

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – ~~9 NOVEMBER 2017~~ 1 FEBRUARY
2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE

6/2017/0550/MAJ

PLOT 6000 LAND ADJACENT TO PORSCHE GARAGE HATFIELD AVENUE
HATFIELD BUSINESS PARK HATFIELD AL10 9UA

ERECTION OF A 75 BED ELDERLY CARE HOME DEVELOPMENT (C2) WITH 24
PARKING BAYS AND ASSOCIATED LANDSCAPING.

APPLICANT: Maxbase Ltd

(Hatfield Villages)

1 Background

- 1.1 This application came before Members at the Planning Control Committee meeting on 9 November 2017 where Members resolved to grant planning permission subject to the completion of a legal agreement on or before 9 January 2018 to secure the planning obligations set out below:
- Submission of an amended Travel Plan
 - £6,000 Travel Plan Monitoring Fee
 - £50,000 towards a parking study and the implementation of parking restrictions
- 1.2 The completion of a legal agreement has been delayed due to some protracted negotiations. The matter is therefore referred back to the Planning Control Committee with a recommendation to extend the time limit for a further 2 months (9 March 2018) whilst negotiations between interested parties are ongoing for the completion of the legal agreement.
- 1.3 There have been no significant changes to the application site, surrounding context, planning history or planning policy which would impact on the implementation of this proposal. It is therefore recommended that the time limit is extended for a further 2 months for the completion of the legal agreement subject to the conditions, informatives and S106 contributions detailed within paragraph 13.1 below.

2 Site Description

- 2.1 Plot 6000 lies within the context of the much wider Hatfield Business Park development and in particular, the northern area which is now well

established with a range of commercial uses, including offices, warehouses, a car dealership and a private hospital which is currently under construction.

- 2.2 The application site comprises a triangular shape, with a single point of entry off Hatfield Avenue. The site occupies an area of approximately 0.46 hectares on the easternmost part of Plot 6000. The new hospital, which is nearing completion, occupies the remainder of Plot 6000 and forms the western boundary to the site. To the north of the site is a wire fence, with Manor Road and Hatfield Garden Village beyond. The closest properties in Manor Road are situated approximately 20 metres from the northern edge of the site. To the south east is the Porsche dealership and associated car parking. The site is located approximately 1km north-west of Hatfield town centre.
- 2.3 The site's landscape is broadly level and consists mainly of hardstanding fringed by grassland to the north and some bordering trees and shrubs.
- 2.4 Hatfield Business Park sits on the site of the former Hatfield Aerodrome, which was occupied first by the DeHavilland Aircraft Works, and later by British Aerospace (BAe), until it was closed by BAe in the mid 1990's with the loss of 8,000 jobs.
- 2.5 Following its closure, Arlington in partnership with Welwyn Hatfield Borough Council, Hertfordshire County Council and St Albans District Council, developed a masterplan and Supplementary Planning Guidance (SPG), which became the basis of the December 2000 outline planning permission, to facilitate the re-development of the site. Here, the over-arching principles of the document were to:
 - *Promote sustainable development on the site;*
 - *Provide for a mix of uses on the site;*
 - *Promote economic development on the site to help replace the jobs lost when BAe closed; and*
 - *Provide work and homes for local people.*
- 2.6 The outline planning permission was granted subject to a Section 106 legal agreement which stipulated a certain level of development floorspace for each use class. Plot 6000 was originally envisaged to be the site for a hotel. However, the landowners have been unable to secure a hotel operator for the Business Park. As a result, this designation has been varied several times in the years following the adoption of the Hatfield Aerodrome SPG. More recently, planning permission (reference S6/2015/1061/MA) has been granted for the erection of a private hospital (use class C2) on part of Plot 6000. This permission was subject to a supplemental planning obligation dated 6 April 2016 which changed the designation of Plot 6000, in its entirety, to either a hotel or healthcare use.
- 2.7 Application 6/2015/2043/OUTLINE sought to update the planning permission at Hatfield Business Park (S6/1999/1064/OP) for a period of ten years on four remaining undeveloped plots, 4100, 5000, 5600 and 6000. This outline planning permission, with all matters reserved except access, included a hotel

use for the whole of Plot 6000 and served to secure a fallback position in the event that the approved hospital did not come forward. This means that the application site has outline permission for a hotel use, although, the Section 106 legal agreement (as amended) allows for either a hotel or healthcare use.

3 The Proposal

- 3.1 The proposal is to develop a new 75-bed care home catering for nursing and dementia (use class C2 residential institutions) on a vacant site between Hatfield Avenue and Manor Road.
- 3.2 The footprint of the building wraps around the west and north east boundaries, creating a courtyard entrance and parking area to the south. The proposed access to the development will be from the existing access off Hatfield Avenue and will be shared with the existing Porsche dealership and new hospital. The proposed building line to Manor Road runs parallel with the hospital. Communal garden areas surround much of the building's footprint with reinforced boundary planting proposed. The building is predominantly 3 storeys high with a flat roof which varies in height from approximately 9m to 10.6m. A total of 24 car parking spaces are proposed for employees, patients and visitors.

4 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Hatfield Town Council have objected.

5 Relevant Planning History

- 5.1 Application Number: 6/2015/2043/OUTLINE
Decision: Granted
Decision Date: 05 July 2016
Proposal: Redevelopment to provide floorspace equivalent to 537 Units of Development (UD) (as set out in Schedule 1) for Use Classes B1, B2, SG and Hotel use on plots 4100, 5000, 5600 and for Use Classes B1, SG and Hotel use on plot 6000 with all matters reserved except access.
- 5.2 Application Number: S6/2015/1061/MA
Decision: Granted subject to a section 106 agreement
Decision Date: 06 January 2016
Proposal: Erection of a private healthcare facility (use Class C2), to include car/cycle parking, boundary treatment, landscaping, lighting and access.
- 5.3 Application Number: S6/1999/1064/OP
Decision: Granted subject to a section 106 agreement
Decision Date: 29 December 2000
Proposal: Demolition of existing (unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: as a business park comprising uses within Use Class B1, B2, B8 and Sui Generis use; housing; new university campus (Use Class D1 and D2) to include replacement De Havilland Sports and Social Club and associated playing

fields; two hotels; primary school and associated facilities; district centre; works of conversion to enable recreation use existing listed hanger; Aviation Heritage Centre, together with associated highway, transport and service infrastructure (including a strategic transport corridor), landscaping and open space, diversion of Ellenbrook. Means of access to be determined.

