

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2018/1519/MAJ  
**Location:** Land north of Chequersfield Welwyn Garden City  
**Proposal:** Erection of 30 residential units with associated vehicular access, associated ancillary and enabling works  
**Officer:** Ms Clare Howe

**Recommendation:** Granted

6/2018/1519/MAJ

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site is located on the north side of Chequersfield, southeast of Welwyn Garden City town centre. The site comprises an overgrown embankment to the south and a temporary access road. To the north is unsurfaced area used for parking or storage. The site is bounded by hedgerows to the north and west, and open fields with a sub-station area sited behind. To the south are residential properties comprising predominantly of 3 storey apartment blocks, increasing to 4 storey towards the corner of the blocks.</p> <p><u>Proposed Development</u></p> <p>The applicant seeks full planning permission for the following:</p> <ul style="list-style-type: none"> <li>• 30 residential apartments comprising of two blocks;</li> <li>• 30 car parking spaces allocated for the flats;</li> <li>• 30 cycle parking spaces;</li> <li>• Bin stores at ground floor level integrated into the design of the two apartment blocks;</li> <li>• Hard and soft landscaping surrounding the block and to divide up the car park area;</li> <li>• 33% Affordable Housing with 10 affordable one bed units with 5 being social rented and 5 being shared ownership in one apartment block;</li> </ul> <p>Amendments were received on the following:</p> <ul style="list-style-type: none"> <li>• The Addendum report for Noise to address the Environmental Health Officer's comments;</li> <li>• The site layout plan showing the removal of the visitor parking bays, adjusting the sites entrance following comments from Hertfordshire County Highways Officer;</li> <li>• The planting and landscaping plan showing landscaping improvements to the site.</li> </ul>

	All necessary parties were re-consulted following the submission of these amendments.		
<b>Constraints (as defined within WHDP 2005)</b>	EA2 (Burrowfields) Hollybush Wards No known habitats present (high priority for habitat creation) No known habitats present (medium priority for habitat creation) Sand and Gravel Belt Hatfield Woodhall		
<b>Relevant planning history</b>	Application Number: 6/2017/0376/PA      Decision Date: 17 May 2017 Proposal: 32 Apartments in 2 Block Application Number: N6/2014/2008/FP      Decision: Granted Decision Date: 05 January 2015 Proposal: Change of use to operational railway to facilitate installation of electricity feeder station		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 6	Other: 1
<b>Publicity</b>	Site Notice Display Date: 6 July 2018 Site Notice Expiry Date: 27 July 2018 Press Advert Display Date: 27 June 2018 Press Advert Expiry Date: 11 July 2018		
<b>Summary of neighbour responses</b>	Neighbour objections were received regarding the following: <ul style="list-style-type: none"> <li>• The provision of car parking is not sufficient;</li> <li>• It is upon an area of natural beauty with biodiversity;</li> <li>• Loss of view;</li> <li>• Overlooking;</li> <li>• The red brick and buff grey brick will be out of keeping;</li> <li>• Increase in traffic volume impacting highway safety;</li> <li>• Pressures on local schools</li> </ul> Two neighbour objections were received from residents of Eddington Close raising the following matter: <ul style="list-style-type: none"> <li>• No notification of planning was made public to the residents on the Chequersfield development</li> </ul>		
<b>Consultees and responses</b>	No objections have been received in principle from the following list of consultees subject to conditions and s106 financial contributions and requirements: <ul style="list-style-type: none"> <li>• Welwyn Hatfield Borough Council Client Services</li> <li>• Welwyn Hatfield Borough Council Public Health and Protection</li> <li>• Welwyn Hatfield Borough Council Landscaping Officer</li> <li>• Hertfordshire County Council Planning Obligations;</li> <li>• Hertfordshire County Council Lead Local Flood Authority;</li> </ul>		

	<ul style="list-style-type: none"> <li>• Hertfordshire County Council Transport, Programmes and Strategy Department (HCCTPS);</li> <li>• Hertfordshire County Council Ecology Team;</li> <li>• Hertfordshire Constabulary</li> <li>• Thames Water;</li> <li>• Cadent Gas;</li> <li>• Network Rail;</li> <li>• Hertfordshire County Council Historic Environment Advisor;</li> <li>• Herts and Middlesex Wildlife Trust.</li> </ul> <p>Welwyn Hatfield Borough Council Parking Services commented that there are raising parking pressures currently within Eddington Crescent from the neighbouring businesses and that one parking spaces per unit will not be sufficient for the residents.</p> <p>Although consulted, no representations have been received from the following:</p> <ul style="list-style-type: none"> <li>• The Gardens Trust;</li> <li>• Thames Water;</li> <li>• Affinity Water Ltd;</li> </ul>
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**Relevant Policies**

