

## **NORTH HERTFORDSHIRE DISTRICT COUNCIL**

Town and Country Planning Act 1990

### **DECISION NOTICE**

**Correspondence Address:**

Nucleus Design Studio  
The Basement  
324 Liverpool Road  
London  
N7 8 PU

**Applicant:**

Mr A Jennings

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### **PARTICULARS OF DEVELOPMENT**

**Application:** 24/01775/S73

**Proposal:** Variation of condition 8 (composite windows) of planning permission 22/03299/FP granted 14.04.2023 for erection of 4 detached dwellings (2 x 3-bed and 2 x 4-bed) including parking, landscaping and creation of vehicular access off Ashwell Common (as amended by plans received 6th April 2023 and 12th April 2023).

**Location:** Land Rear Of Gothic House, Oak Lane, Graveley,  
Hertfordshire,

**Plan Nos:** 23-03-08 - Typical Window Sections/Elevations Planning  
Statement Conservation Brochure Location Plan

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### **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 27 August 2024, subject to the following condition(s):

**Biodiversity Net Gain**

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

## **Planning Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the grant of planning application 22/03299/FP.

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. The details with respect to Land Contamination are being dealt with under planning reference number 24/01636/DOC. Parts (a), (b), (c) and (d) have already been approved under this application and therefore, the remaining required part (e) below is of note:

(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. The details with respect to Waste Storage have been approved under planning reference number 24/01703/DOC. The conditions reads as follows:

Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

5. The details with respect to Refuse Collection have been approved under planning reference number 24/01704/DOC. The conditions reads as follows:

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.

6. The details with respect to Brick Details have been approved under planning reference number 24/01284/DOC. The conditions reads as follows:

Details or sample of the facing bricks for all four units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be undertaken in accordance with the approved brick type.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. The details with respect to Roof Details have been approved under planning reference number 24/01315/DOC. The conditions reads as follows:

Details or sample of the roof materials for all four units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be undertaken in accordance with the approved roof materials.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. All new windows and doors shall be manufactured in composite from The Residence Collection and the windows shall receive flush casements with trickle vents as indicated (entire width of window and well concealed) and a mechanical joint as submitted as part of this application under ref: 24/01775/S73, unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. The details with respect to Dormer Window Details have been approved under planning reference number 24/02387/DOC. The conditions reads as follows:

Metric scale drawings of the new dormer windows (either 1:5 or 1:10 scale) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Thereafter, the dormer windows shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Prior to the commencement of development above slab level, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site. The landscape scheme shall include:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;
- b) what new trees, shrubs, hedges are to be planted and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing;
- c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;
- d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

11. The approved details of landscaping 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.

12. All new rainwater goods shall be black cast-iron effect unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the character and appearance of the area and the setting to Gothic House under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. Each of the dwellings hereby approved shall incorporate 1 Swift Box/Brick within the built fabric of the property. Once installed, the Swift Box/Brick shall be maintained in perpetuity.

Reason: To ensure the proposal has regard for wildlife and contributes to net gains in biodiversity, in line with Policy NE4 of the Local Plan.

14. The window at first floor level on the rear elevation of Unit 3 on the development hereby permitted shall be permanently glazed with obscure glass and non-opening below 1.7m above first floor level.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling, Hillsbank.

15. 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.

16. Prior to occupation, each of the proposed 4 new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

**Proactive Statement:**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



Shaun Greaves  
Development and Conservation Manager

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

**Date:** 19 November 2024

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 Applicants will need to pay a compliance fee where they request confirmation in writing of any planning consent, agreement or approval (commonly known as discharge of conditions) required by one or more conditions or limitations attached to a grant of planning permission.
- 3 The fee is £145 per request or £43 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of the dwellinghouse.  
  
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 via the Council's website:  
[www.north-herts.gov.uk/home/planning/planning-applications/submit-planning-application](http://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](mailto: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.

## **8 Cadent Gas Informative:**

Cadent Gas own and operate the gas infrastructure within the area of your

development. Contact our Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Alternatively you can register on [www.beforeyoudig.cadentgas.com](http://www.beforeyoudig.cadentgas.com) This service is free of charge.

**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.**

*Consent for these works may be required from the Letchworth Garden City Heritage Foundation ([www.leitchworth.com/heritage-foundation](http://www.leitchworth.com/heritage-foundation)) under the Scheme of Management or leasehold covenants. If you do not already have their approval, you are advised to contact the Heritage Foundation on [home@leitchworth.com](mailto:home@leitchworth.com) or 01462 476017 to confirm whether you also need to submit an application to them.*