

## **MINUTES OF MEETING NO 10 OF THE PLANNING (DEVELOPMENT CONTROL) COMMITTEE SOUTH**

held in the District Council Offices, St Peter's Street, St Albans Herts AL1 3JE on Monday, 21 December 2009 at 7.00 pm

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### Present:

Councillors Poor (Vice-Chairman), Harris, Myland and Winstone

### Apologies for Absence:

Councillors Gardner, Mc-Alister-Baillie and Yates

### Officers in Attendance:

Ms M Burroughes, Deputy Team Leader  
Mr A Moorhouse, Development Control Manager  
Mr C Turner, Principal Solicitor

### Corporate Administrator:

Mrs G Mathers

#### 1. **MINUTES**

The Minutes of meeting No 9 of the Committee held on 30 November 2009 were taken as read and confirmed.

#### 2. **PLANS**

There were no further representations to report. The applications for planning consent were dealt with as set out below.

#### 3. **5/09/1937 FULL 13.10.2009 DEMOLITION OF EXISTING FLATS AND ERECTION OF THIRTY FOUR FLATS FOR ELDERLY PERSONS WITH PARKING AND COMMUNAL FACILITIES - ERIC STEELE HOUSE, GROVELANDS, PARK STREET, ST ALBANS AL2 2RG FOR NORTH HERTFORDSHIRE HOMES LTD**

### **RESOLVED**

(i) That the above application be GRANTED subject to:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. No development 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 to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

3. The window to be created in the first floor north elevation closest to the boundary with and facing towards numbers 2 - 8 and 10 - 11 Grovelands shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.
4. The proposed privacy screens to be installed on the first floor balconies closest to the boundary with numbers 2 - 8 and 10 - 11 Grovelands shall be erected in accordance with the approved drawings and shall not be altered in any way without the prior written approval of the Local Planning Authority.
5. Further details of the proposed bin stores and cycle store shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works.
6. This permission does not extend to destroy, fell, lop or top the existing trees which are inside or outside the application site and which are shown on the approved plans 08071wd2.01 Rev.E and stipulated in the Arboricultural Statement to be retained. These trees shall be protected during the implementation of the development in accordance with recommendations set out in BS 5837 and any supplementary protection requested by the Local Planning Authority. Before excavation can commence, drawings shall be submitted to the Local Planning Authority giving details of the method of excavation, type of foundation proposed for the buildings and indicating how the roots of these trees shall be protected. In addition, drawings shall be submitted showing the layout of underground services. No construction works shall commence until such drawings have been approved in writing by the Local Planning Authority.
7. That a method statement is prepared to cover the protection of trees during demolition and construction phases based on guidelines set out in BS5837.
8. That an arboricultural consultant is employed to supervise tree protection during the course of development including demolition and construction phases.
9. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include (a ) proposed finished levels and contours; (b) means of enclosure; (c) car parking layouts; (d) other vehicles and pedestrian access and circulation areas; (e) hard surfacing materials; (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); (g) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.); (h) retained historic landscape features and proposals for restoration where relevant; (i) existing trees to be retained; (j) existing hedgerows to be retained.
10. Soft landscape works required to be submitted under Condition 9 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.

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
12. The units hereby approved shall be for the use of affordable housing and occupied by residents of the age 55 years or older.
13. A scheme to secure the provision of fire hydrants on the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Such provision shall be installed in accordance with the approved details.
14. Species protection and mitigating measures shall be undertaken in accordance with the approved Ecology Report (received on 30/09/09).
15. An external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The lighting scheme shall be installed in accordance with the approved details.
16. The permission hereby granted shall only relate to three floors of accommodation (ground first and second floor) and there shall be no additional accommodation in the roof space without the prior approval in writing of the Local Planning Authority.

(ii) That in an informative note issued pursuant to Department of the Environment Circular 11/95 the applicant be informed of the following matters:

1. This determination was based on the following drawings and information: 08071wd2.01 Rev.E, 08071wd2.02 Rev.D, 08071wd2.03 Rev.E, 08071wd2.04 Rev.F, 08071wd2.05 Rev.E, 08071wd2.06 Rev.C, 08071wd2.07 Rev.E, 08071wd2.08, 08071wd2.09 Rev.D, 08071wd2.12 Rev.B, 08071wd2.13 Rev.A, 1 x photo of bin store (received on 27/11/09), 08071wd2.15 (received on 23/10/09), 08071su2.01, 08071su2.02, 08071su2.03, Ecology Report (received On 30/09/09), Aboricultural Report (received on 02/12/09).
2. There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.
3. Best practical means should be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular( but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.
4. All areas for parking and storage and delivery 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 use of the public highway.

