NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Acts

DECISION NOTICE

Correspondence Address:
Vincent And Gorbing
Sterling Court
Norton Road
Stevenage
SG1 2JY
United Kingdom

Applicant:
Mr John Baines

PARTICULARS OF DEVELOPMENT

Application: 18/00359/RM

Proposal: Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505

Location: Land East Of Garden Walk And North Of Newmarket Road, Garden Walk, Royston, Hertfordshire,

Plan Nos: 15 A 20 LIN21280-12B 1 of 13 LIN21280-12B 2 of 13 LIN21280-12B 3 of 13 LIN21280-12B 4 of 13 LIN21280-12B 5 of 13 LIN21280-12B 6 of 13 LIN21280-12B 7 of 13 LIN21280-12B 8 of 13 LIN21280-12B 9 of 13 LIN21280-12B 10 of 13 LIN21280-12B 11 of 13 LIN21280-12B 12 of 13 LIN21280-12B 13 of 13 PPPL.01 A P.148-149.e1 Rev A P.148-149.p Rev A P.150-153.e1 Rev A P.150-153.p Rev A LPP2.01 Rev. B SLP2.01 Rev. B AHLP2.01 Rev. B MLP2.01 Rev. B RSP2.01 Rev. B CSLP2.01 Rev. B SSP2.01 Rev. B HTP2.A10.pe Rev. B HTP2.A22.pe Rev. B HTP2.A32.pe Rev. B HTP2.ASL.p Rev. B HTP2.ASL.e-1 Rev. B HTP2.COT.p Rev. B HTP2.COT.e Rev. B HTP2.ELL.pe Rev. B HTP2.EVE.pe Rev. B HTP2.EVE.pe1 Rev. B HTP2.KEM.p Rev. B HTP2.KEM.e1 Rev. B HTP2.KEM.e2 Rev. B HTP2.LEV.pe Rev. B HTP2.LUT.p Rev. B HTP2.LUT.e Rev. B HTP2.LUT.e1 Rev. B HTP2.MOU.pe Rev. B HTP2.MYL.pe Rev. B HTP2.PEM.pe Rev. B HTP2.RIP.p Rev. B HTP2.RIP.e Rev. B HTP2.RIP.e1 Rev. B GAR.01.pe Rev. B GAR.02.pe Rev. B GAR.02.pe1 Rev. B P.90-93.p Rev. B P.90-93.e Rev. B P.94-98.p Rev. B P.94-98.e Rev. B

P.110-111.p1 Rev. B P.110-111.p3 Rev. B P.110-111.e1 Rev. B P.110-111.e2 Rev. B P.120-121.p Rev. B P.120-121.e Rev. B P.124-125.p Rev. B P.124-125.e Rev. B P.131-132.p Rev. B P.131-132.e Rev. B P.148-149.p Rev. A P.148-149.e Rev. A P.150-153.p Rev. A P.150-153.e Rev. A P.172-176.p Rev. B P.172-176.e Rev. B LIN21280-13B Sheets 1 to 4 618437 MLM ZZ XX DR C SK100 P02 618437 MLM ZZ XX DR C SK101 P02 618437 MLM ZZ XX DR C SK110 P02 618437 MLM ZZ XX DR C SK111 P02 618437 MLM ZZ XX DR C SK115 P02 618437 MLM ZZ XX DR C SK116 P02 618437 MLM ZZ XX DR C SK120 P02 618437 MLM ZZ XX DR C SK122 P02 618437 MLM ZZ XX DR C SK123 P02

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GIVE APPROVAL** to the details submitted by you in your application received on 12 February 2018 and which were reserved for later approval in outline permission no.14/02485/1.

This approval is subject to the following condition(s):

1. 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.

2. 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.

3. Prior to the commencement of that part of the development hereby approved further details to be contained within an updated Lighting Design Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. Details should include the design of the pillars and hoods and an indication of the likely light spill to result. Details approved pursuant to this condition must then be implemented.

Reason: To ensure that the ecological value of the site is maintained and respected during construction and assess the quality of design of the hard landscaping feature.