- 5.4 Since the outline permission was granted, a series of reserved matters applications have been submitted, and development on this site has been taken forward in a number of stages.

6 Planning Policy

- 6.1 National Planning Policy Framework, March 2012
- 6.2 Welwyn Hatfield District Plan, April 2005
- 6.3 Hatfield Aerodrome Supplementary Design Guidance, November 1999
- 6.4 Supplementary Design Guidance, February 2005
- 6.5 Supplementary Planning Guidance, Parking Standards, January 2004
- 6.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014
- 6.7 Planning Obligations Supplementary Planning Document February 2012

7 Site Designation

- 7.1 The site lies within the Hatfield Business Park, which is designated as an employment area (EA6), under Policy EMP1 of the adopted Welwyn Hatfield District Plan (2005). The site is also covered by the Hatfield Aerodrome SPG (1999), which sets out the masterplan to guide the redevelopment of the area.

8 Representations Received

- 8.1 The application has been advertised by press advert, site notice and neighbour notification letters. In total 4 representations have been received which may be summarised as:
- Concern regarding an additional traffic on already congested roads and the impact on highway safety and air pollution
 - Insufficient on-site parking provision is likely to increase parking on neighbouring streets
 - Concern regarding the impact of external lighting on residential amenity
 - The height of the building is not in keeping with the surrounding area and will be overbearing to the properties on Manor Road
 - Overlooking towards the properties on Manor Road

9 Consultations Received

- 9.1 No objections have been received in principle from statutory consultees, subject to conditions and/or financial contributions.

- 9.2 **Hertfordshire County Council Transport Programmes and Strategy:** No objection subject to suggested conditions and S106 obligations in respect of a Travel Plan monitoring contribution of £6,000.
- 9.3 **NHS East and North Herts Clinical Commissioning Groups:** No objection subject to S106 obligations in respect of the following:
- Mental health costs £14,584.50
 - Acute costs: £166,084.50
 - Community healthcare costs: £194,321.25
- 9.4 **Welwyn Hatfield Borough Council Parking Services:** Suggested a planning obligations
- 9.5 **Hertfordshire County Council Development Services Team:** No objection and no planning obligations sought.
- 9.6 **Hertfordshire County Council Historic Environment Advisor:** No objection subject to suggested conditions.
- 9.7 **Hertfordshire County Council Lead Local Flood Authority:** No objection subject to suggested conditions.
- 9.8 **Hertfordshire Ecology:** No objection subject to suggested conditions and informatives.
- 9.9 **Welwyn Hatfield Borough Council Public Health and Protection Team:** No objection subject to suggested conditions and informatives.
- 9.10 **Welwyn Hatfield Borough Council Landscaping and Ecology Team:** No objection subject to suggested conditions.
- 9.11 **Thames Water:** No objection subject to suggested conditions
- 9.12 **Hertfordshire Fire and Rescue:** No objection
- 9.13 **Hertfordshire County Council Adult Social Services:** No objection
- 9.14 **Hertfordshire County Council Minerals and Waste:** No objection
- 9.15 **St Albans City and District Council:** No comment.
- 9.16 **Hertfordshire County Council Rights of Way:** No response
- 9.17 **Environment Agency:** No response
- 9.18 **Hertfordshire Health and Wellbeing Board:** No response
- 9.19 **Hertfordshire & Middlesex Wildlife Trust:** No response
- 9.20 **Welwyn Hatfield Borough Council Client Services:** No response

9.21 **Welwyn Hatfield Borough Council Community Partnership:** No response

9.22 **Welwyn Hatfield Access Group:** No response

9.23 **Councillor Duncan Bell:** *“Care needs to be taken to avoid parking overspill in the adjacent Manor Road. As long as there is no pedestrian access from the site to Manor Road, the risk is perhaps minimised, so it would be useful to confirm this. Furthermore, in the event that visitor parking ever exceeds available spaces, perhaps the applicant could arrange with adjacent business park occupiers to permit use of their car parks. This should be possible, as I imagine the heaviest visitor use would be at weekends, when the business park is otherwise quieter.”*

9.24 Further comments following re-consultation:

“Despite the increase in parking spaces from 20 to 24, I remain concerned that insufficient onsite parking will lead to overspill parking within adjacent streets such as Manor Road, Holme Road, or Campion Road within Hatfield Garden Village. This is already a problem during the day, and risks being exacerbated. Reading the Travel Plan, it appears to me that the suggested acceptable walking distances could actually reinforce the problem, by making it acceptable to park nearby, rather than on the premises.”

10 Town Council Representations

10.1 *“Members object to the application due to the overbearing nature of the development on the properties in Manor Rd, the height of the development and the lack of on site parking.”*

11 Analysis

11.1 The main planning issues to be considered are:

- 1. Whether the proposed development of a care home on the Business Park is acceptable in principle (Local Plan Policies SD1, GBSP2, HATAER1, HATAER2, HATAER3, HATAER4, EMP1, EMP2 & Hatfield Aerodrome SPG & NPPF)**
- 2. Access, the impact on the highway network and parking provision (Local Plan Policies M1, M2, M3, M4, M5, M6, M14 & Hatfield Aerodrome SPG & NPPF)**
- 3. The impact on the residential amenity of neighbouring occupiers (Local Plan Policies R18, R19, R20, SDG & NPPF)**
- 4. The design and setting of the building (Local Plan Policies D1, D2, D3, D4, D5, D6, D7, D8, D9, R17 & NPPF)**
- 5. Other material planning considerations**
 - i) Protected species (R11 & NPPF)**
 - ii) Archaeology (R29 & NPPF)**
 - iii) Contaminated land (R2 & NPPF)**
 - iv) Flood risk / surface Water Flooding (R7, R10 & NPPF)**
 - v) Planning obligations**

1. Whether the proposed development of a care home on the Business Park is acceptable in principle

11.2 The proposal to develop a new 75-bed care home falls within use class C2 “residential institutions”, which includes, amongst other uses, hospitals and nursing homes. The principal of this type of development on Plot 6000 has previously been established by the grant of planning permission for a hospital under reference S6/2015/1061/MA. This permission was subject to a supplemental planning obligation to the original Section 106 Agreement relating to application S6/1999/1064/OP. The supplemental agreement changed the designation of Plot 6000 in its entirety, to either a hotel or healthcare use, allowing a flexible approach to be taken in the consideration of future planning applications.

