

Dacorum Borough Council
Planning and Regeneration
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DECISION NOTICE

Application (full) for planning permission.

Town and Country Planning Act 1990

Reference:	4/01283/19/FUL
Proposal:	Construction of new dwelling with Landscaping.
Address:	Land Rear Of Gooseacre Buckwood Road Markyate St Albans AL3 8JD

Your application received 28th May 2019 and registered on 28th May 2019 has been **GRANTED** subject to the conditions overleaf.

Assistant Director
Planning, Development and Regeneration
Dacorum Borough Council

Condition(s) and Reason(s):

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

PL-01-P1 (Location Plan)
PL-03-P1 (Ground Floor Plans)
PL-04-P1 (First Floor Plans)
PL-05-P1 (Elevations)
PL-06-P1 (Elevations)
PL-07-P1 (Sections)
PL-10-P1 (Living Wall Elevation)
PL-11-P2 (Garage Plans)
AC-01 Revision B (Access Plan)

Biodiversity Statement Revision 003 by MKA Ecology, October 2019.
Design and Access Statement by Kirkland, Fraser Moor, January 2019
Landscape Appraisal Revision D by the landscape agency
Planning Statement by Planning and Regeneration Ltd
Preliminary Ecological Appraisal by MKA Ecology

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development (excluding demolition/ground investigations) shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority.

These details shall include the erection of a sample panel of the proposed bungeroosh walls on site for inspection and approval. This sample panel shall be constructed freehand and only from waste materials from Matthews brickworks and shall be retained thereafter for the duration of construction activity.

Development shall be carried out in accordance with the approved details.

Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

4. No construction of the superstructure shall take place until full details of hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- all external hard surfaces within the site including the specification for any Bodpave or similar grasscrete materials
- soft landscape works including a planting scheme with the number, size, species and position of trees, plants and shrubs;;
- details of the finished slab, eaves and ridge level in relation to both existing and proposed levels to the site;
- full details of the siting and design of any bat or bird boxes;
- details of any exterior lighting and associated isolux diagrams and measures for the control of light spill upon the site and
- a long term ecological management plan demonstrating how habitats and the desire ecological improvement of the site will be achieved and maintained and including maintenance proposals for all areas of open space, landscaped areas and green roofs;

The planting must be carried out within one planting season of completing the development.

Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity.

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

5. The development shall be implemented fully in accordance with the recommendations of the Preliminary Ecological Assessment by MKA Ecology. This shall include a pre-commencement badger survey and further ecological surveys of the site.

Reason: To ensure the adequate protection and ecological improvement of the site in accordance with the NPPF and Saved Policy CS26 of the Core Strategy.

6. Prior to the commencement of any below ground construction works including the erection of any foundations a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

- a method statement for any site clearance and construction activities upon the site to minimise any harm to protective species,
- measures for the protection of hedgerows and other landscaping features around the site for the duration of construction,
- construction vehicle numbers, type and routing;

- traffic management requirements;
- construction and storage compounds (including areas designated for car parking);
- details of measures to ensure that service routes, foundations or other service trenches are covered or protected from access by wildlife outside of construction hours,
- siting and details of wheel washing facilities;
- provision of sufficient on-site parking prior to commencement of construction activities;
- construction or demolition hours of operation; and
- dust and noise control measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way and the interests of ecology, in accordance with Policies 51 and 54 of the Dacorum Borough Local Plan (2004), Policy CS8, CS12 and CS26 of the Dacorum Borough Core Strategy (2013) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The proposed dwelling shall not be occupied until a further bat activity survey and ecology and biodiversity assessment of the site has been undertaken post construction of the approved dwelling (the baseline survey) and this has been submitted to the County Ecology Unit. Further ecological surveys and assessments of biodiversity shall be undertaken annually for a period of five years post occupation to measure the success of otherwise of the living wall and other ecological measures and these surveys shall be submitted to the local planning authority and County Ecology Unit for approval.

Reason: To enable the local planning authority to monitor the success of innovative construction measures and improvements on the site in the interests of biodiversity and ecology and in accordance with the NPPF and Policy CS26 of the Core Strategy.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the Local Planning Authority:

Schedule 2

Part 1 Classes A, B, C, D, E, F and G

Part 2 Classes A and B.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 127 of the National Planning Policy Framework (2019).

9. The dwelling, hereby approved, shall not be occupied until the arrangements for vehicle access, parking and circulation have been provided in accordance

with drawing AC-01 Revision B. These measures and the garage hereby approved shall thereafter be retained for the purposes of access and parking.

Reason: To ensure that adequate arrangements are made for access to the site in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 51, 54, 58 and Appendix 5 of the Local Plan 1991-2011.

Informatives:

1. Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Notes:

Appeal to the Planning Inspectorate

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.

Before making any appeal you should first consider re-engaging with the local planning authority to discuss whether any changes to the proposal would make it more acceptable and likely to gain planning permission. A revised planning application could then be submitted.

Applicants should give consideration to the merits of the case, and whether there are strong grounds to contest the conditions or reasons for refusal of planning permission before submitting an appeal. Parties who pursue an appeal unreasonably without sound grounds for appeal may have an award of costs made against them.

Most planning appeals must be received within six months of the date on the decision notice. Where the appeal relates to an application for householder planning consent, and is to be determined via the fast track Householder Appeals Service, there are only 12 weeks to make the appeal. Appeals related to shop fronts must also be submitted within 12 weeks. Advertisement consent appeals must be submitted within 8 weeks. If an appeal on an application for planning permission is linked to enforcement action, there are only 28 days to make the appeal.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone: 0303 444 5000.

Compensation

In certain circumstances, compensation may be claimed for the Borough Council if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of an application to him. These circumstances are set out in Parts VI and VIII and related provisions of the Town and Country Planning Act 1990 and Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission/consent to develop land, or grants it subject to conditions, the owner may claim that he 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 or works that have been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Borough Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter I of the Town and Country Planning Act 1990 and Part I, Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Community Infrastructure Levy (CIL)

Dacorum Borough Council is a Charging Authority for Community Infrastructure Levy (CIL). It is your responsibility to clarify the CIL liability on your development. The Council will make every effort to ensure that notices for liable developments are dispatched as soon as possible following planning permission or consent being granted. If you do not receive a liability notice please contact the Council. It is important that all CIL matters be in place before any works begin on site – including any demolition. Further information regarding CIL, including FAQs, access to all CIL forms and information on appeals can be found on our website at www.dacorum.gov.uk/cil or you can contact us at CIL@dacorum.gov.uk.

Building Regulations

The proposed works may require building regulations approval. Please contact Dacorum Borough Council's Building Control Department who can help you through the process. They can be contacted via telephone (01442 228 587) or email (building.control@dacorum.gov.uk).

Creating New Addresses

If you are creating a new commercial or residential postal address, you must notify the Council's Address Management Team when works are commenced. This can be done [online](#) or by emailing address.management@dacorum.gov.uk.

Pollution Act

When arranging building works both the employer and the builder are responsible for works being undertaken within the hours of construction of the Control of Pollution Act 1974. Further information can be found on our [website](#).