







## NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Acts

### DECISION NOTICE

**Correspondence Address:**

DLA Town Planning Ltd  
5 The Gavel Centre  
Porters Wood  
St Albans  
Herts  
AL3 6PQ

**Applicant:**

Jarvis Homes Ltd

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#### PARTICULARS OF DEVELOPMENT

**Application:** 15/02656/1

**Proposal:** Erection of three 5 bedroom dwellings with attached garages. New access off Harris Lane, widening of Harris Lane and parking and associated works (As amended by plan nos. P/1027/1B, 2, 3, 4B, and revised location plan )

**Location:** **Land rear of The Rookery, Kings Walden Road, Offley, SG5 3DX**

**Approved Plan Nos:** Location plan; P/1027/1B, 2, 3, 4B, and Site Location Plan

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#### 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 16/10/2015 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 **A sample of the following:**

- i) **The natural slate proposed for the triple bay car port, Plot 2 and lower roof slopes of Plot 3;**
- ii) **The clay plain tiles for the main roofs of Plots 1 and 3; and**
- iii) **The roof material for the detached communal bin store**

**shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved.**

**Reason: In the interests of good design by ensuring that the development makes a positive contribution to local character thereby safeguarding the wider setting of the Offley Conservation Area.**

- 4 A sample panel indicating the brick type, bond and mortar mix for the plinths to the new buildings shall be erected on site and agreed in writing prior by the local planning authority prior to the commencement of the above ground level plinth work.

Reason: In the interests of good design by ensuring that the development makes a positive contribution to local character thereby safeguarding the wider setting of the Offley Conservation Area.

- 5 A sample of the weatherboarding including external finish shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: In the interests of good design by ensuring that the development makes a positive contribution to local character thereby safeguarding the wider setting of the Offley Conservation Area.

- 6 Details or actual sample of all external finishes to windows, doors and glazed screen joinery shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: In the interests of good design by ensuring that the development makes a positive contribution to local character thereby safeguarding the wider setting of the Offley Conservation Area.

- 7 Details or an actual sample of the colour and aggregate to the resin bonded finish to the courtyard and to the footpath and frontage hardstanding area serving the communal bin store, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: In the interests of good design by ensuring that the development makes a positive contribution to local character thereby safeguarding the wider setting of the Offley Conservation Area.

- 8 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.

9 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.

10 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

11 Prior to the occupation of the dwellings hereby permitted a scheme for the transportation of the refuse bins from their storage point within the site to the collection point on Harris Lane and vice versa shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements for the transportation of the refuse bins shall then be implemented and remain in place.

Reason: To ensure adequate refuse collection arrangements.

12 Prior to the commencement of development a scheme of fire suppression measures to be incorporated into the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be implemented and permanently retained as part of the development.

Reason: To ensure an appropriate level of fire protection.

13 **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 tree TN2, and any management measures proposed;**

- The location of bird and 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”.**

- 14 Prior to the commencement of the development Harris Lane shall be widened in accordance with the approved in principle plan (drawing number P/1027/4 revision B) 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

- 15 The access into the site shall be constructed in a hard surfacing material for the first 5 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.

- 16 Any gates proposed to the site shall be set back a minimum of 5.0 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.

- 17 The Public Right of Way adjacent to 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.

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

Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 31 metres in 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 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.

### **Planning Informatives:**

#### Ecology

The developer is advised as follows:

“The management of trees, shrubs and grassland should be avoided during the bird breeding season (March to September inclusive) to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.”

#### Highways

The developers is advised as follows:

#### 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](mailto: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. Construction standards for the reconstruction of Harris Lane and vehicle access into new development: Where works are required within the public highway to facilitate the reconstructed vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagement/dmhighwaysec278/> or by telephoning 0300 1234047

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.

#### Fire and Refuse arrangements

The developer should ensure that the purchasers of the dwelling hereby permitted are made aware of the refuse storage and collection arrangements and the approved fire suppression measures and that they need to be retained in perpetuity.

#### Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process 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.

**Signed:**



Development & Conservation Manager

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

**Date:** 19 August 2016

## 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 £97 per request or £28 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](http://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](mailto: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 must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals).

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.**