NPPF  
 D1    D2    GBSP1    GBSP2    M14  
 Supplementary Design Guidance    Supplementary Parking Guidance  
 Others: Policies SD1, H1, H2, H6, H7, H10, R1, R2, R3, R5, R7, R9, R11, R17, R18, R19, R20, R29, M5, M6, M14, D3, D5, D6, D7, D8, OS3 and IM2

Draft Local Plan Proposed Submission August 2017  
 SP1, SADM1, SP7, SP9, SADM11, SADM12, SP10, SADM13, SADM14, SADM16, SADM18, SP13

Supplementary Design Guidance 2005  
 Supplementary Planning Document, Car Parking Standard 2004  
 Interim policy on Car Parking and Garage Sizes 2014

**Main Issues**

<b>Principle of use for housing and affordable housing provision</b>	<p>Saved Policy SD1 of the District Plan advocates sustainable patterns of Development. With this, along with saved Policy H2 of the Local Plan, the Council seeks to direct new development to settlements that have a range of services that can be accessed via sustainable means. Paragraph 8 of the NPPF identifies the three dimensions to sustainable development: economic, environmental and social. The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.</p> <p>The proposed development is on land in a built-up area, forming a gravelled access road to network rail land to the west of the site. As defined in the NPPF “previously developed land” includes ‘<i>Land which is or was occupied by a permanent structure, including the curtilage of the developed land, (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface</i></p>
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	<p><i>infrastructure</i>'. Notwithstanding this, the proposed development would provide a contribution towards the housing need for the Borough. The proposed development would therefore have social benefit through the provision of a windfall residential unit making a contribution to local housing supply. This is a social benefit as it reduces pressure on housing land take elsewhere.</p> <p>The economic role would be fulfilled to a limited degree through demands for labour and materials in undertaking the construction and the subsequent use by future occupants of local services and facilities.</p> <p>In addition to the above sustainable development policies, the NPPF encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing that which has been previously developed. Local Plan Policy R1 requires development to take place on previously used or developed land and is consistent with the NPPF.</p> <p>The site is not an allocated housing site and so is considered as a 'windfall site', Policy H2, therefore, applies. This policy states that all proposals for windfall housing development will be assessed against the following criteria:</p> <ul style="list-style-type: none"> <li>(i) The availability of previously-developed sites or buildings</li> <li>(ii) The location and accessibility of the site to services and facilities by transport modes other than the car</li> <li>(iii) The capacity of existing and potential infrastructure to absorb further development</li> <li>(iv) The ability to build new communities to support infrastructure and provide demand for services and facilities</li> <li>(v) The physical and environmental constraints on development of land.</li> </ul> <p>As mentioned above, the site is not an allocated housing site and is not on previously developed land, however there is a need for housing. Furthermore, the site is located a reasonable distance from the nearest bus stop is 0.12 km and there are several local amenities within a 1km walk along footpaths. The site is therefore well connected to sustainable modes of transport and the future occupants would not have to be heavily reliant on the car. Additionally, given the land is currently adjacent residential land it would be sited amongst a developed site. Furthermore, any concerns about the suitability of the site for residential use in terms of the possibility of contaminated land and noise pollution due to the train line to the rear of the site could be covered by planning conditions.</p> <p>Subsequently, there is no compelling objection to the principle of development of this site for residential purposes, subject to considerations relating to design, character and layout.</p>
<p><b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b></p>	<p>Regarding design, the Government attaches great importance to the design of the built environment. The NPPF notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.</p> <p>The site lies within the specified settlement ward of Hollybush, which is within Policy GBSP2. This policy seeks to limit development to that</p>

which is compatible with the maintenance and enhancement of the character of the area. Additionally, Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan. Policy H6 requires new developments of 5 or in central areas and areas with good accessibility by modes of transport, other than car, residential development will be expected to be close to, or exceed 50 dwelling per hectare provided that the development will not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the District Plan.

The proposed application seeks to develop the site above 50 dwellings per hectare, however given the level of connectivity of the site to public transport and amenity services, and the high density design within the surrounding area, it is considered that the development does not have an adverse impact on the character of the surrounding area and satisfies the design policies of the plan.

The proposed layout involves the erection of the two apartment blocks detached, with an access road between them. The apartments are set back from the streetscene providing some landscaping along the frontage of the site. A car parking courtyard is sited to the rear of the development. Given the layout of these apartments, the layout of development adjacent the application site, and the set back from the streetscene they would not appear cramped or unduly prominent within the surrounding context. Additionally, soft landscaping would be provided to the east and south frontage of the development, helping to soften the street scene and integrate the development into the existing locality.

