

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 13 OCTOBER 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/1739/MAJ

COMET HATFIELD, ST ALBANS ROAD WEST, HATFIELD, AL10 9RH

EXTENSION AND REFURBISHMENT OF THE GRADE II LISTED BUILDING (USE CLASS C1) FOLLOWING DEMOLITION OF EXISTING REAR AND SIDE EXTENSIONS. ERECTION OF 7,253.7SQM STUDENT ACCOMMODATION (SUI GENERIS), LANDSCAPING AND ASSOCIATED WORKS

APPLICANT: Fusion Hatfield Hotels Ltd

(Hatfield Villages)

1 Background

- 1.1 The applications are a resubmission of the scheme considered by Development Management Committee on 4th February 2016 under reference numbers 6/2015/1997/MA and 6/2015/1998/LB. The Listed Building consent was granted but planning permission was refused on grounds of impact on the setting of the Listed Building, impact on local character and neighbouring occupiers and lack of amenity space for the student accommodation. A planning appeal hearing is due to take place on 30th November for the refused planning application. The current proposal represents an amended scheme. A Member site visit was undertaken on 2nd October 2016.

2 Site Description

- 2.1 The site is a triangular-shaped parcel of land facing onto the roundabout junction of Comet Way and St Albans Road West in Hatfield. It contains the original Comet Road House which is shaped in a geometric representation of an aircraft and faces onto the roundabout. It is a Grade II Listed, two-storey, brick clad, flat-roofed building with a strong horizontal emphasis, designed by E B Musman and built in the 1930's. It is listed for its Art Deco architectural merit and its historic association with Hatfield New Town and the De Havilland factory and airfield. Additions and alterations to the interior and exterior (including loss of the glass roof lantern) have detracted from the building but the original geometric form remains. The hotel was extended to the rear with a brick addition and again in the 1990's with a part-two/part-three storey rear extension clad in pale grey panels with a flat roof. In total the hotel currently has around 128 bedrooms.
- 2.2 The street frontage of the site is open. The forecourt is tarmac and used for parking. In the centre of the front car park is the 1930's carved pillar showing symbols of Hatfield's historic origins and supporting the model aircraft. A narrow strip of grass highway verge separates the site from the public footways, bus stop and pedestrian crossings. There is a further parking area on the south east

part of the site which is inter-planted with trees. In total there are approximately 163 car parking spaces on the site.

- 2.3 The site is level on the northern frontage to St Albans Road West. The listed building is clearly visible but the hotel extension is partly screened from St Albans Road West by a line of boundary hedges and trees. On the south eastern boundary the land rises up to Comet Way so that the site sits below the level of the road and is bounded by a grass bank containing a number of mature trees and undergrowth, which form a visual screen. On the western boundary there are mature conifers (around a small substation) and deciduous trees which partly screen the residential properties behind. There are several mature trees on the south east part of the site, including two weeping willows. The trees on the site are not covered by Tree Preservation Orders
- 2.4 The site is located close to the Galleria Shopping Centre and the University of Hertfordshire De Havilland Campus and Bishops Square Employment Area. It is well connected to pedestrian and cycle routes with surface level pedestrian crossings over the adjacent roads but is visually and functionally separated from the surrounding uses by the busy roads. It is also separated by close-boarded fencing from the rear gardens of residential properties in Ashbury Close and Selwyn Crescent.

3 The Proposal

- 3.1 The application seeks full planning permission and listed building consent for refurbishment of the listed building, a replacement hotel extension and student living accommodation on the western part of the site.
- 3.2 Proposals for physical alterations to the original Comet Hotel building are as previously approved and include the following:
- Removal of previous extensions;
 - Retention of the existing dining and function rooms at ground floor;
 - Provision of student indoor amenities at first floor – fitness room, games room, cinema and study spaces;
 - alteration to first floor room layouts;
 - replication of the original roof lantern;
 - relocation of the reception to the original entrance –to be shared by aparthotel and student halls;
 - repositioning of the laundry store and
 - landscaping scheme for the front and car parking for 98 cars
- 3.3 The proposal for an extension to the hotel differs from the previous proposal and includes:
- 4,063sqm, 56 bedroom aparthotel;
 - Glazed two storey high link building business hub space (with void at first floor level in a link building ;
 - three storey element perpendicular to the link and flat roofed containing the 56 apart-hotel rooms;
 - vertical emphasis to the windows and light coloured brickwork at ground and first floors and a darker anodised bronze metal cladding at second floor;

- business hub space at ground floor of link opens onto the student open amenity areas;
- 100 car parking spaces (72 for aparthotel includes 4 disabled spaces and 21 for staff). Remainder to serve bar and dining facilities and students with disabilities.

3.4 The student accommodation proposals include:

- 7,254sqm in six blocks (308 students) - car free accommodation (with the exception of 7 disabled student parking spaces)
- Each block finished in light-coloured brick at ground, first and second floors
- Top floors of four storey blocks finished in contrasting anodised bronze cladding
- Projecting entrance to each block finished in bronze cladding with vertical terracotta fins
- 1 x St Albans Rd West block - four storeys high
- 2 x Comet Way blocks - four storeys high
- 3 x blocks on West of site – three storeys high – oblique windows to west elevation
- Courtyards – pedestrian area approximately 500sqm in area
- Landscaping – internal to courtyards and retain trees along south and west boundaries
- Bicycle parking – 64 spaces -52 for students (in two locations on west of site) and 12 for the hotel guests and staff (adjacent to reception area)
- Bin storage – also in two locations - close to bicycle stores
- Substation retained

4 **Reason for Committee Consideration**

- 4.1 This application is presented to the Development Management Committee because Councillor Zukowskyj has called it in for the following reason:

“The justification for this is two-fold: 1) it is of a particularly sensitive nature given the listed building status, 2) it is of significant public interest, given the strength of feeling via objections and representations for the last application.”

5 **Relevant Planning History**

- 5.1 6/2015/1997/MAJ and 6/2015/1998/LB - Extension and refurbishment of the Grade II listed hotel (Use Class C1) following demolition of existing rear and side extensions. Erection of 9,586sqm student accommodation (Sui Generis), landscaping and associated works. Listed building Consent granted 4.2.2016. Planning permission refused for the following reasons:

- (1) The proposed development by virtue of its scale, massing, siting and design would have a detrimental impact upon the character and setting of the listed building resulting in substantial harm that is not outweighed by the conservation of the heritage asset or any other material considerations. The proposal is therefore contrary to Section 12 of the National Planning Policy Framework.

- (2) The proposal by virtue of its siting, layout, design, scale and massing would result in an over dominant development, failing to respect the character of this part of Hatfield and due to its scale, design and siting would lead to overlooking of existing adjacent residential properties and an overbearing impact on those properties to the detriment of their residential amenity contrary to Policies D1 and D2 of the Welwyn Hatfield District Plan, the adopted Supplementary Design Guidance (Statement of Council Policy) and Section 7 of the National Planning Policy Framework.
 - (3) The layout of the student accommodation would result in a poor quality standard of amenity space for users of these areas contrary to policy D1 of the Welwyn Hatfield District Plan, the adopted Supplementary Design Guidance (Statement of Council Policy) and Section 7 of the National Planning Policy Framework.
- 5.2 S6/2105/0964/PA – Extension to hotel and construction of student accommodation. Subject of Planning Performance Agreement. Advice was given that the continued use of the listed building for hotel use was welcome and the principle of student accommodation was acceptable subject to the impacts on the listed building, character of the area and adjacent residential properties, quality of design, landscaping, a Transport Assessment and Green Travel Plan, sustainable drainage and planning obligations to mitigate the impacts on the locality.
 - 5.3 S6/2014/1895/FP – Change of use to car wash valeting (sui generis) on six car parking spaces and erection of canopy. Approved 12.11.2014.
 - 5.4 S6/2000/0861/FP and 0860/LB – Single storey extension to form linen room to new block. Approved 31.7.2000.
 - 5.5 S6/1998/0879/FP and 0880/LB – New entrance canopy and lobby. Withdrawn.
 - 5.6 S6/1998/0447/FP – Demolish staff accommodation block and erect two storey extension - 26 bedrooms and 26 car parking spaces. Approved 15.1.1999.
 - 5.7 S6/1992/0233/FP and 0252/LB – Alterations and extensions, new bedroom block, 51 bedrooms, 2 meeting rooms single storey extension for laundry, new lobby and refurbishment, additional car parking. Approved 6.8.1992.
 - 5.8 S6/1987/0465/FP- Erect new conference room and covered walkway. Approved 3.7.1987.

