

Planning application no. 07/02428/1 – Proposed redevelopment of Wynd, Letchworth. Agreed Heads of Terms:

Financial contributions towards the Hertfordshire County Council and North Hertfordshire District Council Services as follows:

Library Provision - £12,900 (all payments index linked);
Youth Provision - £671;
Childcare Provision - £2,530;
Sustainable Transport Infrastructure - £66,000 (Funds to include a Hertfordshire County Council study into the safety and delivery of an appropriate pedestrian crossing on Norton Way South and construction of any crossing within an appropriate time table);
Waste Collection and Recycling - £2,912;
Pitch Sport provision – £24,778 (without delivery of Baldock Road leisure centre pitch sport improvements);
Leisure Services - £52,783 (without delivery of Baldock Road leisure centre improvements);
Community Centres - £12,000.

Other elements of the Section 106 Obligation as follows:

Fire hydrant provision across the development site;
Eco Homes Standard “Very Good” for all new homes proposed;
Internet Connection services for new buildings;
CCTV scheme across the development site;
Delivery of Baldock Road leisure centre and pitch sport improvement plans to meet identified leisure and pitch sport needs by NHDC (see below);
Delivery and management of children’s play centre on site;
Delivery of on-site affordable housing of 10 no. shared ownership (homebuy) units;
Delivery of off-site affordable housing, 6 no. two bedroom affordable houses for rent and 2 no. shared ownership units (subject of outline planning application no. 08/00327/1), within an appropriate time scale linked to the Wynd redevelopment scheme;
Management and maintenance arrangements for all amenity spaces (including rooftop gardens) and public spaces within the scheme;
Delivery and management of public toilet facilities within the approved foodstore;
Applicant to carry out a traffic survey to test the modelling assumptions of the Transport Assessment within one year of the completion of development, results of which to be submitted to the Local Planning Authority.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Acts

DECISION NOTICE

Correspondence Address:

Ms J Chowings
Drivers Jonas
85 King William Street
London
EC4N 7BL

Applicant:

Letchworth Garden City Heritage
Foundation

PARTICULARS OF DEVELOPMENT

Application: 07/02428/1

Proposal: Mixed use development: residential, retail and children's play centre, public open space and associated infrastructure consisting of the following: 358 space (two level) car park, 113 no. residential apartments (52 one bedroom and 61 two bedroom); 23 no. individual ground floor retail units and 1 no. food store and service yard (access off Station Road); children's play centre building, vehicular access off Station Road and Norton Way South; pedestrian access off Leys Avenue and Station Road, following demolition of existing buildings (as amended by plans received 06 May 2008).

Location: **Land Between Station Road And Leys Avenue Including Openshaw Way, The Wynd, Letchworth Garden City**

Approved Plan Nos: Drg nos 2633-50A; -51A; -52C; -53C; -54C; -55C; -56C; -57B; -58B; -59B; -60C; -61A; -62C; -63A; -70B; -71A; -73A; -74B; -75B; -76B; -77A; -78A; -79-81 (incl); -82A; -83A; -84A; -85-90 (incl); 97; -98; -99A; -100; -101A; -102-105(incl); -108A; -110A; -111; -112; -113C; -114A; -115B; -116; -117C; -118B; -119A; & -120A.

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 24/10/2007 subject to the following condition(s):

APPENDIX 2

- 1 The development hereby permitted shall be begun before the expiration of 5 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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

- 3 **Notwithstanding the submitted soft landscaping details shown on the approved plans, full details of soft landscaping, new and replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The approved soft landscaping/planting scheme shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority. The details required pursuant to this condition shall include tree species, size, location and shall include details of planting pit construction, tree protection and maintenance arrangements.**

Reason: To ensure effective tree planting associated with this development scheme in the interests of amenity, ecology and the proper planning of the site.

