, in accordance with the NPPF para 145 g) second bullet (as listed above), the redevelopment should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. From looking at the planning history and dated aerial photographs it is accepted that the ‘existing development’ for these purposes can be taken as that contained within the application submission’s ‘Existing’ plans.

The following table provides a comparison between Existing and Proposed:

| | Existing | Proposed | Difference |
|-------------------|--------------------------------------|---|--------------------|
| Footprint | 122 + 14 + 445 = 581m ² | 334 + 106 = 440m ² | -141m ² |
| Floorspace | 581m ² | 440 (GF) + 267 (FF) = 707m ² | +126m ² |
| Volume | 354 + 29 + 2002 = 2385m ³ | 1570 + 371 = 1941m ³ | -444m ³ |

From the above table it can be seen that both footprint and volume would be significantly smaller than the existing, but floorspace would be higher. It is noted that the increase in floorspace is due to floorspace being included in the roof space of the larger block (Units B-E), and as volume is not increased the degree of actual harm caused by this increase in floorspace is minor.

Furthermore, it is noted that the siting and footprint of buildings in the site, and the form and height of buildings, are very similar to the siting, footprint, height and form of the existing buildings which they would replace. In addition, the degree of hardstanding and the impacts caused by fencing and related domestic paraphernalia would not be materially greater than the existing situation, which includes fencing, dog exercise equipment and associated paraphernalia. However, it is considered necessary to remove permitted development rights for extensions and outbuildings and additional means of enclosure, in the interests of preserving Green Belt openness.

Given the above, and subject to conditions to ensure adequate landscaping of the site and to remove the aforementioned permitted development rights, it is considered that the proposed scheme would not have a greater impact on the openness of the Green Belt than the existing development. As such, given that it represents PDL it falls within the exception to inappropriate development in the Green Belt found in NPPF para 145 g). There is therefore no requirement to demonstrate ‘very special circumstances’, although the development must prove acceptable in relation to other material planning considerations.

Housing Land Supply

With the revocation of the East of England Plan there is no definitive Development Plan housing target/requirement for the District. It is accepted that there is now a vacuum in the Development Plan in this regard. In a Court of Appeal Decision regarding Sewell Park, St Albans, on 12 December 2013 (Hunston), the judges have set out in the absence of a Development Plan figure the decision taker must use “the most up-to-date figures” (para 12) for “full objectively assessed needs” (para 26) on which to base 5 year land supply calculations.

The NPPF (2019) sets out at paragraph 73:

Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies³⁶, or against their local housing need where the strategic policies are more than five years old³⁷. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

...

c) 20% where there has been significant under delivery of housing over the

previous three years, to improve the prospect of achieving the planned supply³⁹.

37 Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

39 From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

The Government's 'standard method' for Local Housing Need identifies for the District an average of 902 new homes per annum. The 'Housing Delivery Test' results were published on 19 February 2019. This sets out that a 20% 'buffer' is to be applied.

The Council has updated its 5 year land supply schedule and considers that, at a baseline date of 1 April 2018, there is approximately, including the relevant 20% buffer:

2.2 years supply

Therefore, the Council cannot demonstrate a 5 year housing land supply as set out in the NPPF 2019 and this is a material consideration in the determination of this application which is given significant weight.

Rural Siting

It is noted that paragraph 79 of the NPPF sets out that planning decisions should generally avoid the development of isolated homes in the countryside (unless one or more of a list of circumstances apply). In this case, given the proximity of other residential properties, farm buildings, a residential caravan park and a main road in the near vicinity, it is not considered that the proposal would represent isolated homes in the countryside.

Loss of Existing Business Use

It is noted that Local Plan policy 24 (Unallocated Business Sites) sets out that existing sites in the Green Belt will not normally be permitted to expand, and that redevelopment of existing established sites in the Green Belt will be permitted if clear environmental benefits would result. The NPPF para 83 d) sets out that planning decisions should enable the retention and development of accessible local services and community facilities. The application submission sets out that the number of people employed is 'low', and evidence is provided that there are many kennels in the local area. It is considered that the loss of the existing use would not cause significant harm in relation to employment or loss of community facilities / services.

