

To: Tim Waller  
Waller Planning  
Suite A  
19-25 Salisbury Square  
Old Hatfield  
AL9 5BT

## **Important – Planning permission and notices of consent**

### **Compliance with conditions**

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee may be payable for each request to discharge conditions.

For advice on any of these matters, please contact the duty planning officer or the case officer at Welwyn Hatfield Borough Council, Campus East, The Campus, Welwyn Garden City, AL8 6AE or by email [planning@welhat.gov.uk](mailto:planning@welhat.gov.uk) between 0900 – 1100 daily.

**Notice of Decision  
Town and Country Planning Act 1990  
Town and Country Planning (Development  
Management Procedure) (England) Order 2015  
Approval of Permission for Development**

To: Tim Waller

**Application No:** 6/2020/3222/MAJ

**Date of Approval:** 24 March 2022

**WELWYN HATFIELD BOROUGH COUNCIL, in pursuance of powers under the above mentioned act, hereby GRANT, subject to the development beginning not later than 3 years from the date hereof to: -**

**Development:** Demolition of existing buildings and construction of new building comprising 118 residential apartments, layout of parking areas, landscaping, electricity substation and ancillary development.

**At Location:** Former Volkswagen Van Centre Comet Way Hatfield AL10 9TF

**Applicant:** Mike Lodge

**Application Date:** 4 January 2021

**This planning permission is subject to a Section 106 agreement.**

In accordance with the conditions listed below: -

1. Development must not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of:
  - a) Hours of construction works;
  - b) Construction vehicle numbers, type, routing;
  - c) Traffic management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of construction activities;
  - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k) Provision of hoarding around the site;
  - l) Noise control measures to minimise noise and vibration; and
  - m) Dust control measures.

The construction of the development shall not be carried out otherwise than in accordance with the approved CMP.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way and the amenity and living conditions of the wider public in line with the mitigation measures set out in the Environmental Statement and in accordance with the National Planning Policy Framework.

2. Development must not commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

(a) A preliminary risk assessment which has identified:

- i. all previous uses;
- ii. potential contaminants associated with those uses;
- iii. a conceptual model of the site indicating sources, pathways and receptors; and
- iv. potentially unacceptable risks arising from contamination at the site.

(b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

(c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

REASON: To ensure that the development will not pose a risk to the water environment, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

3. The measures recommended in Section 9 of the submitted Phase 2 Ground Investigation Report (by Stantec, Project Ref: 47179/3502, Rev: 00, Date: August 2020) must be carried out.

REASON: To ensure that there will be no unacceptable risk to health or the environment in relation to contamination, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield

Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

4. 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 part (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b), 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 3.

(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 contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is 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; and
  - archeological 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) 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, unless otherwise agreed in writing by the Local Planning Authority. 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.

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 other offsite receptors, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Proposed Surface Water Drainage Strategy prepared by Stantec, drawing number 47179/4001/002 Revision B dated 20 July 2021, the letter provided by Stantec dated 20 July 2021, and the following mitigation measures detailed within the submitted Flood Risk Assessment:

- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2 l/s during the 1 in 100 year event plus 40% climate change event.

- b) 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 210 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in permeable paving subbase and attenuation tank.

- c) Discharge of surface water from the private drain to the Thames Water sewer on Goldsmith Way.

The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing / phasing 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 of flooding in accordance with Policy SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

6. Development must not commence (excluding works of demolition) until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been 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, and include details of the following:

- a. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs, for the entire site within the red line boundary including all footpaths and accesses.
- b. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times.
- c. Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, both on and off site, in accordance with Policy SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

7. Drainage systems for the infiltration of surface water to the ground must not be carried out other than with the written consent of the local planning authority.

REASON: To ensure that the development will not exacerbate the bromate and bromide groundwater pollution beneath the site, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

8. Piling/other foundation designs using penetrative methods must not be carried out other than with the written consent of the local planning authority.

REASON: To ensure that the development will not exacerbate the bromate and bromide groundwater pollution beneath the site, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

9. Development must not commence (excluding works of demolition) until detailed design plans have been submitted to and approved in writing by the local planning authority to illustrate the proposed roads, footways and cycleways. All construction works shall be carried out in accordance with the approved plans.

