

ITEM NO: 5.2	<u>Location:</u>	Land Between Station Road And Leys Avenue Including Openshaw Way, The Wynd, Letchworth Garden City
	<u>Applicant:</u>	Letchworth Garden City Heritage Foundation
	<u>Proposal:</u>	Complete and partial demolition of certain buildings along Leys Avenue and Station Road street frontages and buildings between in association with redevelopment scheme.
	<u>Ref.No:</u>	07/02431/ 1CAC
	<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 19 December 2007

Reason for Delay (if applicable)

This application for conservation area consent needs to be determined at the same time as the planning application for the redevelopment of this site, item no. 1 on this agenda.

Reason for Referral to Committee (if applicable)

The application site area is over 1ha.

1.0 Relevant History

1.1 None relevant.

2.0 Policies

2.1 Refer to previous report.

3.0 Representations

3.1 Refer to previous report.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 Refer to previous report

4.2 Proposal

4.2.1 This conservation area consent application is for the demolition of the buildings which require to be demolished in advance of the redevelopment proposals set out in the previous item on the agenda.

4.3 Key Issues

4.3.1 If Members are minded to grant planning permission for the redevelopment of the site (planning application no. 07/02428/1) it must logically follow that conservation area consent for the proposed demolition must also be granted. Whilst all the key issues which Members will need to be familiar with in order to determine this

conservation area consent application are set out in the previous report it is necessary to mention here that the recommendation set out includes a number of conditions which are presented in the previous recommendation as these conditions would need to be complied with before any demolition takes place.

4.4 **Conclusion**

- 4.4.1 That conservation area consent be granted subject to the following conditions if Members have resolved to grant planning permission for the associated redevelopment.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That conservation area consent be **GRANTED** 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 3 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 street scene outside the hours of construction.

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. 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 commencement of the demolition hereby approved.

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

- 5. 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.

- 6. **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.

7. 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.

8. 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.

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

9. 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.