NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 2015

DECISION NOTICE

Correspondence Address:
Bidwells
John Ormond House
899 Silbury Boulevard
Central Milton Keynes
MK9 3XJ

Applicant:
Ms Helen Flint

PARTICULARS OF DEVELOPMENT

Application: 18/01186/FP

Proposal: Conversion of a grade II listed building and associated curtilage listed building to two semi-detached residential dwellings including demolition of modern extension and replacement single storey extension. Conversion of further un-listed agricultural building to two semi-detached residential dwellings following its part-demolition and extension. Use of cart shed for covered parking. Associated car parking and landscaping, Minor alteration to existing vehicular access and partial widening of access road (as amended by drawings received 04/09/2018).

Location: Lordship Farm, Pirton Road, Holwell, Hitchin, Hertfordshire, SG5 3SS

Plan Nos: ASC.14.614 DR-A-001 P2 DR-A-100 P2 DR-A-105 P3 DR-A-110 P3 DR-A-111 P3 DR-A-112 P3 DR-A-200 P2 DR-A-201 P3 DR-A-202 P3

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GRANT PERMISSION** for the development proposed by you in your application received with sufficient particulars on 30 April 2018, subject to the following condition(s):

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

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

   Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
   (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
   (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
   (ii) The results from the application of an appropriate risk assessment methodology.

   (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

   (d) This site shall not be occupied, or brought into use, until:
   (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

   (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

   (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local

Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

4. No development shall commence until visibility splays have been provided in full accordance with the details indicated on the approved plan number Q891/200. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

5. Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on drawing number Q891/200) shall be upgraded / widened to a minimum width of 5.5 metres and provided with kerb radii of 8 metres in accordance with the Hertfordshire County Council construction specification for the first 15 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interest of highway safety and traffic movement.

6. The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

7. a) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

b) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under part 'a' of this condition.

c) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part 'a' of this condition and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

8. No development shall take place until details of the design, location and maintenance of temporary barn owl boxes is submitted and approved by the Local Planning Authority. The approved details will be implemented during the course of the development.

Reason: To ensure the potential for barn owl roosting on the farm during the construction phase is maintained.

9. Prior to the first occupation of the development hereby permitted, details of the design, location and maintenance of permanent barn owl boxes must be submitted and approved in writing by the Local Planning Authority. The approved details will be implement as approved.

Reason: To ensure the potential for barn owl roosting on the farm post-development is maintained.

10. Prior to the demolition of any building within the application site, the buildings must be checked for the presence of barn owls immediately beforehand and, if present, appropriate measures should be taken to ensure their safety.

Reason: To ensure barn owls are not disturbed or harmed and the risk of an offence being committed is reduced.

11. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the Local Planning Authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

12. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan no. 42533.DR-A-110.P3 shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

13. Prior to the commencement of the development hereby permitted, landscaping details are to be submitted to and approved in writing by the Local Planning Authority. The submitted information should cover the following points:

a) which, if any, of the existing vegetation is to be removed and which is to be retained
b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
d) details of any earthworks proposed

The landscaping details approved under this condition shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

15. A sample of the new slate for Units 3 and 4 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: To ensure that special regard is paid to preserving the setting of the listed barn and curtilage-listed outbuilding under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

16. All new windows, external doors and frames to glazed screens at Units 3 and 4 shall be constructed in timber unless otherwise agreed and approved in writing by the Local Planning Authority and the external finish thereof shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the new windows, external doors and frames to glazed screens.

Reason: To ensure that special regard is paid to preserving the setting of the listed barn and curtilage-listed outbuilding under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

17. Full details (including bond and copings) of the 1.5m and 1.8m boundary walls to the east of Unit 1 shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the walls hereby approved.

Reason: To ensure that special regard is paid to preserving the setting of the listed barn and grade II listed farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18. A sample of the brick to be used for i) the ground floor facing brickwork to Units 3 and 4 and ii) the construction of the boundary walls in Condition 3 above shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the walls hereby approved.

Reason: To ensure that special regard is paid to preserving the setting of the listed barn and grade II listed farmhouse under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

19. No development hereby permitted shall commence until a Footpath Diversion Order has been confirmed by Hertfordshire County Council in association with the Local Planning Authority for Holwell Foot Path 006.

Reason: To ensure that no development takes place prior to the necessary legislation having been complied with.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1) Construction standards for works within the highway:
The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx

2) Bats:

Works to the listed barns would best be undertaken during winter months to ensure bats are unlikely to be present. However if not, a dawn re-entry survey immediately prior to works commencing would help to confirm continued lack of roosting.

3) Construction hours:
Construction operations related to the development should occur only between the following hours: 0800-1800 Monday to Friday, 0800-1300 on Saturdays, no working on Sundays and Bank Holidays.

Signed:



Development & Conservation Manager
Date: 27 September 2018

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

The Council's Privacy Notice is available on our website: https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr

NOTES

1 **Failure to satisfy conditions may invalidate this permission and/or result in enforcement action. Particular attention should be paid to the requirements of any condition in bold.**

2 Circular 04/2008 (Planning Related Fees) states that where an application is made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995, a fee will be payable for any consent, agreement or approval required by condition or limitation attached to the grant of planning permission.

3 The fee is £116 per request or £34 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of the dwellinghouse. No fee is required for applications resulting from a condition removing "permitted development rights".

The request can be informal through the submission of a letter or plans, or formal through the completion of an application form and the submission of plans. Any number of conditions may be included on a single request. The form is available on the Council's website:
www.north-herts.gov.uk/home/planning/planning-applications/submit-planning-

application

4 If the development hereby permitted is one that will require a new postal address/es then please contact the Council's **street naming and numbering service** on 01462 474431 or email SNN@north-herts.gov.uk who will advise you on how to apply for the new address/es.

Any proposed sales and/or marketing name to be adopted by the developer should be forwarded to the **street naming and numbering service,** prior to any publication of the site details and sales information.

5 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.

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.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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 any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

6 **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 he 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

7 The District Council and County Highway Authority wish to ensure that, in the implementation of the development, hereby approved, the highway verge adjacent to the property is not damaged or does not become unsightly due to the stationing of skips, parking of vehicles, storing of building materials etc thereon. Your attention is, therefore, drawn to the provisions of Section 131 of the Highways Act 1980 and to the Hertfordshire County Council Bylaws 1955 (specifically relating to grass margins and verges in Letchworth Garden City) by virtue of which such actions, unless authorised by the prior grant of a licence, constitute a prosecutable offence. Persons responsible for undertaking the development and any associated works are, therefore, strongly encouraged to take appropriate steps to ensure that no breach of the said legislation occurs during the course of such activities. In the event of any damage being caused it will be expected that suitable reinstatement is undertaken upon completion of the development. Failure to do so could also result in legal action being pursued. To obtain information regarding the issue of licences, contact Hertfordshire Highways, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG138DQ or telephone 0300 1234 047.

THIS PLANNING PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS AND IS NOT A LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT. IT DOES NOT CONVEY ANY APPROVAL OR CONSENT WHICH MAY BE REQUIRED UNDER ANY ENACTMENT, BYE-LAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.