REASON: To ensure safe and suitable access in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

10. No development above ground level (excluding works of demolition) shall take place until a scheme setting out the arrangements for the delivery of accessible



housing will be supplied to the council in accordance with the following requirements:

- a) A schedule of units, together with appropriate plans and drawings, must be submitted to and be approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. At least 20% of all new dwellings must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings';
- b) All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- c) The person carrying out the building work must inform the Building Control body which requirements apply; and
- d) Written verification of the completion of all dwellings in accordance with part (a) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To ensure that suitable housing is provided for households in need of accessible and wheelchair housing in accordance with Policies D1, and H10 of the Welwyn Hatfield District Plan 2005; Policy SP 7 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

11. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing (No. 147179/5501/101 REV P5) have been submitted to and approved in writing by the Local Planning Authority.

(Part B) Prior to first occupation of the development the off-site highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

REASON: In the interest of highway safety in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

12. No development above ground level (excluding works of demolition) 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 Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

13. No development above ground level (excluding works of demolition) shall take place until a ground floor level hard landscaping scheme has been submitted to and approved in writing by the local planning authority. This scheme shall include:

a) Details of the height and appearance of gates, fences, walls or other means of enclosure and a plan to an identified scale illustrating and annotating the location of such features; and

b) Details of the surface material for the internal road, footway, cycle way and parking spaces and arrangement for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

The approved details must be implemented prior to first occupation of the development and retained permanently thereafter.

REASON: In the interest of high quality design, in accordance with Policies D1, D2 and D7 of the Welwyn Hatfield District Plan 2005; Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

14. No development above ground level (excluding works of demolition) shall take place until details of the planting methods and aftercare of the soft landscaping as shown on drawing numbers: BLA021-003 Revision A, BLA021-005, BLA021-006, BLA021-004 Revision C and 19\_386\_PL18, has been submitted to and approved in writing by the local planning authority.

The approved soft landscaping scheme must then be carried out in the first planting and seeding seasons following first occupation of the development, and any plant 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.

REASON: To ensure proper implementation of the agreed landscape details in the interest of high quality design and improving biodiversity, in accordance with Policies D1, D2, R11 and D8 of the Welwyn Hatfield District Plan 2005; Policy SADM 16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

15. No development above ground level (excluding works of demolition) shall take place until further details of the hard landscaping as shown on drawing



numbers: 19\_386\_PL12, BLA021-003 Revision A, BLA021-005, BLA021-006 and BLA021-004 Revision C, has been submitted to and approved in writing by the local planning authority. These details must include:

- a) Confirmed height of barrier for all roof gardens (inclusive of plinth and clear screen), locations, and specification of the clear screen element;
- b) Hard landscaping within main roof garden (fourth floor) to create areas of privacy and seclusion for residents. This must include a plan to an identified scale illustrating and annotating their location and details of the height and appearance of such features; and
- c) The location and appearance of seating and furniture for all roof gardens.

The approved details must be implemented prior to first occupation of the development and retained permanently thereafter.

REASON: In the interest of high quality design, in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SP 9 and SADM 11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

16. No development above ground level (excluding demolition) shall take place until details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The details must include:

- a) A site plan showing the location of the external lighting (ground based, on building and in roof gardens);
- b) Metrically scaled elevations of the types of external lighting; and
- c) Vertical lux diagrams showing potential light trespass into windows of the approved residential units and neighbouring residential properties outside of the site.

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting, and should be designed to minimise light spill, in particular directing light away from any boundary vegetation / trees to enable dark corridors to be used by wildlife as well as directing lighting away from potential roost / nesting sites.

The approved details must be implemented prior to first occupation of the development and retained permanently thereafter.

REASON: To assist with site safety, to protect the living conditions of future occupiers and neighbouring properties in terms of light spill, and to protect wildlife, in accordance with Policies D1, D7, R11 and R20 of the Welwyn Hatfield District Plan 2005; Policies SADM16 and SADM 18 of the Welwyn

Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

17. No development above ground level (excluding works of demolition) shall take place until details of the type of cycle stands within each cycle store of the building and how they would accommodate the quantity of provision as stated on drawing number 19\_386\_PL08 must be submitted to and approved in writing by the local planning authority.

The approved details must be implemented prior to first occupation of the development. Thereafter, the cycle stores must be permanently retained for no other purpose.

REASON: To ensure that the development is served by sufficient cycle provision and to encourage cycling as a sustainable mode of transport, in accordance with Policy M6 and M14 of the Welwyn Hatfield District Plan 2005, Policies SP 4 and SADM 3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

18. No development above ground level (excluding works of demolition) shall take place until further details of the cycle parking within the under-croft and open-air area on drawing number 19\_386\_PL08 have been submitted to and approved in writing by the local planning authority. The details must include:

- a) The type of cycle stand to be provided; and
- b) The quantity of spaces in each area.

