

To: Mr S Barker
Barker Parry Town Planning Ltd
33 Bancroft
Hitchin
SG5 1LA

Important – Planning permission and notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee may be payable for each request to discharge conditions.

For advice on any of these matters, please contact the duty planning officer or the case officer at Welwyn Hatfield Borough Council, Campus East, The Campus, Welwyn Garden City, AL8 6AE or by email planning@welhat.gov.uk between 0900 – 1300 daily.

**Notice of Decision
Town and Country Planning Act 1990
Town and Country Planning (Development
Management Procedure) (England) Order 2015
Approval of Permission for Development**

To: Mr S Barker

Application No: 6/2015/1741/FULL

Date of Approval: 7 January 2016

WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned act, hereby GRANT, subject to the development beginning not later than 3 years from the date hereof to: -

Development: Demolition of existing single storey dwelling and replacement with single storey dwelling (with basement)

At Location: 125 The Ridgeway, Northaw, Potters Bar, EN6 4BG

Applicant: Mr S Nash

Application Date: 4 September 2015

In accordance with the accompanying plans and particulars, subject to the conditions listed below: -

1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

1806-01a & 1806-02b & 1806-03d & 1806-05d & 1806-06 received and dated 14.8.2015 and 1806-04h received and dated 17.11.2015.

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Prior to the commencement of development hereby permitted the existing bungalow shall be demolished. All the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the replacement dwelling hereby permitted.

REASON: The site lies outside of established settlement limits and therefore within an area where permission for new dwellings is not normally granted. The

Local Planning Authority would not be prepared to permit a second dwelling in this location in the Green Belt and in the interests of preserving the character and appearance of the area in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. No development shall take place until further full details of the height, position and materials on a suitably scaled plan of means of enclosure and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out as approved.

REASON: To protect the amenity of neighbouring properties in accordance with Policy D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design guidance (adopted 2005).

5. No development shall take place (including site clearance, tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Tree Protection Plan, Arboricultural Method Statement and Site Monitoring Schedule have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out as approved. Details shall include:-
 - a) A plan showing the areas of trees and shrubs growing within the site and on adjacent sites to be protected and fencing in accordance with the relevant British Standard (BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) and identified areas where no chemical or materials or equipment shall be stored, mixed or prepared and no fires or site washings within the RPA of the tree or under the canopy spread whichever is the greater.
 - b) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree, or any tree or shrub on land adjacent to the site;
 - c) Clearly show any demolition, construction or soil level changes to be undertaken within the proximity of the RPA of the retained trees,
 - d) Specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

6. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme. The fencing or other works which are part of the approved Tree Protection Plan shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B, C or E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of the visual amenity of the area in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the appropriateness of any future extensions in the Green Belt in accordance with the National Planning Policy Framework and Policy RA4 of the Welwyn Hatfield District Plan 2005.

1. **REASON FOR APPROVAL**

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Informative(s)

1. It is an offence under Section 137 of the Highways Act 1980 for any permission, 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

2. The applicant is advised that the storage of materials associated with the construction of 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Works should proceed with caution. If at any time during the course of construction of the development hereby approved, a species of animal that is protected under Schedule 1* or 5** of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994*** or the Protection of Badgers Act 1992 is discovered, all construction or other site work affecting the species must cease until a suitable mitigation scheme has been approved by the Local Planning Authority in writing or a licence to disturb protected species has been granted by DEFRA or Natural England (Formerly English Nature). In the event that evidence of bats is discovered the applicants should stop work immediately and take advice on how to proceed lawfully. Advice should be sought from Natural

England 0300 060 3900, the Bat Conservation Trust Helpline 0345 1300 228, the Herts & Middlesex Bat Group website (www.hmbg.org.uk) or a bat consultant.

* Includes nesting birds

** Includes great crested newts, bats, reptiles and water voles

*** Includes great crested newts and bats

4. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.

5. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 35700.

6. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.

7. Your attention is drawn to the extant S106 Agreement, dated 12.11.2013, under which the owner of the site covenants to ensure that the outbuilding at the southern end of the site is not occupied other than solely as accommodation ancillary to the main dwelling huose at 125 The Ridgeway and shall not be let, ocupied or sold separately from the remainder of the property.



A handwritten signature in black ink, appearing to read "C Haigh".

Colin Haigh
Head of Planning

Town and Country Planning Act 1990

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.

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. •

- If this is a decision to refuse permission for
 - a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
 - a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
 - an application for advertisement consent, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice;
 - works in respect to a tree preservation order application, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice;
 - a lawful development certificate, there is no time restriction.

- For all other appeals, 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. •

- 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.gov.uk/government/organisations/planning-inspectorate.

- The Secretary of State can allow a longer period for giving 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 any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

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