

**Community and Place Delivery  
Development Management**

Mr Martin Cowling  
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Our Ref: 5/25/0470  
Please ask for: Lucy Pedder  
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Date: 17 June, 2025

Dear Sir/Madam,

**APPLICATION TO DISCHARGE PLANNING CONDITIONS**  
**TOWN AND COUNTRY PLANNING ACT 1990**

**Site: Land Adjacent Roslin Marshalls Heath Lane Wheathampstead Hertfordshire**

**Planning Application: 5/2024/0135**

**Proposal: Redevelopment of the site for the erection of a bungalow**

I refer to your application to discharge Conditions 3 (Samples of Materials), 5 & 6 (Hard and Soft Landscaping), 7 (Construction method plan/statement) and 10 (Fire Mitigation Measures), in respect of planning permission 5/2024/0135 dated 11/11/2024.

**Condition 3 (Samples of Materials)**

The following details submitted pursuant to Condition 3 (Samples of Materials) are acceptable and the conditions are DISCHARGED on this basis.

- External Materials Schedule dated Feb 2025
- Weinerberger Ashington Red Multi Stock Facing brick (viewed on site)
- Marley timber effect black weatherboard cladding (viewed on site)
- Dreadnought plain clay tile – Collingwood blend rustic (viewed on site)

**Condition 5 & 6 (Hard and Soft Landscaping)**

The following details submitted pursuant to Condition 5 & 6 (Hard and Soft Landscaping) are not acceptable and the conditions are NOT DISCHARGED on this basis.

- Landscape Design Rationale & Planting Specification
- Drg No. TH5042 LSCP

Condition 5 reads as follows;

*Prior to the commencement of any above ground construction works, details of both hard and soft landscape works shall be 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.*

While some of the details submitted pursuant to Condition 6 are acceptable, the full details as required by Condition 6 above have not been submitted as part of this application.

The detail submitted in relation to b) means of enclosure, when compared with the original permission, a new access gate is proposed to the northern boundary. It would also appear that some hedgerows and trees may need to be removed to accommodate the new access. Criteria parts (c) and (d) relate to car parking layouts and other vehicles and pedestrian access and circulation areas. Again, when compared with the original permission (5/2024/0125), the car-parking layout has moved from the northern boundary to the center of the site adjacent to the pathway. A larger area of plastic grass-crete paving for the fire tender access has also been included.

While the details submitted relating to criteria (a), (f), (g), (h) appear to be acceptable. Given the relationship between these criteria and the remainder of the requirements of the condition, the whole condition remains to be discharged and these details will need to be submitted with any further application.

The changes to the means of enclosure, car parking layouts, vehicles and pedestrian access and circulation routes, existing trees and hedges to be retained would go beyond the scope of this discharge of condition application and is NOT DISCHARGED on this basis.

Likewise, while details submitted in relation to Condition 6 were considered acceptable by HCC Landscaping, due to the alterations in the northern boundary and altered parking layout, the scheme is not consistent with the plans approved under the original application 5/2024/0125 and is NOT DISCHARGED on this basis.

#### Condition 7 (Construction method plan/statement)

The following details submitted pursuant to Condition 7 (Construction method plan/statement) are acceptable and the conditions are DISCHARGED on this basis, in relation to the construction phase only and any changes to the layout indicated are not approved.

- Construction Method Plan – Drg No. LAR/SK32A

HCC Highways as the highway authority have reviewed the construction management plan and do not wish to restrict the discharge of Condition 7.

#### Condition 10 (Fire Mitigation Measures)

The following details submitted pursuant to Condition 10 (Fire Mitigation Measures) are not acceptable and the conditions are NOT DISCHARGED on this basis.

- Construction Method Plan – Drg No. LAR/SK32A
- Detailed Site Plan – Drg No. LAR/SK31A
- Detailed Site Plan – Drg No. LAR/SK30B
- Detailed Site Plan – Drg No. LAR/SK29B
- Proposed Site Plan – Drg No. LAR/SK28B
- Proposed Site Plan – Drg No. LAR/SK27B
- Proposed Site Plan – Drg No. LAR/SK26C
- Cellpave 50 Paving grids

Condition 10 reads as follows;

*No above ground construction works shall take place unless a detailed scheme for fire mitigation measures including a fire suppression system shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to first occupation of the dwelling.*

HCC Fire and Rescue were consulted as part of this application and noted that the required distance of 45m does not appear to have been met, taking into consideration that the distance is measured from the rear of an appliance as the vehicle approaches in forward gear. Furthermore, the condition specifically

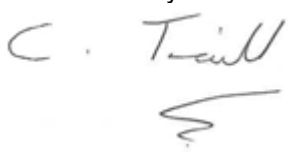
refers to 'a fire suppression system'. A fire suppression system has not been included as part of this application and the condition cannot be discharged.

It is noted that, whilst formal consultation on this type of application is not required, representations have been received from a neighbouring property. The representations received on this application are noted. However, this application is a technical application, which principally relates to whether the submitted details are in accordance with the conditional requirements of the original application. As set out above, this application is being partially refused for the clear reasons outlined above.

Please note that a failure to discharge or carry out development in accordance with discharged conditions may render a planning permission invalid if works to implement the development are carried out without such pre-commencement discharge, or compliance.

I draw your attention to the requirement to carry out the development in accordance with the approved plans.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. Traill', with a stylized flourish underneath.

Christine Traill  
**Strategic Director- Community and Place Delivery**  
**St Albans City & District Council**