



Community and Place Delivery
Christine Traill – Strategic Director

Our Ref: 5/2024/1221
Your Ref: S62A/2024/0054
E-mail: [REDACTED]
Date: 13/09/2024

The Planning Inspectorate
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2 The Square
Bristol
BS1 6PN

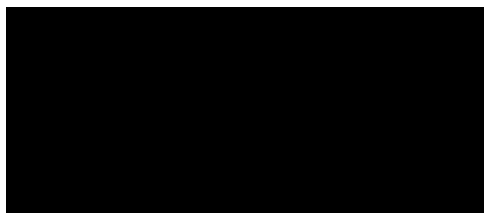
FAO the Case Officer

Re: 38 Briar Road, St Albans, AL4 9TL
Your Ref: S62A/2024/0054

I write to you on behalf of St Albans City and District Council as the Local Planning Authority regarding the Section 62A Application at 38 Briar Road, St Albans, AL4 9TL.

Noting the above, I attach the comments of the Local Planning Authority. Some draft conditions have been included at the end of the consultation response should you look to approve the application.

Yours faithfully,



Christine Traill
Strategic Director
Community and Place Delivery

St Albans City and District Council – S62A comments

Site / Surroundings: No. 38 is a two-storey semi-detached dwelling sited on a corner plot at the junction of Briar Road and Ardens Way. The site is located in a predominantly residential area which comprises largely of dwellings of similar architectural style.

Proposal: Section 62a designation - Part demolition of existing two storey extension to 38 Briar Road, St Albans and creation of new building plot adjacent. Creation of new 3 bedroom two storey dwelling & new pedestrian crossover

Relevant Plan History:

5/1980/0501 - Two storey side extension (Conditional Permission 01/07/1980)

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review 1994 and the Sandridge Neighbourhood Plan.

The National Planning Policy Framework is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 224 and 225 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

National Planning Policy Framework 2023

St. Albans District Local Plan Review 1994:

POLICY 2	Settlement Strategy
POLICY 4	New Housing Development in Towns
POLICY 10	Loss of Residential Accommodation
POLICY 34	Highways Considerations in Development Control
POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 74	Landscaping and Tree Preservation

Sandridge Neighbourhood Plan:

POLICY D4	Housing Development and Building Guidelines (less than 10 dwellings)
POLICY D6	Sustainable Future Housing Design
POLICY T1	Traffic Congestion and Road Safety

Supplementary Planning Guidance/Documents:

Design Advice Leaflet No. 1, Design and Layout of New Housing 1998
Technical Housing Standards – Nationally Described Space Standard
Revised Parking Policies and Standards 2002

REPRESENTATIONS

A Site Notice was displayed on 10/09/2024.

The site notice and notification letter direct representations to The Planning Inspectorate. The Local Authority has received the following comments:

17 Ardens Way

Previous comments on parking they still exist.

Having viewed the plans they are not in keeping with the area under Sandridge Neighbourhood Plan section D4.

Ardens Way has become an extremely busy route with vans parked in various places. The issue is where will all the cars and vans from 38 be parked as this house will only have two parking bays as will the new build

Town / Parish Council: No representations had been received by the Local Planning Authority at the time of writing this response.

Consultations:

Hertfordshire County Council (HCC) Highways –

“Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as

Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

CONDITION

1. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement: The Construction Method Statement shall include details of:

- a) methods for accessing the site, including construction vehicle numbers, type and routing
- b) associated parking areas and storage of materials clear of the public highway;
- c) timing of construction activities (including delivery times and removal of waste) and to avoid network peak and school times
- d) cleaning of site entrance and the adjacent public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Prior to construction of the development, cross sectional details of the pedestrian access eg. levels, steps, gradient etc. including and adjacent to the public footpath shall be agreed with the Local Planning Authority in consultation with the Highway Authority.

Reason: To maintain accessibility for all and to minimise the impact of such works on the public highway footpath.

INFORMATIVE

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) *Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx*

AN2) *Storage of materials: The applicant is advised that the storage 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 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) *Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

[developer-information/business-licences/business-licences.aspx](https://www.hertfordshire.gov.uk/services/business-licences/business-licences.aspx) or by telephoning 0300 1234047.