Impact on neighbour's amenities

The only nearby residential properties likely to be directly impacted by the development are the pair of cottages at Betts Cottages, located some 22m away to the south west from proposed Unit A and some 45m from proposed Units B-E. Built form of similar dimensions and located in similar sites is already in place, and although there would be an additional storey to the larger block, there would be side-facing roof lights only serving this additional floor, and overlooking would not be to a harmful degree.

Furthermore, the change in use from kennels / cattery to residential is likely to reduce impacts in terms of noise disturbance to the nearby residents, without leading to significant other negative impacts.

Given the above, the proposed development would not result in any significant loss of residential and visual amenity to the occupiers of neighbouring properties from loss of light or overlooking, and would not be visually overbearing. The scheme is considered to be acceptable in this regard, in line with the relevant planning policy.

Impact on the amenities of future occupiers

The submitted plans indicate that each of the created houses would benefit from main rooms of a reasonable size, and with front and rear facing main windows providing adequate degrees of lighting and outlook, such as to provide for a good standard of amenity for future occupiers. Furthermore, the private rear gardens (at least 120m² for each of the 3-bed houses) would provide for useable amenity space in excess of the Council's minimum standards (80m²). Furthermore, the siting of the larger block slightly south-eastwards of the footprint of the existing larger building that it would replace, allows for private defensible space to be located to the front, and allows for greater spacing to the north west boundary landscaping, reducing potential shading impacts. The dual-aspect nature of the larger living rooms and bedrooms of Units B-E also mitigates potential shading from landscaping on the north west side boundary. Given the above, the scheme is considered to be acceptable in this regard, in line with the relevant planning policy.

Trees and Landscape

The site comprises of three buildings, with trees and vegetation to the north west, north east and south east boundaries. A submitted 'Assessment of the Impact on Landscape Character' includes photographs from nearby public viewpoints. It is accepted that the existing buildings appear to be only readily visible when standing directly outside the site on the private access drive, and the proposed buildings would be of near-identical size and siting. It is concluded that the proposed development would no significant harmful impact on the general landscape character of the area.

Within the Green Belt landscaping is normally required to screen developments and help integrate them into the surrounding landscape. The submitted proposed site plan gives some indication of the layout of the landscape following development, retaining landscaping to these boundaries, which is acceptable in principle. However, more information is required to secure suitable hard and soft landscaping, include ensuring the boundary landscaping is sufficient, which can be provided through discharge of suitably worded 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. This is to be added as an Informative, so as to inform a future submission to discharge the landscaping conditions.

Ecology

The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which includes a number of buildings in a rural location. Viewed from aerial and supplied photos, the majority of buildings proposed for demolition appear to be modern, well-sealed with metal or plastic corrugated roofs. There are also open sided lean-tos, amenity grassland, hardstanding paths – all of limited ecological interest. In this instance it is not considered that any ecological surveys are necessary. However, as the property is in a rural location, it is recommended that a precautionary approach to demolition works is adopted and an Informative is therefore added stating that, *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.*

Highways and Parking

The site is accessed from a private access (Unadopted Track North West From Little Revel End Lane To Smallholding). The private driveway is accessed via Little Revel End Lane which is an unclassified, local access road. In the vicinity of the site, the latter is narrow, without footways and rural in character. The national speed limit applies. The private driveway junction with Little Revel End Lane is of substantial width at its junction, with satisfactory visibility in both directions. The Highway Authority has no record of accidents on Little Revel End Lane in the vicinity of the private access junction or with Hemel Hempstead Road. Furthermore, the extant use of the site is considered to represent a higher level of trip generation when compared to the proposed

residential development. As such, it is not considered that there will be a material impact in terms of traffic generation on the local highway network.

Concern has been raised with respect to bin storage and clarification of how the applicant intends the developed to be managed with respect to its waste requirements. To this end, should the applicant be relying on SADC for waste collection, information should be supplied demonstrating that turning is available for its vehicles within the site.

