

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

DELEGATED APPLICATION

Application No: 6/2019/2344/VAR
Location: Land north of Chequersfield Welwyn Garden City AL7 4TX
Proposal: The variation of condition 6 (accessible housing), the variation of condition 1 (contamination), condition 8 (photovoltaic panels) and the variation of condition 4 (noise from nearby sources) on planning permission 6/2018/1519/MAJ.
Officer: Mrs Sarah Madyausiku

Recommendation: Granted

6/2019/2344/VAR

Context	
Site and Application description	<p>The application site is located on the north side of Chequersfield, southeast of Welwyn Garden City town centre. Building works are now substantially underway in the construction of planning application ref: 6/2018/1519/MAJ.</p> <p>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>The variation application has been submitted for amendments to planning permission ref: 6/2018/1519/MAJ. The amendments are for the following:</p> <ul style="list-style-type: none"> • The variation of condition 8 (photovoltaic panels), • The variation of condition 6 (accessible housing), • The variation of condition 1 (contamination) • The variation of condition 4 (noise from nearby sources) <p>Section 73 allows applicants to apply to vary or remove one of more conditions attached to a planning permission. This results in a new permission with one or more conditions from an extant permission varied or removed and it would sit alongside the original permission, which remains intact and unamended. In determining an application under this section, officers have to have regard to the development plan and all other material considerations but the principle of development should not be re-assessed since that is not an issue in relation to the removal/variation of the conditions.</p> <p>The main considerations in this application are:</p> <ul style="list-style-type: none"> -Whether removal of the photovoltaic panels on the north section of the roof is acceptable (condition 8) -Whether the scheme for accessible housing is acceptable (condition 6)

	<p>-Whether condition 1 (contamination) should be varied -Whether condition 4 (noise from nearby sources) should be varied.</p> <p>All other aspects remain the same as assessed under application 6/2018/1519/MAJ. For consideration and consultation on that application, refer to the reference for details.</p>
<p>Constraints (as defined within WHDP 2005)</p>	<p>EMPL - EA2 (Burrowfields) - Distance: 0 Wards - Hollybush - Distance: 0 FM30 - Flood Zone Surface Water 30mm (1869684) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2716534) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7660890) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HPGU - Hatfield Woodhall - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: 6/2018/1519/MAJ Decision: Granted Decision Date: 11 December 2018 Proposal: Erection of 30 residential units with associated vehicular access, associated ancillary and enabling works</p> <p>Application Number: 6/2019/0426/COND Decision: Part Approved / Part Refused Decision Date: 18 April 2019 Proposal: Submission of details pursuant to condition 2 (construction method statement), 9 (secure cycle parking) and 10 (refuse and recycling bins) on planning permission 6/2018/1519/MAJ</p> <p>Application Number: 6/2019/0575/COND Decision: Refused Decision Date: 09 May 2019 Proposal: Submission of details pursuant to condition 8 (Sustainability Statement Rev) on planning permission 6/2018/1519/MAJ</p> <p>Application Number: 6/2019/0716/COND Decision: Refused Decision Date: 10 May 2019 Proposal: Submission of details pursuant to condition 1(Remediation), 4 (Noise) ,16 (Lighting Plan) 6/2018/1519/MAJ</p> <p>Application Number: 6/2019/0715/COND Decision: Refused Decision Date: 22 May 2019 Proposal: Submission of details pursuant to condition 3 (Materials), 7</p>

(Drainage) on planning permission 6/2018/1519/MAJ

Application Number: 6/2019/0786/COND

Decision: Granted Decision Date: 04 June 2019

Proposal: Submission of details pursuant to condition 5 (Landscaping and Mitigation), 6 (Layout) for on planning permission 6/2018/1519/MAJ

Application Number: 6/2019/2130/COND

Decision: Part Approved / Part Refused Decision Date: 22 October 2019

Proposal: Submission of details pursuant to conditions 1(Land Contamination) 3(Materials) 4(Acoustic) 7(Surface water drainage scheme) 9 (Cycle Parking) 10 (Refuse and Recycling) 16 (External Lighting) on planning application 6/2018/1519/MAJ

