

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr Colin Smart
Kyle Smart Associates Ltd
The Barn Butchers Wick
Dunstable
Bedfordshire
LU6 1RP

APPLICANT

Harpenden Town Council
Harpenden Town Hall Leyton Road
Harpenden
Hertfordshire
AL5 2LX

PLANNING PERMISSION

Outline application (access sought) - Construction of 24 affordable dwellings consisting of 16 dwellings and 8 flats with associated access road, parking and landscaping

Former Westfield Allotment Site Beeching Close Harpenden 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 21/02/2018 and received with sufficient particulars on 12/03/2018 and shown on the plan(s) listed below subject to the following conditions and reasons:-

Condition

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

Condition

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, landscaping, layout and scale of any buildings to be erected, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

2. To comply with the provisions of Section 91 (i) of the Town and Country Planning Act 1990.

Condition

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 15009su01; 15009wd2.12; 15009wd2.01; H10703-D1; 15009wd2.13

Reason

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

Condition

4. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: i) Roads and footway. ii) Foul and surface water drainage. iii) Visibility splays. iv) Access arrangement including junction protection locally v) Parking provision in

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accordance with adopted standard. vi) Turning areas, including turning for a fire tender specification vehicle.

Reason

4. In order to protect highway safety and the amenity of other users of the public highway and rights of way

Condition

5. 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, 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; f. Timing of construction activities to avoid school pick up/drop off times; g. Provision of sufficient on-site parking prior to commencement of construction activities; h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason

5. In order to protect highway safety and the amenity of other users of the public highway and rights of way

Condition

6. All areas of hardsurfacing shall be drained such that the development does not permit surface water run off to enter the public highway

Reason

6. In order to protect highway safety and the amenity of other users of the public highway and rights of way

Condition

7. Planting around the drop off area junction, and car parking areas shall be kept to a level below 600 to maximise visibility in such locations

Reason

7. In order to protect highway safety and the amenity of other users of the public highway and rights of way

Condition

8. The development permitted by this planning permission shall be carried out in accordance with the approved Mark Heeley Ltd reference H10703 dated September 2015 the following mitigation measures:

1. Undertaking appropriate drainage strategy based infiltration and to include permeable paving and soakaways
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
3. Implementing drainage strategy as indicated on the drawing Outline Drainage Strategy drawing no. H1070301/D1

Reason

8. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition

9. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason

9. To reduce the risk of flooding to the proposed development and future occupants.

Condition

10. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological/building recording consultant or organisation in accordance with the agreed written scheme of investigation. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation.
3. The programme for post investigation assessment.
4. Provision to be made for analysis of the site investigation and recording.
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
6. Provision to be made for 'added value' through the provision of stakeholder participation. This should include a statement on public engagement and participation tailored to the project
7. Provision to be made for archive deposition of the analysis and records of the site investigation.
8. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason

10. The development shall commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation .

Condition

11. Following any fieldwork, formal provision for the post investigation assessment shall be put in place in accordance with the programme set out in the Written Scheme of Investigation and provision demonstrated and confirmed in writing with the Local Planning Authority for analysis and publication of the site archive, if appropriate. Should these provisions not be required, formal agreement will be sought and shall be agreed in writing with the Local Planning Authority.

Reason

11. To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

Condition

12. If piling is considered the most appropriate method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason

12. In the interests of the amenities of residents of neighbouring properties. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition

13. The presence of any contamination not previously identified that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority. No further development shall take place unless otherwise agreed in writing with the Local Planning Authority.

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. No works shall begin until a site investigation has been 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 Investigation of potentially contaminated sites - Code of practice. Copies of the interpretative report shall be submitted to the Local Planning Authority upon completion. The site investigation shall not be commenced until:

- (i) a desk-top study has been completed satisfying the requirements above;
- (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 on completion. Thereafter the works shall be carried out in accordance with this report.

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. The results of the site investigation and the detailed risk assessment referred to in (14), 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

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. Prior to the commencement of development details of the relocated trim trail on the adjacent recreation ground, together with a timescale for its replacement shall be submitted to and

approved in writing by the Local Planning Authority. The replacement trim trail shall be implemented in accordance with the approved details.

Reason

16. In the interest of the amenities of future users of the recreation ground.

Condition

17. The development shall not be commenced on the land until a mitigation strategy for the translocation of Roman Snails (including timing, monitoring and location) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason

17. This condition is necessary to ensure that appropriate provision is made to mitigate for the loss of Roman snails on this site.

Condition

18. The development shall be carried out in accordance with the mitigation strategy set out in the Reptile Survey Report July 2016.

Reason

18. This condition is necessary to ensure that appropriate provision is made to mitigate for the loss of Reptiles on this site

Condition

19. Prior to the substantial completion of the development details of the barriers alongside the retaining wall alongside the access road serving the site shall be submitted to and approved in writing by the Local Planning Authority. The barriers should be installed in accordance with the approved details prior to the substantial completion of the development and thereafter retained in accordance with the approved details.