The Highway Authority recommend the inclusion of a planning Condition relating to the construction of the site; given the constrained road network, the Highway Authority recommend that all construction activity in terms of vehicular activity is undertaken using the B487 Hemel Hempstead Road and Little Revel End Lane.

The proposed development must comply with Building Regulations in terms of providing access and circulation for refuse and emergency vehicles. In this regard, amended plans include a fire appliance access / turning area. The Fire and Rescue Service advise that the provision of the turning circle within the site enables acceptable access to most of the units, albeit units B and C must be fitted with residential sprinklers as they will still fall be in excess of 45m away from fire appliances.

In summary, the Highway Authority does not wish to restrict the grant of planning permission, although recommend the inclusion of planning conditions in relation to Construction Management Plan and details of access arrangements.

In relation to parking, there would be a total of 10no. spaces to serve 5no. 3-bed properties. Each space would measure 2.4m x 4.8m and 6m turning space would be left in front of each space, and they are considered to represent useable spaces. The Local Plan requirement of 2 allocated spaces is met, but the additional 0.5 'unallocated' spaces per dwelling (ie 2.5 spaces in total) are not shown on the proposed site plans. It is considered that space for at least one unallocated space would be left to the front of Unit A, and there may be informal space for at least 1 other unallocated space towards the north west of the site. Furthermore, although nearby bus stops on Hemel Hempstead Road are not connected via footways, it is noted that bus route 307 (Hemel Hempstead) - Redbourn – Harpenden provides a once daily service; and bus route 46: Luton - Markyate - Redbourn - Hemel Hempstead provides an approximately hourly service during peak hours and daytime operation, Monday through to Saturday, which provides some public transport accessibility for future residents. Given the above, on balance it is considered that the proposed parking provision is acceptable in this instance.

Other matters

The Council's Environmental Compliance officer has returned no objection subject to Conditions in relation to land contamination. Given the potential for contamination at the site, it is considered necessary for such conditions to be added.

The Hertfordshire Fire and Rescue Service have requested fire hydrant provision, and it is considered necessary for a condition to be added requiring a scheme of such provision.

In relation to comments of the Hertfordshire Constabulary in relation to security concerns, the rear fences have been raised to 1.8m in height, which is considered adequate in the interests of security.

Concern was raised by the Parish Council and nearby resident of North Barn in relation to whether public access would be granted along the private road off Revel End Lane through to the Kennels Cattery. Furthermore, the Council's Recycling and Waste team drew attention to a longstanding issue with using the access road to North Barn for bin collections. It is considered that matters of access to North Barn are matters outside of the scope of what could be material planning considerations pursuant to this development proposal, given the apparent longevity of the issues raised and the fact that the scheme herein proposed would not appear to alter south east – north west accessibility through the site. However, it is considered necessary to add a condition for further details of bin collection arrangements to be supplied prior to occupation.

Planning Balance

The development is appropriate development in the Green Belt and is acceptable in terms of the impact upon the character and appearance of the area, neighbouring amenity, car parking, highway safety and landscaping, together with having an acceptable impact upon ecology, and have adequate fire and rescue access and facilities. Moreover the development would have a modest contribution towards meeting the 5 year housing land supply. Given the above, and taking into account the presumption in favour of sustainable the proposed redevelopment of the site for housing is acceptable, subject to a suite of planning conditions.

Comment on Town / Parish Council / District Councillor / Concern(s):

Material planning conditions raised are discussed above.

REASONS FOR GRANT/REFUSAL

To include justification for recommendation and relevant development plan policies

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.

HUMAN RIGHTS CONSIDERATIONS

The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998

RECOMMENDATION: Conditional Permission **Decision Code: A1**

Conditions/Reasons

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 110A, 211, 202A, 210, 205F and 201D.**
 For the avoidance of doubt and in the interests of proper planning.
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.**
 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.
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:**
 - 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Informative(s):

1. 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.

2. 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.

3. 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>

4. 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>

5. 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>

6. 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.

7. 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

8. 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.

9. 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

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

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

12. 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.

13. 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.

14. 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.

15. 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.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer Andrew Wright

Section 65 Parties

Plans on website http://planning.stalbans.gov.uk/Planning/lq/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lq.Planning

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