6 Planning Policy

- 6.1 National Planning Policy Framework (Paragraphs 29-41,47-50,58-65, 95-104 and 126-141)
- 6.2 PPS10: Planning for Sustainable Waste Management
- 6.3 Hertfordshire County Council Waste Core Strategy (November 2012)
- 6.4 Welwyn Hatfield District Plan 2005
- 6.5 Supplementary Design Guidance, February 2005

- 6.6 Supplementary Planning Guidance, Parking Standards, January 2004 and Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 6.7 Planning Obligations, Supplementary Planning Document, February 2012
- 6.8 Houses in Multiple Occupation, Supplementary Planning Document, February 2012

7 Site Designation

- 7.1 The site lies within Hatfield Town as designated in the Welwyn Hatfield District Plan 2005. The Comet Hotel building is Listed Grade II.

8 Representations Received

- 8.1 The applications were advertised by means of site notices, press notices and neighbour notification letters. Seven representations have been received from neighbouring occupiers in Hangman's Lane, The Pastures, Hillside, Selwyn Crescent and Ashbury Close. The University of Hertfordshire also objected. The comments may be summarised as:

- Fails to take account of scale character and appearance of existing buildings in the area.
- Adverse effect on amenity of adjoining occupants – inadequate rear separation distance and subsequent loss of privacy
- Overbearing impact from high buildings on residential properties
- Increase in accommodation will adversely affect infrastructure, health services, public utilities and waste management
- Proposed student accommodation would dwarf nearby residences
- Risk of loss of light to residential properties
- Risk of light pollution – site lighting and sunlight glare
- Noise pollution from outdoor communal space
- Increase in student population impacting on community spirit
- Concerns over student behaviour; litter, car parking and anti-social activities
- Student accommodation should not be in residential areas
- The hotel will disappear and lose its historic and local relevance
- Inadequate parking on site – overspill onto local roads, especially visitors
- Doubt able to enforce “no cars” rule – who would enforce it and how?
- Local roads suffer from parking pressure
- Inappropriate positions for bins and bicycle stores
- Increased risk of highway and pedestrian injuries
- Reduction of trees on west side of site is proposed – loss of privacy and noise
- Who would be responsible for maintenance of trees and landscaping?

9 Consultations Received

- 9.1 No response has been received from the following consultees. Comments were due by 28.9.2016
- Herts and Middlesex Bat Group

- Hertfordshire and Middlesex Wildlife Trust (HMWT)
- Hertfordshire County Council Spatial and Land Use Planning Minerals and Waste (M&W)
- Hertfordshire County Council Planning Obligations
- Hertfordshire County Council Historic Environment Advisor
- Welwyn Hatfield Borough Council Building Control
- Welwyn Hatfield Borough Council Parking Services
- Hertfordshire Constabulary
- Welwyn Hatfield Borough Council Client Services Department
- Welwyn Hatfield Borough Council Community Partnerships Manager
- The Twentieth Century Society
- Thames Water (TW)
- Environment Agency (EA)
- National Grid
- West Herts and East and North Herts Primary Care Trust (PCT)/NHS

9.2 Any responses received prior to the Committee meeting will be reported as late representations.

9.3 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** - Interim comments that the response will be a repeat of the position set out in respect of previous application 6/2015/1997/MAJ with similar recommendations in terms of S106 obligations. HCCTPS will review servicing and parking arrangements re student arrivals. These had not been received at time of writing but will be reported to Committee under late representations. Highways Authority did not object to the previous proposal subject to satisfactory S106 agreement (securing occupancy control, car parking management plan, travel plan, travel plan monitoring contribution, contribution to pedestrian way-finding hubs), conditions over provision of car and cycle parking and a construction management plan and informatives over keeping the highway unobstructed and clear of debris.

9.4 **Hertfordshire County Council Fire and Rescue Service** – no objection but requested adequate access and turning facilities for 18 tonne vehicles and adequate fire hydrant provision. Provision of Fire Hydrants will be required through a S106 Agreement.

9.5 **Lead Local Flood Authority** – holding objection on grounds of the drainage strategy quantifying attenuation volumes and demonstrating that it would not increase flood risk elsewhere.

9.6 **Welwyn Hatfield Borough Councillor Bell** – concerned that the “no cars” rule will be impossible to enforce with overspill of students and their visitors in surrounding roads which already suffer from overspill from the university sports facilities.

9.12 **Welwyn Hatfield Borough Council Conservation Officer** - My principal objection to the previous scheme was that the hotel extension was too high (higher than the 2-storey listed building to which it is attached) and that the student housing blocks (particularly the ones to the north and south side of the site) were also too high in relation to the listed building. In the new proposal, the NW block would remain at 4 storeys but the top storey would be set back perhaps a little more than previously. The SE block would be reduced from 5 to 4

storeys although it appears more dominant than before from the main eastern view of the site because the existing trees that partially mask it are shown at a lesser size and if this is now the correct visual, disappointingly.

The crucial relationship between the listed hotel and its extension is in essence unchanged. The hotel remains 3 storeys and presumably 2.4 metres above the listed building and therefore fundamentally flawed. I have consistently made this point from the beginning of the pre-application meetings. The change is to the materials and detailing. This is from a simple contrasting plain reflective glass clad building into a more modelled brick clad building. The previous treatment was more appropriate because it allowed the listed building to be seen against a plain backdrop. The new treatment would have the effect of subsuming it into a fussier background and it would therefore lose even more of its pre-eminence. The effect is made worse because the same brick treatment is continued over all of the student blocks as well. The desire to do it in art-deco style would also be a mistake in this case because the new building is so great in comparison to the listed building that it would be seen as an appendage to the new-build rather than the other way round. In conclusion my concerns have not been met in these new proposals, the changes being mostly to the student blocks. And would remain contrary to the legislation and advice in the NPPF 2012 , paras 7, 8, 9 , 131, 132, 134, NPPG 2014, Historic England- “Conservation Principles” and Historic Environment Good Practice Advice in Planning Notes 2 and 3, Local Plan D1 and D2, SPG Design Guidance and, Emerging Core Strategy CS11.

- 9.13 **Welwyn Hatfield Borough Council Environmental Health Department (EH)** – no objection subject to conditions over noise, lighting, odour and contaminated land.
- 9.14 **Affinity Water** –The site is within a groundwater Source Protection Zone. No objection provided works are in accordance with the British Standards and Best Management Practices (in order to reduce the risk of pollution to groundwater) and monitoring and remediation of any existing ground contamination.
- 9.15 **Welwyn Hatfield Borough Council Landscaping and Ecology Department** – Previously commented that they had no objection subject to conditions requiring the following: a Landscape Masterplan (planting schedule, details of lighting, CCTV, seating and bins), an Arboricultural Method Statement (showing tree protection during construction and alterations to ground levels) and replanting and Maintenance Plan. These conditions are recommended for the current proposal.

10 Town Council Representations

- 10.1 The Hatfield Town Council has objected to the application as follows:

“We acknowledge that previous objections had been looked at however we have major concerns that this may eventually become all student accommodation and would like a condition to prevent this. The proposed development due to its size and bulk with the appearance of four storey elements in the 3D designs may create over looking for the Ellenbrook area. We are still concerned at the impact on Ellenbrook residents & back their objections. We wish to see a condition that students cannot have cars within Hatfield. We are not convinced that the concerns regarding noise and parking have been adequately addressed to the satisfaction of local residents and environmental health. We wish to see

the enforcement of parking around the application site included as part of a S106 agreement if it cannot be included as a planning condition. We wish to see a condition which would mean permanent monitoring of exterior audible noise after 11pm by the landlord and sanctions written up in tenancy agreement. If minded to approve we would wish to see a S106 contribution to play space at Ellenbrook play area for a ball court”

11 Analysis

11.1 The considerations for the listed building and full planning application are considered separately. However, the heritage considerations under the planning application is the same in respect to the impact of the development that requires planning permission. Therefore the heritage considerations will be discussed solely under the listed building application, but will apply also to the planning application.

11.2 The main planning issues to be considered in relation to the planning application are:

- 1. Principle of the proposed uses**
- 2. Impact on the heritage asset of the listed building (NPPF para 126-141)**
- 3. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1)**
- 4. Respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area (D2)**
- 5. Impact on living conditions of existing and future neighbours and occupants**
- 6. Other planning considerations**
 - (i) Transport accessibility car and cycle parking provisions,**
 - (ii) Flood risk assessment**
 - (iii) Biodiversity**
 - (iv) Trees and Landscaping**
 - (v) Energy efficiency**
 - (vi) Refuse and recycling**
 - (vii) Contaminated Land**
 - (viii) Planning obligations (S106)**
- 7. Conditions**

1. Principle of the proposed uses

13.1 The application site is considered to be previously developed land as defined in the National Planning Policy Framework 2012. Policies of the NPPF and Policy R1 of the Welwyn Hatfield Borough Council direct new developments to within existing settlements and to land that has been previously used or developed. These Policies also require developments to make the best and effective use of that land.