COMMENTS

Accessibility/Sustainability

The site is in a generally accessible/sustainable area in an established residential location. Policy 5 of Hertfordshire's Local Transport Plan seeks to ensure that access arrangements are safe and suitable for all people, built to an adequate standard, adhere to the county council's Highway Design Standards, and reflect the LTP Transport User Hierarchy. LTP4 Policy states that the number of crossovers should be kept to a minimum to reduce conflict with and discomfort for footway users. The length & widths of drives and lengths of dropped kerbs should be sufficient to allow vehicles to manoeuvre into and out of the property but unnecessarily long crossovers should be avoided to minimise inconvenience to pedestrians.

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/transport-planning/local-transport-plan.aspx>

Access

The site is located on the corner of a junction of unclassified roads, Briar Road and Ardens Way and a highways grass verge and footpath surround the site. Vehicle speeds are limited to 30mph. On HCC's Place and Movement network, both roads are classed as P2/M1 (Residential Street). There have been no recorded injury accidents in a rolling 5-year period and pedestrian flows are low. This road is not traffic sensitive and on street LPA controlled permit holders parking is not evident.

Vehicular access for the new dwelling will take place from Briar Road and will share the existing vxo drop kerb access with No. 38. The reason for recommended Condition 1 (construction method statement) is that Briar Road connects to a footpath to Villers Crescent, to the East, for pedestrian connectivity to St John Fisher Primary School off Hazelmere Road, to the West and is for the safety of pedestrians in this area.

Pedestrian Access

Technical Approval Authority (TAA) is required by Highways for the pedestrian access off Ardens Way. This access is noted to be a 'crossover' on drg.No. BRD/2024/01. Also, the 'Location plan' indicates an extension of the red line drawing over the public footpath. All pedestrian access alterations are required to take place within the curtilage of the site and the public footpath shall remain unaffected.

Condition 2 is recommended in this case for the avoidance of doubt.

(The applicant shall note that two dropped kerb accesses, per dwelling, are not allowed, Ref:- Vehicle Crossover (VxO) Policy).

The applicant can refer to Highways Drop Kerb Policy Version 4 – 20 May 2024-

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> and, Highways Development Management | Hertfordshire County Council <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Highway Boundary Informative. The applicant must ensure the highway boundary is retained and not built on or altered. See informative AN1 for details. Plans are available from:- <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx>

A charge is made for the supply of such plans.

Highways Trees, These are observed to be in the highways verge and to remain unaffected. Trees are also within the site.

Visibility

We always consider the visibility at the point of access to ensure that pedestrians and vehicles can be clearly seen when entering or exiting the property and to be in accordance with 'Manual for Streets (MfS)' (Manual for Streets 7.1) and Hertfordshire's Place & Movement Planning and Design Guidance. (Part 4).

The vehicle access will be shared and is acceptable to highways and in accordance with the above highway guidance & policy.

Pedestrian visibility is acceptable.

MfS may be downloaded from the following website:

<http://www.communities.gov.uk/publications/planningandbuilding/manualforstreets>

Parking

Any surfacing arrangement should be in accordance with DCLG guidance on the permeable surfacing of front gardens and shall be surfaced to LPA approved durable bound material. Off street parking will be available to both dwellings, two driveway spaces for and a garage for No. 38 and two driveway spaces for the proposed dwelling

Cycle storage is a consideration and Electric Vehicle charging points are required for new dwellings.

Any nearby highway parking restrictions will apply to all. Parking levels to LPA requirements.

Traffic generation is not considered to be significant.

Emergency Access

The nature of the site puts the proposals / access within 45 meters from the public highway (As required in accordance with MfS 6.7.2)

Refuse / Recycling

As existing and acceptable to highways. To LPA requirements.

Right Of Way

There are not any ROW footpaths in the area that the proposals will directly affect.

Conclusion

This application for a proposed dwelling is acceptable in a highway's context.

There are no highways issues associated with this proposal that are of significant concern and no objection is raised by the highway authority subject to recommended conditions and informative that the applicant is required to carry out".