- 4 The approved planting/soft landscaping scheme pursuant to condition no. 3 of this planning permission shall be completed in accordance with a phased plan (agreed in writing by the Local Planning Authority) and in any event the scheme shall be complete before the end of the first planting season following the completion of the development and any trees or shrubs, which, within a period of five 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 a similar size and species, unless the Local Planning Authority agrees 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 and to accord with the objectives of Chapter 15 of the Environmental Statement.

APPENDIX 2

- 5 The tree felling hereby approved in association with this development scheme shall not take place between the months of March to August (inclusive) during any calendar year, unless otherwise agreed in writing by the Location Planning Authority.

Reason: To protect nesting birds during the nesting season, in the interests of ecology and in accordance with Chapter 15 of the Environmental Statement.

- 6 **Prior to the commencement of the development hereby permitted full details of all hard landscaping, street furniture, and hard surface materials shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure a quality finish to the development, to integrate hard surface materials with Leys Avenue, to demarcate pedestrian and vehicular spaces and to ensure the correct phasing of development, to accord with the objectives of Chapters 6 and 11 of the Environmental Statement.

- 7 **Prior to the commencement of development hereby permitted full details of all materials to be used on all external elevations and the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details or particulars, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that the finish of the development scheme will have an acceptable appearance which does not detract from the appearance and character of the conservation area, in accordance with the objectives of Chapters 6 and 11 of the Environmental Statement.

- 8 The strategic phasing of the development scheme hereby approved shall be carried out as follows: All required off site junction improvements and alterations to the Birds Hill/Station Road roundabout and the Station Road/Leys Avenue, Eastcheap junction shall be completed prior to the first occupation of the Wynd redevelopment scheme hereby permitted.

Reason: To ensure the strategic highway network is improved prior to the first occupation of the development on site, in accordance with the modelling predictions set out in Chapter 7 of the Environmental Statement.

9

Notwithstanding the phasing programme set out in Chapter 18 of the Environmental Statement which accompanied this planning application, full details of a construction phasing programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including any pre-construction, demolition or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:

- a) hours of construction operations including times of deliveries and removal of waste;
- b) 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;
- c) access and protection arrangements around the site for pedestrians, cyclists and other road users;
- d) details of provisions for temporary public car parking during construction;
- e) arrangements for on-going servicing of existing retail units and other businesses during construction;
- f) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- g) screening and hoarding details;
- h) end of day tidying procedures to ensure protection of the locality outside the hours of construction;
- i) co-ordination with the phasing of the development of the street scene scheme (planning permission no. 07/02433/1) should this be implemented.

The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the correct phasing of development in the interests of minimising disruption to the public highway during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with the objectives of Chapter 18 of the Environmental Statement.

APPENDIX 2

- 10 Notwithstanding the provisions of Class A, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) all parking, delivery and storage associated with the construction of this development must be carried out only within the locations identified in the phasing programme required pursuant to condition no. 9 above and not on any other adjoining land or public highway.

Reason: To remove construction permitted development tolerances in the interests of highway safety and amenity.

- 11 **Prior to the commencement of the development hereby permitted, full details of mechanical wheel cleaning facilities to be provided on site during site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained in working order during the whole site preparation and construction period. All construction vehicles leaving the site shall use the facilities.**

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 amenity.

- 12 No development associated with this planning permission shall commence until the highway stopping up procedures under the relevant Section of the Town and Country Planning Act 1990 (as amended) have been finalised in relation to any necessary closures to vehicular traffic on Openshaw Way from Norton Way South to Station Road in association with the development hereby permitted.

Reason: To ensure the development is fully compatible with the scheme to be built and in the interest of road safety.

- 13 There shall be no means of vehicular access (except for emergency vehicles) to the pedestrian links from Leys Avenue, The Arcade and Station Road.

Reason: In the interest of highway safety and pedestrian priority.

- 14 **Prior to the commencement of the development hereby permitted full details of emergency vehicle access arrangements to the pedestrian streets within the development scheme shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall be implemented in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that emergency vehicles can enter the pedestrian areas of the development scheme when necessary.