13.2 The Hotel on the site (Use class C1) has been operating since the building was built in the mid 1930's. Several extensions have been made over the years and

it now has 128 bedrooms. The hotel provides accommodation in support of the local economy, including the University, and at weekends provides a leisure and function facility. Recent hotel developments have taken place to the north of the application site along Comet Way at Harpsfield and Wells Road (within a mile of this site).

- 13.3 Hotel use in this location is supported by Policy CLT6 of the Welwyn Hatfield District Plan 2005 which supports hotel accommodation within the District in towns and in areas with high accessibility by public transport. The application site is within the town of Hatfield close to the Galleria, University of Hertfordshire and the Business Park on Salisbury Square. It is well served by buses, by pedestrian links across the roads outside the site and a network of cycle routes is being developed in the area. The principle of continued hotel use on the site is, therefore, acceptable subject to no harmful impact on nearby residential properties, being in keeping with the scale and character of the surrounding area and being easily accessible by non-car modes of transport. These aspects are dealt with below in this report.
- 13.4 The proposal would reduce the number of hotel bedrooms from 128 to 56 and alter the nature of the accommodation to longer lets in apart-hotel rooms (maximum three months) to serve a perceived need in the local economy. This would reduce the footprint of the hotel building. The listed building would be refurbished as part of the overall scheme. A reduction in the number of bedrooms provided on the site (from 128 to 56) would not be contrary to Saved Policy CLT6 of the District Plan.
- 13.5 With regard to the proposed student accommodation, the University of Hertfordshire is located within Hatfield Town on two campuses; De Havilland and College Lane, and has in the region of 21,000 students. In addition, the Royal Veterinary College is located to the south of Hatfield. These two colleges create a demand for student accommodation, some of which is provided within the college campuses and some in the private rented sector within the Borough in lodgings and Houses in Multiple Occupation. The emerging Local Plan (Draft Local Plan Proposed Submission August 2016) is under consultation and will be the subject of Examination in Public in 2017. While not yet adopted by the Council it is a material consideration but can be given limited weight in determining planning applications. Policy SP1 sets out the Council's draft policy towards student accommodation and aims to see new student accommodation on campus wherever possible.
- 13.6 The University of Hertfordshire is in the process of increasing the amount of on-campus accommodation at College Lane (by 1,500 bedspaces), particularly for first year students. Planning permission has been granted and construction has commenced. On-campus accommodation will total 4,600 bedspaces (1,600 on De Havilland and 3,000 College Lane) when they are complete.
- 13.7 The application site is not on the University campus. It is on the south side of St Albans Road West, opposite the De Havilland Campus of the University of Hertfordshire. While the site abuts residential properties to the rear, the site is in a commercial use and is accessed separately from nearby houses, opening directly off the main roads around the site. The proposal is to provide accommodation for around 308 students, principally for overseas and postgraduate students. The current application involves provision of accommodation similar to that being provided on-campus by the University and

at comparable prices. The proposal site would enable the provision of purpose-built accommodation separate from the general housing stock.

- 13.8 The planning system is not able to consider competition between providers as a material consideration, although wider issues around the levels of demand and supply can be considered. The local situation in Hatfield, as summarised in the above paragraphs, is that there is likely to remain a demand for accommodation in the private rented sector of in the region of 6,000 bed-spaces. The proposed provision of 308 spaces is not likely to result in an oversupply of student accommodation in the area.
- 13.9 The principle of development is in accordance with Policies R1 and GBSP2 of the Welwyn Hatfield District Plan 2005, which seek to concentrate new development within towns and specified settlements. The Council has supported on-campus provisions but recognises the need to strike a balance between on-campus and private rented sector provisions. The range of off-campus provisions for students living independently away from home has been limited to lodgings, HMO's and one purpose built hall of residence (74 units) at 46 The Common (Curzon Point). On the basis of 5 students occupying the average HMO property, the implementation of the proposed development could potentially release a further 61 properties back to residential (C3) use. The current proposal would provide a form of student accommodation similar to campus living, and close to the University campuses, that is purpose-built and separate from the general housing stock.
- 13.10 Proposals for more general needs housing (either as flats or bedsits within Class C3 or an Hostel/HMO in Class C4) are subject to other Policies in the District Plan, which would include a requirement for provision of affordable housing (Policy H7) and facilities appropriate for longer term accommodation provisions. This site has not been identified as a potential housing site in the Borough Council's housing need assessments. General-needs housing is unlikely to be suitable in the proposed site layout. Should planning permission be granted, conditions shall be imposed restricting the use of the student accommodation to that use only and preventing change of use to C3, hostel or HMO uses without the need for planning approval.
- 13.11 The principle of the proposal for student housing is not considered to be contrary to the Policies of the District Plan, provided mechanisms are in place to retain the accommodation for students within Class C2 or as Sui Generis and subject to satisfying the other policies of the Local Plan. To this end a condition restricting the use of the buildings on the site is recommended.

2. Impact on the setting of the listed building

- 13.12 As required by National Planning Policy Framework (NPPF 2012) paragraphs 131-132, any proposal on the site should, not only sustain and enhance the significance of the listed building and secure a suitable use that enables its conservation, but also appropriately treats its setting.
- 13.13 The works to the Listed Building and its extension have been considered above under the Listed Building application above. The current scheme proposes a different form of extension building and redesigned student accommodation within the setting of the Listed Building. The outstanding considerations,

therefore, relate to the impact of the proposals on the setting of the Listed Building.

- 13.14 As discussed above under the Listed Building considerations the design and materials of the hotel extension are key to the overall design and the colours and textures proposed (as submitted) would enable the Listed Building to appear prominent on the site provided the colours were appropriately light and plain.
- 13.15 The three-storey student blocks near the western boundary of the site would not be seen from the east and north from St Albans Road West or the roundabout. The height of the four storey student accommodation blocks - on the north and south sides - would be set back from the listed building (by 15m) with a space of 25m to each side of the listed building. The ends of the blocks would be clad in materials and colours that match the hotel extension. The appearance of the blocks on the south of the site (near to Comet Way) would be softened to some extent by the retained mature willow trees within the site and the trees on the adjacent strip of highway land. The submitted CGI drawings in the Design and Access Statement show more accurately the height of the existing trees and their effect in screening these blocks. Overall the reduction in height of the student accommodation on the south side of the site would represent an improvement over the previous proposal (6/2015/1997/MAJ and 1998/LB).
- 13.16 The impact on the setting of the Listed Building of development to the rear and sides of the site would be to reduce the prominence of the building on the site and this can be considered an element of harm to the heritage asset. However, while the proposed hotel extension would be higher (9.5m) than the existing extension (6.7m with a 9.3m high plant room), it would be positioned 15m further back from the listed building behind the 5.9m high glazed link section. The increase in height is off-set to some extent by the further set back. The student accommodation buildings behind the hotel would not be higher than the hotel extension. The four storey blocks to the north and south sides would be 12m high but set over 20m to the side of the Listed Building as shown on the Contextual Elevation Drawing No's 310/D and 311/F. The increased set-backs of the new buildings mitigates, to some extent, the harm resulting from the increase in height. However, the development also incorporates enhancements to the site frontage, which is a key part of the setting of the Listed Building. These include a larger terrace and lawn directly in front of the building linking the sculpture and protecting it from vehicle traffic with a low wall and hedge. The area covered by tarmac would be reduced and the car park enhanced with shrub planting.
- 13.17 The NPPF, in Paragraphs 131-135, acknowledges that harm to heritage assets may be acceptable subject to specific circumstances and justifications. For example where the harm is less than substantial and could bring forward other public benefits. In this case, the public benefits include the refurbishment and reinstatement of original features of the listed building and enhancement of the site frontage as part of the setting of the Listed Building.
- 13.18 The harms to the setting of the listed building is balanced against the benefits of the proposed enhancements to the original fabric, the removal of previous extensions and improvements to the site frontage. On balance while some harm to the setting of the listed building is acknowledged it is considered to be less than substantial and the overall proposal is acceptable subject to the benefits being delivered early in the redevelopment of the site as a whole. The phasing of

repair and restoration works in relation to the student accommodation being built and occupied shall be subject of a condition requiring the submission and approval of a timetable of construction and a condition requiring works to the listed building to be completed prior to full occupation of the student accommodation.