11.3 Whilst this proposal does not accord with the original masterplan in respect of land use, the Local Planning Authority accepts that a flexible approach needs to be taken to the development of this site, in accordance with paragraph 1.2 of the adopted Hatfield Aerodrome SPG (1999), and paragraph 19 of the National Planning Policy Framework (NPPF) which states that:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

11.4 The proposed development represents an important employment investment in the area creating up to 75 jobs (full time equivalent). The jobs created would comprise a variety of positions and skill sets including carers, catering, housekeeping, administration and management roles. 75 jobs equates to a density of 56sqm per employee which compares favourably to the hospital which has a density of 59sqm per employee. To put this in context, a comparison can also be made to the level of job creation if a hotel was developed as per the outline planning permission and the original designation of the plot within the SPG. The Homes and Communities Agency 2010 Employment Densities Guide assumes a level of density for “General Hotel” use as 1 employee per 2 bedrooms. Therefore, the level of jobs proposed for care home would equate to the same number of jobs required for a 150-bedroom hotel. Given the height constraints for development on the application site and due to the proximity of residential properties on Manor Road, it would not be reasonable to develop a 150-bedroom hotel on the application site.

11.5 A number of construction jobs would also be created during the construction phase of the project. A number of supplier related jobs associated with both the construction and operational phases of the development will also be created to the benefit of the Hatfield area and the wider area.

11.6 In summary, a change of use from a hotel to a healthcare use has previously been established by the grant of planning permission for a hospital under

reference S6/2015/1061/MA. The proposed care home falls within use class C2 residential institutions, which also includes, among others, hospitals and nursing homes and can therefore be considered a healthcare use. In this regard, there is no objection to the development of this site for a C2 use. However, in formulating a recommendation for this application, it is necessary to consider the wider impacts of this proposal on the highway network, parking provision, environment and residential amenity, in order to assess whether there are any reasons why this proposal would not be suitable for this site. These are now discussed in turn below.

2. Access, the impact on the highway network and parking provision

- 11.7 Access to the site is from Hatfield Avenue, via an existing roundabout spur which currently serves the Porsche dealership to the south of the site. A single access/egress is proposed for all vehicles via a mini-roundabout which also serves the Porsche dealership and the hospital. There would be no vehicular access taken from Manor Road.
- 11.8 The site links to the strategic road network via the A1(M) at junction 4 to the north and 3 to the south. Both junctions can be accessed via the A1001 Comet Way, from the main roundabout junction with Hatfield Avenue, B197 Wellfield Road, Manor Road and Birchwood Avenue.
- 11.9 The “units of development” approach was conceived as part of the formulation of the Section 106 Agreement and is an agreed basis for measuring traffic generation from each of the different use classes on the former Hatfield Aerodrome site. It was designed to enable flexibility between different uses, whilst still retaining overall control of the volume of traffic generated on the site, and enabled triggers to be put in place elsewhere in the Section 106 Agreement, to facilitate the delivery of certain contributions, obligations and infrastructure items necessary to support the re-development.
- 11.10 Under the units of development approach 1 unit of development is equivalent to a certain level of floorspace for each permitted use class on the former Hatfield Aerodrome site. This is set out in a table for each land use at schedule 16 of the Section 106 Agreement for planning permission S6/1999/1064/OP. It was established within this outline consent that the road network (including improvements now in place) could accommodate the expected level of traffic associated with the land use mix shown on the masterplan.
- 11.11 It is necessary to consider whether the proposal is within the overall quantum of development covered by the outline permission, or whether the proposals would have an impact greater than originally expected and provided for. Taking into account the development of the hospital, in accordance within the outline planning permission and Section 106 Agreement (as amended), a total of 21 units of development remain available for this site.
- 11.12 The application is submitted supported by a Transport Assessment (S.A.J Transport Consultants, Dec 2016). The Transport Assessment establishes

the likely trip generation characteristics of the care home using the Trip Rate Information Computer System (TRICS) methodology. The Transport Assessment concludes that the development proposals will generate 9 vehicle trips in the AM peak and 15 vehicle trips in the PM peak. 1 unit of development may be considered as 1.6 vehicle trips in the peak hour. Applied to the PM peak trip rate of 15 vehicles, the proposed care home is equivalent to 9.4 units of development. The proposal is therefore well within the maximum limit of 21 units of development.

- 11.13 Hertfordshire County Council Transport Programmes and Strategy have confirmed that they are satisfied with the basis upon which the Transport Assessment has been commissioned and do not object to the proposal.
- 11.14 In terms of sustainable transport, the site is well located with regard to local bus services, footways and cycleways. Numerous bus services run through the Business Park from surrounding areas and include connections with Hatfield Rail Station. Further to this it would be reasonable to require a Green Travel Plan to be prepared for this site, in line with the terms of the "Green Transport Master Plan" approved as part of the outline consent for the re-development of the former Hatfield Aerodrome site, to aid in traffic reduction. The purpose of the Travel Plan will be to encourage a change in travel patterns and reduce reliance on the private car in favour of more sustainable modes of transport.
- 11.15 The proximity of the site to residential areas and accessibility of good quality pedestrian and cycle routes should assist in ensuring that these forms of travel are realistic options for employees who live in close proximity to the new development. In order to support the cycling mode, secure cycle parking for 6 bicycles will be provided, subject to relevant conditions requiring details and implementation of the cycle parking.
- 11.16 Pedestrian access for the site is proposed via the main site entrance. Whilst the provision of pedestrian access from Manor Way would be beneficial in terms of permeability, it is acknowledged that this may increase the likelihood of parking on nearby residential roads, therefore, in this instance a pedestrian access is not considered to be appropriate for the site.
- 11.17 Whilst the business park has an overall Master Travel Plan, to which occupiers are encouraged to sign up to, a bespoke Travel Plan has also been produced which seeks to encourage sustainable forms of transport as part of the proposed development, including car sharing, use of public transport, cycling and walking, to reduce the demand for car parking on site. The Highway Authority consider that the Travel Plan is broadly acceptable, however, a number of areas where additional information is required have been identified. To this end, it is recommended that an amended Travel Plan be secured via S106.
- 11.18 In accordance with Hertfordshire County Council's Travel Plan guidance, it is identified that a contribution towards the ongoing monitoring, support and engagement activities undertaken by the County Council to support business

travel plans be secured. Such a contribution for a Travel Plan of this nature shall be £6,000 which can be secured as a planning obligation.