5. The applicants are advised that there may be habitats or species of conservation concern listed in the UK Biodiversity Action Plan (1994) or species protected by UK or European legislation on site or nearby likely to be affected by the development proposed.

Under the Wildlife and Countryside Act 1981 (as amended); birds are protected under Schedule 1, other animals in Hertfordshire (bats, dormice, otter, water vole, great crested newt, adder, grass snake, slow worm, common lizard plus some invertebrates) are protected under Schedule 5 and plants are protected under Schedule 8. In the UK, badgers are protected under the Protection of Badgers Act (1992).

Some of the above species are also protected under the Conservation (Natural Habitats & c.) Regulations 1994 which defines 'European protected species of animals. These include all bat species, dormice, otter and great crested newt. Where European protected species are present on a site a Habitat Regulations Licence will be required from the Department of Environment, Food and Rural Affairs (DEFRA) before any works can commence on the development. A Habitat Regulations Licence will only be issued if the applicant can demonstrate that: the development is in the interests of public health and safety or other imperative reasons of overriding public interest including those of a social and economic nature, there is no satisfactory alternative and the development will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

For information on species and habitats of importance please contact the Hertfordshire Biological Records Centre, c/o Environment, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN Tel: 01992 555220 for further advice and assistance.

6. The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.
7. The applicant is advised that the Council encourages the use of sustainable energy efficient building materials and alternative energy sources in construction.

### Reason for Grant

The proposed development is acceptable, as it is keeping with the context of the existing use on the site and would not have a detrimental impact on the character and appearance of the street scene and general locality. There would not be a significant impact on neighbouring properties, there is no requirement for additional car parking, there would not be an adverse impact on the health of existing trees to be retained nor a significant impact on the ecology or protected species on the site.

The proposal is in accordance with Policy 2 (Settlement Strategy), Policy 4 (New Housing Development in Towns), Policy 5 (New Housing Development in Specified Settlements), Policy 34 (Highways Considerations in Development Control), Policy 39 (Parking Standards, General Requirements), Policy 43 (Elderly Persons Dwellings and Residential Homes/Hostels, Parking Standards), Policy 69 (General Design and Layout), Policy 70 (Design and Layout of New Housing) and Policy 74 (Landscaping and Tree Preservation), Policy 97 (Existing Footpaths, Bridleways and Cycleways) and Policy 106 (Nature Conservation) of the St. Albans District Local Plan Review 1994.

4. **5/2009/1784 FULL 12.10.2009 VARIATION OF CONDITION 2 (HOURS OF WORKING) OF PLANNING PERMISSION 5/2009/0098 DATED 10/03/2009 FOR THE INSTALLATION OF A RECYCLING UNIT - 196 - 198 HIGH STREET, LONDON COLNEY, AL2 1JQ FOR TESCO STORES LTD**

**RESOLVED**

(i) That the above application be GRANTED subject to the following condition:

The recycling unit shall not be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: 08.00 hours and 22.00 hours on Mondays to Saturdays inclusive and 10.00 hours and 17.00 hours on Sundays and Public Holidays.

(ii) That in an informative note issued pursuant to Department of the Environment Circular 11/95 the application be informed of the following matters:

1. This determination was based on the following drawings and information: Design and Access Statement, Tomra Systems Report, 2823gag#.dgn and Site Plan received 09/10/2009.
2. Any further applications to extend the hours later in the evening or earlier in the morning are unlikely to be looked at favourably.

**Reason for Grant**

The proposed variation to Condition 2 (hours of working) of planning permission application 5/09/0098 is considered acceptable, as there would be no significant adverse impact on neighbouring properties. The proposal is therefore in accordance with Policy 9 (Non - Residential Uses within Residential Areas) of the St. Albans District Local Plan Review 1994.

5. **REPORTS TO BE RECEIVED**

The Committee noted the following reports:

- (i) Statistical Information
- (ii) List of Delegated Decisions
- (iii) Digest of Appeal Decisions – September 2009
- (iv) Index of Appeal Decisions – September 2009
- (v) Digest of Appeal Decisions – October 2009
- (vi) Index of Appeal Decisions – October 2009

The Meeting ended at 7.20 pm

**(SIGNED)**

**CHAIRMAN**