Application Number: 6/2019/3113/COND

Decision: Refused Decision Date: 17 February 2020

Proposal: Submission of details pursuant to condition 1 (Contamination) on application 6/2018/1519/MAJ

Application Number: 6/2019/3231/COND

Decision: Refused Decision Date: 17 February 2020

Proposal: Submission of details pursuant to condition 4 (Acoustic) on planning 6/2018/1519/MAJ

Application Number: 6/2019/3112/COND

Decision: Granted Decision Date: 09 March 2020

Proposal: Submission of details pursuant to condition 7 (surface water drainage scheme) on planning permission 6/2018/1519/MAJ

Application Number: 6/2020/0807/COND

Decision: Granted Decision Date: 14 July 2020

Proposal: Submission of details pursuant to condition 1 (scheme of remediation) on planning permission 6/2018/1519/MAJ

Application Number: 6/2020/0521/COND

Decision: Granted Decision Date: 14 July 2020

Proposal: Submission of details pursuant to condition 4 (Acoustic) on planning 6/2018/1519/MAJ

Neighbour representations	Support: 0	Object: 3	Other: 0
Publicity	Site Notice Display Date: 31 March 2020 Site Notice Expiry Date: 23 April 2020 Press Advert Display Date: 9 October 2019 Press Advert Expiry Date: 23 October 2019		
Summary of neighbour responses	Three objections have been received, these are summarised below. <ul style="list-style-type: none"> The panels should be kept as an additional energy efficient means of electricity generation. 		
Consultees and responses	<ul style="list-style-type: none"> - WHBC - Public Health and Protection –No objection subject to conditions -The Gardens Trust – do not wish to comment -Lead Local Flood Authority - No further comments to make on flood risk grounds. Hertfordshire Constabulary - None -Hertfordshire County Council - S106 Obligations – No objection -WHBC - Client Services - None -Hertfordshire County Council - Historic Environment Advisor- None -Herts & Middlesex Wildlife Trust -None -Environment Agency - None -Welwyn Hatfield Borough Council - Planning Policy- None -Affinity Water Ltd - Planning Team- None -Thames Water, Development Control - None -Hertfordshire County Council - Hertfordshire Transport Programmes & Strategy- No objection -Hertfordshire Ecology - None -Welwyn Hatfield Borough Council - Landscapes Department- None -Cadent Gas Limited - None -WHBC - Affordable Housing - The release of conditions does not impact on the quantum of affordable housing provision on the development so we have no objection. - Welwyn Hatfield Borough Council - Parking Services- No objection - Network Rail – No objection 		
Relevant Policies			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input checked="" type="checkbox"/> 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			
<u>Draft Local Plan Proposed Submission August 2017</u> 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

Principle of Development

The proposal remains materially the same as assessed under application 6/2018/1519/MAJ. The suitability of the site for windfall housing under Policy H2 still remains acceptable. In relation to its detailed design, the proposal to remove the photovoltaic panels (under condition 8) does not result in any other external changes to the development already approved.

In conclusion, the principle of the development remains the same as considered under application ref: 6/2018/1519/MAJ and is acceptable.

Energy Efficiency: Removal of condition 8

The application is for the variation of condition number 8 (photovoltaic panels) on planning permission 6/2018/1519/MAJ.

Condition 8 on planning permission 6/2018/1519/MAJ stated: “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”.

The applicant states in their application form that they seek to remove the photovoltaic panels because they “can achieve the required carbon reduction of 10 percent through the fabric first approach”.

The applicant has demonstrated that the proposal still remains in compliance with Policy R3 as the amended energy statement submitted with this application states they are able to meet energy efficient measures by doing a “fabric first” approach that will result in a reduction in energy consumption. They state that as a result of the fabric first approach, there is no requirement to provide the PV panels.

The reason for condition 8 of application (6/2018/1519/MAJ) was to ensure the development contributed to sustainable development. The applicants have demonstrated this can be done through the fabric first method, without needing PV panels. The condition should be varied in order to require compliance with the recommendations for a fabric first approach.

Accordingly no objections are raised with regard to policy R3 of the District Plan together with the Framework and condition can be varied.

Accessible housing-

The application is for the variation of condition number 6 (accessible housing) on planning permission 6/2018/1519/MAJ.

Variation of condition 6

Condition 6 is worded as follows:

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).

