

ITEM NO: 6.3	<u>Location:</u>	Land at Ivel Court, Letchworth Garden City, SG6
	<u>Applicant:</u>	McCann Homes Ltd
	<u>Proposal:</u>	Residential development of 59 units comprising 13 x 2 bedroom affordable houses, 12 x 2 bedroom affordable flats and 34 x 2 bedroom flats. New community centre, supermarket, hot food takeaway and extension and refurbishment of existing flats, 38 additional car parking spaces, landscaping, creation of new areas of public open space and ancillary works following demolition of existing library, community centre, shops and garage blocks. Erection of temporary community centre.
	<u>Ref.No:</u>	08/00404/ 1
	<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 22 May 2008

Reason for Delay

N/A

Reason for Referral to Committee

The application site area at 1.6ha requires that this planning application for largely residential development needs to be reported to Committee for determination under the Council's scheme of delegation.

1.0 Relevant History

- 1.1 The most recent and relevant planning history for this site was a planning application submitted in 2007 for the development of 74 no. residential flats and houses, a new community centre, supermarket, hot food takeaway, extension and refurbishment of existing flats, new vehicular access points, public space, creation of 65 no. car parking spaces and provision of temporary community centre (application ref. 07/02156/1).
- 1.2 Officers expressed a view that they would be unable to support this scheme due to the excessive scale of development in relation to Radburn Way, the associated loss of public open space and lack of provision of new space. Following this discussion the planning application was withdrawn. There then followed a series of meetings between officers and the applicant to negotiate a revised scheme and the planning application presented in this report stems from these negotiations and further consultation between the applicant and local residents.

2.0 Policies

2.1 Central Government Policy Guidance:

Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'

Planning Policy Statement (PPS) 3 'Housing'

Planning Policy Guidance note (PPG) 13 'Transport'

Planning Policy Guidance note (PPG) 16 'Archaeology and Planning'

Planning Policy Statement (PPS) 23 'Planning and Pollution Control'

Planning Policy Guidance note (PPG) 24 'Planning and Noise'

2.2 North Hertfordshire District Local Plan No. 2 - with Alterations:

Policy 8 'Development in Towns'

Policy 21 'Landscape and Open Space Patterns in Towns'

Policy 26 'Housing Proposals'

Policy 29A 'Affordable Housing for Urban Local Needs'

Policy 57 'Residential Guidelines and Standards'

Policy 58 'Letchworth Garden City Design Principles'

2.3 Supplementary Planning Guidance:

Vehicle Parking Provision at New Development (adopted January 2006)

Planning Obligations Supplementary Planning Document (adopted November 2006)

3.0 Representations

3.1 Environment Agency:

The previous planning application referred to under the planning history section of this report was not accompanied by an appropriate Flood Risk Assessment. This has now been carried out by the applicant to the satisfaction of the Environment Agency. They have therefore withdrawn their objection to a scheme on this site and recommend a suitably worded planning condition (**see recommended condition no. 9**).

3.2 Anglian Water:

The applicant should be informed that there are Anglian Water assets close to this site and these should be protected during construction. The foul and surface water flows from this scheme can be accommodated within the existing foul and surface drainage network system which at present has adequate capacity. The views of Three Valley Water company should be sought regarding water supply (**see recommended condition no. 9 and informative no. 1**).

3.3 Three Valley Water Company:

Nothing received, any comments to be reported orally.

3.4 Internal Drainage Board:

Drainage services should be designed to limit peak rate water discharge since the Pix Brook (the main water course) can cause flooding in the Stotfold area. Require that such details be the subject of a suitably worded planning condition (**see recommended condition no. 9**).

3.5 Hertfordshire County Council (Highways):

The previous planning application was not accompanied by an appropriate Transport Assessment (TA). This has now been carried out and submitted to the Highway Authority. At the time of writing the Highway Authority still require some more safety audit analysis of the proposed vehicular access points and swept path analysis to demonstrate that service and emergency vehicles can gain suitable access to the site. The applicant is working to satisfy these requirements and an update on this matter will be presented at the Committee.