The approved details must be implemented prior to first occupation of the development. Thereafter, these cycle parking areas must be permanently retained for no other purpose.

REASON: To ensure that the development is served by sufficient cycle provision and to encourage cycling as a sustainable mode of transport, in accordance with Policy M6 and M14 of the Welwyn Hatfield District Plan 2005, Policies SP 4 and SADM 3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

19. No development above ground level (excluding works of demolition) shall take place until details of the balcony screens for flats 04, 10, 12 and 16 on the approved floor plans have been submitted to and approved in writing by the local planning authority. The details must include:

- a) A plan to an identified scale showing the location and extent of the balcony screen; and

b) Elevations to an identified scale showing the height and appearance of the balcony screens.

The approved details must be implemented prior to first occupation of each of the above flats and retained permanently thereafter.

REASON: To protect the living conditions of future occupiers in terms of privacy, in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM 11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

20. No development above ground level (excluding works of demolition) shall take place until an Energy & Sustainability Statement has been submitted to and approved in writing by the local planning authority. This Statement must include measures to maximise energy conservation through the design of the buildings. The development shall be constructed in accordance with the agreed and shall thereafter be maintained in the approved form.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy R3 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

21. No development above ground level (excluding works of demolition) shall take place until details of the photovoltaic (PV) cells on the roof of the apartment building has been submitted and to and approved in writing by the local planning authority. The details must be metrically scaled and include:

- a) Elevations of PV cells;
- b) Elevations of each block inclusive of PV cells; and
- c) Roof plan of each block showing final layout of PV cells.

Prior to first occupation of the development, the PV cells must be installed in accordance with the approved details and subsequently, must be permanently retained in operational use.

REASON: In the interest of environmental sustainability and high quality design, in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan; Policies SP 1, SP 10 and SADM 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.

22. No development above ground level (excluding demolition) shall take place until details of the proposed bird and bat boxes have been submitted to and approved in writing by the local planning authority. These details must include:

- a) A site plan(s) and elevations identifying the location of such biodiversity enhancement features; and
- b) Images of the type of biodiversity features to be installed.

Prior to first occupation of the development, the approved details must be implemented and retained permanently thereafter.

REASON: To contribute positively to biodiversity, in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005, Policy SADM 16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

23. Prior to first occupation of the development, a pre-completion testing report must be submitted to and approved in writing by the local planning authority. This report must show compliance with the following:

- a) Noise tests showing that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014 (with the mechanical ventilation system off, on and on maximum boost setting). Internal L<sub>Amax</sub> levels should not exceed 45dB more than ten times a night in bedrooms.

- b) Noise testing showing that all outdoor amenity areas comply with the 55dB WHO Community Noise Guideline Level.

Non-compliance with any of the above levels will require additional mitigation measures to be incorporated into the development prior to first occupation of the development. Such measures must be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

All approved mitigation measures which secure compliance with the terms of this condition must be implemented and retained. If any approved mitigation measure requires replacing, the replacement must perform to at least the same sound protection level as previously approved.

REASON: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to transport sources, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

24. Prior to first occupation of the development, a pre-completion testing report must be submitted to and approved in writing by the local planning authority. This report must show compliance with the following:

- Noise testing showing that indoor ambient noise levels in living rooms and bedrooms from commercial noise sources are 10dB below the standards within

BS 8233:2014 and LAmax levels do not to exceed 40dB internally with windows closed.

Testing must take place in the properties that would be worst affected by the commercial noise sources, as in the closest property to the noise source. Testing must also take place for a suitable period of time to ensure that the commercial units are in fact operating so representative noise levels can be recorded.

Non-compliance with these levels will require additional mitigation measures to be incorporated into the development prior to the occupation of the development. Such measures must be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

All approved mitigation measures which secure compliance with the terms of this condition must be implemented and retained. If any approved mitigation measure requires replacing, the replacement must perform to at least the same sound protection level as previously approved.