In particular condition 6 requires that at least 12 apartments will comply with Part M4(2) of the Building Regulations 2010.

A non-material amendment was approved as part of application 6/2018/1519/MAJ (ref 6/2018/1519/NMA3- dated 2 January 2020) which agreed that 9 of the ground apartments across both Flat Block A and Flat Block B could be provided to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings'.

As part of this current application, the applicant has stated that works to retrospectively fit 9 accessible units to comply 6/2018/1519/NMA3 cannot be achieved. They state that the 2018 permission was designed so that 12 units would meet the requirements of Lifetime Homes Standards, which was set out in their accompanying Design and Access Statement for that application. The applicant is therefore seeking through this application for the condition to be re-worded so that 12 units can instead be constructed to comply with Lifetime Homes Standards.

It is important to note that while the applicant is not proposing to meet the requirements approved within 6/2018/1519/NMA3 they are proposing to provide 12 units at Lifetime Homes Standards which would be in accordance with the requirements of Policies D1 and H10 of the Welwyn Hatfield District Plan 2005. As a result this means that even though they are providing a lower standard of accessible units, they would still be providing units which are designed to be more

	<p>accessible than a standard unit and these units would accord with the Council's adopted Policies. In addition, they would be providing a greater number of accessible unit than that required by 6/2018/1519/NMA3.</p> <p>It should be noted that the proposed development would provide a Policy compliant level of affordable housing with the result that the proposed development would provide a small but valuable contribution to the Council's identified shortfall of this type of housing within the borough. In addition, the Council do not have a demonstrable five year land supply of deliverable housing sites. As this proposal would create 30 dwelling it would therefore contribute towards the land supply of deliverable housing sites within the Borough. It is considered given the number of units proposed, including the proposed affordable housing provision, that it would be reasonable to attach significant weight to these benefit.</p> <p>Although the proposed development would fail to accord with the requirements of SP7 of the Council's Emerging Local Plan, it is important that this divergence is viewed within the wider policy context which is set out above. In addition, it is important when considering this divergence from SP7 to balance this against the other material planning consideration already discussed. Furthermore, it is important to note that SP7 is not an adopted policy which reduces the weight which can be attributed to it. As a consequence, it is judged that it would be reasonable to attach moderate weight to this conflict.</p> <p>To conclude, when the above matters are considered holistically as part of the planning balancing exercise, the moderate harm which would occur from the proposals failure to comply with the requirements of SP7 would be insufficient to outweigh the identified benefits of the proposed development discussed above. As a result, it is not considered that this conflict with SP7 of the Council's Emerging Local Plan is sufficient on its own to warrant a reason for refusal for this application. It is therefore judged that the proposed variation of this condition would be acceptable.</p>
<p>Land contamination- Variation of condition 1</p>	<p>A scheme of remediation has been agreed as part of application reference 6/2020/0807/COND and shall be implemented in accordance with those approved details.</p> <p>Accordingly, the condition shall be reworded to ensure the development is carried out in accordance with the requirements agreed under application reference 6/2020/0807/COND. This will ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.</p>
<p>Noise from nearby sources- Variation of condition 4</p>	<p>A scheme for noise mitigating was agreed as part of application reference 6/2020/0521/COND and shall be implemented in accordance with those approved details.</p> <p>Accordingly, the condition shall be reworded to ensure the development is carried out in accordance with the requirements</p>

	agreed under application reference 6/2020/0521/COND. This will ensure the occupants of the new development are protected from excessive over heating in accordance with policy R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.
Environmental Impact Assessment	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.
Planning Obligations	The associated section 106 agreement that accompanied planning application 6/2018/1519/MAJ had a clause (section 15) to allow any future planning applications assessed under section 73 of the Act to carry through the legal agreement. All financial contributions have been paid. The only outstanding matter of concern in the section 106 agreement is the provision of affordable housing units. An Informative is advised to remind the applicants of the section 106 agreement.
Any other considerations	<p>As a section 73 application effectively creates a new permission which can be implemented on its own it is important that an assessment is made to any material changes that the proposed development would have when compared to the application that it seeks to vary.</p> <p>In relation to conditions, case law outlines that when issuing a permission after a condition had been removed or amended, that permission should refer to all the terms of the original permission to avoid the possibility of the permission being interpreted as having no conditions or only those that were amended.</p> <p>With the exception of the conditions referred to above, it is necessary to re-impose all the conditions from the original case upon the new permission or if those conditions have been discharged, to require the approved details to be adhered to in the new development.</p>
Conclusion	
<p>The amended scheme is broadly acceptable and complies with the relevant policies of the Welwyn Hatfield District Plan 2005, the adopted Supplementary Planning Guidance, the relevant policies of the Emerging Welwyn Hatfield Local Plan 2016 and the National Planning Policy Framework.</p> <p>The application is therefore recommended for approval subject to the proposed conditions.</p>	