- 3.6 **Hertfordshire County Council (Archaeological Service):**
Surprisingly the County Archaeologist requires a desk-based site impact assessment of the scheme prior to the determination of the planning application. The applicant is currently undertaking this exercise and depending on the outcome of this process the County Archaeologist can then decide what further site investigations are/are not required. Any updates on this on-going process will be presented at the Committee.
- 3.7 **Hertfordshire County Council (Planning Obligations Manager):**
Require Section 106 financial contributions in accordance with Council's adopted Supplementary Planning Document (SPD) towards Youth provision, childcare and library services. Also require fire hydrant provision across the site to be contained within an appropriately worded Section 106 Obligation (**see recommended heads of Terms of the required Section 106 Obligation**).
- 3.8 **Primary Care Trust:**
No reply although consulted directly on 5 March 2008.
- 3.9 **Hertfordshire Police Architectural Liaison Officer:**
Overall no objections to the scheme. The scheme should be designed in accordance with Secure By Design principles (officer note, all housing associated schemes are designed to this standard anyway, there is however no current policy justification to require this for the open market element of the scheme). The scheme is fairly permeable therefore planting, lighting, CCTV installation and boundary treatment should be designed to enhance community safety. Concern about natural surveillance of some car parking areas. Concern also that some spaces around buildings are not secure from public entrance (i.e. defensible space) (**see recommended condition nos. 4 and 13**).
- 3.10 **Housing and Environmental Health (Pollution Control):**
No objection, recommends the standard site contamination condition (**see recommended condition no. 8**).
- 3.11 **Housing and Environmental Health (Noise):**
Have assessed the applicant's acoustic report, particularly in relation to noise transmission between retail space, the community centre and adjoining flat. Consider that suitably worded conditions controlling the use and hours of operation of the proposed community centre, hot food takeaway and supermarket are required to secure an acceptable noise climate, particularly during night time hours (**see recommended condition nos. 14 and 16 and 20**).
- 3.12 **Housing Development Liaison Officer:**
The proposal offers 42% affordable housing, well above the normal 25% requirement and is therefore to be welcomed. Although the tenure mix of 52% affordable for rent and 48% other tenure the scheme still meets priority housing needs in the area, particularly the proposed 13 no. two bedroom houses for rent. The 12 no. two bedroom flats above the proposed supermarket are not suitable for affordable housing for rent and are therefore appropriate as intermediate market rent. Consider that the estate will benefit from a strong element of open market housing within this scheme also as well as the proposed new community centre (**see recommended heads of terms of the required Section 106 Obligation**).
- 3.13 **Letchworth Garden City Council:**
Support the scheme although consider that any proposed walls and railings should be replaced with slow growing, low maintenance hedges.
- 3.14 **Response to Statutory Site Notice, Press Notice and Neighbour Notifications:**
One letter of objection received from the occupiers of no. 10 Yardley. The grounds of objection are as follows:

- Noise and traffic disturbance during the long process of demolition and construction will be a nuisance.
- The proposed temporary community centre would be opposite no. 10 Yardley causing further noise and disturbance.
- The two and half/three storey flats proposed opposite no. 10 Yardley will overshadow and overlook this house.
- The proposal represents an overdevelopment of the site.
- Need to make sure that sufficient car parking is proposed, sufficient landscaping and that drainage services are adequate.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is dominated by a large, five storey flat roof block of flats in the centre of the site. The dominance of this block is enhanced by the relatively high ground upon which it is located it is therefore a very prominent building when viewed from around the site, particularly from the nearby lower street of Radburn Way. This block also contains a number of shop units which form one side of a central public square which is bordered by a supermarket and garage block on one other side and a community centre on the other. The main access to this central part of the site is off Radburn Way to the south of the application site. The space leading from Radburn Way into this central square is dominated by poorly designed hard landscaping, the harshness of which is exacerbated by the steep slope from Radburn Way into the site. The other main access points into the site are from the housing estate to the north of the site which access the semi-private car parking and garaging areas.
- 4.1.2 The site is located at the centre of the large Jackmans Housing estate, with lower density housing surrounding the site to the south, west and north. Although immediately to the west and north east there are two large apartment buildings, in particular the sheltered housing scheme of Hamonte is prominent to the north east. To the immediate east of the application site however is a large area of public green space which is a very important landscape feature in this locality. The application site includes some of this public open space to the rear of the car parking areas, behind the main block of flats.
- 4.1.3 The area can be described as a typical post-war housing estate development although the surrounding road network and pattern of open spaces exhibits a slight garden city feel.