3. Features high quality design which incorporates the design principles of the plan and Supplementary Design Guidance

- 13.19 The Policies of the NPPF and the Welwyn Hatfield District Plan 2005 attach great importance to high quality and inclusive design as a key aspect of sustainable development which should contribute to making places better for people. Paragraphs 61 and 64 of the NPPF require design to address the integration of new development into the natural, built and historic environment and to improve the character and quality of an area and the way it functions.
- 13.20 The ground floor of the listed building would continue in use for its original purpose with a restaurant, bar and function rooms. The first floor function and meeting rooms would be used as communal amenity and study spaces for the resident students. The proposed link would provide a business hub space and the hotel function would be altered to fewer apart-hotel rooms. The Council's Economic Development Officer has advised that there are economic benefits to having a wider range of more flexible types of hotel accommodation supporting the local economy.
- 13.21 The student accommodation would be on the western part of the site. The main reception would be in the Comet Hotel building and serve both the hotel and the student blocks. Pedestrian access to the site would be created from St Albans Road West, close to the bus stop and the crossing leading to De Havilland University Campus and from Comet Way. The student accommodation would also be accessed via gated student entrances to the side of the hotel. The site would be permeable for the occupants but not be accessible to anyone not resident on the site. Bicycle storage areas would be in these secure parts of the site. The submitted landscape proposals indicate shrub and tree planting being enhanced along the western site boundaries.
- 13.22 Overall the functional design of the proposal is considered to meet the requirements of the design policies of the District Plan and the NPPF.

4. Respects and relates to the character and context of the area, as a minimum maintaining and where possible enhancing or improving the character of the existing area

- 13.23 The character of the south side of St Albans Road West is typified by two storey brick buildings, including the listed building and residential properties to the west. The northern boundary of the site faces onto the multi-storey office buildings in Salisbury Square and the De Havilland campus of the University of Hertfordshire which is modern in style and four storeys high. On the opposite side of the roundabout on Comet Way is the Galleria Shopping Centre with its grey-clad, multi-storey car park.
- 13.24 The proposed development would introduce six separate buildings on the rear part of the site. This represents a less bulky built form than the previous linear linked scheme. The three buildings on the north and south sides of the site would

be four storeys high. The three storey blocks on the west side of the site would be 0.5m higher than the lowest ridge of roofs to the nearby residential properties. The proposed materials would reflect the brick housing to the south and west. The glazed treatment of the fourth floors (St Albans Rd West and Comet Way frontages) would assist in reducing the bulk of the four storey blocks.

- 13.25 Whilst the proposed development is not a replication of the two and three storey housing in the vicinity, the buildings on the western part of the site reflect the materials and colour of those properties. The flat roofs reflect the form of the listed building on the site.

5. Impact on living conditions of existing and future neighbours and occupants

- 13.26 Saved Policies D1, R19 of the adopted Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance (February 2005) aim to preserve neighbouring amenity and, in addition, guidance in paragraph 17 of the NPPF seeks to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Future residents

- 13.27 The proposal includes single and double studio units for 308 students. The six buildings would have internal linking corridors and lift and stair access between floors. Each room would have a small kitchen facility and en-suite bathroom and windows giving natural daylight. Communal facilities for the resident students would be provided in the Comet Hotel building at first floor level: including a fitness room, cinema, study rooms and a social space. The Supplementary Design Guidance 2005 does not contain specific size requirements for amenity space for student accommodation. The proposed courtyard is larger and more self-contained than in the previous application (6/215/1997/MAJ). It is gated and pedestrianised and provides 500sqm in a series of grassed and paved spaces. Indicative drawings show a table tennis table under a canopy in one area. The size of proposed spaces is considered adequate for the on-site needs of the future occupants. It is likely that students would also use the open spaces on the University campuses and neighbouring open spaces in addition to on-site provisions.
- 13.28 The Council's Assessment of Open Space (2009) identified that the Ellenbrook area has limited open space provision but countryside in the Green Belt is close by and can be accessed by rights of way such as the Alban Way. There is also potential for improving opportunities for informal leisure on the University campus. The Planning Obligations Supplementary Planning Document 2012 identifies that open space is often the corner stone of sustainable development and expects all new development within the Borough to seek contributions towards implementing projects in the vicinity. Contributions to enhancing access to nearby green spaces are sought through a S106 Agreement. A neighbour consultation response supported the idea of a contribution to assist with funding a ball court in the nearby public open space.
- 13.29 With regard to noise, the acoustic report submitted with the application has assessed the noise from traffic along Comet Way and St Albans Road West. The Environmental Health Officer has recommended a condition be imposed requiring sound insulation for the hotel to provide appropriate glazing and

ventilation to meet the Noise Insulation Regulations. The student accommodation units which face the two main roads would also be sensitive to traffic noise. A condition is recommended to require that, where partially open windows would not achieve the required noise levels, adequate glazing and ventilation is provided.

- 13.30 Noise levels towards the rear of the site (in the proposed open courtyard areas) are shown in the submitted Noise Impact Assessment Report to be adequately protected from the background traffic noise to meet the 55dB WHO Community Noise guideline level.
- 13.31 With regard to odours, some odours are likely to be emitted from the hotel kitchen extractors, depending upon the type of food being prepared, and/or from the apart-hotel rooms and individual student studios. The Environmental Health Department has recommended a condition be imposed requiring details of odour suppression systems to be submitted before building works commence. Noise from these systems will need to achieve the same criteria as other plant and equipment for hotel bedrooms, and student accommodation.
- 13.32 With regard to pastoral care for future student residents, the scheme proposes a site manager and two assistants. A range of on-site communal facilities is proposed and the applicant has experience of managing student accommodation of this type in several other locations in University towns in the UK. The applicant's Curzon Point scheme (at 46 The Common, Hatfield) is one recommended under the Partnership Accredited Landlords scheme run by the University and WHBC, which acknowledges good practice in private sector student accommodation provision. Pastoral care is also provided for students by the University on the main campuses nearby and on-line/by telephone. These services would be available to registered University of Hertfordshire students who live off-campus. Whilst this is an important issue, the exact point of provision and identity of supplier of pastoral care cannot be considered as a material planning consideration.

Neighbouring residents

- 13.33 Responses from local residents included comments about the impact of the development on their living conditions; including loss of light, glare, overlooking and overbearing impact and impact on local parking congestion (see Section 8.1). These issues are considered below with the exception of parking which is considered under the parking section.
- 13.34 With regard to day and sunlight, Saved Policy D1 and the Supplementary Design Guidance (2005) seeks to ensure satisfactory levels of day and sunlight to new developments and surrounding properties. It is recognised that in flatted developments north-facing units may receive limited sunlight but this should be off-set by provision of adequate day-lighting. The submitted drawings (14286/0311 Rev B) of the proposed student units show a full height window to each room. On the south west elevation the windows would be angled to catch the sun from the south whilst avoiding overlooking of the residential dwellings and gardens behind.
- 13.35 **With regard to overbearing impact** and loss of light, Section 5 of the Supplementary Design Guidelines requires extensions to not be unduly dominant from adjoining properties as a result of either the depth or height of an extension.

The same principle can be applied to new buildings. The proposed student accommodation blocks would replace the existing Ramada Hotel extension and be positioned on the western part of the site.

- 13.36 The three storey blocks would be 9.5m high, 0.5m higher than the ridge of the roofs of houses in Ashbury Close. The boundary is currently planted with a variety of deciduous trees, which provide seasonal screening between the site and the adjacent residential properties. There is also a group of tall conifers (some in poor health) around the electricity substation at the rear of No's 5 and 7 Ashbury Close. These trees provide visual screening between the sites. The submitted landscaping scheme (DRWGs No's 150438_STL DR 1040/P04 and 1041/P03) shows some additional boundary planting towards the southern corner of the site. However, the proposal would need to further enhance the planting by including more trees and replacing those that are in poor health. It is recommended that this be required by a landscaping condition. Subject to enhanced boundary planting, and given the orientation, minimum distances between the buildings (25m at the closest point up to 46m on the south part of the site), existing planting and site configuration the three storey block is not considered likely to be unduly dominant when viewed from the adjacent residential properties or cause loss of light to the internal or external spaces on the rear of these properties.
- 13.37 The four storey block facing St Albans Road West would be 12m high and set in approximately 17m from the rear garden boundary (27.5m from the rear elevation of the house) of No 1a Ashbury Close. The building would be partially screened by the canopy of trees on the boundary, although some of this is deciduous. It is recommended that a condition be imposed upon planning permission to enhance the planting on this boundary. Subject to enhanced planting and taking account of the distances, site orientation and screening the building would not be unduly dominant and overbearing when viewed from the rear of No 1a Ashbury Close or cause loss of light to that property.
- 13.38 The four storey blocks on the Comet Way (south) side of the site would be 12m high. The nearest point would be set in 27m from the rear boundary (and 53m from the rear elevation) of the house of 33 Selwyn Crescent (the nearest residential property). The rear elevations of houses in Selwyn Crescent would be over 50m from the nearest point of the proposed four storey block. Taking into account the proposed distances, site orientation and subject to enhanced boundary planting the building would not be unduly dominant and overbearing or cause loss of light to the rear of properties in Selwyn Crescent.
- 13.39 **Turning to privacy**, Policy D1 and the Supplementary Design Guidance (Section 5) expects new development to minimise overlooking of internal living areas or private amenity areas. The Council does not have quantitative standards for separation distances but expects all new residential development to be designed, oriented and positioned to minimise overlooking.
- 13.40 The main aspect of concern regarding privacy and overlooking is the relationship between the windows and rooms in the west elevation of the proposed three storey student accommodation and windows in the existing rear (east) elevations of the residential dwellings in Ashbury Close and Selwyn Avenue.
- 13.41 Facing elevations would be 25m apart at the closest point; between No 3 Ashbury Close and the end of the nearest three storey block and 28m from the

four storey block to the rear of No 1a Ashbury Close. The windows in the ends of the student accommodation blocks would serve corridors and could be obscure glazed to prevent any overlooking of the rear garden. It is recommended that this be secured by a condition.