Turning to the layout of the car parking courtyard to the rear of the development, it would be fairly obscured from the streetscene due to the siting of the apartment blocks. Views would be available through the access road, however, the slight meander in the access road and the planting of trees surrounding the entrance distorts clear views through. As such, car parking would be fairly obscured from the street scene ensuring hardstanding and vehicles would not be unduly visible within the road frontage. Soft landscaping and hedgerows are proposed on the back edge of the parking courtyard to help soften the appearance, which is supported by WHBC Landscaping Officer.

The success of this scheme as a quality residential environment relies on the high quality of the landscaping, which has been the subject of negotiation and revisions. Amendments have been received to use landscaping to provide a more attractive environment and set the buildings in a landscape context. Essentially, more landscaping has been proposed to the east and south of the site to ensure that the buildings have a soft landscaped setting and can integrate into the site. More trees will be interspersed with appropriate planting to add value to the overall landscaping of this site. This includes incorporating a mix of native and ornamental species that will provide a year-round visual interest, whilst enhancing the biodiversity of the site. The use of flowering species, such as lavender, also represent biodiversity enhancements for pollinators. Overtime, the landscaping scheme will

	<p>mature, allowing the buildings to be seen through a landscaped context. The inclusion and retention of trees will create a more attractive and pleasing residential environment for future occupiers. This view is shared with WHBC Landscaping Officer and an appropriate condition could be applied to ensure the landscaping scheme is implemented. Overall, given the above, it is considered that the amount of landscaping compared to built development proposed would be acceptable.</p> <p>The site is surrounded by a variety of developments of differing scale and heights. To the south are three storey residential apartments and to the south west are four and three storey residential apartments. The proposed apartment block B is 2.5 storeys and block A is 4 storeys, although the eaves levels have decreased so that the apartment block appears as 3.5 storeys. In addition, the proposed apartments would be set back from Chequersfield, and be a comparable size and scale to the existing buildings. Overall, the character of the area in terms of the scale and heights of building is varied and the proposed scheme is typical of the immediate surrounding area.</p> <p>The apartments would be finished in buff brick and red brick with stone banding and slate grey concrete roof tiles. It is considered that these materials reflect those within the Chequersfield area. These will be secured by way of condition. The design of the apartments proposed does not overly reflect the Garden City vernacular and are of a design and appearance that is found typically anywhere in the county. Nevertheless, within the immediate locality of Chequersfield, the appearance would be appropriate and would not be harmful to the character and appearance of the area.</p> <p>Overall, the layout, design and appearance of the proposed development, is considered to be of an appropriate quality and would adequately respect and relate to the overall character of the immediate area. Accordingly no objections are raised with regard to Policies D3, D5, D6, D7, and D8 of the District Plan, the SDG or the Framework.</p>
<p><b>Impact on neighbours</b></p>	<p>Saved Policy D1 and the 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, oriented and positioned in such a way as to minimise overlooking between dwellings.</p> <p>With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.</p> <p><b><i>Impact Upon Adjoining Occupiers</i></b></p> <p>Because of the orientation, set back and siting of the proposed development, there would be no significant adverse material impact upon the residential amenity of adjoining occupiers through loss of day/sun light or overshadowing that would be tantamount to warrant a refusal.</p> <p>Additionally, the proposed apartment blocks would be positioned and</p>

laid out to provide a relatively high degree of separation from existing buildings, to ensure sufficient privacy and sufficient natural day-light and sunlight is afforded to each unit. Furthermore, the proposed windows are fairly off-set to limit overlooking between the blocks from the upper floors. It is, therefore, considered that the flats have been designed to prevent significant amounts of direct, close overlooking of one another and of neighbouring buildings.

The proposed development involves balconies on both apartment blocks. The balconies on Block A will be sited on the eastern and western elevation. Whilst Block B features balconies on the northern, southern and western elevation. The siting of the balconies provides natural surveillance of the parking courtyard, providing a level of security. Whilst some of the balconies would be adjacent existing apartments, the distance of separation is reasonable, such that it ensures substantive overlooking is not achieved over existing occupier's private amenity spaces.

The Council's adopted guidance for gardens do not have specific standards, however it outlines that gardens should be functional and useable in terms of their width, depth, shape and orientation. The balconies provide an appropriate level of amenity space, given the apartment sizes. In addition to the balconies the site features an area of soft landscaping to the east, which could be used as shared amenity space by occupiers. It is therefore considered, that the proposed development provides an adequate amount of private and shared amenity space.

In this respect the development is not considered likely to cause unacceptable impacts by reason of overlooking or, dominance loss of light to neighbouring occupiers.