Hertfordshire County Council (HCC) Ecology –

"ECOLOGICAL IMPLICATIONS

Thank you for consulting this office on the above application.

Overall Recommendation:

- Application can be determined with no ecological objections (with any informative/conditions listed below).

Summary of Advice:

- Nesting bird informative.

Comments:

The site is situated in a residential area, and whilst there is some semi-natural habitat in the vicinity, the site, which consists of a dwelling and associated garden, is of low ecological value.

I do not consider the proposals will have any ecological constraints, however given the presence of some garden trees, I advise the following information relating to nesting birds should be added to any permission granted:

“In order to protect breeding birds, their nests, eggs and young, any vegetation removal should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed”.

Biodiversity Net Gain: In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, which came into effect on 12th February 2024, every grant of planning permission, subject to some exceptions, is to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity gain planning condition does not apply in relation to the following exemption which the applicant states the application meets:

1. *Self-Build and Custom Build Applications and consisting of no more than 9 dwellings on a site no larger than 0.5 hectares.*

The Ecology Service (LEADS) has not undertaken any scrutiny of the validity of the claimed exemption, but taking it on face value in this instance the requirement for mandatory 10% biodiversity gain does not apply”.

DISCUSSION

Main Issues:

The main considerations, in relation to the determination of this application are the principle of development, character and appearance, loss of residential accommodation, impact on the amenities of future occupiers, and impact on the amenities of neighbouring residents, the impact on trees and landscaping, the impact of the proposal on surrounding highways and parking standards and Biodiversity Net Gain.

Principle of Development

The site is located in St Albans which is identified as a Town in Local Plan Policy 2. Policy 4 states that in Towns there is a presumption in favour of housing on sites where housing would be consistent with the other policies contained within the Plan.

The Council cannot demonstrate a 4-year housing land supply as set out in the NPPF 2023, and the absence of a 4-year supply is a material consideration that carries significant weight.

The proposal would deliver an additional unit, which would make a small contribution to meeting identified local needs, in the absence of a 4-year housing land supply, and would be located in a sustainable location.

The Local Plan makes it clear that there must be compliance with other policies in the Local Plan, and the National Planning Policy Framework (NPPF) 2023 seeks to ensure that new residential development does not take place at the expense of other material planning considerations. Any proposal needs to also take into account impact on character and appearance, loss of residential accommodation, the amenity of future and neighbouring occupiers, trees and landscaping, highways and parking standards and Biodiversity Net Gain.

Considerable weight must be given to the impact on the character of the existing settlement and the cumulative impact of such development on the character and amenity of an area in order for the proposal to comply with the requirements of the adopted development plan. Whether the proposal would result in any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme will be discussed further in the rest of this report. Likewise, as set out under Paragraph 11 (d) (i) of the NPPF 2023, specific consideration will be given as to whether the proposed development is contrary to any specific provisions within the NPPF 2023 which set out that the development should be refused.

Character and Appearance

The National Planning Policy Framework (NPPF) advises that planning should ensure development is *“visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”* (Paragraph 135), that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”* (Paragraph 131) and advising that *“development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes”* (Paragraph 139).

Local Plan policy is set out in Policies 69 (General Design and Layout) and Policy 70 (Design and Layout of New Housing), which requires proposals to be compatible with the original building and to relate to the domestic scale, character and appearance of the street and to safeguard the amenities of neighbouring residential properties.

Planning permission is sought to demolish a two-storey side extension of the existing dwelling at No. 38 and construct a new dwelling. The proposed dwelling would utilise the existing dropped kerb on Briar Road and its principal elevation would affront Ardens Way. The dwelling would appear to sit within its plot comfortably and, while of a slightly different architectural style owing to its cat slide roof, is considered to respond well to its corner plot siting and the general vicinity. No significant design-related concerns are therefore raised to

the proposal. Conditions are recommended in the event of an approval relating to the provision of further detail on materials and levels to ensure the proposal has an acceptable visual impact on the street scene.