- 15 **Notwithstanding the details shown on the approved plans, full details of all highway works, including junction improvements, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Such works shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that the alterations to the public highway are carried out to the correct specification of the Highway Authority.

- 16 The development shall not be occupied until the access, car parking and turning areas have been constructed, surfaced and permanently marked out. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of residents and businesses.

- 17 **Prior to commencement of the development hereby permitted, access details for service vehicles associated with all the proposed uses and existing businesses including the 'West Service Yard' shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure adequate accessibility for service vehicles and the impact of service vehicles on the local highway network is minimised, in the interests of highway safety and amenity.

- 18 **Prior to the commencement of the development hereby permitted, full details of all street lighting and highway signage requirements on the public highway associated with this development scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details or particulars, unless otherwise agreed in writing by the Local Planning Authority, prior to the first use of the development.**

Reason: To ensure the street lighting and signage required in association with this development scheme are carried out to the correct specification of the Highway Authority.

- 19 **Prior to the commencement of the development hereby permitted full details of all foul surface water drainage services and facilities shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars, unless otherwise agreed in writing by the Local Planning Authority, prior to the first use of the development.**

Reason: To ensure the drainage arrangements in association with this development scheme are appropriate, in the interests of highway safety, flood risk and amenity and in accordance with the requirements of Chapter 13 of the Environmental Statement.

- 20 **Notwithstanding the details shown on the approved plans, details of secure cycle storage facilities and motor cycle parking across the application site shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be installed in accordance with the approved details or particulars, unless otherwise agreed in writing by the Local Planning Authority, prior to the first use of the development and thereafter permanently retained and maintained on site.**

Reason: To ensure adequate cycle parking and storage across the application site, in the interest of promoting sustainable transport within the town centre.

- 21 **The development hereby permitted shall not be occupied until Traffic Regulation Orders (TROs) for all highway works associated with this development scheme have been secured. The TROs must be confirmed in relation to the following elements:**

**1) Traffic calming measures at junction entry/exit points;
2) Vehicle parking restrictions (yellow lines and other restrictions);
3) A designated loading bay on Station Road close to the car park access;**
The TRO process may require revisions to the Station Road and Norton Way South junction improvements, unless these revisions are minor, the applicant will be required to apply for a revised planning permission for the development proposal.

Reason: To ensure the delivery of all necessary highway works and legal requirements prior to the occupation of the development, in the interests of highway safety.

- 22 Notwithstanding the details contained within Chapter 19 of the Environmental Statement which accompanied this planning application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted (including any pre-construction, demolition or enabling works). The construction shall thereafter be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall include the following elements:
- a) identification of restrictions and targets for the works, which are set to minimise disruption or other environmental effects;
 - b) inclusion of these as part of the contract conditions for each element of the work, and requiring contractors to demonstrate that their proposals can comply, or if not, which elements will result in departures from the targets, and what the implications are;
 - c) in respect of necessary departures, establishing a procedure for prior notification to North Hertfordshire District Council (NHDC) and affected parties, such that local arrangements (e.g. special access arrangements etc) can be agreed;
 - d) establishing a dedicated point of contact and responsibility to deal with these issues if they arise, and regular dialogue with NHDC and the local community.

Reason: To ensure the environmental impacts of the construction project are minimised in accordance with the objectives of the Environmental Statement.

- 23 Prior to the commencement of the development hereby permitted (including any site clearance, preparation or demolition) details of a scheme for the recycling of inert waste generated by the breaking up and demolition of the existing buildings and infrastructure shall be submitted to and approved in writing by the Local Planning Authority. Such works/waste recycling shall thereafter be carried out in complete accordance with the approved details or particulars throughout the demolition and construction phases unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of environmental protection and good practice and to accord with the objectives of Chapter 16 of the Environmental Statement.

(a) Construction work (based on the definition within Control of Pollution Act 1974 'erection, construction, breaking up, boring, demolition, dredging works to buildings, structures, land or roads) on the development site hereby permitted shall not commence prior to the submission to, and agreement of the Local Planning Authority of a written environmental report (Phase I) which identifies the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination which is likely to be harmful to human health, the aquatic environment, buildings, structures and local ecosystems.