REASON: To ensure that intended occupiers of the development are not subject to unacceptable levels of noise due to transport sources, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005, Policy SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

25. Prior to first occupation of the development, a verification report demonstrating the completion of works set out in the approved remediation strategy (condition x) and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005, Policies SP 10 and SADM 18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

26. Prior to first occupation of the development, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - a) Provision of complete set of as built drawings for site drainage;
  - b) Maintenance and operational activities; and

c) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

REASON: To prevent the increased risk of flooding, both on and off site in accordance with Policy SADM 14 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

27. Prior to first occupation of the development, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number (47179/5501/101 Rev P5) only. Any of the access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

REASON: In the interest of highway safety in accordance with Policy SADM 2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

28. Prior to first occupation of the development use of the development hereby permitted, provision must be provided for at least eight of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready Active charging points and all other spaces constructed so that they can be retrofitted with passive charging. Thereafter such provisions must be retained permanently thereafter.

REASON: To promote sustainable transport in accordance with Policy SADM 12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

29. Prior to first occupation of the development, the car parking spaces as shown on drawing number: 19\_386\_PL08, must be made available for use. Thereafter, the car parking spaces must be permanently retained for no other purpose.

REASON: To ensure that the development is provided with and retained with an acceptable car parking provision, in accordance with in accordance with Policy M14 of the Welwyn Hatfield District Plan, Policy SADM 12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

30. The double doors of each bin store, as shown on drawing number 19\_386\_PL08, must be fitted with coded locks for access for residents and waste collection crews. The bin stores must be made available for use prior to first occupation of the development. Therefore, the bin stores must be permanently retained for no other purpose.

REASON: To ensure that the bin stores are secure, are provided and are retained, in accordance with Policy D1 of the Welwyn Hatfield District Plan,



Policy SADM 12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

31. The communal roof gardens must be made available for use upon first occupation of each respective Block and be retained permanently thereafter for no other purpose.

REASON: To ensure that the communal amenity space is implemented for use by future occupiers in the interest of high quality design, in accordance with Policy D1 of the Welwyn Hatfield District Plan, Policy SP 9 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

#### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
19_386_PL01		Location and Block Plan	1 December 2020
19_386_PL02		Existing Site Plan	1 December 2020
19_386_PL03		Existing Ground Floor Plan	1 December 2020
19_386_PL04		Existing Elevations	1 December 2020
19_386_PL07		Proposed Site Plan	1 December 2020
19_386_PL08		Proposed Ground Floor Plan	1 December 2020
19_386_PL09		Proposed First Floor Plan	1 December 2020
19_386_PL10		Proposed Second Floor Plan	1 December 2020
19_386_PL11		Proposed Third Floor Plan	1 December 2020
19_386_PL12		Proposed Fourth Floor Plan	1 December 2020
19_386_PL14		Proposed Sixth Floor Plan	1 December 2020
19_386_PL15		Proposed Roof Plan	1 December 2020
19_386_PL16		Proposed Elevations 1	1 December 2020
19_386_PL17		Proposed Elevations 2	1 December 2020
19_386_PL18		Proposed Elevations 3	1 December 2020
19_386_PL19		Proposed Elevations 4	1 December 2020
19_386_PL13		Proposed Fifth Floor Plan	5 January 2021

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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 viewed on the Council's website or inspected at these offices).

**Informative(s)**

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

3. The development will involve the numbering of properties and/or the naming of new streets. The applicant **MUST** contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
4. Cadent Gas have identified that a low or medium pressure (below 2 bar) gas pipes and associated equipment are located in the vicinity of the proposed development. Please contact Cadent Gas on [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or +44 (0)800 688588 to discuss your requirements before carrying out any work.
5. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges will apply. It is advised that this is done as soon as possible to avoid delays in servicing the new development.

6. In relation to the protection of the railway, the developer must liaise with Network Rail's Asset Protection Team prior to the construction phase to discuss the scheme, to ensure that it can be delivered safely, and without detrimental impact on the safety of the adjacent railway environment. Issues to be discussed and agreed will include (but not necessarily be limited to) construction methodology, use of scaffolding, use of crane and plant, boundary treatments (including landscaping and anti-trespass provision where appropriate) and drainage. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for Network Rail approval.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, and where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to a development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition and/or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Given the scale of the development it is likely use of a crane will be required. The developer must bear in mind that crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

7. Storage of materials: 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
8. Obstruction of public highway land: 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
9. Road Deposits: 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
10. Construction standards for 278 works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

Further information is available via the website  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning  
0300 1234047.