- 13.42 The windows in the west elevation of the three storey blocks would be between 25m and 46m from the rear elevations of Ashbury Close and Selwyn Crescent houses. The windows on all three floors would be angled away from those boundaries to face south as are the existing hotel windows. They would not give rise to overlooking of the residential properties' internal or external spaces. In addition the proposal includes retention of the healthy trees along the boundary. It is recommended that the replacement of poor quality trees and additional planting to enhance visual screening between the sites are secured through conditions over the landscaping scheme.
- 13.43 **With regard to lighting**, some external lighting is likely to be required to serve the residential units, cycle parking and should be designed to provide adequate light levels without causing disturbance to the neighbouring properties. The mix of commercial and residential uses means that nuisance could occur unless adequately controlled. It is recommended that a condition be imposed requiring external lighting details for the hotel and the student residences be submitted for approval prior to development commencing.
- 13.44 **With regard to noise**, there is potential for plant and equipment noise to disturb noise sensitive uses such as the existing houses, the student accommodation and hotel users. The submitted acoustic report shows that the proposed plant and equipment would be 10dB below the existing background noise. The Environmental Health Officer recommended that a condition require this noise level criteria be complied with and an acoustic assessment be undertaken before the site is occupied.
- 13.45 There is potential for noise from functions at the hotel in terms of people, music etc. However, permanent residents of nearby houses would be screened from hotel function noise by the new buildings. The hours of use of these types of events would be controlled through the licensing regime as they are at present. In addition, this situation would be unlikely to be different to the current position.
- 13.46 There is a potential for noise from the outdoor social spaces in the student amenity courtyard. The courtyards are separated from the boundary with residential properties by the three storey block and the building would contain much of this noise on an everyday basis. On-site management would be present to address anti-social behaviour. Should events be held in the social space these shall be restricted to indoors by condition and would be subject to the normal noise controls under the Environmental Health Acts.
- 13.47 Subject to conditions, the proposal is not likely to give rise to significant impact on the living conditions of neighbouring occupiers in terms of overbearing impact, day and sunlight, privacy, noise, and light pollution in accordance with Policies D1, D2, and R19 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005.

6. Other planning considerations

(i) Transport accessibility car and cycle parking provisions

- 13.48 Saved Policy M1 of the Welwyn Hatfield District Plan 2005 requires developments to be located where accessible to pedestrian and cycle routes and passenger transport services and where the transport movements likely to be generated can be accommodated. Priority is expected to be given to walking and more sustainable modes of travel. Policies M2 and M3 require a Transport Assessment to minimise vehicle movements by improving passenger, pedestrian and cycling facilities and state that new highway works and a Green Travel Plan to be secured through a S106 Agreement. Developer contributions may also be secured to implement transport infrastructure or services via S106 Agreements.
- 13.49 A Travel Assessment (TA) was submitted with the application. The site is in an accessible location by pedestrians, cyclists and passenger transport. The scheme proposes to enhance these by providing pedestrian entry points to the site and providing cycle parking. The Highway Authority previously requested a contribution of £27,000 to promote pedestrian way-finding in the locality, to be secured by S106. This is included in the S106 requirements below. Any alterations to the Highway Authority's requirements shall be reported to Committee.
- 13.50 Regarding Trip Generation, the Highway Authority previously commented that the number of vehicle trips associated with the hotel with reduced number of bedrooms would be likely to fall and that the delivery and servicing demands would not vary significantly from the existing situation. They had commented that the student accommodation as presented (car free) would not result in increased trip generation except at drop-off/pick-up times at the beginning and end of each term. Staff at the reception facility would not generate significantly more vehicle trips than those set out in the TA. The current proposal would be likely to generate less traffic having less hotel rooms and less parking provision on site.
- 13.51 The existing vehicle accesses to the site would be retained: the left in/left out from Comet Way and the signalled arm to the Mosquito Way/St Albans Way West roundabout. The resurfacing of the two access points would require a S278 Agreement with the Highway Authority. Visibility splays at each of the accesses would remain clear (as shown in the landscaping plans). The Highway Authority previously confirmed that the proposed layout would be adequate for large service and emergency vehicles to use the accesses and egresses and to manoeuvre around the site. The site layout is different in the current proposal and Highway Authority's comments will be reported to Committee.

Parking

- 13.52 The existing hotel has a total of 163 parking spaces for 128 bedrooms; a ratio of 1.27 spaces per bedroom, which allows for staff parking. This level of provision has been operating successfully on this site for some years. The proposed scheme would provide 100 spaces in total on the site frontage.
- 13.53 Sufficient space is available on the site. The submitted details state that 72 spaces would be provided for the hotel and the remaining 28 spaces would include 7 disabled spaces for students and the remainder for staff, and overflow parking. On this basis there would be a surplus of 2 or 3 spaces within the site.

- 13.54 This provision includes 11 disability spaces adjacent to reception which equates to 12% of capacity. This exceeds the recommended standard (6%) but includes spaces for students with disabilities.
- 13.55 Parking for the 56 room apart-hotel at the Council's adopted standards requires 56 spaces for hotel guests. The provision of 100 spaces compares to the Council's Parking Standards which require 56 spaces for the bedrooms and 84 for the bar, dining and function rooms (140 spaces in total). However, the site is in accessibility Zone 3 as the site is well served by public transport and pedestrian and cycle links. In this zone 50 -75 % of the demand based standard is acceptable (70-105 spaces). In addition it is likely that the function space would be used by guests of the hotel. Disabled spaces are required at a ratio of 6% (4 to 6 spaces) in accordance with Council adopted standards. The Highways Authority has commented that the parking provisions for the hotel appear to be appropriate to this element of the scheme. The level of provision is considered to meet the Council's standards for the hotel element.
- 13.56 The student accommodation is proposed to be car free with the exception of disability spaces for the use by students with disabilities. The Council's parking standards require 3 disabled parking spaces for developments to which the public have access. The surplus disabled space of between 5 and 7 spaces meets the Council's requirement. The site's location is such that there are suitable links to the local shops, and university campuses by alternative transport means (including walking, cycling and bus travel) to not prejudice the freedom of the residents. The proposals would include a Parking Management Plan for the site itself which would include arrangements for drop-off and pick-up at the start and end of each term. However, the car free nature of the proposal also relies upon car ownership restrictions and local parking controls to prevent adverse impact on the on-street parking situation in surrounding residential streets.

	Parking provision	Ratio	Zone 3: 50-75%
Current situation	163	1:1.27 per bedrm	n/a
Proposal	100	Council Standard 1:1 per bedrm 56 1:5sqm dining 50 1:3sqm bar 34 Total 140	Total 70-105
(including disability spaces)	16	6% of capacity (8)	n/a
Student Accommodation	No provision	Car Free	n/a
Student disability spaces	5-7 spaces	Council Standard 3 spaces	

- 13.57 The applicants' Travel Assessment and Travel Plan commit to restricting the occupancy of student accommodation to full-time students attending the University of Hertfordshire and to tenancy agreements including clauses that
- (i) prohibit keeping or controlling a car within WHBC area.
 - (ii) prohibit parking on the application site unless they have written permission (for disabled students and drop-off/pick-up arrangements)
 - (ii) prohibit applying for/obtaining a resident on-street parking permit.

These clauses were considered adequate by the Planning Inspector who determined the planning appeal for the application No S6/2010/1206/MA for student accommodation at 46 The Common, Hatfield. He considered that the Unilateral Undertaking (under S106), the Green Travel Plan and Parking Management Plan would provide a framework for managing the development in a way that would promote sustainable transport, which the Council could monitor.