- 11.19 In terms of other planning obligations, Hertfordshire County Council Transport Programmes and Strategy confirmed that the local highway network, as improved within the original consent, is considered as having capacity for the trip rates associated with this development. As S106 obligations including measures to promote and encourage sustainable mode shift have already been secured against the original consent, it is not appropriate for the County Council to seek further developer contributions in this matter.
- 11.20 Car parking standards are set out within the Council's Supplementary Planning Guidance Parking Standards, adopted in January 2004 (the SPG Parking Standards). Car parking for development in the Hatfield Aerodrome site was agreed in the outline planning application for the site. The parking standards have been agreed specifically for the site and are quoted within the Hatfield Aerodrome SPG to allow for an overall reduction in parking provision over time. The Hatfield Aerodrome SPG does not however specify parking standards for the care home use proposed. The guiding principles for the amount of vehicular parking generally required for this type of development are therefore contained within the SPG Parking Standards. In August 2014 the Cabinet Housing and Planning Panel approved the Interim Policy for Car Parking Standards and Garage Sizes document. This document identifies the car parking standards set out in the SPG Parking Standards as guidelines rather than maximums.
- 11.21 Based upon the SPG Parking Standards a care home with 75 beds would typically require 19 car parking spaces. However, the standards also indicate that parking provision may be decided on individual merits as determined through the submission of a Transport Assessment and Travel Plan. In this case, in addition to a Transport Assessment and Travel Plan, the applicant has also submitted a "staffing ladder" which sets out the required number of employees relative to the number of residents within the care home. At maximum occupation capacity, there would be 24 employees at peak daytime hours of work. Although it is acknowledged that not all staff will travel to work by private car, the potential for overspill parking in adjacent residential streets within Hatfield Garden Village is a concern for residents and therefore the provision of sufficient on-site parking for the proposed use is a key consideration.
- 11.22 In response to the concerns raised by Councillor Duncan Bell, it is confirmed that there would be no access taken from Manor Road which will discourage overspill parking in the surrounding streets. In the event that visitor parking ever exceeds available spaces, the operator of the adjacent hospital has agreed to permit use of their car parks. It is important to note, however, that these arrangements are not permanent or binding and could potentially be withdrawn at any time. Therefore, the informal arrangements for the use of other parking spaces cannot be relied upon and they should be given only limited weight.

- 11.23 The Council's Parking Services Team have requested a planning obligation in the form a financial obligation to provide for a parking study in the neighbouring roads before and after the development becomes operational. The 'before' survey would establish the current parking situation as a baseline. Within a year of the care home becoming operational, a second parking survey would establish the impact of the development and to what extent the pressure for on-street parking has increased within the surrounding streets. Depending on the results of the parking study, there may be a need to consult upon and implement parking restrictions.
- 11.24 The amended proposal includes the provision of 24 car parking, which is five spaces (or 26%) over and above parking guidance figure. Notwithstanding this, whilst the proposal would not afford pedestrian permeability to Hatfield Garden Village, there remains a risk that any overspill parking may take place in residential areas to the north, noting the existing footpath connections in the area. The suggested planning obligations, which would secure a Travel Plan and a parking study with the potential for parking restrictions to be imposed, would reduce the likelihood of on-street parking and provide appropriate mitigation in the event that there is an impact resulting from this development.
- 11.25 In summary, the proposals do not represent any greater impact on the highway network than considered within the original outline consent for the site. The proposals would not result in any greater levels of trips generated by the site, either across the day, or within the peaks. The local highway infrastructure and other mitigation and improvements secured through the outline consent are sufficient to deal with the impacts of the development with no additional impact expected. The site is served by an existing vehicular access which is appropriate for two way movement and acceptable in terms of highway safety. On balance, the proposal is therefore considered to be in accordance with Policies M1, M2, M3, M4, M5, M6 and M14 of the Welwyn Hatfield District Plan and the Hatfield Aerodrome SPG and SPG Parking Standards and the NPPF.

3. The impact on the residential amenity of neighbouring occupiers

- 11.26 Saved Policy D1 and the Council's Supplementary Design Guidance (SDG) provide the local policy framework when assessing the impact of development on the residential amenity of neighbouring properties, as well as providing sufficient amenity for potential future occupiers of the proposed development. All new development should not cause a loss of light to or unduly dominate adjoining properties. In addition, development should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.
- 11.27 Saved Policy R19 deals specifically with noise and vibration pollution and states that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land users.
- 11.28 In assessing the environmental impacts of the proposal it is clear that a balance has to be made between ensuring that residents are adequately

protected from noise, whilst at the same time not placing unreasonable restrictions on business.

- 11.29 There are many large industrial units nearby, which are regularly serviced by HGV traffic. The impacts of this can be seen from the noise readings taken for the noise impact assessment which accompanied the application. These noise levels will mean that windows within the care home will need to remain closed to ensure that the internal noise levels stipulated within BS8233:2014 are not exceeded. As such, mechanical ventilation will need to be installed to ensure that windows can be kept closed, which is especially important during the summer months. The measured noise levels will also need to be taken into account when choosing the glazing specification to ensure that sleep disturbance is minimised. Outside amenity areas must comply with the 55dB WHO Community Noise Guideline level.
- 11.30 Given the site's proximity to the sensitive boundary of Manor Road and Hatfield Garden Village the site layout has been designed to minimise any environmental impact on the surrounding properties. In particular, the car parking areas and building service areas are sited away from the residences to the north of Manor Road. The building's orientation is such that it would provide a visual and acoustic barrier to the servicing activities. Notwithstanding this, noise from deliveries at unsociable times would have the potential to cause a loss of amenity at the closest residential properties to the site. As such, a condition restricting delivery times is recommended.
- 11.31 For a development of this size it is likely that there will be significant amount of noise associated with plant and equipment. No details of actual plant or equipment to be installed has been provided, it is therefore recommended that a condition be placed on the application requiring any plant to be 10dB below the background noise level at the nearest sensitive receptors.
- 11.32 Environmental Health were consulted on the proposal and did not object subject to conditions to ensure that the development is carried out and completed in accordance with details to be approved by the Local Planning Authority relating to noise attenuation/mitigation measures and the proposed mechanical ventilation systems.
- 11.33 With regards to odour from the kitchen extract system, although sufficient odour dissipation is likely due to the distance to the nearest residential properties, Environmental Health have suggested a planning condition requiring details of odour abatement measures for the kitchen extract system to be approved by the Local Planning Authority.
- 11.34 In terms of external lighting, a condition is recommended to protect neighbouring residents from the potential impact of the proposal.
- 11.35 The distance between the adjacent housing on Manor Road and the proposed care home is between 28-30 metres. The height of the care home is predominantly 3 storeys, which is higher than the residential properties opposite but the overall height of the building is similar or lower than the

adjacent hospital. The maximum height of the hospital is 10.5m whereas the 3 storey elements of the care home would range between 9m and 10.6m in height. The elevations and roof are staggered in order to break the building's elevation and soften the visual connection with Manor Road. The variety and subdivision of the building into a series of stepped blocks with a change of heights creates a terracing effect rather than the creation of a large continuous form. For the reasons above, the proposal would have no significant impact on neighbour amenity in terms of access to day/sun/sky light, privacy or overbearing impact.