4.2 Proposal

- 4.2.1 Full planning permission is sought for an extensive redevelopment and mixed use new development scheme across a large part of the site. The scheme consists of the following elements:
- 4.2.2 Immediately to the north of the Radburn Way boundary of the site the scheme proposes two blocks of flats, the largest of which would be sited to the east of the important trees which dominate the left hand side of the carriageway past the roundabout off the south west corner of the site. This block would consist of 21 no. private market two bedroom flats and would be complex mix of single storey, two storey and three storey development. This block would benefit from its own separate vehicular access to a designated 21 space car parking courtyard off Radburn Way. Further to the east a new and upgraded vehicular and pedestrian access into the central courtyard is proposed and to the east of this a new block of 13 no. two bedroom private market flats are proposed, also fronting Radburn Way with its own designated 14 space car parking area on either side of the proposed main access road into the site.

- 4.2.3 For the main central block itself the scheme proposes a complete face lift of the existing five storey block of flats with the use of external rendering to enhance its rather drab appearance. A single storey rear extension is also proposed to enable more storage space for the existing ground floor retailers within this block. As a result of this element of the proposal the space to the rear of the flats needs to be expanded by approximately 3m in width which would eat into the green space to the rear of the site to a limited degree. This is needed to expand the car parking and servicing areas to the rear of the block.
- 4.2.4 The central courtyard would be completely redesigned and upgraded, the key element of which is to bring vehicular traffic into the centre and most active part of the site. The scheme proposes a network of footpaths, car parking and enhanced hard and soft landscaping to create a new public space. Moreover, this route would lead to a 735sqm new public green square towards the north of the site.
- 4.2.5 The existing supermarket, garage block, disused library and community centre would all be demolished and replaced with a new cafe, two storey community centre, takeaway, supermarket and 12 no. intermediate market rented flats above the ground floor supermarket. This new multi-use building would be on the other side of the main central courtyard facing the main five storey Ivel Court block.
- 4.2.6 Finally, in the north east corner of the site combined with a new vehicular access drive the scheme proposes 13 no. two bedroom, two storey affordable dwellings for rent. This layout would be in three terrace blocks and each dwelling would enjoy its own private garden with a separate, communal 15 space car parking area.

4.3 **Key Issues**

- 4.3.1 The application site is located within the urban area of Letchworth Garden City, as such this mixed use development scheme is acceptable in principle. Leaving this issue aside therefore and taking account of relevant central government policy guidance, development plan policy and the comments received from interested parties reported above I consider the key issues to be assessed in the determination of this planning application are as follows: Whether the design and layout of the proposed development is of a sufficiently high standard to achieve the broad regeneration aims of the scheme and enhance the quality of the local environment. Whether the amenities enjoyed by nearby local residents would be protected and this must include consideration of living conditions for occupiers of the proposed development, including consideration of the noise climate within this mixed use development scheme. The highway implications of this development proposal must also be considered, both in terms of traffic movement in and around the site and car parking levels across the development scheme. As the proposal is for a complex, mixed use development it is necessary to consider the phasing of construction to ensure existing community facilities can continue and businesses and residents do not suffer undue disturbance. Finally, the terms of the necessary Section 106 Obligation which the applicant must agree with the Council need to be considered, taking account of the community benefits set out in the scheme and the Council's recently adopted SPD on Planning Obligations.

4.3.2 **Design Quality and relationship with Neighbouring Properties**

As many Members will be aware recent central government policy guidance contained within PPS1 and PPS3 places considerable emphasis on achieving high standards of design in development schemes. This must include the quality of design of buildings and the design of spaces in and around buildings, both in terms of overall appearance and how these spaces can function in the interests of community cohesion.

