NORTH HERTFORDSHIRE DISTRICT COUNCIL

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

DECISION NOTICE

Correspondence Address:
Artisan PPS Ltd
Berwick House
Baylham
Ipswich
IP6 8RF

Applicant:
Mr Dymott

PARTICULARS OF DEVELOPMENT

Application: 18/00391/FP

Proposal: Remodelling of Animal Re-Homing Centre and creation of replacement access, alterations to layout of external areas to include demolition, alteration and replacement of existing buildings and replacement of septic tanks with small package treatment plant.

Location: Blue Cross, Kimpton Bottom, Kimpton, Hitchin, Hertfordshire, SG4 8EU

Plan Nos: 3786-01A 3786-02C 3786-03 3786-04 3786-05 3786-06 3786-07 3786-10E 3786-11C 3786-12F 3786-13C 3786-14C 3786-15E 3786-16G 3786-17F 3786-18 3786-19A 3786-20 3786-21 LSDP 1059.01B LSDP 1059.02B

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 7 February 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. Prior to commencement of development, a Planting and Biodiversity Plan showing the location of native hedgerow planting and bat and bird boxes should be prepared and submitted to the Local Planning Authority for written approval. The approved details should be implemented within 12 months of written approval and permanently retained thereafter.

   Reason: To ensure that biodiversity objectives are realised.

4. The development hereby permitted shall not be brought into use until the proposed access has been constructed, 5.5 metres wide for the first 6.0 metres, the kerb radii shall be 4.5 metres, the existing access has been closed, and the verge has been reinstated as identified on drawing number 3786-17 revision F, to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

   Reason: In the interests of highway safety and amenity and to protect other users of the public highway.

5. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

   Reason: To provide adequate visibility for drivers entering and leaving the site.

6. The gradient of the access from the adjacent development road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

   Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

7. Any gates provided shall be set back a minimum of 6.0 metres from the edge of carriageway and shall open inwards to the site.

   Reason: To allow a vehicle to wait clear of the carriageway or footway while the gates are being opened and closed.

8. The access shall be constructed in a hard surfacing material for the first 6.0 metres from the edge of the carriageway.

   Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

9. Prior to the commencement of the development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan/Statement.

   The Construction Management Plan/Method statement shall address the following matters
   (i) Details of a construction phasing programme (including any pre-construction or enabling works);
   (ii) Hours of construction operations including times of deliveries and removal of waste;
   (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
   (iv) Access and protection arrangements around the site for pedestrians, cyclists and other customers;
   (v)Details of provisions for temporary car parking during construction;
   (vi)The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
   (vii)Screening and hoarding details
   (viii)End of day tidying procedures;
   (ix)Construction and storage compounds (including areas designated for car parking);
   (x)Siting and details of wheel washing facilities;
   (xi)Cleaning of site entrances, site access roads and the adjacent public highway and:
   (xii)Disposal of surplus materials.

   Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

10. No development shall commence until the details of siting, type and design of plugs, the energy sources and the strategy/management plan of supplying and maintaining the electric charging points to be provided in accordance with the minimum 10% of spaces to be provided with electric charging points shall be provided to the Local Planning Authority and Hertfordshire County Council for approval in writing. All electric charging points shall be installed in accordance with the approved details prior to occupation of any of the units and permanently maintained and retained.

    Reason: To ensure that the development complies with the sustainable development policy requirements.

11. The approved details of landscaping shown on drawing LSDP 1056.02 Rev. B 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. Before the commencement of any other works on the site, trees indicated to be retained on drawing 1056.01 Rev.B shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

13. The residential units indicated on approved drawing number 3786-17F as Buildings 16 & 17 shall be occupied solely in association with and by persons employed at the Animal Re-Homing Centre.

Reason: The formation of separate residential units on the site is acceptable only on the basis that it is required to serve the Animal Re-Homing Centre. Permission in this case is granted solely in the light of the necessity and thus the occupation of the dwelling is restricted to ensure its continued use in fulfilling that need.

14. (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.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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) Late discovery of bats and/or wild nesting birds:
(a) The demolition of the Managers House and works to the roofs of the staff room and reception building are to be timed to take place during the spring (mid-March to end April) and/or autumn (September to October) when bats are most active but least likely to be pregnant, rearing young or hibernating.

(b) Roof tiles surrounding missing or slipped roof tiles on the Managers House and reception building are to be removed carefully by hand and checked for roosting bats underneath.

(c) Where bats are discovered on site all works in that building must cease and further advice sought from an experienced bat ecologist who will undertake a review of the impacts and provide further advice which may include the need to secure a Natural England Protected Species License increasing the project costs and adding delays.

2) Site clearance:
Tree, vegetation and building clearance should be undertaken outside the nesting bird season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of clearance and if active nests are found, the location should be cordoned off (minimum 3m buffer) until the end of the nesting season or works should stop until the birds have left the nest.

3) Tree protection:
Existing trees (including roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage. Protection barriers and/or a no-dig policy may be required and advice should be sought from an Arboriculturist.

4) Species of new trees and shrubs:
New trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. This applies to the sowing of any wildflower meadow species too. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

5) External lighting:
Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

6) Highways informative:
Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx or call on 0300 1234 047 to obtain the requirements for an appropriate highway agreement for the associated access works as part of the development. This should be carried out prior to any development work is carried out.
Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

7) Highways informative 2:
Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

8) Contaminated Land additional information:
The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

Signed:



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

Development & Conservation Manager
Date: 16 April 2018

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.

Consent for these works may be required from the Letchworth Garden City Heritage Foundation (www.letchworth.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@letchworth.com or 01462 476017 to confirm whether you also need to submit an application to them.