

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

DLA Town Planning Ltd
5 The Gavel Centre Porters Wood
St Albans
Hertfordshire
AL3 6PQ

APPLICANT

Burston Nurseries PLC
Burston Rose & Garden Ltd
C/o Agent

PLANNING PERMISSION

Improvement to site access and introduction of new signal controls

Burston Rose And Garden Centre North Orbital Road Chiswell Green Hertfordshire

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **permit** the development proposed by you in your application dated 23/10/2014 and received with sufficient particulars on 10/11/2014 and shown on the plan(s) listed below subject to the following conditions and reasons:-

Condition

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Condition

2. No works shall commence on the site until the Traffic Regulation Order for a suitable speed limit has been secured by the Highway Authority.

Reason

2. In the interests of highway safety. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

Condition

3. Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works as indicated on drawing titled Proposed Signalised Junction - Preliminary General Arrangement (Drawing No. 101 Rev B) have been submitted to and approved in writing by the Local Planning Authority.

Reason

3. To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor. To comply with Policy 34 of the St. Albans District Local Plan Review 1994.

Condition

4. 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 proposed hard surfacing materials; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.); existing trees to be retained; existing hedgerows to be retained.

Reason

4. 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.

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Condition

5. Soft landscape works required to be submitted under Condition 4 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.

Reason

5. 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.

Condition

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 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.

Reason

6. To protect existing trees during the course of construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

7. The development hereby permitted shall be carried out in accordance with the following approved plans: EL14 and EL14 Rev A received 23/10/2014; 801, 301 Rev A and 302 Rev A received 10/11/2014 and PL05 and 101 Rev B received 12/03/2015.

Reason

7. For the avoidance of doubt and in the interests of proper planning.

Justification for the grant of planning permission

The proposal is considered to be appropriate development in the Green Belt and would not be harmful to its openness. The proposed development would not detract from the character and appearance of the locality. There will be no adverse impact on neighbouring properties. There would not be an adverse impact upon highways safety subject to meeting the requirements of the attached conditions. The loss of trees and landscaping would be balanced by the benefits of the proposed development. The development complies with Policies 1 (Metropolitan Green Belt), 34 (Highways Consideration in Development Control), Policy 69 (General Design and Layout), 74 (Landscaping and Tree Preservation) of the St Albans District Local Plan Review 1994 and with the aims of the National Planning Policy Framework 2012.

Signed



Tracy Harvey
Head of Planning & Building Control

Dated 03/07/2015

SEE ATTACHED SHEET FOR NOTES

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INFORMATIVES:

This determination was based on the following drawings and information: Planning Report, Land registry plan, EL14, EL14 Rev A, Technical Note (Transport Planning Associates) received 23/10/2014, 801, 102, 301 Rev A, 302 Rev A received 10/11/2014, Stage 1 Road Safety Audit (Alpha Consultants), PL05, Designers Response Report to the Stage 1 Road Safety Audit (Transport Planning Associates) and 101 Rev B received 12/03/2015.

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.

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 1990.

This is a decision to **grant** planning permission for a **Full planning permission**. 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.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

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.planningportal.gov.uk/pcs

The Secretary of State may allow a longer period for the giving of 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
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development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.