*Chris Dale*

**Christopher Dale  
Head of Planning**



## **Town and Country Planning Act 1990**

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of The Town and Country Planning Act.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or 12 weeks in the case of a householder appeal of the date of this notice, whichever period expires earlier. •
- As this is a decision to refuse permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

### Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render

the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

## WHY HERTFORDSHIRE BUILDING CONTROL?



Hertfordshire Building Control are owned by seven local authorities in Hertfordshire. In effect, as a resident in Hertfordshire, you own Hertfordshire Building Control. Any profit we make is returned to those local authorities who reinvest it into our communities, which you as a resident will benefit from. Therefore, by using our services you benefit from our experienced and knowledgeable team of surveyors, and also from the investment made in the community by Local Authorities.

Being accountable to the public in this way means that we will not be compromised by people or organisations, and when things go wrong - for example buildings becoming dangerous as a result of poor building practices and improper inspections - we are the people who are called in to ensure that the area is made safe and further losses minimised.

Use Hertfordshire Building Control early on in your project to **prevent** such occurrences rather than having us being called in to **cure** them.

## WHAT HERTFORDSHIRE BUILDING CONTROL OFFERS:

- A truly independent service working on behalf of the property owner and accountable to the residents of Hertfordshire;
- Surveyors with the skills and experience to lead the compliance process ensuring that your property meets the standards required by Building Regulations
- A team with the capacity to provide a responsive service, ensuring that your project will be inspected when it needs to be and will not be held up.
- The technology to increase surveyor time on site and improve our service to our customers;
- A one stop shop for all related activities including air testing, acoustic testing, engineering and SAP calculations and warranties;
- A company that returns 100% of its profits back to Local Authorities for investment in the community.

## NEXT STEPS

Contact us as early as possible to make sure we can help you through the process. If you are sure about the type of building application you need to make, you can download the forms online at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

If you have any concerns or questions then please call us on **020 8207 7456** or email [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk)

Hertfordshire Building Control  
Hertsmere Civic Offices  
Elstree Way  
Borehamwood  
Hertfordshire  
WD6 1WA

020 8207 7456  
[buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk)  
[www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)



## HERTFORDSHIRE BUILDING CONTROL

PROTECTING YOUR INTERESTS BY  
ENSURING QUALITY BUILDINGS

020 8207 7456  
[www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

HERTFORDSHIRE  
BUILDING CONTROL







### WHAT IS BUILDING CONTROL?

Building Control ensures that architects, builders and other professionals in the construction industry adhere to the Building Regulations when designing and building structures. The Building Regulations set the standards for the design and construction of buildings to ensure that they are safe, accessible and energy efficient.

### DOES MY PROJECT NEED BUILDING CONTROL APPROVAL?

Projects that involve extensions, structural changes, loft or garage conversions or changes to electrical wiring will - in the vast majority of cases - need Building Control certification. It is a legal requirement.

To check whether your project requires building control approval please call one of our qualified surveyors on **020 8207 7456** who will be happy to advise you. Or contact us at the following email address [buildingcontrol@hartfordshirebc.co.uk](mailto:buildingcontrol@hartfordshirebc.co.uk). Alternatively, there is a lot of useful advice contained on our website: [www.hartfordshirebc.co.uk](http://www.hartfordshirebc.co.uk).

### WHY DO I NEED BUILDING CONTROL?

There is a legal requirement that work carried out on buildings including alterations, extensions and garage and loft conversions are inspected and certified by an authorised Building Control body. Building Control protects the interests of the property owner ensuring that architects and builders adhere to the standards required in the Building Regulations. Sadly, there are a number of rogue operators who will cut corners to save themselves money and in doing so cause buildings to be unsafe, difficult to access or exit, and energy inefficient. The building control surveyor is there to ensure that standards are adhered to and to certify the work carried out. This is not only important for you when living in your property but also when you come to sell it, as it could delay or prevent a sale if the appropriate certification has not been completed.

### IS THIS DIFFERENT FROM PLANNING?

Building Control is separate from planning which deals with the appearance of buildings and how they fit into their environment. Your project may also need planning consent, which is a different process.

You may be receiving this advice note because you have submitted plans to your Local Authority planning department; if not you will need to contact them to discuss planning requirements. Links to contact Local Authority Planning departments are on our website.

### WHAT DO BUILDING CONTROL SURVEYORS DO?

Building Control Surveyors work on behalf of the property owner and with architects, builders and other construction professionals to lead the compliance process, certifying that buildings conform to Building Regulations. The mission of Hertfordshire Building Control is to ensure quality buildings and add value for our customers and communities by leading the compliance process. Essentially the surveyor protects the interests of the property owner and should therefore be independent of the architect and/or builder. Make sure that it is you and not your builder or architect who selects your Building Control provider, or that you have carried out the necessary due diligence.