- 4.3.3 This proposal involves the development of three principal new buildings, two blocks of flats fronting Radburn Way and a large, multi-functioning building in the centre of the site, fronting the central public space. Given the prominence of the large five storey block of flats in the centre of the site and the rather hard urban townscape that characterises this area it would be difficult to argue that apartment blocks are inappropriate in this locality.
- 4.3.4 Following discussion between officers and the applicant's architect, after the previous planning application was withdrawn, the design and massing of block F (21 no. two bedroom open market flats), in the south west corner of the application site has been altered considerably. Whilst still a rather large and imposing building when seen from the lower ground level of Radburn Way and the sloping land to the south of Radburn Way the elevations and roof forms have been altered and broken up to minimise the visual impact in the street scene. Whilst this building would remain at almost 40m in width the complex variety of flat roof, pitched roof and two and three storey elements and mix of finishing materials (render and buff brick work) would help to minimise the visual impact of the building, in my judgement. In particular, when viewed from across the opposite side of Radburn Way and indeed the existing dwellings on this side of the street (including no. 10 Yardley, reported above) the full height of the proposed building would not be appreciated, as due to the considerable difference in land levels the bulkiest part of the building would not be readily visible from this side of the road. Taking account of these factors, and despite its rather prominent location I am satisfied that the design and visual impact of this building would be acceptable both in terms of its impact in the street scene in general and the outlook from the dwellings opposite the site. From many view points of course the building would be seen against the back drop of the large, five storey building in the centre of the site which is on even higher ground.
- 4.3.5 The second proposed building on the Radburn Way frontage of the site is block G (13 no. two bedroom open market flats). This would be of a similar design style to block F, with a mix of roof forms, alternate materials and broken up elevations to reduce visual impact. This building would however be considerably smaller than the proposed block F at only 25m in width (approx.). The change in levels onto Radburn Way is also less dramatic in this location and as such I consider that its visual impact in the street scene and relationship with nearby residential properties would be acceptable. A unifying theme of the design of both blocks F and G is the central mono-pitched roof features that would face towards each other. These design features add visual interest to both buildings in my view and create a design theme for the whole scheme.
- 4.3.6 The proposed central, mixed-use building also includes a prominent mono-pitched roof element to pay reference to the two new blocks proposed on the Radburn frontage. However, much of the rest of this mixed, two and three storey building would be of flat roof design however again the elevations have been broken up to minimise the monolithic appearance and alternate external materials are also proposed. At ground floor level the proposed shop fronts and community centre entrance are given prominence facing into the central public square area. As this building would be in the centre of the site well away from existing residential properties it is clear that it would not impact on the amenities enjoyed by existing occupiers. As I consider the overall design of this building to be acceptable the key issue to consider in relation to this element of the scheme is the inter-relationship between the mix of uses proposed; a new two storey community centre, cafe, hot food takeaway, supermarket shop unit and the 12 no. intermediate market rental residential apartments. These issues are considered in detail below.
- 4.3.7 In the northern part of the site the scheme includes a development of 13 no. two bedroom, two storey dwellings (affordable housing for rent). The proposed housing has been designed in three terraces in a layout that would integrate well with the established residential estate to the north of the application site. The design and

layout of this element of the scheme would provide an appropriate mix of public and private spaces, with adequate private garden and car parking areas to serve the needs of future occupiers of these dwellings. Taking account of these factors I consider that this element of the scheme is of an acceptable standard of design and layout.

4.3.8 In terms of the design of spaces there is no doubt in my mind that this scheme has considerable merit and would certainly enhance the quality and vibrancy of the public realm within this site. One slight negative of the proposal is the loss of an approx. 3m wide strip existing green open space to the east of Ivel Court. On the North Hertfordshire District Local Plan No. 2 - Proposals Map this area is identified as part of the Landscape and Open Space Pattern of Letchworth and is therefore broadly protected under the terms of Policy 21 of this document. Following discussions between officers and the applicant's architect and consultation with the local community following the withdrawal of the previous application, the encroachment into this important public open space has been considerably reduced. Moreover, in accordance with the requirements of Policy 21 which seeks *'retain and/or reinforce the pattern [of landscape and open space in towns] through appropriate landscape and open space provision and quality of design'* the scheme also includes a 735sqm new green public space in the centre of the scheme. This space can become a focus for the development at the heart of the community which would, in my view, help to enhance the local environment. In my judgement the requirements of Policy 21 are satisfied by this development proposal.

4.3.9 The scheme has also been designed well in terms of the integration between hard and soft landscaping and vehicular and pedestrian movement areas. To enhance the central public space and improve the vitality of local businesses which surround this area the project aims to bring vehicular traffic right into the heart of the scheme. Whilst not always an appropriate design solution it is an important element of this particular scheme and would help to improve community safety and increase activity in this location. Despite the proposed extension of vehicle infrastructure the design is sensitive in balancing this against enhanced and adequate pedestrian spaces with new, strategic tree planting to create a boulevard appearance at the centre of the scheme.