- 11.36 In terms of screening, the site boundary with Manor Road is buffered by structured landscaping which is comprised of a footpath, grass verge and some bordering trees and shrubs. The proposal includes a comprehensive landscaping scheme which would soften the visual impact of the development when viewed from Manor Road.
- 11.37 The western site boundary with the hospital would also be screened by a mixed species hedge and the canopies from a mix of trees. In terms of privacy and the intervisibility between the care home and the adjacent hospital, the nearest windows are approximately 15-16 metres apart, whilst others are up to 27 metres apart. This is due to the staggered footprint of both buildings. This separation distance, together with the proposed landscaping, is sufficient to ensure that there will be an acceptable degree of privacy for both the future occupants of the care home and the patients at adjacent hospital.
- 11.38 Giving consideration to the scale of the proposal, its siting and the separation distance from neighbouring properties, it is considered that the development would not have an unreasonable impact on the residential amenity of neighbouring properties or the future occupiers of the care home subject to appropriate conditions. In this respect, no objections are raised with regard to Local Plan Policy D1, R18, R19 the SDG or the NPPF.

4. The design and setting of the building

- 11.39 Local Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. GBSP2 requires proposals to be compatible with the maintenance and enhancement of the character of the area. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design.
- 11.40 It is evident that the design of the building has been influenced by the immediate context of the site in terms of its situation within the Hatfield Business Park whilst the layout of the site has regard to the residential area to

the north and the hospital to the west of the site as discussed in detail earlier in this report.

- 11.41 The accompanying Design and Access Statement provides a detailed description of the proposals and demonstrates that the proposed development can be satisfactorily accommodated across the site given the surrounding context.
- 11.42 The scheme proposes an interesting palette of high quality materials and contemporary form of detailing, which would create a well-articulated and visually interesting building of an appropriately high standard for this location. The external wall treatment comprises a range of cladding finishes, including aluminium panels, corroded green rain screen, render and timber boarding. Notwithstanding the information submitted with this application, a planning condition requiring the approval of materials would be appropriate to ensure that the detailed design of the proposed building can be properly assessed and agreed.
- 11.43 The proposal features a strong and clear public entrance which will ensure that the building delivers a legible form. In terms of its scale and massing the proposed development represents an efficient use of the land whilst still sitting comfortably within the site. It is considered that the building's design, scale and massing and site layout would result in a scheme which reflects the locality and the function of the building without resulting in an overly dominant form of development when viewed from surrounding public vantage points.
- 11.44 The proposal has also been considered against Local Plan Policy D8 which requires landscaping to form an integral part of the overall design. Landscaping can protect and enhance the existing visual character of the area and reduce the visual and environmental impacts of a development. In this case, a landscaping scheme is proposed for the site, which should assist in setting the development within the context of its wider surroundings and further act to soften the scale and visual impact of the building.
- 11.45 The Landscaping team have been consulted and have confirmed that there are no significant trees on site. There are a number of existing Lombardy Poplars along the boundary with Manor Road which are in fairly poor structural condition and have been topped in the past. It is proposed to remove these trees and plant a more appropriate mix of species which will enhance the outlook and from the properties on Manor Road as well as the streetscene.
- 11.46 The general arrangement of the site is acceptable, however, the schedule of species needs minor amendments. Some identified species are inappropriate for their allotted locations due to their natural growth form and some trees specified on the schedule are not obtainable in the sizes specified. These are minor amendments which can be resolved through a condition requiring a detailed landscaping scheme to be approved.
- 11.47 The landscaping scheme pays particular attention to the treatment of the northern site boundary with Manor Road. Here, a linear planting scheme will

reduce the impact of the development on residential amenity and will comprise a mixture of dense tree planting, hedging and shrubbery.

- 11.48 The proposals also recognise that accessible and functional outside amenity areas will be very important to the health and wellbeing of the future occupants of the care home. To this end, the garden has been designed to include several distinctly separate areas, which have various functions, situated along a footpath which wraps around the building. This layout is designed to encourage users to walk alongside and touch, see and smell the plants, with a mini flowering avenue along the footpath. The largest garden area includes a central pergola to act as the focal point and destination for year round use. Planting either side will provide some privacy. A lawn is to be planted with a variety of tree species to act as a mini parkland. Benches would be provided at various locations to enjoy different aspects of the garden in sunshine and shade.
- 11.49 The external areas at the front of the proposed building would have planting beds and shrubs designed to provide an attractive entrance and to soften the visual impact of the car park.
- 11.50 On balance, it is considered that the proposals accord with the Urban Design Principles outlined in Section 14 of the adopted Supplementary Planning Guidance for Hatfield Aerodrome and will assist in the overall aim of creating a high quality business park environment and the creation of employment opportunities in the area. The proposal also accords with Policies D1, D2, D7 and D8 of the Welwyn Hatfield Plan and the NPPF.

5. Other material planning considerations

i) Protected Species

- 11.51 The presence of protected species is a material consideration, in accordance with the 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 (and amended 2012) as well as Circular 06/05. Furthermore, Policy R11 requires developments to contribute positively to biodiversity.
- 11.52 The application site does not have any protected trees or hedgerows and, although the site may attract wildlife, there are not any records of protected or endangered species.
- 11.53 A Habitat and Ecology Survey (CGO Ecology, 2017) was submitted with this application. The site was assessed as mainly bare ground, with peripheral species-poor hedge and trees, some amenity grassland and temporary cabins. The site has recently been used as a construction compound with Heras fencing and heavy plant present; it is clearly of limited ecological interest.
- 11.54 Japanese knotweed was recorded on site. This plant is listed as an invasive species in Schedule 9 of the Wildlife and Countryside Act 1981 and control

measures should be put in place to prevent it spreading further. A condition is suggested requiring a method statement to be submitted and approved in writing.