#### ***Impact Upon Future Occupiers***

With regard to the impact of the proposal upon future occupants of the proposed dwellings, the layout of the buildings and the positioning of windows and balconies does seek to address matters, such as, overlooking and loss of privacy. The layout also ensures that, with regard to overshadowing, daylight and sunlight, the scheme has been designed to achieve acceptable conditions.

The SDG requires that all residential development should incorporate private open space for the use of residents. It is however considered reasonable for flats to be provided with communal amenity areas. The Council however have no specific standards for the provision of garden sizes as it is considered that the design and layout of the garden in relation to the built environment should ensure that the garden is functional and usable in terms of its orientation, width, depth and shape. With regard to amenity space for the proposed apartment buildings these would be provided predominately by a private balcony. Whilst some apartments have balconies of an adequate size, not all apartments have access to private open space. Nevertheless, the apartments are sited within a sustainable location of walking distance to open space.

In regards to noise pollution, the site is close to the railway line and noise and vibration would be generated from this. Policy R19 of the District Plan requires proposals to be refused if the development is likely to generate unacceptable noise or vibration from other land

	<p>uses. The Council has an obligation therefore to ensure that the development proposed does not suffer from a high level of noise, which is considered particularly important as the site is proposed to be predominantly residential.</p> <p>There are concerns with regards to noise from the nearby commercial premises, with noise being audible in relation to activities on site, especially reversing beepers. Further discussions with the applicants has shown a willingness to install noise attenuation measures to combat this issue. A noise report and vibration report have both been submitted to support this application identifying mitigation measures. The applicant will need to ensure that the right amount of mitigation is provided in the proposed properties, and if noise is still an issue from commercial units then a significant glazing and ventilation scheme will be required, above that previously proposed by the applicant to ensure that complaints do not occur. A condition could be applied for details relating to a scheme to protect the proposed development from noise due to the railway and nearby commercial/industrial units to protect the occupants of the new development from noise disturbance. This view is shared by WHBC Environmental Health Officer.</p> <p>For the above reasons, it is considered that the proposal development would not result in significant adverse harm to the living conditions and amenity of surrounding residential and to future occupiers. The proposal is, therefore, in accordance with Policy D1 and R19 of the District Plan, the Supplementary Design Guidance 2005 and the NPPF in this regard.</p>
<p><b>Access, car parking and highway considerations</b></p>	<p>Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the NPPF and are therefore afforded less weight.</p> <p>In light of the above, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal its size context and its wider surroundings as well as the NPPF guidance.</p> <p>The standards set out in the Council's Supplementary Planning Guidance are the following: 1.25 parking spaces per 1 bedroom dwelling and 1.5 spaces per two bed dwelling spaces. To meet the maximum parking standards 42 car parking provision is required.</p> <p>The proposed development includes one parking space per apartment and five visitor parking spaces, equating to 35 car parking spaces.</p> <p>Originally, 42 car parking spaces were proposed, with five being identified to the front of the site. These spaces were removed, to provide soft landscaping to enhance the design of the scheme, given its prominent location when entering Chequersfield.</p> <p>A further two visitor parking spaces were removed within the parking courtyard, following comments from HCCTPS requiring enough space required for an emergency vehicle to be manoeuvred. A suitable turning area has been provided within the layout which enables a fire tender to enter and egress the site within a forward gear. Such</p>



	<p>provision provides improvement to the operational safety of both the development in general alongside the operational safety along Chequersfield.</p> <p>It is noted, WHBC Parking Services raised concern that there is an existing problem of on street parking from non-residential parking and that the proposed development would exacerbate this. Following these comments further information providing justification for the removal of these spaces was submitted by the planning agent, however WHBC Parking Services provided no further comment.</p> <p>Notwithstanding this, given their concern regarding existing parking pressures for non-residential parking and that the development may give rise to further pressures, further consideration has been given regarding the number or proposed car parking spaces upon highway safety. HCCTPS have recognised that on-street parking occurs within Chequersfield. However, HCCTPS concluded that whilst the scheme represents a shortfall on the maximum parking standards, it is not considered that it is likely to give rise to unacceptable impacts on safety locally.</p> <p>In addition, to the above, to encourage sustainable modes of travel the applicant proposes to install a footpath on the northern side of Chequersfield Road, enhancing the accessibility of the site and connecting it to the wider area. Secure integrated cycles stores are also proposed with a cycle parking space per apartment.</p> <p>For the above reasons, whilst the proposed development would not meet the maximum car parking standards, given the sustainable location of the application site, the improvement to the operational safety of the site, and that the lack of car parking would not result in detrimental harm upon highway safety, it is considered on balance, that a sensible level of car parking provision is proposed.</p> <p>In the event of permission being granted, a condition would be required which would include the parking spaces being laid out prior to occupation.</p>
<b>Other Material considerations</b>	
<b>Contaminated Land</b>	<p>Policy R2 of the District Plan outlines that development should only be approved on land that is known to be contaminated where it has been adequately proven that the development or land would not pose an unacceptable risk to public health or the environment.</p> <p>There is a known history of contamination in this area of land and to the North of the proposed development site where a gas curtain has been installed and monitoring is still taking place due to previous landfill uses.</p> <p>The applicant has submitted a report proving that the site is contaminated and acknowledging that remedial works would be required. From the basis of this investigation and assessment from the Council's Environmental Health department it has been concluded that the use of an appropriate condition would ensure that proposed development would not pose an unacceptable risk to human health.</p>
<b>Archaeology</b>	<p>This development is situated within an area of former landfill. The applicant's Ground Investigation report shows that there is between roughly 2.5m and over 4m of made ground across the site.</p>