(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 a further report (Phase II) shall be submitted to 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 (the definition of receptor shall be based on the definition contained within Table A, Annex 3 of the DETR Circular on Contaminated Land 2/2000 and also include controlled waters.

(ii) The results from the application of an appropriate risk assessment methodology, and;

(iii) A method statement that specifies the steps necessary to render any contamination harmless, and;

(iv) A contingency plan, which specifies how unanticipated pollutants will be dealt with.

No construction work (other than that necessary for the discharge of this condition) shall commence on this site until the Phase II report has been approved, in writing, by the Local Planning Authority.

(c) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the agreed scheme pursuant to the discharge of condition (b), above, have been fully completed.

(ii) A remediation validation report (Phase III) confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) 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 (but not necessarily in writing), and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

(e) All works agreed with the Local Planning Authority with regard to remediation of this shall be permanently maintained.

Reason: To safeguard that any contamination present within the site is dealt with in a manner that safeguards human health, the built and aquatic environment and local ecosystems and in accordance with the requirements of Chapter 17 of the Environmental Statement.

- 25 **No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will not be discharged before the planning authority has received and approved an archaeological report of the archaeological investigations.**

Reason: To ensure that a proper archaeological evaluation of the site takes place in accordance with PPG16 and Chapter 10 of the Environmental Statement.

- 26 **Prior to the commencement of the development hereby permitted full details of the waste collection and recycling procedures required for the completed development and existing, adjacent businesses, as set out in the Design and Access Statement, shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall thereafter be carried out in complete accordance with the approved details or particulars following the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that waste collection and recycling takes place on this development scheme in an appropriate manner, without causing harm to amenity.

- 27 **Notwithstanding the details shown on approved drawing no. 90, prior to the commencement of the development hereby permitted full details of barrier fencing or other means of enclosure on the south east corner of the upper level of the two storey car park hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first use of the car park and the barriers shall thereafter be retained and maintained to the satisfaction of the Local Planning Authority.**

Reason: To protect the amenities enjoyed by occupiers of nearby dwellings along Norton Way South.

28 **Prior to the commencement of the development hereby permitted full details of an updated tenant relocation strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved tenant relocation strategy shall thereafter be carried out in accordance with a timetable which shall have been agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of business continuity and to minimise the negative socio-economic impacts of this development proposal identified in Chapter 12 of the Environmental Statement.

29 **Notwithstanding the details shown on the approved drawings, prior to the commencement of the development hereby permitted full details of the proposed entrance gates to the Foodstore service yard, accessed off Station Road, as shown on approved drawing no. 52 Rev C shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall thereafter be carried out in complete accordance with the approved details prior to the first use of the service yard, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure appropriate entrance gates are constructed in the interests of visual amenity and security.

30 All commercial premises hereby approved shall cease trading between the hours of 11pm and 7am on any day.

Reason: To minimise noisy activities within this mixed use development scheme during night time hours, in the interests of residential amenity.

31 Deliveries to the vehicular service yards shown on approved plan no. 50 rev C shall only take place between the hours of 7am and 11pm on any day.

Reason: To minimise noisy activities and vehicular movements within this mixed use development scheme during night time hours, in the interests of residential amenity.

32 In accordance with the requirements of condition no. 17 of this planning permission the foodstore service yard, accessed off Station Road, shall not be limited to use by the foodstore occupier only and shall remain available for other businesses and retailers specified in the details required pursuant to condition no. 17.

Reason: To ensure the foodstore operator does not hold a monopoly over the use of the service yard, in the interests of maintaining adequate service and delivery arrangements to other businesses.

- 33 **Prior to the commencement of the development hereby permitted, full details of barrier controlled entry and exit points for vehicular access in to the two storey car park hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved barrier control scheme shall be carried out in accordance with the approved details or particulars and be operational prior to the first use of the car park and thereafter retained and maintained to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure the appropriate management of the car park in the interests of highway safety and security.