- 11.55 Hertfordshire Ecology were consulted and did not object to the proposal subject to suggested conditions and informatives in accordance with Local Plan Policy R11 and the relevant paragraphs of the NPPF.

ii) Archaeology

- 11.56 Saved policy R29 and Section 12 of the NPPF seek to prevent developments from having a detrimental impact on remains of archaeological significance. A desk-based Archaeological Impact Assessment (MOLA, 2016) was submitted with this planning application. The report concludes that the site has a moderate to high potential for undesignated heritage assets with archaeological interest from the prehistoric period. Notably archaeological excavations at the adjacent Plots 5600 and 6000 unearthed evidence for later prehistoric agricultural and settlement activity. The report states that such remains as may be present are unlikely to have been disturbed by modern activity as no structures are apparent at this location on historic mapping. The report concludes that:

“...the most appropriate investigation strategy is likely to entail archaeological evaluation trenches. These would aim to assess the presence, nature and significance of any archaeological remains in the areas of proposed impact. A preliminary investigation could also include the archaeological monitoring of any geotechnical pits dug for engineering purposes.”

- 11.57 Hertfordshire County Council’s Historic Environment Advisor confirmed that the proposed development is therefore likely to have an impact on heritage assets with archaeological interest. Notwithstanding this, no objection was made to the development of the site in principal, subject to suggested planning conditions which would provide the level of investigation that this proposal warrants.

iii) Contaminated Land

- 11.58 A desk top study of potential contamination was provided with the application, this shows that the risk is low. Based on information pertaining to the adjacent site, it appears unlikely that this site will contain sources of contamination that will impact the future occupants of the site.
- 11.59 However, the proposed care home use is more domestic in nature to that of the adjacent hospital site and the outside area may receive more use as a consequence, including gardening activities. On this basis, it is recommended that an intrusive investigation is undertaken to ensure that there is no risk of contamination in accordance with Local Plan Policy R2 and the NPPF.

iv) Flood Risk / Surface Water Flooding

11.60 A Flood Risk Assessment and Drainage Strategy (MJA Consulting, 2017) was submitted with this application. Having consulted the Hertfordshire County Council Flood Risk Management Team, no objections have been raised with regard to the impact on surface water flooding either on site or further afield and the proposed development has been found to be acceptable in principle, subject to suggested planning conditions in accordance with Local Plan Policy R7, R10 and the NPPF.

v) Planning obligations

11.61 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 agreements to be:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development
- c) fairly and reasonably related in scale and kind to the development

11.62 Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

11.63 The NHS have sought contributions towards mental health, acute and community costs. Officers have considered the evidence provided in justification of the contribution in the context of paragraph 204 of the National Planning Policy Framework and CIL Regulation 123(3)(b)(ii). Having done so, it is considered that fully justified contributions towards primary care and mental health may be acceptable in principle, however, the request is not supported by enough detail to identify the precise impact of the proposed development on the service or that the contribution would be fairly and directly related to the impact. In this regard, Officers have sought additional information from the NHS (emails dated 18/09/2017 and 28/09/2017) which has not been forthcoming.

11.64 Hertfordshire County Council (Development Services) have confirmed that no planning obligations are sought in the instance.

11.65 Hertfordshire County Council, Transportation Programmes and Strategy (HCCTPS) have requested the submission of an amended Travel Plan, together with a financial contribution of £6,000 towards the ongoing monitoring, support and engagement activities undertaken by the County Council to support the submitted Travel Plan.

11.66 Welwyn Hatfield Borough Council are seeking £50,000 towards parking surveys and, if required, off-site parking restrictions as a result of the development.

- 11.67 Welwyn Hatfield Borough Council's Planning Obligations Supplementary Planning Document (SPD) triggers are not applicable to the proposed care home (use class C2).
- 11.68 The applicant has entered into negotiations on the planning contributions outlined above and it is anticipated that the S106 Agreement will be entered shortly after the decision is made, if it is indeed determined at committee to resolve to grant subject of the completion of the S106 Agreement.
- 11.69 The proposal, subject to the completion of a Section 106 Legal Agreement (S106), would comply with Saved Policy IM2 and the Planning Obligations SPD and the NPPF and CIL regs.

12 Conclusion

- 12.1 A swap from hotel to a care home (use class C2) is acceptable in land use terms, whilst still safeguarding the ability to deliver the remaining quantum of B1a/b development of the remaining undeveloped land to deliver against the framework of the outline planning permission. At the same time it will deliver inward investment to the Borough providing economic development and employment opportunities.
- 12.2 The impacts of the proposal have been considered in terms of access, highway capacity, parking provision, neighbour amenity and design. Other material considerations have also been considered.
- 12.3 Subject to the imposition of relevant conditions and the satisfactory completion of a Section 106 Agreement, on or before the 9th January 2018, to secure the following obligations, the proposal is considered acceptable in terms of the above and is not contrary to the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the Adopted Hatfield Aerodrome Supplementary Design Guidance, Supplementary Design Guidance, Supplementary Parking Guidance, Council's Interim Policy for Car Parking and the relevant chapters of the NPPF.

13 Recommendation

- 13.1 It is recommended that planning permission be approved subject to the imposition of relevant conditions and the satisfactory completion of a supplementary Section 106 Agreement, on or before 9 March 2018 to secure the following obligations:
- Submission of an amended Travel Plan
 - £6,000 Travel Plan Monitoring Fee
 - £50,000 towards a parking study and the implementation of parking restrictions

In addition to the following conditions: -

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have

been submitted to and approved in writing by the Local Planning Authority. The development must be implemented using the approved materials and subsequently, the approved materials must 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 Policy D1 and D2 of the Welwyn Hatfield District Plan 2005.

2. No 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 must not be carried out other than in accordance with the approved details. The landscaping details to be submitted must include:
 - a) Proposed means of enclosure and boundary treatments to all areas of the site
 - b) Hard surfacing, other hard landscape features and materials
 - c) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
 - d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

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 Policy D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development shall take place until a detailed method statement for the eradication of Japanese Knotweed has been submitted to and approved in writing by the Local Planning Authority. The statement shall include a timetable for implementation, measures to prevent spread during operations and measures to ensure that any soils brought to the site are free from the seeds/root/stem of any invasive plant. The development must not be carried out other than in accordance with the approved method statement.

REASON: To eradicate Japanese Knotweed from the development site and to prevent the spread of the plant through development works in accordance with the Government's commitment to halt the overall decline in biodiversity as set out in the National Planning Policy Framework.

4. No development shall take place until a Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan must include details of:
 - a) Construction vehicle numbers, type, routing;
 - b) Traffic management requirements;

- c) Construction and storage compounds (including areas designated for car parking);
- d) Siting and details 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; and
- g) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. No development shall take place until a scheme for the provision of secure cycle parking, including powered two wheel vehicle parking, on site has been submitted to and approved by the Local Planning Authority. The development must not be carried out other than in accordance with the approved scheme.