	<p>In this instance, it is considered that the development is unlikely to have an impact on heritage assets of archaeological interest. Accordingly Hertfordshire Historic Environment Advisor and the Local Planning Authority have raised no objections with regard to Policy R29.</p>
<b>Refuse and Recycling</b>	<p>An original response was retained from Client Services department stating that the paths need to be a minimum 2m wide for the containers and the distance travelled no greater than 10m. And that there needs to be a flat, even surface with no steps or kerbs to move the bins down to freighter. Revised plans were requested and submitted satisfying Client Services points above. Details of the location, design and specification of the refuse bin and recycling materials storage bins and areas to serve the residential units have been submitted and are considered acceptable. A condition will be applied to ensure the refuse and recycling materials storage bins and areas shall be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.</p>
<b>Flood risk and foul Sewage Disposal</b>	<p>The application site is within Flood Zone 1, although as the site is over 1ha a Flood Risk Assessment has been submitted. The proposal is that surface water will be discharged to two soakaways, both with cellular structures sized to provide 43.32m<sup>3</sup> of storage each, and permeable paving to provide over 55.7m<sup>3</sup> of storage.</p> <p>The LLFA request conditions be attached requesting that 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.</p> <p>Thames Water advised that with regard to waste water network and waste water process infrastructure capacity, they would not have any objection to the above planning application, based on the information provided.</p>
<b>Play Space and Open Space</b>	<p>Policy OS3 of the District Plan states that new residential development will be expected to make a contribution to the provision of children's play space and informal open space. Contributions will take the form of the direct provision of facilities on site or, where appropriate, the payment of a commented sum by the developer to facilitate the provision of facility elsewhere. In this instance a contribution is sought from the developer to the Reeds Play area, which is in close proximity to the site, and requires a complete refurbishment.</p>
<b>Biodiversity/ Ecology</b>	<p>Paragraph 170 of the National Planning Policy Framework 2018 is clear that the planning system should '<i>contribute and enhance the natural and local environment</i>'. Policy SADM16 of the Proposed Submission Local Plan expects proposal to maintain, protect and wherever possible enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. It also expects proposals to conserve and enhance the borough natural and historic landscaping and sit comfortably within the wider landscape setting.</p> <p>It is noted, that a neighbour objection was received regarding the development being built upon an area of natural beauty with biodiversity. The site is however not identified within the Local Plan as an area of natural beauty.</p>