- 34 **Prior to the commencement of the development hereby permitted, full details of car park allocation arrangements for residents, shoppers and businesses associated with this development scheme shall be submitted to and approved in writing by the Local Planning Authority. The allocation of spaces shall thereafter be carried out in accordance with the approved details or particulars prior to the first occupation of the development and thereafter retained and maintained to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure the appropriate management of the car park in the interests of highway safety.

- 35 **Within 6 months of the first occupation of the development hereby permitted a staff green travel plan, to include measures to reduce reliance on the private car for all employees associated with the retail and play centre developments hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The measures within the approved travel plan shall thereafter be carried out within an agreed timetable, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To reduce reliance on the private car for staff travelling to work in association with this development, in the interest of sustainable development objectives.

36

Prior to the commencement of the development hereby permitted full details of measures to comply with 'secure by design' standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details or particulars prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of security and community safety.

Reason for Decision

In the opinion of the Local Planning Authority the proposed development represents a high standard of design and layout that would positively enhance and revitalise this part of the Letchworth Conservation Area. The proposal would not significantly impact on the amenities enjoyed by occupiers of surrounding residential properties and reasonable living conditions for future occupiers of the proposed development would be achieved. The proposal can also be accommodated within the local highway network without significant detriment to congestion and highway safety. The proposal therefore complies with the provisions of the development plan as summarised below:

East of England Plan:

Policy SS2 'Overall Spatial Strategy'

Policy SS6 'City and Town Centres'

Policy H1 'Regional Housing Provision'

Policy H2 'Affordable Housing'

Policy T4 'Urban Transport'

Policy ENV6 'The Historic Environment'

Policy ENV7 'Quality in the Built Environment'

North Hertfordshire District Local Plan No. 2 – with Alterations:

Policy 8 'Development in Towns'

Policy 26 'Housing Proposals'

Policy 29A 'Affordable Housing for Urban Local Needs'

Policy 51 'Development Effects and Planning Gain'

Policy 57 'Residential Guidelines and Standards'

Policy 58 'Letchworth Garden City Design Principles'

Informatives

1. The applicant is advised that no Highway works should commence until the section 50 and section 278 licences of the Highway Acts are in place and associated commuted sums are agreed with the Local Planning Authorities. No developments shall take place until the maintenance liabilities of the public and private highway networks have been agreed with the local planning authorities. No developments or structures on the highway or in the vicinity shall commence until the relevant street works licenses (such as scaffolding/hoardings/skips etc)

and or financial liability and public liability insurance and or assurances and or bonds are in place and agreed with the local planning authority and highway authority.

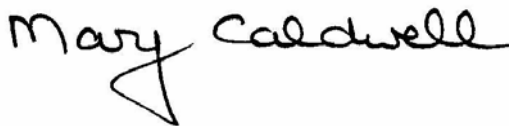
STATEMENT OF SATISFACTION WITH ENVIRONMENTAL STATEMENT

1. Any negative townscape, built heritage and visual impacts that this development would have can be mitigated through the careful implementation of condition nos. 3, 4, 6 and 7 by ensuring the finish of the development, landscaping and external treatment is of a high standard. The loss of any positive existing buildings within the conservation area is outweighed by the positive environmental, economic and social benefits of this development scheme and the overall development would have positive environmental effect in terms of townscape, built heritage and visual impact.
2. The negative transport and access effects of the proposed development can be mitigated by ensuring the following construction phasing and alterations to the design of the scheme: Required improvements/alterations to the Birds Hill/Station Road and Station Road/Leys Avenue, Eastcheap junctions must be completed before commencement of the Wynd redevelopment scheme and this can be secured through the imposition of condition no. 8 of the planning permission.
3. The main noise, vibration and air quality impacts of the proposed development would result from the construction process. These effects can be appropriately mitigated by adopting a sensitive phasing programme and through mitigation measures contained within a Construction and Environmental Management Plan (CEMP) and all other construction and impact mitigation can be secured the imposition of condition nos. 9, 10, 11, 22 and 23. Post construction noise impacts can be mitigated by the limiting of hours for commercial activity and deliveries through condition nos. 30 and 31 of the planning permission.
4. The negative socio-economic effects of the development scheme, particularly the need to relocate existing businesses can be mitigated through the implementation of a sensitive tenant relocation strategy. The updated strategy can be secured by the implementation of condition no. 28 of the planning permission.
5. The negative ecological effects of the proposed development can be mitigated by preventing tree felling during the bird nesting season and through securing a tree planting scheme. These measures can be secured through the implementation of condition nos. 3, 4 and 5 of the planning permission.