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

6. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority details of the glazing scheme and ventilation systems required to be installed to meet the internal noise levels within BS8233:2014, the LAmax levels with the WHO Community Noise Guidelines and the ventilation standards within the Noise Insulation Regulations 1975 (as amended). Outdoor amenity areas must not exceed the 55dB WHO Community Noise Guideline Level.

REASON: To protect the amenity and living conditions of future occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority, details relating to noise from plant and equipment to be installed at the premises with evidence in the form of an acoustic report showing that noise emissions from plant and equipment will be 10dB (LAeq) below the background noise level (LA90) at the nearest residential property (using the methodology outlined within BS4142:2014).

REASON: To protect the residential amenity and living conditions of nearby occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

8. Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings submitted to and approved in writing by the Local Planning Authority. The noise survey must include reference to measured background noise level at monitoring locations agreed by the Local Planning Authority. The noise emitted must be measured at 1.0m from the facade of the nearest residential premises to demonstrate that the noise emitted by the combined operation of all external building services plant hereby permitted does not exceed 10db below background noise level at any time when the plant is operating. Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.

Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times. Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply.

REASON: To protect the residential amenity and living conditions of nearby occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

9. Prior to the commencement of the development a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The development must not be carried out other than in accordance with the approved scheme. The drainage scheme must include:
 - a) Infiltration tests in the exact place of proposed underground storage and permeable paving, conducted to BRE Digest 365 Standards.
 - b) Detailed engineered drawings of the proposed Sustainable Drainage System (SuDS) features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
 - c) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with

Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

10. Prior to the commencement of the development a detailed management and maintenance plan for the all the Sustainable Drainage System (SuDS) features and structure must be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan must include an inspection timetable and arrangements for adoption and any other measures necessary to ensure the efficient operation of the scheme throughout its lifetime.

REASON: To ensure the drainage system is maintained throughout the lifetime of the development to an acceptable standard in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

11. **(A)** No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- i) The programme and methodology of site investigation and recording;
- ii) The programme and methodology of site investigation and recording as required by the archaeological evaluation;
- iii) The programme for post investigation assessment;
- iv) Provision to be made for analysis of the site investigation and recording;
- v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- vi) Provision to be made for archive deposition of the analysis and records of the site investigation;
- vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

(B) The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition **(A)**

(C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition **(A)** and the provision made for analysis and publication where appropriate.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

POST-DEVELOPMENT COMMENCING

12. The development hereby permitted must not be carried out other than in accordance with the approved Surface Water Strategy drawing, dated July 2017, drawing number SK601 and the following mitigation measures detailed within the surface water drainage strategy:

- a) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 142 m³ (or such storage volume agreed with the LLFA) of total storage volume in attenuation tank and permeable paving areas (or similar).
- b) Infiltration of surface water into the ground.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

13. 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 within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to 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 and approved conclusions must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved remediation scheme.

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 Policy R2 & R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

14. No loading, unloading, deliveries or collections shall take place other than between the hours of 7am and 7pm Monday to Saturday and 10am to 7pm on Sundays.

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

15. All planting seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding season following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works must 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 Policy D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO OCCUPATION

16. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved Landscaping plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: In the interest of highway safety in accordance the National Planning Policy Framework.

17. No part of the development hereby approved shall be occupied until the car park, pedestrian footways, cycleways, servicing / loading / unloading and turning areas have been laid out, surfaced, demarcated and drained in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that adequate vehicular and pedestrian access is provided prior to occupation in the interests of highway safety and in accordance with Policy M5, M6 and M14 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

18. No part of the development hereby approved shall be occupied until details relating to odour control for the kitchen exhaust system have been submitted to and approved in writing by the Local Planning Authority. The development must not be occupied other than in accordance with the approved details.

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

19. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

REASON: To protect the amenity and living conditions of future occupiers of the site and existing residential properties in the near vicinity to the development in accordance with Local Plan Policies D1 and R20 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

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

| Plan Number | Revision Number | Details | Received Date |
|--------------------|------------------------|--|----------------------|
| (9-) 2 | F | Proposed Site Plan | 12 October 2017 |
| (00) 2 | D | Proposed Ground Floor Plan | 3 April 2017 |
| (00) 3 | D | Proposed First Floor Plan | 3 April 2017 |
| (00) 4 | D | Proposed Second Floor Plan | 3 April 2017 |
| (00) 5 | B | Proposed Roof Plan | 3 April 2017 |
| (9-) 3 | A | Existing Topographical Survey | 3 April 2017 |
| (9-) 4 | A | Existing Block Plan | 3 April 2017 |
| (21) 1 | A | Proposed Elevations 1 of 2 | 3 April 2017 |
| (21) 2 | A | Proposed Elevations 2 of 2 | 3 April 2017 |
| (9-) 1 | A | Site Location Plan | 3 April 2017 |
| 2493/16/B. | | Landscape Strategy | 20 March 2017 |
| 0020/17/A. | | Landscape planting plan | 28 June 2017 |
| 0020/17/A. | | Landscape planting plan – Eastern Area | 28 June 2017 |
| 0020/17/A. | | Landscape planting plan – Northern Area | 28 June 2017 |
| 0020/17/A. | | Landscape planting plan – Southern Area | 28 June 2017 |
| 0020/17/A. | | Landscape planting plan – schedule and details | 28 June 2017 |
| SK601 | | Surface Water Strategy | 26 July 2017 |

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

Summary of reasons for grant of permission

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. INF6 Street Numbering
2. Biodiversity enhancements should be considered and could be in form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, refuge habitats (e.g. log piles, hibernacula) for reptiles at the site boundaries, green roofs, wildflower / wetland / pond areas, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.
3. It is an offence to take or disturb the breeding or resting location of protected species and precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England (0300 060 3900) or a suitably qualified ecological consultant.
4. The removal of trees and shrubs should be avoided during the bird breeding season (March to September inclusive). If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished.
5. 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.
6. 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.

7. 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.
8. The applicant is advised that all routes marked on the plan associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
9. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of: 8.00am and 6.00pm on Mondays to Fridays 8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays.
10. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
11. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
12. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
13. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
14. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
15. All pile driving shall be carried out by a recognised noise reducing system.
16. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

17. In general, equipment for breaking concrete and the like shall be hydraulically actuated.
18. BS 5228 Noise Control on Construction Sites should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.
19. Any emergency deviation from these conditions shall be notified to the Council without delay.
20. All efforts shall be made to reduce dust generation to a minimum.
21. Stock piles of materials for use on the site or disposal that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.
22. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
23. You are advised to contact the Health and Safety Executive 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.
24. 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 Food Safety and Hygiene (England) Regulations 2013.