Loss of Residential Accommodation

Policy 10 of the Local Plan resists the loss of dwellings through demolition, or the loss of part of all of a dwelling by a change of use. Exceptions to this policy are:

“(i) where necessary to implement other site specific proposals in this Plan;

(ii) the loss of an ancillary dwelling may be permitted if it can be demonstrated that a separate entrance cannot be provided;

(iii) the loss of part of a dwelling or ancillary dwelling by change of use may be permitted if:

- a) most of the property will remain in residential use and will continue to function as a viable dwelling unit; and*
- b) the proposal does not prevent the possible conversion of the dwelling into two or more self-contained dwellings;”*

The proposal would entail the loss of a two-storey side extension on the existing dwelling at No. 38, however would not result in the loss of bedrooms, as it would be retained as a three-bedroomed dwelling. The dwelling at No. 38 would remain residential in use and continue to function as a viable dwelling unit post-development, and so the loss of residential accommodation is considered to be acceptable in this case.

Trees and Landscaping

Policy 74 of the Local Plan sets out the landscaping factors which will be taken into account in considering planning applications.

Paragraph 135 of the National Planning Policy Framework 2023 states that planning decisions should ensure developments are *“visually attractive as a result of good architecture, layout and appropriate and effective landscaping”*.

The submitted plans indicate the provision of soft landscaping along the frontage of the site on Ardens Way which is considered to be acceptable and soften the development; however a landscaping plan has not been submitted which clarifies the type of planting proposed. A condition is therefore recommended to secure this detail in the event of an approval.

Amenity of Future Occupiers

The proposal is considered to have an acceptable impact on the amenity of future occupiers of the dwelling and would comply with Policy 70 of the Local Plan and Supplementary Design Guidance “Design Advice Leaflet No. 1, Design and Layout of New Housing” in respect of amenity space provision. The dwelling would comply with the nationally described space standard. Internally, all main habitable rooms within the dwelling would have an acceptable outlook and standard of environment.

Amenity of Adjoining Occupiers

Paragraph 135 of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments create places that are safe, inclusive and

accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

Policy 70 of the St. Albans District Local Plan Review 1994 seeks that proposals in residential areas do not cause harm to the amenities of neighbouring properties principally with regards to loss of daylight / sunlight, outlook or privacy.

The proposed development would not result in any adverse impact on adjoining occupiers including the existing dwelling at No. 38 in respect of a loss of light, loss of privacy, overlooking or overbearing impact. The proposed first floor side-facing windows would look towards the frontage of No. 21 Ardens Way, however similar arrangements are noted between dwellings within the immediate vicinity and this is therefore not considered to result in demonstrable harm to the residential amenity of this dwelling. A condition to secure the obscure glazing of the first floor side-facing windows within the new dwelling which would look to No. 38 Briar Road is recommended in the event of an approval in the interest of neighbouring amenity. A condition is also recommended requiring the erection of a 1.8m close-boarded fence along the boundary with No. 38.

While the proposed layout of the site is not considered to be cramped, if the dwelling were to exercise their permitted development rights to enlarge, improve or alter, this could result in a change of this relationship that may have an impact upon both visual and residential amenity. To allow for the Council to have control over future development of the site, it is considered reasonable that any grant of planning permission is subject to a condition ensuring permitted development rights are removed from the proposed dwelling by condition.

Impact on Highways and Parking Provision

The proposed dwelling would utilise the existing dropped kerb on Briar Road and its principal elevation would affront Ardens Way. No objection from the Highway Authority has been received by the Local Planning Authority subject to the inclusion of recommended conditions in the event of an approval, and it is therefore considered that the proposal would not be prejudicial to highway safety.

The proposed three-bedroomed dwelling would be served by two car parking spaces, which would comply with Policy 40 of the Local Plan.

Biodiversity Net Gain (BNG)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

Planning Balance

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and states that for decision-taking this means “*granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”.

The provision of housing development is acceptable in principle within a Town location, subject to compliance with other relevant planning policies. The Council cannot demonstrate a four-year housing land supply as set out in the National Planning Policy Framework 2023, and the absence of a four-year supply is a material consideration that carries significant weight. The proposal would deliver an additional dwelling, which would make a small contribution to meeting identified local needs, in the absence of a four-year housing land supply. As outlined within the discussion above, the proposed development is considered to be acceptable in terms of its impact on character and appearance, loss of residential accommodation, impact on the amenities of future occupiers, and impact on the amenities of neighbouring residents, the impact on trees and landscaping, the impact of the proposal on surrounding highways and parking standards and Biodiversity Net Gain.