APPENDIX 2

6. The materials from demolition can be recycled where possible in accordance with the requirements of condition no. 23 of the planning permission.
7. Any contamination found on the site or archaeological impacts of the development can be mitigated through the implementation of condition nos. 24 and 25 of this planning permission.
8. The Local Planning Authority is satisfied that the construction and phasing programme set out within the Environmental Statement is appropriate for the function of the town centre and business/service continuity.
9. The Local Planning Authority is satisfied that there are no major development projects within the vicinity of the application site that would significantly add to the cumulative environmental effects of the Wynd redevelopment proposals. The street scene scheme on adjoining land, the phasing of which can be controlled by conditions contained in planning permission no. 07/02433/1, can be linked with an appropriate phasing programme implemented through condition no. 9 of this planning permission. Moreover, Chapter 19 of the Environmental Statement states that the Wynd redevelopment scheme would not commence until completion of the street scene proposals.

Signed:



Planning Control
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Planning Control & Conservation Manager

Date: 27 July 2009

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 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.

APPENDIX 2

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

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.

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.

- 3 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) 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 the Hertfordshire Highways, Northern Area Office, Antelope House, Gates Way, Stevenage, SG1 3HL or telephone 01438 757800.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

**Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1992**

DECISION NOTICE

Correspondence Address:

Mr M Meadows
Drivers Jonas
85 King William Street
London
EC4N 7BL

Applicant:

Letchworth Garden City Heritage Foundation

PARTICULARS OF DEVELOPMENT

Application: 09/00748/1CAC

Proposal: Complete and partial demolition of certain buildings along Leys Avenue and Station Road street frontages and buildings between in association with redevelopment scheme.

Location: **Land Between Station Road And Leys Avenue Including Openshaw Way, The Wynd, Letchworth Garden City**

Approved Plan Nos: Drg Nos 2633-50A & -51B

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GRANT CONSERVATION AREA CONSENT** to the works described above and proposed by you in your application received with sufficient particulars on 23/04/2009 .

The consent is subject to the following conditions:

- 1 The work to which this consent relates shall be begun by not later than the expiration of the period of 5 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as modified by Regulation 12 and Schedule 3 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990.

- 2 The buildings to which this consent relates shall not be demolished until such time as a contract for the carrying out of the replacement building works (as detailed in planning application no. 07/02428/1), together with a timetable for its commencement and completion has been submitted to and agreed in writing by the Local Planning Authority. The demolition of the building and the redevelopment of the site shall thereafter be carried out in complete accordance with the approved contract and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid the creation of an unacceptable appearance of unsightly gaps for a prolonged period on the application site, arising from the demolition of the existing buildings far in advance of any redevelopment.

3 Notwithstanding the phasing programme set out in Chapter 18 of the Environmental Statement which accompanied this application, full details of a construction phasing programme for the development scheme proposed in planning application no. 07/02428/1 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition hereby permitted. The construction project and demolition shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:

- a) hours of construction operations including times of deliveries and removal of waste;
- b) 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;
- c) access and protection arrangements around the site for pedestrians, cyclists and other road users;
- d) details of provisions for temporary public car parking during construction;
- e) arrangements for on-going servicing of existing retail units and other businesses during construction;
- f) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- g) screening and hoarding details;
- h) end of day tidying procedures to ensure protection of the locality outside the hours of construction;
- i) co-ordination with the phasing of the development of the street scene scheme (planning permission no. 07/02433/1) should this be implemented.

