

Reply To: address as below  
Our Ref: S6/2012/2350/DS  
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Email:  
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**SPECIAL DELIVERY**

Dear Mr Athanasi

**RE: APPLICATION S6/2012/2350/DS (DISCHARGE OF CONDITION 2)  
ADDRESS: THE TWELVE APOSTLES CHURCH, KENTISH LANE, HERTS.**

The eight week determination period is due to expire this Monday (7<sup>th</sup> January 2013) for the above application and it is sometime since I have had an update from you on how the issues raised in the Local Highways Authority consultation response (copy attached) are going to be addressed.

As you are aware, this planning condition requires within 3 months of the date of the planning approval for the existing access onto Kentish Lane to be re-constructed in accordance with the plans, and which have still yet to be submitted by you to this Council to meet the satisfaction of the Local Highway Authority. This 3 month deadline expires on the 10<sup>th</sup> January 2013.

It now seems likely that the requirements of this planning condition will be breached. This is not a satisfactory outcome, however, I have discussed the matter with my Enforcement Team and they are willing to **extend the time period for agreeing the highway works with Hertfordshire County Council till the end of January 2013.**

**If at that stage no reasonable progress by you has been made then the Council will refuse the discharge of planning condition application and will take the necessary steps to enforce against what is currently unlawful development.**

I am hopeful, however, that this opportunity will not be lost to rectify the situation, and on the basis that the Local Highway Authority agree the details for the reconstructed access onto Kentish Lane within the timescales give above, **then a further 2 months will be given by this Council for this to be constructed to the Local Highway Authority's specification.**

I would also like to draw your attention at this stage to the requirements of Planning Conditions 3, 4, 5, 6 & 7 of application S6/2012/1635/FP which are all time sensitive (copy of decision notice enclosed).

**Condition 3** - requires the approved landscaping works to be implemented in the current planting season (which is October 2012 to the end of March 2013). **The approved landscaping works must therefore be completed by the end of March 2013.**

**Condition 4** - requires the **removal of the excess soil** within 2 months of the completion of the

landscaping scheme (i.e. **no later than end of May 2013**). Please be aware that a site visit will be carried out to ensure this has been done.

**Condition 5** - requires the submission of a Green Travel Plan for approval no later than four months for the date of permission, and so **a discharge of planning condition application must be received by this Council no later than 10<sup>th</sup> February 2013**.

**Condition 6** - requires the submission of a Landscape Management Plan for approval no later than four months for the date of permission, and so **a discharge of planning condition application must be received by this Council no later than 10<sup>th</sup> February 2013**.

**Condition 7**- requires the submission of details for a traffic cone store to be submitted for approval no later than four months for the date of permission, and **so a discharge of planning condition application must be received by this Council no later than 10<sup>th</sup> February 2013 (and to be constructed within 2 months of this approval)**.

The Council will be monitoring the site over the coming weeks to ensure compliance with above Conditions.

In regards to Conditions 5, 6 & 7 **a valid discharge of planning condition application must be submitted no later than 10<sup>th</sup> February 2013** otherwise you will be in breach of the terms of your planning permission.

Finally, I would stress to you and your Client that planning permission was given for the retention of the car parking on the basis that these further works would be carried out within this timescale. This timescale is reasonable and there was no objection to this not being achievable. Currently the access on Kentish Lane does not meet the Highway Authority standards and the other works are causing harm to Green Belt and the character of the area. As such, non compliance with the above planning conditions will result in the current development being unlawful and open to enforcement action.

I hope that enforcement action can be avoided, as considerable effort was made by all parties during the planning application stage, which also included discussions with adjoining residents who are understandably concerned that the works were carried out without planning permission.

There remains, however, only a limited time period to resolve the matter with the Highway Authority and to reconstruct the approved access and to ensure the submission of the discharge of planning condition application to this Council to meet the above timescales.

I look forward to hearing from you in writing at the earliest opportunity to confirm that the above timescales will be adhered to.

Yours sincerely

Peter Jefcoate  
Senior Planning Officer

cc. WHBC Planning Enforcement Team – Mr W Meyers.

Encs.

- Highway Authority Letter dated 28 November 2012
- Copy of Planning Decision letter.