	<p>As for the impact upon the biodiversity, a Preliminary Ecological Appraisal (ACD Environmental, May 2018) was submitted. Following consultation, Herts and Middlesex Wildlife Trust requested that 15 bat boxes be integrated conserve and enhance biodiversity and agreed via condition. However, following negotiations with the applicant it is agreed that one bat box per elevation would be reasonable.</p> <p>In addition, Hertfordshire Ecology proposed a condition be applied to avoid a net loss of biodiversity, thus requiring a landscaping and mitigation plan that adopts several measures within the Preliminary Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority. This is considered reasonable, necessary and appropriate to ensure the development avoids a net loss of biodiversity in accordance with the NPPF Paragraph 170 and Policy SADM16 of the Proposed Submission Local Plan.</p>
<b>Protected Species</b>	<p>The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment &amp; Rural Communities (NERC) Act 2000 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.</p>
<b>Renewable Energy</b>	<p>Policy R3 states that <i>'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...'</i> Policy SD1 states that <i>'Development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'</i>.</p> <p>An Energy Statement has been prepared by Energist UK in support of the application to set out the planned measures to achieve energy reductions at Chequersfield. The development has been designed to generate a total reduction in energy of 10.13% over the TER ADL 2013. This energy standard is primarily delivered through fabric-first approach to design. The submitted design and access statement shows that photovoltaic panels would be installed, measuring approximately 31.5m<sup>2</sup> to 36m<sup>2</sup> (approximately 18 panels) facing South East or South West. Full details have not been submitted and therefore a condition will be applied requiring information be submitted of the design and siting of the photovoltaic panels.</p>
<b>Lifetime homes</b>	<p>In accordance with Policy H10 of the District Plan and SP7 of the Emerging Local Plan, the development scheme ensures that there are 12 Lifetime Homes proposed for the site. These are 2 bedroom, 3 person apartments and would be built to lifetime homes standard ensuring the creation of accessible housing for all members of the community. This would be an appropriate proportion in line with Policy H10 and would be conditioned in the event of an approval. To ensure that suitable housing is provided for households in need of accessible housing in accordance with Policies D1 and H10 of the Welwyn Hatfield district Plan 2005 and SP7 of the Draft Local Plan Proposed Submission (August 2016) a condition will be applied a scheme setting out the arrangements for delivery of accessible housing is to be supplied to the LPA and agreed.</p>
<b>Environmental</b>	<p>Whilst the applicant has not submitted an Environmental Impact</p>

<p><b>Impact Assessment</b></p>	<p>Assessment (EIA) screening request, the Local Planning Authority has undertaken one. The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). The development does not fall either within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the development would take place on a site less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwelling house development. An EIA is therefore not required.</p>
<p><b>Planning Obligations</b></p>	<p>Where a planning obligation is proposed for a development, the Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010 has introduced regulation 122, which provides limitations on the use of planning obligations. In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:</p> <ul style="list-style-type: none"> <li>(a) Necessary to make the development acceptable in planning terms;</li> <li>(b) Directly related to the development; and</li> <li>(c) Fairly and reasonably related in scale and kind to the development.</li> </ul> <p>Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a Local Authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106).</p> <p>In this case Welwyn Hatfield Borough Council does not have a published list of infrastructure projects and it is, therefore, appropriate to seek contributions through a S106 legal agreement. This is in accordance with Saved Policy IM2 of the Welwyn Hatfield District Plan 2005, the Planning Obligations Supplementary Planning Document 2012 and the Draft Local Plan Proposed Submission 2016.</p> <p><i>i) Affordable Housing</i></p> <p>The proposed development seeks permission for 30 residential units and in accordance with Policy H7: Affordable Housing, of the adopted District Plan, the Council will expect the site to include the provision of affordable housing to meet the needs of local people who cannot afford to occupy dwellings generally available on the open market. That policy requires a minimum of 30% to be sought which should comprise subsidised housing. Additionally Policy SP 7 of the emerging Local Plan also requires that for a proposal of 11 or more new dwellings, 30% of the houses should be affordable.</p> <p>In this instance, the application includes the proposals of 10 x 1 bedroom affordable units within 5 being social rents and 5 being shared ownership. These will be located in Block A.</p> <p>This is considered to meet an identified need within the locality which would be an appropriate location across the site, and the Council's</p>

	<p>Housing Team have confirmed that this would be acceptable.</p> <p><i>ii) Hertfordshire County Council Contributions</i></p> <p>The proposed development gives rise to the necessity for the following obligations from Hertfordshire county council Growth and Infrastructure Unit:</p> <ul style="list-style-type: none"> <li>• Library Service - £3,051 (plus PubSec indexation at 175);</li> <li>• Youth Service - £260 (plus PubSec indexation at 175);</li> <li>• Fire hydrants.</li> </ul> <p>Hertfordshire County Council's School Planning Team are aware there are capacity issues in the vicinity in respect of both Primary and Secondary Education but are unable to nominate a project at this time due to restrictions imposed on S106 planning obligations.</p> <p><i>iii) Welwyn Hatfield Borough Council Contributions</i></p> <p>The proposed development gives rise to the necessity for the following obligations from the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>• Play Space - £7,948.80 (plus PubSec indexation at 178);</li> <li>• Waste and Recycling – £2,720.00 (no indexation at 178);</li> <li>• 10 Affordable Housing;</li> <li>• Fire Hydrants;</li> <li>• Open Space/Green Space - £3,030.48 (plus PubSec indexation);</li> </ul> <p>These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.</p> <p>The applicant has been made aware of these obligations and has agreed to them. A signed and completed S106 Agreement to secure these obligations has been received.</p>
<b>Other Matters</b>	<p>Neighbour objections were raised noting that no notification of planning was made public to the residents on the Chequersfield development. In regards to this matter, the consultation procedure was carried out in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 in that those abutting the site were formally consulted via letter, and a site notice was put up in close proximity to the site. In addition, a press notice was also used to notify the public. Therefore, the necessary consultations were undertaken.</p>
<b>Conclusion</b>	
<p>The NPPF sets the context for plan making and decision making from the national perspective. At its heart there is a presumption in favour of sustainable development. The proposed development is considered to accord with all three overarching sustainable development objectives (economic, social and environmental).</p> <p>Furthermore, following the recent appeal decision at Entech House, Woolmer Green for 72 dwellings, commercial and retail unit, the Inspectorates report stated: “ <i>I conclude that the</i></p>	