4.3.10 Overall, and concluding on this section of the report I am satisfied that the proposed development represents a high standard of design and layout taking account of the context of the site, which fully accords with the objectives of PPS1 and PPS3. In my view the scheme would achieve the important regeneration and enhancement benefits required in this locality. I am also satisfied that following careful consideration by the applicant that the proposed development would have an acceptable relationship with neighbouring residential properties.

4.3.11 **Mix of Uses and Living Conditions within the Development Scheme**

The main and close mix of uses proposed within this scheme would be within central block C and D. This block includes the provision of a two storey community centre (which includes the provision of a licensed bar on each floor), a ground floor supermarket, cafe and hot food takeaway and in the same building, directly adjoining the first floor community centre/bar, 12 no. residential apartments. At the request of the Council's Environmental Health officers the applicant has commissioned an acoustic report to assess the noise climate for the residential occupiers of this building and the likely noise impact on surrounding residential properties. The report identifies a number of areas where noise impacts may be problematic and this includes the relationship between the proposed supermarket and hot food takeaway and the existing residential flats to the west of the site at 'Hadleigh'. In order to suitably limit this impact I recommend that the hours of use of these two activities be limited so that no operation occurs between the most sensitive hours of 11pm and 7am on any day.

4.3.12 Of particular concern however is the conclusion in the report which relates to the relationship between the two storey community hall and the adjoining block of 12 no. residential flats. Page 20 of the applicant's acoustic report concludes that *'It can be seen from the measurements and subsequent calculations summarised that internal noise levels within the flats of block C adjoining the new Community Hall have a high probability of exceeding guideline targets for internal noise when music functions are held in the hall and the received levels are expected to be clearly audible above the predicted pre-existing internal background noise level.'* This problem could be overcome by splitting the uses into two buildings however since this is not part of the scheme and having discussed this matter with colleagues in Environmental Health I recommend that a suitably worded condition be imposed to control the use of the ground and first floor of the community hall to ensure that the upper floor is only used as a community hall (i.e. D1 use) and not as a public bar (A5 use) and that it ceases to be in use between the hours of 11pm and 7am on any day.

4.3.13 Subject to the operational conditions recommended below and following discussion with Environmental Health colleagues I am satisfied that this complex mix of uses in one building can co-exist without detriment to the living conditions of any future or existing residential occupiers.

4.3.14 **Car Parking and Traffic Impact**

The Council's Transport Policy Officer has assessed this scheme and he is reasonably comfortable with the level of car parking proposed. In particular sufficient car parking is proposed for each residential occupier of the proposed new flats and houses. I agree with this analysis and therefore consider that the car parking levels are acceptable when considering the broader design objectives and the need to ensure areas for landscaping and pedestrian spaces against the standards set out in the adopted SPD.

4.3.15 In terms of cycle parking the Transport Policy Officer notes that cycle storage facilities for the proposed 12 no. flats in the central block have not been provided unlike the secure, internal cycle parking propose for blocks F and G. Given the need to ensure cycle storage facilities for all residential occupiers I recommend that this deficiency be rectified by means of a suitably worded planning condition which is set out below.

4.3.16 As mentioned above Hertfordshire County Council (Highways) have requested some additional information from the applicant relating to safety auditing and swept path analysis for the proposed vehicular access points into the scheme (to demonstrate service and emergency vehicle movements). At the time of writing the applicant's transport consultants are preparing this additional information for review by the County Highway Engineers. It is unlikely that by the time of the Committee meeting that this issue will be resolved although an update on this matter will be provided. Given that I consider the scheme to be otherwise acceptable and the need to progress the drafting of the necessary Section 106 Obligation and the need to progress this important scheme as quickly as possible, I recommend that Members resolve to grant planning permission subject to there being no further objections from Hertfordshire County Council (Highways). If Members accept this recommendation during the period when the Section 106 Obligation is being drafted (i.e. before formal planning permission can be granted) officers will seek to resolve the outstanding highway and indeed archaeological issues (see above) within this period. Should this not be possible or should the scheme need to be significantly altered or should the recommendation to grant planning permission be changed, a further, revised Committee report will be prepared and reported to Members to seek a revised determination.

4.3.17 Other than these outstanding highway matters which officers can seek to resolve before formal planning permission is granted, I am satisfied with the general car

parking, cycle storage and vehicular/pedestrian movement implications of this scheme.