Recommended Conditions

- 1. Time limit condition**

- 2. Approved plans**

- 3. Sample of Materials**

CONDITION: No above ground works shall take place in respect of the new dwelling hereby permitted until samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be carried out in accordance with the approved details.

REASON: To ensure that the finished appearance of the building is satisfactory. To comply with Policies D4 and 6 of the Sandridge Neighbourhood Plan, Policies 69 and 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

- 4. Levels**

CONDITION: No above ground works shall take place in respect of the new dwelling hereby permitted until details of existing site levels and the proposed structural slab level of the new dwelling have been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall proceed in accordance with the agreed details.

REASON: In the interests of visual amenity and to retain control over the development. To comply with Policies D4 and 6 of the Sandridge Neighbourhood Plan, Policies 69 and 70 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2023.

- 5. Hard and Soft Landscaping Condition**

CONDITION: No above ground works shall take place in respect of the new dwelling hereby permitted until details of both hard and soft landscape works for the front garden shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:

- (a) a planting plan including written plant specifications (including cultivation and other operations associated with the plant and grass establishments), planting schedules, plant height and proposed plant numbers/densities where appropriate;
- (b) A specification for hard surfacing materials including type and colour.

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

6. Obscure Glazing

CONDITION: The window(s) to be created in the first floor flank elevation of the new dwelling facing towards No. 38 Briar Road 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.

REASON: To maintain the privacy of adjoining residents. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

7. **CONDITION:** No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement: The Construction Method Statement shall include details of:
- a) methods for accessing the site, including construction vehicle numbers, type and routing;
 - b) associated parking areas and storage of materials clear of the public highway;
 - c) timing of construction activities (including delivery times and removal of waste) and to avoid network peak and school times;
 - d) cleaning of site entrance and the adjacent public highway.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 34 of the St. Albans District Local Plan Review 1994.

8. **CONDITION:** Prior to construction of the development, cross sectional details of the pedestrian access eg. levels, steps, gradient etc. including and adjacent to the public footpath shall be agreed with the Local Planning Authority in consultation with the Highway Authority.

Reason: To maintain accessibility for all and to minimise the impact of such works on the public highway footpath. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

9. 1.8m Close-boarded Fence

CONDITION: Prior to the bringing into use of the new dwelling hereby permitted, the 1.8m high close-boarded fence as shown within DNG No. BRD/2024/01 shall be erected along the east boundary with No. 38 Briar Road and retained in perpetuity.

REASON: To maintain the privacy of adjoining residents. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

10. Permitted Development Rights

CONDITION: Notwithstanding the provisions of Classes A, AA, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, or erection of outbuildings, without the prior written permission of the Local Planning Authority.

REASON: To allow the Local Planning Authority to retain control of the development in the interests of residential amenity. To comply with Policies 69 and 70 of the St. Albans District Local Plan Review 1994.

11. Development Progress Report

CONDITION: Unless the development has been completed, a development progress report must be provided to the Local Planning Authority 12 months from the date of planning permission being granted. Such a report shall be provided annually thereafter from the date of approval, until the development is completed.

REASON: To comply with S114 of the Levelling Up and Regeneration Act 2023.

12. Self-Build and Custom Housebuilding

CONDITION: The dwelling(s) hereby approved shall be constructed as self-build and custom housebuilding dwelling(s) within the definition of self-build and custom build dwellings in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended): i) The first occupation of each dwelling in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling; ii) The Council shall be notified, in writing, of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation. To ensure the development complies with the self-build and custom house build exemption from biodiversity net gain as set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

13. Biodiversity Net Gain

CONDITION: Biodiversity Gain Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be St Albans City and District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply:

Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Recommended Informatives

1. Ecology informative –

In order to protect breeding birds, their nests, eggs and young, any vegetation removal should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

2. Highways informatives –

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage 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 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business->

[and-developer-information/business-licences/business-licences.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx) or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.