4. Prior to the commencement of the works identified on the 'in principle' site plan numbers 618655 MLM ZZ XX DR D 0111 P05, 618655 MLM ZZ XX DR D 0112 P05, 618655 MLM ZZ XX DR D 0113 P05, 618655 MLM ZZ XX DR C 0130 P06, 618655 MLM ZZ XX DR C 0131 P06, 618655 MLM ZZ XX DR C 0140 P05, 618655 MLM ZZ XX DR C 0141 P05, 618655 MLM ZZ XX DR C 0142 P05, 618655 MLM ZZ XX DR C 0143 P05, 618655 MLM ZZ XX DR C 0144 P02, a detailed site layout shall be submitted to the highway authority with the ultimate design being technically approved.

   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.

5. Prior to commencement of further information including;

   - Details of adoptable estate roads including service strips and footways;
   - Full details including layout, dimensions, levels, gradients, surfacing, visibility splays, turning areas, loading areas and means of surface water drainage; and
   - Details of the proposed arrangements for future management and maintenance of the proposed streets within the development;

   shall be submitted to and approved in writing by the Highway Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established

   Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard and to ensure roads/footways are constructed to an appropriate standard for Technical Approval and in the interests of highway safety.

6. The use of the land for vehicular parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with details first submitted to, and approved in writing, by the Local Planning Authority and shall be maintained thereafter to the Authority's satisfaction.

   Reason: To ensure that adequate and satisfactory provision is made for parking of vehicles within the curtilage.

7. Before first occupation or use of the development the access roads and parking areas as shown on the approved final Plan(s) shall be provided and maintained thereafter.

   Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

8. Notwithstanding the plans submitted the development shall not commence until details of design of pedestrian footway for all persons including disabled persons that connects the Phase 2 development site with the circular footway approved within Phase 1 of the wider site has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

   Reason: In the interests of access for all within the site.

9. The development shall not commence until details of the siting, number and design of secure/covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The approved details shall thereafter be installed and permanently retained for cycle parking.

   Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

10. No development shall commence until a Construction Logistics Plan prepared in accordance with the Transport for London "Construction Logistics Plan Guidance" published in July 2017 has been submitted to and approved in writing by the Local Planning Authority.

    Reason: To minimise the impact of construction works upon highway safety, congestion and parking availability.

11. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development. This should include cleaning the wheels of all construction vehicles leaving the site.

    Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

12. Prior to the commencement of the development hereby approved, a scheme detailing provision for on-site parking as well as safe pedestrian and vehicle access for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The details within the scheme submitted in line with this condition must then be implemented and maintained until the end of the construction unless otherwise agreed in writing by the Local Planning Authority.

    Reason: In the interest of highway, pedestrian and vehicle safety.

13. Notwithstanding the plans hereby approved, an amended site plan and elevation details showing provision of covered external residential storage for dwellings must be submitted to and approved in writing by the Local Planning Authority. Such details shall include provision for covered storage of residential

paraphernalia (garden equipment), secure cycle storage for the occupants of the residential units, as well as bin stores. The details approved by way of this condition must be implemented prior to the occupation of any dwelling hereby approved.

Reason: To ensure adequate outdoor storage as required in association with the residential use of the site and promote storage of waste receptacles off-street in the interests of the living conditions of future occupiers and the character and quality of the development.

14. The mitigation measures as set out within section 5 of the Noise Impact Assessment referenced AC103723-2R0 dated 31st January 2018 shall be implemented prior to the occupation of plot 84 of the development hereby approved. The mitigation measures shall thereby be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an acceptable living standard for the future occupiers of the premise.

15. The windows at first floor level on the South elevations of plots 85, 99, 129, 134 and 171, East elevation of plot 120, North elevations of plots 122, 133 and 147, South-East elevation of plot 141, West elevation of plot 148, and North-West elevations of plots 163 and 164 of the development hereby permitted shall be permanently glazed with obscure glass and non-openable unless 1.7m above the finished floor level of the room which they serve.

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

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:

1. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

2. During the construction phase 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.

3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: https://beta.hertfordshire.gov.uk/services/highways-roads-and-

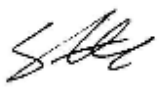
pavements/business-and-developer-information/development-management/highways-development-management.aspx

4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx

5. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx

6. The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx

Signed:



Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts

SG6 3JF

Development & Conservation Manager

Date: 27 September 2018

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.

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.