*lpa cannot show a 5-year supply of deliverable housing sites and that the scale of its supply falls considerably well short of 5 years.”*

As such, Paragraph 11 of the Framework applies, which states that where a lpa cannot demonstrate a 5 year land supply of deliverable sites its plan is considered to be out of date and as such planning permission for schemes should be granted unless:

*“i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The materiality of housing undersupply must therefore be given greater weight in decisions and the delivery of housing is an important objective in keeping pace with household growth and meeting housing targets.

It is considered, that the proposed development constitutes sustainable development and that there are no compelling objections to the use of this site for residential purposes, nor to the design and appearance of the development. The impacts of the proposal have also been considered in relation to the provision of affordable housing, visual impact on the area, amenity of future occupants, amenity of neighbouring uses, and other material consideration (highways, car and cycle parking, refuse and recycling, landscaping, drainage and contamination).

In conclusion the proposed development is therefore acceptable and accords with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, adopted supplementary planning and design guidance and with the NPPF and NPPG.

### **Conditions:**

#### **PRIOR TO COMMENCEMENT**

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

#### **(a) Site Characterisation**

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

(i) a survey of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

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

(e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the

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

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

2. No development must take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement must be adhered to throughout the construction period. The Statement must provide for:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) the identification of the timing of construction activities to be carried out for the development.

Reason: To ensure the 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 NPPF.

#### NO DEVELOPMENT ABOVE GROUND LEVEL

3. No development above ground level in any phase of the development must take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted 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 shall not be changed.

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

4. Prior to any above ground development in any phase of the development must take place until details relating to a scheme to protect the proposed development from noise due to the railway and nearby commercial/industrial units are submitted to



and for the approval in writing by the Local Planning Authority. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 (a greater level of mitigation and lower internal noise levels will be required if significant noise is still present from the commercial/industrial units). Any associated mechanical ventilation will need to meet the ventilation requirements found within The Noise Insulation Regulations 1975 (or a similar alternative to be agreed with the Local Planning Authority). Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level with mitigation measures provided where required to meet this level.

The approved noise mitigating scheme must be implemented before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason – to protect the occupants of the new development from noise disturbance in accordance with policy R19 of the Welwyn Hatfield District Plan 2005.

5. Prior to any development above ground level a landscaping and mitigation plan that adopts the measures described in Sections 6.5, 6.7, 6.8, 6.9, 6.11 and 6.12 of the Preliminary Ecological Appraisal (ACD Environmental, May 2018) has been submitted to and approved in writing by the local planning authority. This shall include, but not necessarily be limited to, the:

- a) Purpose and biodiversity objectives for the proposed works;
- b) Detailed design(s) and/or working methods necessary to achieve these objectives (including, the provenance of native trees etc);
- c) Extent and location of proposed works shown on appropriate scale plans;
- d) Timetable for implementation;
- e) Persons responsible for implementing the works;
- f) Details of initial aftercare and long-term maintenance;

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To avoid a net loss of biodiversity in accordance with Policy R11 of the Welwyn Hatfield District Plan 2005.

6. Prior to any development above ground level a scheme setting out the arrangements for the delivery of accessible housing will be supplied to the Local Planning Authority in accordance with the following requirement:

- a) A schedule of at least 12 apartments, together with appropriate plans and drawings setting out details of the number, layout and location of all units that will comply, shall be submitted to and be approved by the Local Planning Authority, with Part M4(2) of the Building Regulations 2010.
- b) At least 12 of the apartments must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures.
- c) All units specified as M4(2) in the agreed schedule and plans shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard.]
- d) The person carrying out the building work must inform the Building Control body which requirements apply.

e) Written verification of the completion of all dwellings in accordance with b) above will be supplied to the Local Planning Authority within 30 days of the practical completion of the apartment blocks.

Reason: To ensure that suitable housing is provided for households in need of accessible in accordance with Policies D1 and H10 of the Welwyn Hatfield District Plan 2005 and SP7 of the Draft Local Plan Proposed Submission (August 2016).