- 13.58 Compliance with clauses (ii) and (iii) seem reasonably enforceable subject to them being secured by Legal Agreement (S106). The charging of private parking fees for non-hotel guests, as proposed in the Parking Management Plan, would act as an additional deterrent to parking. A similar clause to Clause (i) was used in the planning decision for the student accommodation on De Havilland Campus. However, concerns have been expressed that this clause may be difficult to enforce and, should any students own/control cars within the local area, they may park them on surrounding roads. The Highway Authority has commented that the main roads; Comet Way, St Albans Road West and Cavendish Way feature double yellow lines. Roads within the Business Park are likely to be covered by similar controls when adopted by the Highway Authority. Full-time students are not currently offered parking permits for De Havilland Campus and parking on College Lane Campus is not available to students who are not resident there.
- 13.59 Some on-street parking opportunities exist in College Lane and in the Ellenbrook area, to the south west of the site, outside of 9am to 4pm on weekdays during term time. At weekends and in the evenings/overnight these restrictions do not operate in the Ellenbrook area. Local residents have strongly objected to the car-free aspect of the proposal on the basis that the on-street situation in the off-peak hours is already congested and would be made worse by the proposed development when students who live on the site and own cars could park at the University Park and Ride facility during the day and on the local roads over night. In acknowledgement of this possibility the Council's Parking Services Manager has advised that the approach taken on other developments would be appropriate. The approach is to undertake a parking survey prior to development and another after occupation to assess whether the development has had a material impact and, in response to any additional problems arising, to undertake extension or alteration to the local parking controls. Funds to implement this approach would be secured through a S106 Agreement. The Parking Service has requested £50,000 in total; £10,000 for pre-development survey, £10,000 for a post-development survey and £30,000 to implement any mitigation works. The surveys would need to be carefully designed to identify causal links to student accommodation on the application site and make proportionate requests for use of the S106 funds.
- 13.60 The above measures to be secured via S106 (Green Travel Plan, Parking Management Plan and Car Parking On-Street Survey and Parking Control contributions of £50,000 together with the Tenancy agreements) are considered adequate to manage the impact of the development on the local area with respect to car parking and to assist in promoting sustainable travel choices in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005 and paragraphs 29– 41 of the NPPF 2015.

- 13.61 Cycle Parking - For hotels one long term space (covered and secure) is required for each ten beds and 1 per 10 staff. The hotel would have 56 bedrooms requiring 6 spaces. The demand from hotel guests for these spaces may low but may be higher from guests to the bar and dining facilities. In addition, the site would have a full time equivalent of 50 staff requiring 5 spaces. The submitted site layout plan 14286/0300/RevF was submitted showing twelve cycle parking spaces close to the hotel reception entrance. This level of provision is considered acceptable. Details of the cycle storage will be required by condition to ensure they are adequately secure and weatherproof to be attractive to cyclists.
- 13.62 The cycle parking standards for student halls of residence are 1 space per 10 staff and 1 per 3 students. For three staff and 308 students a total of 103 cycle parking spaces would be required. The submitted site layout plan shows 52 cycle spaces i.e. a ratio of 1 space per 6 students. These would be provided in two locations at the north and south ends of the three storey student blocks. The applicants consider that this level of provision works at 46 The Common. It may be adequate but should be kept under review as part of the Green Travel Plan and more spaces, together with the proposed provision of pool bicycles (12 are indicated) for use by the student residents.

ii) Flood Risk Assessment (FRA)

- 13.63 The original Flood Risk Assessment identifies the site is at low risk of flooding from tidal or river flows or groundwater and is identified as being in Flood Risk Zone 1. However, potential flooding from surface water has been identified as high on the north side of the hotel and in the south east corner of the site and as a consequence of the increase in hard surfaced areas on the site.
- 13.64 The submitted drainage strategy considered three options for dealing with surface water run-off: infiltration, connection to Ellen Brook or connection to the sewer in St Albans Road but did not specify which it would adopt. The Lead Local Flood Authority (LLFA) has objected to the lack of detail in the current submission and requested more information about the preferred option of discharge. Details submitted under the previous proposal (FRAv.2) identified that infiltration (soak-aways) would not be adequate due to the clay cap under the site and its position over a Primary aquifer. Instead a 455m long new surface water sewer connection along Comet Way to Ellen Brook would be required, to be adopted by Thames Water and requiring a Flood Defence Consent from the Environment Agency. Roof run-off would be filtered through trenches and permeable car park run-off would be filtered in attenuation tanks. Storm-event attenuation tanks would be provided in three locations. The LLFA previously confirmed acceptability of this strategy subject to conditions over carrying out the development in accordance with the FRA and the measures in the surface water drainage strategy.
- 13.65 It is recommended that the details of the means of discharge of water from the site be the submitted for approval to the Local Planning Authority prior to commencement of development and that these details include: limiting the run-off, providing attenuation trenches and tanks and discharging of surface water into Ellen Brook. The proposed connection to Ellen Brook to the south of the site would be off-site works and would be secured via a S106 Agreement.

13.66 Foul water flows would be separated from the surface run-off. Foul water for the hotel would be directed to a different connection point to the public sewer from the connection point for the student accommodation. Thames Water had no previous objection to the proposed connection to the public sewer (6/2015/1997/MAJ) and has not objected to this proposal.

iii) Biodiversity

13.67 The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

13.68 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05.

13.69 The applicant submitted an ecological report which identified two 'moderate potential' bat roosts, one in the Comet Hotel and one in a tree. No evidence of bat use was found at either. The one in the hotel has since been sealed. The tree identified as T6 (an ash) would be retained but would require protection during the felling of adjacent tree, T4 (a sycamore), which has a split stem. Herts Ecology previously commented that the proposed development presents no threat to bat populations but requested conditions to secure protection of tree T6 during felling of tree T4, to secure biodiversity enhancement planting measures and provide bird and bat boxes on the site. It is recommended that these be secured by condition.

(iv) Trees and Landscaping

13.70 Saved Policy D8 requires all developments to include landscaping as an integral part of the overall design. Landscape schemes are required to reflect the use of materials and enhance planting of trees and shrubs. The retention of existing trees and shrubs is also expected.

13.71 The proposed soft landscaping scheme is shown on DRWGs 150438_STL DR1040/P04 and 1041/P03. The proposed hard landscaping scheme is shown on DRWGs 150438_STL DR1060/P04 and 1061/P03. The boundary of the front part of the site would remain open to the existing grassed highway verge. The site layout shows one row of 90 degree parking against the boundary of the site, as at present but resurfaced in permeable block paving. Just inside this would be a tarmac vehicle circulation route (as at present). The pedestrian areas around the listed building would be surfaced in natural stone paviors and pedestrian paths in the student area would be concrete paving.

13.72 A key enhancement of the site frontage would be the proposed raised lawn between the hotel's front terrace and the sculpture (pillar and aeroplane). This area would be demarcated by a low wall in brick to match the bricks of the hotel

and a low clipped yew hedge. This would improve the setting of the Listed Building by reducing the amount of tarmac on the site frontage, removing parked cars from directly in front of the building and creating a softer frontage for the listed building.

13.73 The Landscape Department previously commented that sturdy shrubs will be required around the car park and these are indicated in the current scheme. Further details would be required to determine suitable species and to ensure adequately enhanced boundary planting on the west boundary. Similarly further details of seating, CCTV, lighting and bins would be required.

13.74 The existing trees on the site would be retained as far as possible including the two tall (13m and 15m high) willow trees to the east of the hotel link building. Two trees in poor condition as identified in the Tree Survey would be removed: T4 (a sycamore with a split stem) and T24 (a damaged birch tree) (see Tree Constraints Plan No DS14011401.02A). The Soft Landscaping Plans indicate that the boundary trees would be retained and protected during construction. The plans indicate that Group 5 (laurel, hazel, plum and elder) would be removed. Protection of the retained trees and the replacement of any that are lost can be required through conditions on any planning decision.

13.75 Additional tree planting is proposed at the site entrances, within the first courtyard and two additional trees would be planted to enhance the boundary screening to the garden of No's 7 and 9 Ashbury Close. Much of the existing planting, which screens the rear part and the south east boundary of the site would be retained except for two damaged trees and a small group of native species. Subject to enhanced screening of the western boundary, the proposed landscaping scheme is considered acceptable in terms of Policy D8 but further planting details and implementation shall be secured by conditions.

(v) Energy efficiency

13.76 Saved Policy R3 of the Welwyn Hatfield District Plan and NPPF paragraphs 93-98 encourage energy conscious design of new buildings and Policy R4 encourages the use of renewable energy sources wherever possible subject to considerations of visual impact, atmospheric pollution and noise.

13.77 The submitted Energy Statement identifies that the listed building would be refurbished in accordance with the Building Regulations. The hotel and student accommodation would incorporate thermal insulation, achieve air permeability and include performance glazing and blinds to limit solar gain so reducing the need for cooling systems. The use of opening windows and mechanical vents would incorporate heat recovery technology. Internal lighting in communal and circulation spaces would use infra-red automatic lighting controls. External lighting would be efficient and controlled via programmable clocks and photocells. The monitoring within the building would allow identification of high energy consumption and targeted efficiency improvements.

13.78 With regard to renewable energies, the scheme would use Combined Heat and Power to provide centrally-controlled hot water and heating in the student accommodation.

13.79 Overall the development would make use of renewable energy sources appropriate to the site and proposed uses. Subject to conditions over acceptable

noise attenuation the proposal is acceptable in terms of the energy aspects of the scheme and Policies R3 and R4 of the Welwyn Hatfield District Plan 2005.