OR

In the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of absence of the completed S106 Obligation 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.

2. Refused Drawing Numbers

| 3. Plan Number | Revision Number | Details | Received Date |
|----------------|-----------------|--|-----------------|
| (9-) 2 | F | Proposed Site Plan | 12 October 2017 |
| (00) 2 | D | Proposed Ground Floor Plan | 3 April 2017 |
| (00) 3 | D | Proposed First Floor Plan | 3 April 2017 |
| (00) 4 | D | Proposed Second Floor Plan | 3 April 2017 |
| (00) 5 | B | Proposed Roof Plan | 3 April 2017 |
| (9-) 3 | A | Existing Topographical Survey | 3 April 2017 |
| (9-) 4 | A | Existing Block Plan | 3 April 2017 |
| (21) 1 | A | Proposed Elevations 1 of 2 | 3 April 2017 |
| (21) 2 | A | Proposed Elevations 2 of 2 | 3 April 2017 |
| (9-) 1 | A | Site Location Plan | 3 April 2017 |
| 2493/16/B, | | Landscape Strategy | 20 March 2017 |
| 0020/17/A. | | Landscape planting plan | 28 June 2017 |
| 0020/17/A. | | Landscape planting plan – Eastern Area | 28 June 2017 |
| 0020/17/A. | | Landscape planting plan – Northern Area | 28 June 2017 |
| 0020/17/A. | | Landscape planting plan – Southern Area | 28 June 2017 |
| 0020/17/A. | | Landscape planting plan – schedule and details | 28 June 2017 |
| SK601 | | Surface Water Strategy | 26 July 2017 |

Summary of reasons for refusal of permission

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).

Mark Peacock (Development Management)

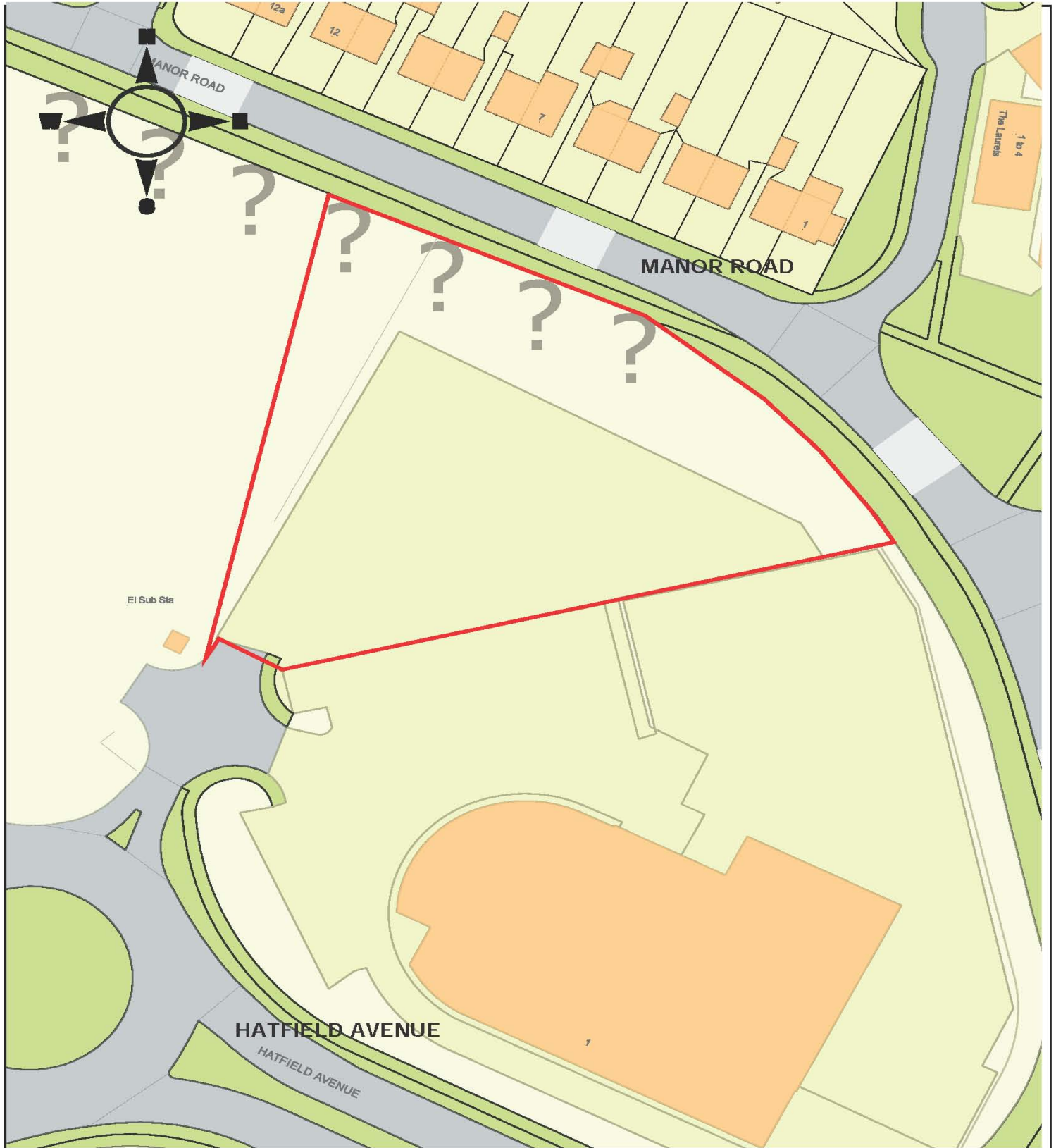
Date: 18/01/2018

Time Extension: 09/02/2018

Background papers to be listed (if applicable)

Section 106 Agreement for planning permission S6/2015/1061/MAJ

Section 106 Agreement for outline planning permission 6/2015/2043/OUTLINE



Council Offices, The Campus
Welwyn Garden City, Herts, AL8 6AE

| | | |
|---|---------------------------------|-------------------------|
| Title: Plot 6000 Land adjacent to Porsche Garage Hatfield Avenue Hatfield | | Scale: DNS |
| | | Date: 2017 |
| Project: DMC Committee | Drawing Number: 6/2017/0550/MAJ | Drawn: Baras Mast-Ingle |

© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2016