7. No development above ground level shall take place 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 include:

- Demonstration that 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;
- 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;
- Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

REASON: To protect the surrounding environment from pollution in accordance with Policies R7 of the Welwyn Hatfield District Plan 2005.

8. No development above slab level shall commence until details of the design and location of the photovoltaic panels, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plans materials, processes and systems, 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 the National Planning Policy Framework and Policy R3 of the Welwyn Hatfield District Plan 2005.

9. No development above ground level must take place until a scheme for the provision of secure cycle parking on site has 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 scheme.

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

#### PRIOR TO OCCUPATION

10. Prior to the first occupation of the development hereby permitted the location, design and specification of the refuse and recycling materials storage bins and areas must be constructed, equipped and made available for use prior to first occupation and retained in that form thereafter.

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

11. Prior to the first occupation of the development hereby permitted the on-site car and cycle parking and areas for servicing and turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available free of charge for use by the residents of the site and their visitors.

REASON: To ensure the permanent availability of the parking and manoeuvring areas in the interest of highway safety and to support cycling as an alternative to the use of the private motor car in accordance with Policy M6 and M14 of the Welwyn Hatfield District Plan and the NPPF.

12. Prior to the first occupation of the development hereby permitted, the vehicular access must be provided and thereafter retained at the position shown on the approved plan drawing number LSD209-01 Rev J. Arrangement must be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with R7 of the Welwyn Hatfield District Plan 2005 and the NPPF.

13. Prior to the first occupation of the development hereby permitted a visibility splay must be provided in full accordance with the details indicated on the approved plan number (LSD209-01 Rev J). 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 interests of highway safety in accordance with Policy M1 of Welwyn Hatfield District Plan 2005.

14. The development permitted by this planning permission shall not be carried out other than in accordance with the approved Flood Risk Assessment dated May 2018 produced by Mewies Engineering Consultants Ltd, including:
  1. Discharge of surface water via infiltration.
  2. Provision of 142 m<sup>3</sup> of storage sufficient to manage surface water up to the 1 in 100 plus 40% for climate change rainfall event.

Reason: To prevent flooding by ensuring the satisfactory disposal of and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005.

#### POST DEVELOPMENT COMMENCING

15. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and

species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

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

16. No external lighting shall be installed without the prior agreement in writing of the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

#### DRAWING NUMBERS

17. 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>
6100/PP/AS P1	E	Planting Plan	17 October 2018
LSD209-200	B	Constraints Plan	6 June 2018
LSD209- 01.01	A	Location Plan	6 June 2018
LSD209-01	H	Site Plan	17 October 2018
22573-02- 070-001	B	Drainage Layout	6 June 2018
LSD209-02- 01	E	Floor Plans and Elevations Block A	17 September 2018
LSD209-02- 02	C	Floor Plans and Elevations Block B	24 July 2018
LSD209-02- 03	A	Sections	6 June 2018
22573-08- 010-04		Fire appliance tracking	29 November 2018

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).

#### **Informatives:**

1. This planning decision letter should be read in conjunction with the S106 Legal Agreement.

2. 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.
3. 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 then authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://hertsdirect.org/serices/transstreets/highways/> or by telephoning 0300 1234047.
4. The applicant is advised that all new roads associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. 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-avements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. All works and ancillary operations that 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 on Saturdays  
and at no time on Sundays, Bank Holidays and Pubic Holidays

**REASONS:**

To protect the amenity of the occupants of surrounding buildings and sites further to Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2012.

7. The glazing scheme and associated mechanical ventilation scheme must take into account noise from the nearby industrial units and traffic noise. The scheme must also meet the ventilation standards within the Noise Insulation Regulations 1975 (as amended).
8. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all

vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org.services/transtreets/highways> or by telephoning 0300 1234047.

9. 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. As indicated above, the adjacent railway access road is used on a 24/7 basis and should remain clear and unobstructed at all times, both during construction and during subsequent use of the site.
10. 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-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
11. No part of the development, or plant, vehicles or machinery associated with the construction of the development, block or restrict the access road for the Borofield Road feeder stations which runs along the northern boundary of the proposed site. Additionally, use of the access road must remain clear and unrestricted at all times during subsequent use of the site.
12. The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
13. 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
14. 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.
15. 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.
16. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
17. 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-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

18. Permissible noise levels are not specified at this stage.
19. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.
20. Any emergency deviation from these conditions shall be notified to the Council without delay.
21. 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.
22. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
23. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material
24. All pile driving shall be carried out by a recognised noise reducing system.
25. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
26. 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.
27. All efforts shall be made to reduce dust generation to a minimum.
28. 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.

**Determined By:**

Mrs Sue Tiley  
11 December 2018