4.3.18 **Phasing of the Development**

The scheme includes a proposal for a temporary community centre which would be used during the period of demolition and reconstruction of the proposed new permanent community centre. The location of the proposed temporary building is on the car park required for flat block F (21 no. two bedroom market flats). To enable the correct sequence of events to take place the proposed new community centre, supermarket, cafe and hot food takeaway must be constructed before flat block F is finished in order to enable the removal of temporary community centre to allow the space to be used as car parking for the completed flat development. There are of course other complications which need to be resolved in terms of phasing, for example, when and how the new vehicular access arrangements are to be completed. In order to achieve the correct phasing of this development proposal I recommend that a suitably worded planning condition be imposed seeking a detailed phasing programme from the applicant prior to the commencement of development. The suggested condition is no. 6 and is set out under the recommendation.

4.3.19 Taking account of the concerns expressed by a local resident in relation to the use of the community centre close to properties along Radburn Way, I am satisfied that the use of the temporary building (which would be almost 50m from the nearest property along Radburn Way) would not be overly harmful to amenity taking account of the existing community centre use in a similar position.

4.3.20 **Section 106 Matters**

The requirements of the Council's recently adopted SPD on Section 106 Obligations need to be balanced against the community benefits that this scheme can deliver on site. I therefore recommend that no standard charges are required through the Section 106 Obligation towards Community Centres (since the scheme involves continuity of community centre provision and a new permanent centre long term) or public open space provision (since the scheme includes a new area of public open space). Moreover, as is mentioned above Hertfordshire County Council do not require contributions towards nursery provision or primary and secondary education. Taking account of these factors the outstanding requirements of the SPD, to which the applicant has agreed to pay are as follows:

- * Leisure Services - £19,743
 - * Play Space - £31,085.92
 - * Pitch Sport provision - £15,332.92
 - * Sustainable Transport Infrastructure - £44,250
 - * Waste collection and recycling - £3,390
 - * Childcare - £3,689
 - * Youth provision - £740
 - * Library services - £6,857
- Total - £125,087.84

4.3.21 Other required elements of the Section 106 Obligation are fire hydrant provision across the site, the management and maintenance of amenity spaces and the need to secure the affordable housing elements of the scheme in accordance with that set out in the planning application.

4.4 **Conclusion**

4.4.1 Taking account of the all the above factors I am satisfied that this development scheme will achieve the key objectives of enhancement and regeneration on this site. Moreover, the development secures an appropriate alternative area of public open space to compensate for the slight loss of the existing open space in

accordance with the objectives of Policy 21 of the North Hertfordshire District Local Plan No. 2 - with Alterations. I am also satisfied, subject to the imposition of the conditions recommended below that the development would achieve acceptable living conditions for future occupiers of the proposed development and preserve the amenities enjoyed by existing residents on the site and in the surrounding area.

- 4.4.2 As is mentioned above at the time of the Committee meeting there are likely to be some unresolved technical matters relating to highway issues and archaeology relating to this scheme. However, given the importance of the proposal for the wider community and the clear positive benefits that the development can bring I recommend that Members resolve to grant planning permission and that officers should seek to resolve the technical matters prior to issuing the formal planning permission. Should these discussions lead to significant changes to the scheme or the need to alter the recommendation a revised Committee report can be prepared for a future meeting of the Planning Control Committee.

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 planning permission be **GRANTED** subject to the applicant entering a Section 106 Obligation with the Council to secure the following: Financial contributions towards leisure services, play space provision, pitch sport provision, sustainable transport infrastructure, waste collection and recycling, childcare services, youth provision and library services, fire hydrant provision across the site, the management and maintenance of all amenity areas and affordable housing provision in accordance with the terms of the submitted application. Also subject to the following conditions and to no objections from Hertfordshire County Council (Highways) and Hertfordshire County Council (Archaeology).

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, 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. **Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials shall be implemented on site.**

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. **Prior to the commencement of the development hereby permitted full details of all proposed hard and soft landscaping/planting associated with the proposal shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be carried out in accordance with the phasing programme required pursuant to condition no. 6 of this planning permission. The landscaping details required shall include the following elements:**

- 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 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**

Reason:To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

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. **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 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class(es) A-F of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority. This condition applies to the proposed 13 no. two bedroom dwellings on the site.

