NORTH HERTFORDSHIRE DISTRICT COUNCIL

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

DECISION NOTICE

Correspondence Address:
DLA Town Planning Ltd
5 The Gavel Centre Porters Wood
St Albans
AL3 6PQ
United Kingdom

Applicant:
Mr M Margereson

PARTICULARS OF DEVELOPMENT

Application:	18/00572/FP
Proposal:	Erection of two 3-bed, three 4-bed and one 5-bed dwellings including new vehicular access off Harris Lane, widening of existing Harris Lane and parking and associated works.
Location:	Land Rear Of The Rookery, Kings Walden Road, Offley, Hertfordshire, SG5 3DX
Plan Nos:	Location Plan P/1035/1 P/1035/2 P/1035/3 P/1035/4 P/1035/5

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 23 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. Details and/ or samples of materials to be used on all external surfaces of the development including roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials

Reason: In the interests of visual amenity

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class(es) A, B, C, D, 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.

5. No development shall take place (including site clearance) until an adequately detailed Biodiversity and Landscape Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the plan need only indicate:

- The location of the hedgerows that are to be retained and any management measures proposed;
- The location of bird boxes / tubes
- Measures to translocate the existing orchard
- A suitable lighting strategy;
- A timetable for implementation

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter

Reason: To ensure that the development results in no net loss of biodiversity

6. Before occupation of any of the houses hereby permitted, a landscaping scheme shall be submitted to and have been approved in writing by the Local Planning Authority. The scheme shall include the following details :

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, location 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

e) the future management and maintenance of the landscaping

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed scheme in the interests of the visual amenity of the locality and the ecological protection and enhancement of the site.

7. Electric vehicle (EV) charging infrastructure shall be installed in each of the properties hereby permitted and maintained for the lifetime of the development or as otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise the environmental impact of the development

8. Prior to the commencement of the development Harris Lane shall be widened in accordance with the approved in principle plan (drawing number P/1035/4) and reconstructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience

9. Prior to commencement of the development the access from Harris Lane shall be constructed in a hard surfacing material for the first 6.0 metres from the edge of the carriageway.

Reason: To prevent erosion of the edge of the carriageway and prevent loose material from passing onto the public highway which may be detrimental to highway safety.

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

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

11. The Public Right of Way adjacent north of the site along Harris Lane must be protected to its' present width and current surface condition and shall remain unobstructed by vehicles, machinery, materials and tools during construction of the reinstated access.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

12. The condition of the Public Right of Way on Harris Lane must not deteriorate as a result of the construction work associated with the provision of the new access. Any adverse affects to the surface from traffic, machinery or materials (especially

overspills of cement & concrete) shall be made good by the applicant to the satisfaction of the Highway Authority.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

13. Before the access from Harris Lane is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 22 metres in both directions as identified on drawing number 15019/05 revision B, shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway 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.

14. 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 highway users;
(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.

15. Prior to the commencement of the development hereby permitted a Stage 1 Road Safety Audit shall be carried out and submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

HIGHWAY INFORMATIVES:
HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:
Rights of Way
1. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service http://www.hertfordshire.gov.uk/services/envplan/countrysideaccess/row/ (Tel: 0300 123 4047, email at row@hertfordshire.gov.uk) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access (Harris Lane).
Reason: To ensure the surface of Harris Lane does not deteriorate as a result of an increase in vehicle movements using the access, in the interests of pedestrian safety on a Public Right of Way.
The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.
The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.
The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority.
All materials should be removed at the end of the construction and not left on the Highway or Highway verges.
If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.
2. 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 follow the link below; 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 a section 278 agreement for the associated road

works as part of the development. This should be carried out prior to any development work is carried out.
REASON:
1. 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.

Signed:



Development & Conservation Manager
Date: 19 April 2018

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

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.