



NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Acts

DECISION NOTICE

Correspondence Address:

Ms M Khatun
30 Finsbury Circus
London
EC2M 7DT

Applicant:

Ms M Khatun

PARTICULARS OF DEVELOPMENT

Application: 19/02201/S73

Proposal: Addition of Condition 19 (mortgage exclusion clause relating to all affordable housing dwellings) to Planning permission 09/02366/1 granted 28/03/2011 for Demolition of existing industrial units to allow residential development comprising 2 x 4-bed houses, 5 x 3 bed houses, 2 x 2 bed houses, 2 x 2 bed flats, 6 x 1 bed flats and 15 x 1 bed supported independent living flats together with associated parking, bin and cycle storage

Location: 1-12 (Inclusive), And 14-33 (Inclusive) Napier Close , Hitchin, Former: , Units 6 And 7 : Sharps Way: Hitchin: SG4 0JA

Plan Nos: Location plan

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 11 September 2019, 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. External materials shall be in accordance with those approved under 11/02050/1DOC.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Landscaping shall be in accordance with the details approved under 11/02564/1DOC.

Reason: To ensure a satisfactory landscaping scheme is implemented on site.

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.

6. Affordable housing shall be in accordance with the details approved under 11/02113/1DOC.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development as set out in Classes A, B, C, D, E, F and G 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.

8. All building wastes from the proposed development shall be properly stored then removed from the site for disposal or recycling. No building wastes shall be burnt on site.

Reason: To protect the amenities of nearby residents.

9. The development shall not be brought into use until the proposed access, internal layout on the access, turning area, parking facilities as demonstrated on drawing ref:08065wd2 10 Rev A have been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and to ensure the development makes adequate provision for car parking and manoeuvring of vehicles associated with the development proposal.

10. The development shall be in accordance with 11/02115/1DOC.

Reason: In the interests of nearby residential amenity and public safety.

11. The development shall be in accordance with 11/02116/1DOC.

Reason: In the interests of nearby residential amenity and the public highway.

12. The development shall be in accordance with 11/02565/1DOC and 13/00552/1DOC.

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 to protect and prevent the pollution of controlled waters (that is inland freshwater and groundwater). This is in accordance with Planning Policy Statement 23 (PPS23) and the Environment Agency Groundwater Protection (GP3) Policy P9-6.

13. The development shall be in accordance with 11/02117/1DOC.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

14. Finished floor levels shall be set no lower than 55.39m AOD, as recommended in the Flood Risk Assessment.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

15. The development shall be in accordance with 11/02118/1DOC.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect and prevent pollution of groundwater. The water environment at this site is vulnerable and there is an increased potential for pollution from inappropriately located or designed infiltration sustainable urban drainage systems (SuDS). Documents submitted with the application recognise that infiltration SuDS are unlikely to be suitable for this site as a result of the contaminants identified in soils and groundwater.

17. The development shall be in accordance with 11/02865/1DOC.

Reason: The site is contaminated and intrusive foundation solutions could lead to the contamination and pollution of groundwater in the underlying aquifer.

18. The 15 no. one bedroom supported independent living units hereby permitted shall be used for these purposes only and for no other use whatsoever without the specific grant of planning permission by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over the future use of the site and to accord with the terms of the submitted application.

19. Condition 6 and Condition 18 and any affordable housing provision relating to this Property shall not be binding on a mortgagee or chargee (or any receiver appointed by such mortgagee or chargee) of the whole or any part of the affordable dwellings or any successors in title to such mortgagee or chargee or receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to dispose of the affordable dwellings to another registered social landlord or to the Council for a consideration not less than the amount due and outstanding to the mortgagee or chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable dwellings free from the affordable housing provisions in this Planning Permission which shall determine absolutely.

Reason: To ensure that the Local Planning Authority retains control over the future use of the site and to accord with the terms of the submitted application.

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed:



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

Development & Conservation Manager

Date: 8 November 2019

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.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 or 01462 476017 to confirm whether you also need to submit an application to them.