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. (a) **Construction work (based on the definition contained within the Control of Pollution Act 1974: 'erection, construction, alteration, breaking up, boring, demolition, dredging works or any engineering works to buildings, structures, land or roads') on the development site shall not commence prior to the submission to, and written agreement of the Local Planning Authority of a written environmental report (Phase II) 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), and;**
 - 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 contaminants 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.

- (b) **The 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 (a), 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, and agreed by, the Local Planning Authority.**
- (c) **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 the site.**
- (d) **All works agreed with the Local Planning Authority with regard to remediation of this site shall be permanently maintained.**

Reason: To ensure that any contamination present within the site is dealt with in a manner that safeguards human health, the built and natural environment, including controlled waters.

- 9. **Prior to the commencement of the development hereby permitted full details of foul and surface water drainage services required as a result of this development shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter carried out in complete accordance with the approved details or particulars prior to the first occupation of the development.**

Reason: To ensure that the adequate foul and surface water drainage services can be provided.

- 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 locations identified in the phasing programme required pursuant to condition no. 6 of this planning permission and not on any other adjoining land or 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 (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 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 process.**

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

12. **Prior to the commencement of the development hereby permitted full details of cycle storage facilities required for the 12 no. two bedroom flats proposed within block C and D shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be provided in accordance with the approved details prior to the first occupation of this part of the development scheme and thereafter permanently retained and maintained to the satisfaction of the Local Planning Authority.**

Reason: To ensure adequate cycle storage provision for this element of the development scheme.

13. **Prior to the commencement of the development hereby details of all external lighting required in association with the development scheme shall be submitted to and approved in writing by the Local Planning Authority. Such lighting shall thereafter be installed in accordance with the approved details or particulars and in accordance with the requirements of the phasing programme required under condition no. 6 of this planning permission and thereafter retained and maintained to the satisfaction of the Local Planning Authority.**

Reason: To ensure all external lighting is installed in the interests of maintaining community safety and amenity.

14. The supermarket/retail unit, cafe and hot food takeaway hereby permitted (as proposed within block C and D as illustrated on the approved plans) shall be closed for business between the hours of 11pm and 7am on any day.

Reason: In the interests of preserving local residential amenity.

15. Community Hall no. 1 hereby permitted on the ground floor of block C and D as illustrated on the approved floor plan drawing no. MC.295.P102 shall only be used for purposes falling within use Class D1 (non-residential institutions) and A4 (drinking establishments) and for no other purposes whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the submitted application and to ensure the proper planning and functioning of the development scheme.

16. Community Hall no. 2 hereby permitted on the first floor of block C and D as illustrated on the approved floor plan drawing no. MC.295.P103 shall only be used for purposes falling within use Class D1 (non-residential institutions) and for no other purposes whatsoever, unless otherwise agreed in writing by the Local Planning Authority. The use of the Community Hall no. 2 for D1 purposes shall cease between the hours of 11pm and 7am on any day.

Reason: In order to preserve the amenities of occupiers of the proposed flats within the same building, on the same floor which would directly adjoin Community Hall no. 2.

17. Any condition(s) or informative(s) required by Hertfordshire County Council (Highways).

18. Any condition(s) required by Hertfordshire County Council (archaeological service).

19. The temporary community hall hereby permitted shall only be used for purposes falling within use Class D1 (non-residential institutions) and A4

(drinking establishments) and for no other purposes whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the submitted application and to ensure the proper planning and functioning of the development scheme.

20. **Prior to the commencement of the development hereby permitted full details of noise mitigation measures as recommended in the applicant's acoustic report which accompanied the planning application shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of Block C and D and thereafter retained and maintained to the satisfaction of the Local Planning Authority.**

Reason: To ensure an acceptable noise climate in the interests of residential amenity.

Reason for Decision

In the opinion of the Local Planning Authority the development hereby permitted would regenerate and enhance the locality and is of a high standard of design of layout. Subject to the conditions contained within this planning permission the proposal would also protect local residential amenity and provide suitable living conditions for future occupiers of the proposed development. The scheme would not give rise to unacceptable highway problems within the vicinity of the site and as such complies with the requirements of the development plan as summarised below:

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

Policy 8 'Development in Towns'

Policy 21 'Landscape and Open Space Patterns in Towns'

Policy 26 'Housing Proposals'

Policy 29A 'Affordable Housing for Urban Local Needs'

Policy 57 'Residential Guidelines and Standards'

Policy 58 'Letchworth Garden City Design Principles'