

PLANNING AND REGENERATION LIMITED

31, Langley Hill, Kings Langley, Hertfordshire WD4 9HA

20 October 2023

Assistant Director
Dacorum Borough Council
Planning and Regeneration
The Forum
Marlowes
Hemel Hempstead
Herts HP1 1DN

Dear Mr Doe

**Land rear of Gooseacre, Buckwood Road, Markyate, St Albans, AL3 8JD.
Application under Section 96A of the TCPA 1990 to make a Non-Material
Amendment to Planning Permission Reference: 4/01283/19/FUL dated 26
November 2020.**

On behalf of our client, Ms Ros Haith, we are submitting an application under Section 96A of the Town and Country Planning Act 1990, in respect of a limited number of proposed Non-Material Amendments (NMA) to the above planning permission.

Planning permission was granted on 26 November 2020 for the construction of a new dwelling with landscaping on the above application site. For ease of reference a copy of the decision notice is included.

Planning permission was granted subject to conditions which may be summarised as follows:

1. Time limit condition, requiring commencement of development within three years of date of permission which was 26 November 2020;
2. Condition requiring proposed development to be carried out in accordance with approved plans and documents;
3. Pre-commencement condition requiring details of external materials to be approved prior to commencement of development;
4. Condition requiring approval of details of hard and soft landscaping to be approved prior to the construction of the superstructure;
5. Condition requiring development to be implemented fully in accordance with recommendations of preliminary ecological assessment, including a pre-commencement Badger survey;

6. Pre-commencement condition requiring a construction management plan to be approved prior to the commencement of development;
7. Pre-occupation condition requiring a further bat activity survey and ecology and biodiversity assessment to be carried out and submitted to the county ecology unit and approved before the dwelling can be occupied. Further surveys to be undertaken annually for a period of five years;
8. Condition removing permitted development rights under GPDO Schedule 2 Part 1 Classes A,B,C,D,E, F & G and Part 2 Classes A & B; and,
9. Preoccupation condition requiring approved vehicle access, parking and circulation to be in place before the dwelling can be occupied.

The applicant is working towards commencement of the proposed development as soon as possible. An application for the approval of details of external materials of details of external materials to satisfy condition 3 was validated on the 3 October 2023. We are currently working on providing further information requested by the officers, and it is trusted that this application can be approved in good time before the 26 November 2023. It is also relevant to confirm we are currently engaged with the Council to satisfy the requirements arising from the Chilterns Beechwoods Recreational Pressure Mitigation Strategy.

The reason for making this application is that the applicant proposes to build the proposed house as a self builder. Due to a long term illness during the last year she took the decision to sell the site as she was incapacitated. However within the last two months the purchaser has withdrawn and the applicant is now recovering from the illness. As a result the applicant has decided again to resume the intention to build the house herself. This sequence of events has meant the Construction Management Plan has not been fully developed. But it is necessary to commence development prior to the 26 November.

At present, Condition 6 reads as follows:

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).

For the reasons given above, this application seeks approval for the following non-material amendments to the wording of Condition 6 by making the following additions to the condition as highlighted in red below:

6. “Prior to the commencement of any below ground construction works, including the erection of any foundations, **other than by foundation trenches and erection of any foundations approved under this permission**, 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.

The foundation trenches to be provided will be for the garage and works will not commence until there has been a site visit by an ecologist in order to ensure any site clearance and construction activities will be carried out in a low impact way to minimise any harm to protected species.”

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).

The proposed amendment will not affect the technical content of the CMP required by Condition 6, and the proposed amendments would not lead to any reduction in the degree of control that will be afforded to the Council by the CMP approved under Condition 6.

It is therefore considered that the proposals can be accepted as Non Material Amendments to the approved scheme as they do not raise any new issues or alter the substance of the approved scheme.

For your information I am providing a copy of the Decision Notice 4/01283/19/FUL dated 26 November 2020 and a copy of AC-01 Revision B (Access Plan) which enables you to identify the Garage Block (which is labelled up) at the southern end of the drive to the house.

copying Please advise me if you require any further information, and I look forward to hearing from you in due course.

Yours sincerely

[Mike Osman](#)

Mike Osman
Planning and Regeneration Ltd