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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

DECISION NOTICE

Correspondence Address:

Architectural Services
80A Water Lane
Wootton
Northampton
NN4 6HG
United Kingdom

Applicant:

Mr Bimal Barcha

PARTICULARS OF DEVELOPMENT

Application: 24/01754/FP

Proposal: Erection of three storey building comprising of 8 residential apartments (7 x 1-bed and 1 x 2-bed) with associated bike and bin area and parking following demolition of existing car workshop building.

Location: 81 Whinbush Road, Hitchin, Hertfordshire, SG5 1PZ

Plan Nos: 24-2801-100A 24- 2801-101 24-2801-01A 24-2801- 02A 24-2801-03A 24- 2801-04B 24-2801-05A

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 21 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 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. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Before the development hereby permitted is occupied, landscape details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the following:

- 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 landscaping proposed;
- d) details of any earthworks proposed.
- e) a range of wildlife improvement measures including wildlife friendly plants to deliver biodiversity net gain;

Reason: To ensure a satisfactory appearance to the completed development and to ensure biodiversity net gain is delivered

5. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. The side facing windows at first floor and second floor level shall be obscured glazed and maintained as such in perpetuity.

Reason: To protect privacy and to comply with Policy D3 of the North Herts Local Plan.

7. Notwithstanding the details submitted, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Details shall include:
 - (i) the repair with like for like bricks and jointing of existing boundary walls;
 - (ii) a new section of brick wall to the rear (east) boundary where existing buildings are removed to match the adjoining wall in materials and jointing;
 - (iii) details of all new boundary treatments including the provision of piers either side of the pedestrian access and coping treatments to new front boundary walls;
 - (iv) the design, exact location and appearance of the proposed gate(s) to the vehicular access.

Thereafter the development shall be carried out in complete accordance with the approved details.

Reason: In the interests of visual amenity and to ensure details are sympathetic to the character and appearance of the area.

8. Notwithstanding the details to be submitted, the proposed gate(s) to the vehicular access shall be located a minimum of 6 metres back from the nearest edge of the public footpath. The gate(s) shall open inwards and shall be retained in perpetuity.

Reason: To ensure that there is sufficient space for vehicles to pull clear of the public footpath and in the interests of crime prevention.

9.
 - (a) 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
 - (b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.
 - (c) 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 (b) 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.

(d) Any contamination, other than that reported by virtue of condition (a), 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. To comply with Policy NE11 of the Local Plan.

10. No development shall commence until a Construction Method Statement to include demolition of the existing buildings has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:
- i. Access arrangements to the site.
 - ii. Traffic management requirements.
 - iii. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).
 - iv. Siting and details of wheel washing facilities.
 - v. Cleaning of site entrances, site tracks and the adjacent public highway.
 - vi. Timing of construction activities (including delivery times and removal of waste) and to avoid school
 - vii. pick up/drop off times.
 - viii. Provision of sufficient on-site parking prior to commencement of construction activities.
 - ix. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
 - x. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018)

11. During the construction phase of the development, no activities should take place outside the following hours:

Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Reason: To protect the residential amenity of existing residents. To comply with Policy D3 of the Local Plan.

12. The area to be used for car parking shall be used for the parking of motor cars by the occupiers of the approved flats only and shall be retained in perpetuity.

Reason: In the interests of highway safety and to ensure the site retains car parking for residents. To comply with Policy T1 of the Local Plan.

13. Prior to first occupation, each on site car parking space shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained in perpetuity.

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. To comply with Policy D4 of the Local Plan.

14. Prior to the commencement of the development, a pre-construction energy sustainability statement to confirm the energy saving measures to be utilised in the development shall be submitted to and approved in writing by the Local Planning Authority. In the event that air source heat pumps are to be utilised, the following additional information shall be provided:

- (i) a revised noise assessment to explain the impact these will have the local noise environment and any appropriate mitigation measures;
- (ii) revised elevations to illustrate the specific location of the air source heat pumps.

These additional documents and details shall be approved in writing prior to the commencement of development. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: To ensure that (i) the development delivers appropriate energy improvements (ii) that measures do not compromise the local noise environment and; (iii) the measures do not compromise the design and appearance of the building. To comply with Policy D1 of the Local Plan.

15. Prior to any above ground works being commenced, full details of all external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. This should include non-intrusive light fittings and locations designed to minimise light spill into adjoining residential properties. Thereafter, the development shall be completed in complete accordance with the approved details.

Reason: In the interests of residential amenity and to minimise light nuisance. To comply with Policy D1 and Policy D3 of the Local Plan.

16. (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:

- i. The programme and methodology of site investigation and recording
- ii. The programme and methodology of site investigation and recording as required by the evaluation
- iii. The programme for post investigation assessment
- iv. Provision to be made for analysis of the site investigation and recording
- v. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- vi. Provision to be made for archive deposition of the analysis and records of the site investigation
- vii. 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)

(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) and the provision made for analysis and publication where appropriate.

Reason: To protect the archaeological interests of the site and to comply with Policy HE4 of the Local Plan

17. No above ground development shall commence until details of hard surface materials, including the use of permeable surfacing materials, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: To ensure the sustainable drainage of the site and to ensure that opportunity for water discharging into the highway is avoided. To comply with Policy D1 and T1 of the Local Plan.

18. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic and nearby commercial processes/premises has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: In the interests of residential amenity and to comply with Policy D3 of the Local Plan.

19. In accordance with the annotation on the approved drawings, the dwellings as approved shall be constructed, marketed, and occupied as follows -

Flat 1 - 2 bedroom, 3 person
Flat 2 - 1 bedroom, 1 person
Flat 3 - 1 bedroom, 2 person
Flat 4 - 1 bedroom, 2 person
Flat 5 - 1 bedroom, 1 person
Flat 6 - 1 bedroom, 2 person
Flat 7 - 1 bedroom, 1 person
Flat 8 - 1 bedroom, 2 person

Reason: To ensure that the development provides acceptable living conditions for the proposed occupiers and to comply with Policy D1 of the North Herts Local Plan.

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: 1 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

- 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/appeal-planning-decision>

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 Alternatively you can register on 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, BYELAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.