

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF WELWYN HATFIELD
IN THE COUNTY OF HERTFORD

To Welwyn Garden City Housing Association, c/o 2 St. Albans Road East, HATFIELD, Herts. W.H. Lee and Co., 53 Wigmores North, WELWYN GARDEN CITY, Herts.

Site for elderly persons dwellings
.....
at Land at South Drive, Cuffley, Herts.
.....

Brief description and location of proposed development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby permit, in accordance with the provisions of Article 5(2) of the Town and Country Planning General Development Order, 1973, as amended, the development proposed by you in your outline application dated 14th August 1975 and received with sufficient particulars on 14th August 1975 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, layout, design and external appearance of the building(s) and the means of access thereto which shall have been approved by the local planning authority, or in default of agreement by the Minister of Housing and Local Government before any development is commenced.
and the landscaping of the site
- 2 (a) Application for approval in respect of all matters reserved in Condition 1 above shall be made to the local planning authority within a period of 3 years commencing on the date of this notice.
(b) The development to which this permission relates shall be begun by not later than whichever is the later of the following dates:-
(i) the expiration of a period of 5 years, commencing on the date of this notice.
(ii) the expiration of a period of 2 years commencing on the date upon which final approval is given by the local planning authority or by the Minister or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the local planning authority or by the Minister.
3. Details submitted in accordance Condition 2 shall show a mixture of single and two storey buildings only.
4. Siting of buildings shall pay due regard to the contours of the site. Furthermore the existing level of the ground shall not be raised or lowered except in accord with detailed plans and sections which shall be submitted to and approved by the Local Planning Authority before any variance in the level of the existing ground shall be commenced and that the change in levels shall be carried out and completed in all respects in accordance with the drawings so approved before the buildings are occupied.

5. The permission hereby given shall ensure for the benefit of the Welwyn Garden City Housing Association and for no other organisation or person.
6. Occupation of the development hereby permitted shall be restricted to the elderly residents of Cuffley and Northaw who are in need of warden supervised accommodation.
7. The scheme shall be so designed that the intensity and massing of development will allow buildings to be interspersed with landscaped areas.
8. The landscaping scheme referred to in Condition (1) above shall be carried out and completed within twelve months of the date of the commencement of development or within such longer period as may be agreed in writing by the Local Planning Authority.
9. Any tree or shrub which dies within five years of the completion of development shall be replaced to the satisfaction of the Local Planning Authority.
10. There shall be no vehicular access onto Northaw Road East.

The reasons for the local planning authority's decision to grant permission for the development subject to the above conditions are:-

1. To comply with the provisions of Regulation 5(2) of the Town and Country Planning General Development Order, 1963, as amended by the Town and Country Planning General Development (Amendment) Orders 1973 to 1974.
2. To comply with the requirements of Section 41 of the Town and Country Planning Act, 1971.
3. and 4. To ensure that any buildings are compatible in height with the adjoining residential area.
5. and 6. Permission is only granted within the Metropolitan Green Belt due to the specific need for this type of accommodation in the area and the particular circumstances of the applicant.
7. To minimize the loss of visual amenity occasioned by the development.
8. and 9. To minimize loss of visual amenity occasioned by the development.
10. In the interests of highway safety. (By direction of the County Surveyor).

Dated 21st day of November 19 77

Signed [Signature]
 Designation Officer of Technical Services

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.

(2) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Caxton House, Tothill Street, London SW1H 9LZ.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

(a) The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.