Reason

19. In the interests of the safety of pedestrians and the amenity of the area. Local Plan Policy 70.

Condition

20. The development hereby permitted shall not be commenced until drawings showing existing levels and proposed slab levels have been submitted to and approved in writing by the Local Planning Authority.

Reason

20. To enable the Local Planning Authority to exercise proper and considered control over the development as a whole, in compliance with Policy 69 of the St. Albans District Local Plan Review 1994.

Condition

21. On site parking shall be provided for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site in accordance with details to be agreed in writing with the Local Planning Authority before the commencement of site works. The parking area shall remain until building and clearance work have been completed.

Reason

21. To ensure that no obstructions to the public highway occur during the construction period. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

Condition

22. Soft landscape works required to be submitted under Condition 1 shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme should be submitted.

Reason

22. 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

23. No development shall take place until details of earth works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason

23. 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.

Justification for the grant of planning permission

The site is in Harpenden, which is identified as a Town in Local Plan Policy 2, where Policy 4 states that there will be a presumption in favour of housing. The Council cannot demonstrate a 5 year housing land supply, as set out in the NPPF, and the absence of a 5 year supply is a material consideration that carries significant weight in favour of the development. The site is a former allotment that ceased to be used as an allotment in 1999 and as such there is no objection to the loss of land formerly used as allotments. There are no objections to the principle of the redevelopment of the land for housing provided that the proposal meets all relevant planning policies. It is considered that it has been demonstrated that the site can be developed to provide a development of the nature proposed that would integrate well with the appearance and character of the area.

It is considered that appropriate mitigation for Roman Snails and reptiles on the site can be secured by way of condition, this together with the necessary ecological enhancements have been secured to ensure that the proposal has an acceptable impact upon the ecology of this site.

It is considered that the proposal, subject to conditions would have an acceptable impact upon highway safety. It has been demonstrated that the proposal would have a satisfactory access and that there is space within the site to ensure access for emergency vehicles together with satisfactory turning and parking space.

The proposals include the provision of 100 per cent affordable units on the site (24 units) to be secured by way of a legal agreement. The provision of additional housing works weighs heavily in favour of the application.

Furthermore it is considered that it has been demonstrated that the proposal can be designed to have an acceptable impact upon the character of the area, highway safety, the amenities of nearby occupiers, ecology and protected species and areas of archaeological interest. The proposal complies with 2 Settlement Strategy Policy 4 New Housing development in Towns, Policy 7A Affordable Housing in towns and specified settlements, Policy 34 Highways Consideration in Development Control, Policy 39 Parking Standards, General Requirements, Policy 40 Residential Development Parking Standards Policy 69 General Design and Layout

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Policy 70 Design and Layout of New Housing Policy 74 Landscaping and Tree Preservation Policy 84A Drainage Infrastructure Policy 95 Allotments Policy 111 Archaeological Sites Where Planning Permissions may be subject to a recording condition Policy 143B Implementation.

Signed



Tracy Harvey
Head of Planning & Building Control

Dated 30/10/2018

INFORMATIVES:

The snail relocation strategy set out in condition 17 is expected to accommodate 50% of the snail populations relocation to Shillington and 50% to site(s) in Hemel Hempstead. If, once appropriate surveys have been carried out it is not appropriate to relocate the snails to a site in Hemel Hempstead, or other factors prevent their relocation to this site then an alternative strategy can be submitted under this condition.

No demolition or construction works relating to this permission shall 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 Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

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.

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You are advised to contact the Hertfordshire Highways at The Rotunda, Old London Road, Hertford, SG13 7XP, tel: 01992 526900, with regard to the carrying out of any works on footway, carriageway, verge or other land forming part of the highway.

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/business-licences/business-licences.aspx> or by telephoning 0300 1234047

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/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

The applicant is advised that all new roads / the routes marked on the plan / the routes described below* [delete as appropriate] associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.

The clearance of any suitable bird nesting habitat should take place outside of the bird nesting season March - August inclusive
Bird and bat boxes should be provided, as set out in the Ecological Assessment

Noting that the existing unmade section of Willoughby Road is not adopted, the Highway Authority would not be able to consider adoption of any part of the internal road network until such time as this existing unmade length is improved to adoptable standard, as it would not link directly with any other part of the maintainable highway network.

This determination was based on the following drawings and information:15009su01; 15009wd2.12; 15009wd2.01; H10703-D1; 15009wd2.13; 15009wd2.10 Rev A; 15009wd2.15; 15009wd2.11; 15009wd2.16; 15009wd2.14; 15009wd2.17; 15009wd2.08 Rev A; 15009wd2.06; 15009wd2.09 Rev A; 15009wd2.07 Rev A; 15009wd2.03; 15009wd2.02; 15009wd2.04;

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15009wd2.05; S15-219-10015009su02; received 21.2.18 and 9.3.18

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to **grant** planning permission for a **Full planning permission / Change of Use**. If you want to appeal against your Local Planning Authority's decision then you must do so 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

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interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

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