(vi) Refuse and recycling

- 13.80 The current requirement for bin storage for the student accommodation is around 100 litres per bed. The cost of providing the additional bins required for the student accommodation can be secured via S106 agreement. The standard contribution per bin (1100 litre) is £360 + VAT per bin. The applicant has indicated agreement to make this contribution in accordance with the Council's requirements.
- 13.81 Refuse collection for the hotel would be twice weekly for the hotel on a trade refuse collection basis. Two bin storage areas for student accommodation bins are shown on the proposed site layout plans. Details of the treatment of these areas in terms of screening and containment will be required to ensure the bins do not affect the visual appearance of the site and the listed building or result in spread of litter around the site. It is recommended that these details be secured by condition.

(vii) Contaminated Land

- 13.82 Saved Policies R1 and R2 of the WHDP 2005 encourage the re-use of developed land but where this may be contaminated the Council will need to be satisfied that there would be no unacceptable risk to health or the environment from the proposed use or remediation works.
- 13.83 The proposed uses of the site as hotel and student accommodation are sensitive ones. A topographical survey and desk top contamination assessment was submitted with the application, which identified that, although the site had no industrial history, ground gas and infill may be present and recommended further investigation.
- 13.84 The Environmental Health Officer requested imposition of the standard contaminated land condition requiring investigation and remediation prior to commencement of development.

(viii) Planning Obligations

- 13.85 Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations. In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek

contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through an S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005 and the Planning Obligations Supplementary Planning Document 2012.

13.86 The proposed development gives rise to the necessity for the following obligations:

1. Restriction of occupation of student accommodation to registered full time students at the University of Hertfordshire,
2. Sustainable Transport: Green Travel Plan incorporating a Parking Management Plan (HCC) and ongoing assessment of demand for cycle parking and bicycle pooling on the site
3. Monitoring of the Travel Plan £6,000 (HCC)
4. Sustainable Transport - £27,000 to promote pedestrian way-finding in the locality (HCC)
5. £50,000 contribution towards pre-development and post-occupation car parking surveys and potential alterations to parking controls to manage the impact of the development on the local area with respect to car parking (WHBC)
 - (i) £10,000 towards undertaking a survey of car parking in the area prior to occupation of the development
 - (ii) £10,000 towards undertaking a survey of car parking in the area following occupation of the development
 - (iii) £30,000 towards the implementation of car parking mitigation measures in the event that they are necessary.
6. £18,788 Contribution to enhancing and improving informal leisure opportunities in the vicinity of the student accommodation (at £61 per head) (WHBC)
7. Contribution for provision of refuse bins for the student accommodation (WHBC)
8. £5,000 Monitoring fee (WHBC)
9. Surface water discharge connection to Ellenbrook
10. Access to the student accommodation for monitoring of occupation.

The contributions shall be index linked from February 2012. The applicants have indicated their willingness to enter into this agreement.

Conditions

13.87 National Planning Practice Guidance governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would

have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

13.88 In this case, a scheme for detailed landscaping, submission of sample materials and development in accordance with approved plans are all necessary for the grant of permission and in accordance with the six tests. Additionally, conditions restricting the use of student accommodation, retention of communal facilities, phasing of the hotel works and the student accommodation, provision of car parking and landscaping implementation, requiring details of sound attenuation ventilation and cooking odour suppression, external lighting and contamination remediation prior to installation and occupation, provision of a Sustainable Drainage System (on site) in accordance with the FRA v3 and Bat and Bird boxes. These have already been discussed in this report.

Conclusion

13.89 The proposed development of purpose-built student accommodation on the application site is considered acceptable in principle. However, this is subject to consideration of the impacts on the setting of the Listed Building, the character of the surrounding area, the living conditions of neighbouring residents and the traffic, parking and other matters covered in this report.

13.90 Concerns over the harm to the setting of the Listed Building resulting from the height and bulk of the proposed student accommodation must be balanced against other public benefits of the scheme, which include the provision of purpose-built student accommodation in the wider local housing market and the provision of landscaping on the front of the site to enhance the setting of the listed building (further details of the proposed landscaping scheme would be required via condition to ensure the enhancements are achieved).

13.91 On balance, while harm to the setting of the listed building is acknowledged, it is considered that it would be less than substantial provided that the enhancements to the fabric and setting are secured and delivered early in the redevelopment of the site as a whole. The phasing of repair and restoration works early in the overall development of the site are considered important and shall be achieved through conditions requiring approval of a timetable for construction and completion of the demolition and restoration works to the listed building prior to full occupation of the student accommodation.

13.92 The impact on the character of the area and the living conditions of neighbouring residents are considered acceptable subject to conditions over noise, overlooking, and enhanced planting. Provisions for residents of the proposed scheme are subject to noise conditions and obligation to provide contributions to informal open space in the vicinity of the site.

13.93 The issues of traffic generation and car parking are considered to be manageable subject to S106 obligations over the car free nature of the student accommodation: including contributions to sustainable transport, occupation by students of the University of Hertfordshire and prohibiting car ownership in the Borough (as used in planning decisions for De Havilland Campus and 46 The Common, Hatfield).

13.94 The scheme has also been assessed in terms of flood risk, landscaping, refuse and recycling and protected species. It is concluded that the proposal is on

balance acceptable subject to conditions and the S106 obligations identified above and, as such, is in accordance with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, adopted Supplementary Planning and Design Guidance and with the NPPF.

12. Recommendation for 6/2016/1739/MAJ

12.1 It is recommended that planning permission be approved subject to the completion of a S106 Agreement by 13th January 2017 to secure the following obligations:

1. Restriction of occupation of student accommodation to registered full time students at the University of Hertfordshire,
2. Sustainable Transport: Green Travel Plan incorporating a Parking Management Plan (HCC) and ongoing assessment of demand for cycle parking and bicycle pooling on the site
3. Monitoring of the Travel Plan £6,000 (HCC)
4. Sustainable Transport - £27,000 to promote pedestrian way-finding in the locality (HCC)
5. £50,000 contribution towards pre-development and post-occupation car parking surveys and potential alterations to parking controls to manage the impact of the development on the local area with respect to car parking (WHBC)
 - (iv) £10,000 towards undertaking a survey of car parking in the area prior to occupation of the development
 - (v) £10,000 towards undertaking a survey of car parking in the area following occupation of the development
 - (vi) £30,000 towards the implementation of car parking mitigation measures in the event that they are necessary.
6. £18,788 Contribution to enhancing and improving informal leisure opportunities in the vicinity of the student accommodation (at £61 per head) (WHBC)
7. Contribution for provision of refuse bins for the student accommodation (WHBC)
8. £5,000 Monitoring fee (WHBC)
9. Surface water discharge connection to Ellenbrook
10. Access to the student accommodation for monitoring of occupation.
11. All financial contributions to be index-linked from date of agreement to date of payment.

and the following conditions:

1. The development/works shall not be started and completed other than in accordance with the approved plans and details:

0200/B & 0201/A & 0202/A & 0203/B & 0204/A & 0205/A & 206B & 0300/F & 0301/D & 0302/D & 0304/E & 0306/D & 0307/D & 308/E & 309/B & 310/D & 311/F & 312/B & 313/B & 314/B & 315/B & 316/B & 317/A & 318/A & 319/A & 150438_STL DR1040/P04 & 150438_STL DR1041/P03 & 150438_STL DR1060/P04 & 150438_STL DR1061/P03 & Schedule of Works to Listed Building & Heritage Statement, Bidwells (22.8.2016) Flood Risk Assessment v3, Curtins, (19.8.2016) ICBR0037RP-001 &

Transport Assessment/ RevB, Stirling Maynard, (22.8.2016) VH009 & Tree Survey Report, P Stileman Ltd, (16.6.2014), DS14011401 & Tree Constraints Plan DS14011401.02A (16.6.2014) & Tree Survey Plan DS14011401.01A (16.6.2014) & Residential Planning Noise Report, Sandy Brown (17.8.20116), 16354-R01-A received and dated 23.8.2016

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

2. No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the 7,253.7sqm in the student accommodation blocks as student residences and the 56 bedroom apart-hotel building as Use Class C1 (and ancillary purposes) and for no other use or purpose.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these Orders in the interest of protecting the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

4. The communal facilities on the first floor of the Listed Building as shown on first floor layout plans (DRWG NO 0306/D) shall be retained for ancillary facilities to support the student residential use and hotel use and for no other purpose. These facilities shall not be used by persons other than the residents of the site.

REASON: To enable the Local Planning Authority to fully consider the effects of change of use of the communal facilities in the interests of residential and visual amenity for future and adjoining residents in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

5. No functions shall be held in the outdoor spaces on the site that involve the use of sound reproduction or amplification equipment (including public address systems, loudspeakers, etc.) which is audible at the site boundary.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

6. No development shall take place on the site until a timetable for construction of the development hereby permitted and of the proposed Demolition, Reinstatement and Other Works outlined in the Schedule of Works to Listed Building (dated 22.8.2016) has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed timetable.

