

## TOWN AND COUNTRY PLANNING ACT 1990

### AGENT

Ms Christine Peever  
Sheldon Peever Studio  
109 Hazelwood Drive  
St Albans  
Hertfordshire  
AL4 0UY

### APPLICANT

Mr Horton  
Bricket Wood Railway Station  
Station Road Bricket Wood  
Hertfordshire  
AL2 3PE

### PLANNING PERMISSION

**Change of use from storage room to Class A3 (cafe), reinstatement of existing windows and doors, insertion of 2 dummy chimneys and external repair works**

**Bricket Wood Railway Station Station Road Bricket Wood 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 12/03/2020 and received with sufficient particulars on 24/03/2020 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. The development hereby permitted shall be carried out in accordance with the following approved plans: 149/BWS/100, 149/BWS/120, 149/BWS/111

#### Reason

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

#### Condition

3. The A3 use hereby permitted shall not be open to customers outside the following times: 0600 hours and 2300 hours on Mondays to Fridays inclusive and 0700 hours and 2300 hours on Saturdays and 0830 hours and 23:00 hours on Sundays and Public Holidays.

#### Reason

3. To safeguard the amenities of the locality and residential occupiers. To comply with Policies 9 & 57 of the St. Albans District Local Plan Review 1994.

#### Condition

4. The kitchens of the approved building shall be fitted in accordance with a scheme detailing the equipment for the purpose of extraction, filtration and abatement of fumes and odours which has first been submitted and approved in writing by the Local Planning Authority. This shall include noise and vibration mitigation systems. The approved extraction/filtration/abatement equipment shall be installed before the use hereby permitted is commenced and shall be maintained including deep cleaning and operated thereafter in accordance with manufacturer specification to ensure its continued satisfactory operation.

**THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.**

Reason

4. To protect the amenities of nearby properties in accordance with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition

5. Prior to the commencement of the catering use hereby permitted a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes [or other fumes], shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.

The applicants attention is drawn to the document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems', prepared by Netcen on behalf of the Department for Environment, Food and Rural Affairs (Defra).

Reason

5. To safeguard the amenities of those premises nearby the application site and the appearance of the building as a whole. To comply with Policy 9 of the St. Albans District Local Plan Review 1994.

Condition

6. No deliveries shall be taken at or dispatched from the premises outside the following times, before 7:00 hours or after 20:00 hours Monday to Friday, and before 8am or after 20:00 hours on Sundays or Bank Holidays.

Reason

6. In the interests of the amenity of nearby residential properties. To comply with Policy 9 of the St. Albans District Local Plan Review 1994

**Justification for the grant of planning permission**

The application proposes the change of use from a storage area to an A3 establishment. The proposed use will not detract from the visual character of the area or cause serious problems in respect of: traffic and parking; noise, fumes, smell and general disturbance, and litter. The proposal would protect the openness of the Metropolitan Green Belt. The application will not detract from the visual amenity of the locality. For these reasons this proposal accords with policies 1 (Metropolitan Green Belt), 34 (Highways Considerations in Development Control), 39 (Parking Standards, General Requirements), 47 (Food and Drink Establishments Parking Standards), 51 (Shopping and Service Uses, Overall Strategy), 57 (Service Uses), 69 (General Design and Layout) of the St. Albans District Local Plan Review 1994, and the aims and objectives of the National Planning Policy Framework 2019

**Signed**



**Tracy Harvey**  
**Head of Planning & Building Control**  
**St Albans City & District Council**

**Dated 26/05/2020**

**INFORMATIVES:**

**This determination was based on the following drawings and information: 149/BWS/100, 149/BWS/120, 149/BWS/111, 149/BWS/020, 149/BWS/010 received 03/04/2020.**

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.

No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Details of any external lighting proposed in connection with the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

The applicant is advised that during the construction of the development hereby granted, that all materials should be stored within the application site. In the event of it not being possible to store materials on site; and materials are to be stored outside the site and on highway land the applicant will need to obtain the requisite approval of the Highway Authority. A licence is required to store materials on the Highway under the Highways Act 1980 Section 171 to Hertfordshire Highways. You must first obtain a licence from Hertfordshire County Council before depositing building materials on any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £10 for each day the contravention continued. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of unauthorised building materials deposited on the highway. To apply for a Licence please contact Highways, PO Box 153, Stevenage, Herts SG1 2GH or [cschighways@hertfordshire.gov.uk](mailto:cschighways@hertfordshire.gov.uk).

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.

The applicant's attention is drawn to the Party Wall Etc. Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours.

**Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.**

**When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).**

### 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 change of use. 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 <https://acp.planninginspectorate.gov.uk/>

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 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.

#### 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.