Conditions:

1. The scheme of remediation agreed as part of application reference 6/2020/0807/COND shall be implemented in accordance with those approved details.

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 and the National Planning Policy Framework.

2. The construction method statement agreed as part of application reference 6/2019/0426/COND shall be implemented in accordance with those approved details.

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

3. The revised material schedule submitted as part of application reference 6/2019/2130/COND shall be implemented in accordance with those approved details.

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

4. The noise mitigating scheme agreed as part of application reference 6/2020/0521/COND shall be implemented in accordance with those approved details.

Reason: To protect the occupants of the new development from excessive over heating in accordance with policy R19 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. The details outlined in the submitted Landscape and Mitigation Plan, referenced TWNT20972LMP and dated 08/03/2019 submitted as part of application reference 6/2019/0786/COND shall be implemented in accordance with those approved details.

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

6. a) The 12 accessible dwellings located in Block B namely plots 13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 27, and 28 must be delivered in accordance with Lifetime Homes Standards as detailed in the approved plans associated with this planning permission and retained thereafter.

b) Written verifications of the completion of the dwellings in accordance with a) above must be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the accessible dwellings.

Reason: To ensure that suitable housing is provided for households in need of accessible homes in accordance with Policies D1 and H10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. The details submitted in relation to bicycle parking as part of application reference 6/2019/2130/COND shall be implemented in accordance with those approved details.

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

PRIOR TO OCCUPATION

8. The development must be carried out in accordance with the recommendations of AES Sustainability Consultants dated 1 July 2019, revision 1. The development 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. The details of the location, number and design of bins submitted as part of application reference 6/2019/2130/COND shall be implemented in accordance with those approved details.

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

10. 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 National Planning Policy Framework.

11. 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 National Planning Policy Framework.

12. 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 and the National Planning Policy Framework.

13. 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 m³ 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 and the National Planning Policy Framework.

14. The development hereby permitted shall not be undertaken other than in accordance with the sustainability statement dated February 2019 demonstrating that the measures in that report will lead to a 10.03% reduction in carbon emissions over the minimum compliance levels within the Building Regulations 2013.

REASON: In the interests of sustainable development in accordance with Policy R3 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

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 and the National Planning Policy Framework.

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 and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
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21188-BlockA-51	C3	Block A Front Elevation	9 October 2019
21188-BlockA-52	C2	Block A Side Elevation	9 October 2019
21188-BlockA-53	C2	Block A Rear Elevation	9 October 2019
21188-BlockB-41	C2	Block B Indicative Roof Plan - sheet 1 of 2	9 October 2019
21188-BlockB-42	C2	Block B Indicative Roof Plan - sheet 2 of 2	9 October 2019
21188-BlockB-51	C3	Block B Front Elevation	9 October 2019
21188-BlockB-52	C4	Block B Rear Elevation	9 October 2019
21188-BlockB-53	C3	Block B Side Elevation	9 October 2019
21188-Site Plan-100		Site Plan Variation of Condition Number 6	9 October 2019
21188-BlockA-41	C2	Block A Indicative Roof Plan	9 October 2019
LSD209-01.01	A	Location Plan	31 October 2019
LSD209-01	J	Site Plan	21 February 2020
LSD209-200	B	Constraints Plan	6 June 2018
22573-02-070-001	B	Drainage Layout	6 June 2018
22573-08-010-04		Fire appliance tracking	29 November 2018
6100/PP/AS P1	E	Planting Plan	17 October 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 dated 11 December 2018.
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
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:

Mr Colin Haigh
30 July 2020