Not more than 50% of the student accommodation on the site hereby permitted shall be occupied until the works listed in the Schedule of Demolition and Reinstatement Works to the listed building are complete.

The works listed in the Schedule of Demolition and Reinstatement Works to the listed building shall be completed prior to the occupation of the 155th student accommodation unit.

REASON: To ensure the satisfactory completion of the works to the listed building in accordance with Policies of the Welwyn Hatfield District Plan 2005 and the NPPF 2012.

7. Notwithstanding the approved landscaping plans, no landscaping development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels
- (b) details of means of enclosure and boundary treatments
- (c) car parking layout and markings
- (d) vehicle and pedestrian access and circulation areas
- (e) hard surfacing, other hard landscape features and materials
- (f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (g) enhanced planting along the western boundary with evergreen species
- (h) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (i) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (j) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- (k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual

and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

8. No retained tree or shrub or hedge shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

If any retained tree, shrub or hedge is removed, uprooted or destroyed or dies within 5 years of the date of this decision, another tree, shrub or hedge shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

The erection of fencing for the protection of any retained tree, shrub or hedge shall be undertaken in accordance with details approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub or hedge, as the case may be, which is to be retained in accordance with the approved plans and particulars; and the above paragraphs shall have effect until the expiration of five years from the date of the first occupation of the buildings for their permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

9. All agreed landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the practical completion of the development [or the first occupation of the first building, whichever is the sooner] and any 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 in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005

10. Notwithstanding the approved landscaping plans (DRWG No's 150438_STL DR1040/P04 & 150438_STL DR1041/P03 & 150438_STL DR1060/P04 & 150438_STL DR1061/P03) the areas set aside for car parking and shown on

Plan Number 0300/F shall be laid out, surfaced and marked out in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before any building hereby permitted is first occupied and shall be retained permanently thereafter for the free parking of vehicles for residents/occupiers of the development and shall not be used for any other purpose.

REASON: To ensure that the spaces are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

11. No above ground development shall commence until details of a scheme for the provision of secure cycle parking for 64 bicycles on site (52 for the student accommodation and 12 for the hotel) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme and shall be retained thereafter. Details of any additional cycle parking provisions required as a result of review under the Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained in good condition thereafter.

REASON: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with Policies M6 and M8 of the Welwyn Hatfield District Plan 2005.

12. Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a) Construction vehicle numbers, type, routing
- b) Traffic management requirements:
- c) Construction and storage compounds
- d) Siting and detail of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Provision of sufficient on-site parking prior to commencement of construction activities
- g) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

13. Details of the location, design and specification of the refuse bin and recycling materials storage areas to serve the hotel and the student accommodation units shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available

for use prior to first occupation of each building they serve and shall be retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies IM2, R5 and D1 of the Welwyn Hatfield District Plan 2005.

14. The development hereby permitted shall be implemented in accordance with a scheme of enhancement of the biodiversity of the site in accordance with the recommendations of the Extended Phase 1 Habitat Survey, SES, September 2015 & Aerial Bat Inspection and Advice Addendum, prepared by SES (and dated 23.9.2015) to be submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme, which shall be implemented upon practical completion of the development hereby permitted.

REASON: In the interest of the protection of protected species and the biodiversity of the site in accordance with Policies R11 and R16 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

15. Details of any external lighting proposed (including vertical lux diagrams) and CCTV cameras in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the above ground commencement of development. This scheme must meet the requirements of the Institution of Lighting Engineers' guidance notes for the reduction of obtrusive lighting. The development shall not be carried out other than in accordance with the approved details.

REASON: To protect the residential amenity and living conditions of the future residents of the site and existing properties in the near vicinity of the development in accordance with Policies D1 and R20 of the Welwyn Hatfield District Plan 2005.

16. The windows to the corridors and stairs in the west elevations of the student accommodation blocks shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.8 metres above floor level, and shall be retained in that form thereafter.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

17. No building hereby permitted shall be occupied until a sustainable urban drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority be completed. The scheme shall meet the following specifications further to the Flood Risk Assessment v3 (19.8.2016), prepared by Curtins (ICBR0037RP-001):

- a) limiting the surface water run-off by storm events to not exceed 5.5l/s during the 1 in 100 year event and climate change event

- b) providing attenuation – a minimum of 735 cubic metres of total storage volume in permeable pavements, filter trenches and underground attenuation tanks as shown in Appendix G of the drainage strategy
- c) Discharge of surface water from the site into Ellen Brook via a new off-site connection.

The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with a management and maintenance plan to be submitted and agreed by the Local Planning Authority.

REASON: To protect the surrounding environment from pollution and flood risk by ensuring the satisfactory disposal, storage and drainage of surface water from the site in accordance with Policies R7 and R8 of the Welwyn Hatfield District Plan 2005.

18. No construction above ground shall commence until a scheme to protect each building (hotel and student accommodation) from traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before each building hereby approved is occupied and shall be maintained thereafter. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014. Any associated mechanical ventilation shall meet the requirements of the Noise Regulations 1975 (amended 1988).

REASON: To protect the occupants of the development from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

19. No above ground development construction of each building shall commence on site until an acoustic report has been submitted to and approved in writing by the Local Planning Authority detailing the noise from plant and equipment to be installed relating to that building showing that noise emissions will be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (using the methodology outlined in BS142:2014). The scheme shall be completed in accordance with the approved details before any part of each building hereby approved is occupied and maintained thereafter in accordance with the approved details.

REASON: To protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

20. Prior to first occupation of the development a manned measured noise survey shall be undertaken of all the plant and equipment on the site, following implementation, under usual operating conditions. The noise measurements must be taken at the nearest sensitive receptors to demonstrate that the combined operation of all plant and equipment is 10dBA (LAeq) below the background noise level (LA90). Measurement parameters must include the LA90, LAeq, LA MAX and frequency analysis. Approved noise mitigation measures such as acoustic screening or silencers must be implemented to ensure that Condition 18 of this planning permission is met. Monitoring locations must be agreed by the Local Planning Authority at 1m

from the facade at 1.2m above ground level and at first floor level of the nearest noise sensitive properties and at the boundaries of those properties at the same heights and at identified times and hours of use of the development.

REASON: To ensure compliance with a scheme to protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

21. Prior to commencement of construction of the hotel and refurbishment of the listed building, a scheme for sound insulation for the hotel buildings shall be submitted to and approved in writing by the Local Planning Authority. The hotel buildings shall not be occupied until the approved scheme has been fully implemented and the scheme shall be retained thereafter in accordance with the approved details.

REASON: To protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

22. The refurbished hotel and hotel extension shall not be occupied until a scheme for odour control with kitchen extract systems has been submitted to and approved in writing by the Local Planning Authority. The hotel buildings shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details. The scheme shall be maintained thereafter.

REASON: To protect the living conditions and amenity of the residents and other nearby residential properties from noise disturbance in accordance with Policies D1 and R18 of the Welwyn Hatfield District Plan 2005.

23. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to D have been complied with, in so far as they are relevant. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The contents of the scheme and the written report are subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
 - human health

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

(e) Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

Positive and Proactive Statement

The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

Informatives

1. This planning permission should be read in conjunction with S278 Agreement for the works to highway land.
2. This planning permission should be read in conjunction with the S106 Agreement.
3. This planning permission should be read in conjunction with Listed Building Consent Reference Number 6/2016/1740/LB.
4. You are advised to contact the Public Health and Protection Department of the Governance Directorate on 01707-357242 in order to ensure that all regulations, licensing, etc is carried out in order to comply with the requirements of the Health and Safety at Work etc Act 1974 and the Food Safety and Hygiene (England) Regulations 2013.
5. Where works are required within the public highway to facilitate the new/altered/improved vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work on the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and

requirements. Their address is County Hall, Peggs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

6. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
8. It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
9. You are advised that, because of the scale of the development, you will be required to submit a Sustainable Waste Management Plan for approval by the Local Waste and Minerals Authority. The sustainable Waste Management Plan shall include details of waste arising from demolition and construction, the volumes of waste and identify methods to re-use, recycle or recover materials to minimise waste and the volume of waste to be disposed of off-site. Further information is available from spatialplanning@hertfordshire.gov.uk.
10. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (01707-357558) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

OR

It is recommended that planning permission be REFUSED if a S106 Agreement is not completed on or before 13th January 2017 for the following reason:

1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy M2 and M4 of the Welwyn Hatfield District Plan 2005.

Positive and Proactive Statement

The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).

June Pagdin, (Strategy and Development)

Date: October 2016

Expiry Dates: 6/2016/1740/LB - 28.10.2016

6/2016/1739/MAJ - 2.12.2016

Background papers to be listed (if applicable)