The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the correct phasing of development in the interests of minimising disruption to the public highway during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with the objectives of Chapter 18 of the Environmental Statement.

4 Notwithstanding the provisions of Class A, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) all parking, delivery and storage associated with the demolition hereby approved must be carried out only within the locations identified in the phasing programme required pursuant to condition no. 3 above and not on any other adjoining land or public highway.

Reason: To remove construction permitted development tolerances in the interests of highway safety and amenity.

5 Prior to the commencement of the demolition hereby approved, full details of mechanical wheel cleaning facilities to be provided on site during site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained in working order during the whole site preparation and construction period. All construction vehicles leaving the site shall use the facilities.

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 amenity.

- 6 Notwithstanding the details contained within Chapter 19 of the Environmental Statement which accompanied this application, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the demolition hereby approved (including any pre-construction, demolition or enabling works.) The construction shall thereafter be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall include the following elements:
- a) identification of restrictions and targets for the works, which are set to minimise disruption or other environmental effects;
 - b) inclusion of these as part of the contract conditions for each element of the work, and requiring contractors to demonstrate that their proposals can comply, or if not, which elements will result in departures from the targets, and what the implications are;
 - c) in respect of necessary departures, establishing a procedure for prior notification to North Hertfordshire District Council (NHDC) and affected parties, such that local arrangements (e.g. special access arrangements etc) can be agreed;
 - d) establishing a dedicated point of contact and responsibility to deal with these issues if they arise, and regular dialogue with NHDC and the local community.

Reason: To ensure the environmental impacts of the construction project are minimised in accordance with the objectives of the Environmental Statement.

- 7 Prior to the commencement of the demolition hereby approved (including any site clearance, preparation or demolition) details of a scheme for the recycling of inert waste generated by the breaking up and demolition of the existing infrastructure shall be submitted to and approved in writing by the Local Planning Authority. Such works/waste recycling shall thereafter be carried out in complete accordance with the approved details or particulars throughout the demolition and construction phases, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of environmental protection and good practice and to accord with the objectives of Chapter 16 of the Environmental Statement.

- 8 No demolition shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will not be discharged before the planning authority has received and approved an archaeological report of the archaeological investigations.

Reason: To ensure that a proper archaeological evaluation of the site takes place in accordance with PPG16 and Chapter 10 of the Environmental Statement.

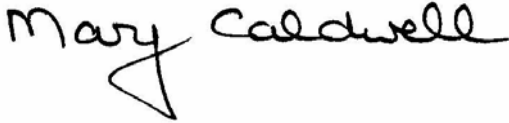
Reason for Decision

In the opinion of the Local Planning Authority the demolition hereby approved if carried out together with the proposed redevelopment scheme set out in planning application no. 07/02428/1 would enhance the character and appearance of the conservation area in accordance with Policy ENV6 of the East of England Plan.

Informative(s)

The applicant is advised that the archaeological survey required pursuant to condition no. 8 of this conservation area consent should include the recording of any historical artifacts of interest within the existing buildings to be demolished.

Signed:



Planning Control
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Planning Control & Conservation Manager

Date: 16 June 2009

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 If you are aggrieved by this decision, you may appeal to The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by notice given on a form available from that office (Tel: 0117 372 6372), or on the website at www.planning-inspectorate.gov.uk, within 6 months of this decision or, in exceptional circumstances, such longer period as the Secretary of State may agree.
- 3 Under the provisions of section 8(2)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, demolition of a building or part of a building that is listed by the Secretary of State as being of Special Architectural or Historic Interest may not be undertaken until notice of the intention has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Savile Row, London W1X 2HE and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
- 4 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) 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 the Hertfordshire Highways, Northern Area Office, Antelope House, Gates Way, Stevenage, SG1 3HL or telephone 01438 757800.