

To: Mr R Murdock
Woods Hardwick Planning Ltd
15-17 Goldington Road
Bedford
MK40 3NH

Important – Planning permission and notices of consent

Compliance with conditions

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

For advice on any of these matters, please contact the duty planning officer or the case officer at Welwyn Hatfield Borough Council, Campus East, The Campus, Welwyn Garden City, AL8 6AE or by email planning@welhat.gov.uk between 0900 – 1300 daily.

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

To: Mr R Murdock

Application No: N6/2015/0034/MA

Date of Approval: 20 November 2015

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

Development: Change of use of B1a Business use to C3 (Residential) use and erection of 23 dwellings with associated access, landscaping and ancillary works

At Location: Broadwater House, 43 Broadwater Road, Welwyn Garden City, AL7 3AX

Applicant: Wheatley Homes Ltd

Application Date: 12 January 2015

In accordance with the accompanying plans and particulars, subject to the conditions listed below: -

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

17095/105 & 17095/109 & 17095/110 & 17095/111 & 17095/112 & Arboricultural Impact Assessment and accompanying Tree Survey by BHA Trees Ltd (November 2014) & Arboricultural Method statement by BHA Trees Ltd (November 2014) & Ground Investigation Report by EPS (December 2014) received and dated 9 January 2015 & 17095/106 Rev.A & 17095/113 Rev.A & 17095/1002 Rev.A & 17095/1003 Rev.A received and dated 3 August 2015 & 17095/107 Rev.B & 17095/108 Rev.B & 17095/114 & 17095/1001 Rev.C received and dated 17 August 2015

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

PRIOR TO COMMENCEMENT

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

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

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

The landscaping details to be submitted shall include:

- (a) means of enclosure and boundary treatments
- (b) hard surfacing, other hard landscape features and materials
- (c) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- (d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (f) location of service runs
- (g) management and maintenance details
- (h) details of any lighting installations within the site and affixed to the building

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

4. No development shall 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 shall be adhered to throughout the construction period. The Statement shall 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) measures to control the emission of dust and dirt during construction
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- (h) construction vehicle numbers, type and routing to the site.
- (i) Traffic management requirements;

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.

5. Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and / or written specifications), of on-site drainage, access arrangements and turning spaces for vehicles shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall be adhered to, implemented and retained thereafter. The required details will include the following:

- (i) Roads, footways, foul and on-site water drainage.
- (ii) Access arrangements from Broadwater Road.
- (iii) Adequacy of areas provided for the turning of vehicles within the site.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway in accordance with the National Planning Policy Framework.

6. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority an environmental Noise assessment. This report should include details of a noise monitoring exercise and details of the facade and internal noise levels for the premises. Noise measurement results in terms of day and night-time LAeqs, LA90s and for night-time, LAmax (f) will be required. Where internal noise levels exceed the BS8233 recommended levels for habitable rooms details of how these standards will be achieved without compromising the background and rapid/purge ventilation rates indicated in the Building regulations shall be provided. Details of any mechanical ventilation systems needed to achieve this will be required. The development hereby approved shall be constructed in accordance with any approved details and which will be retained thereafter.

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

PRIOR TO OCCUPATION

7. Any existing access other than those proposed to be used on the approved drawings shall be permanently closed and the footway/highway verge shall be reinstated to match the adjoining footway/highway verge/carriageway before the development hereby permitted is first occupied.

REASON: To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway in accordance with the National Planning Policy Framework.

8. The approved car and cycle parking spaces, servicing areas and access shall be provided, surfaced and drained in accordance with the approved details before the development hereby permitted is first occupied and thereafter shall be retained.

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

POST DEVELOPMENT COMMENCING

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

10. All agreed landscaping comprised in accordance with Condition 3 of this permission 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 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

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

REASON FOR APPROVAL

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

Informative(s)

1. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
2. The development will involve the numbering of properties and naming new streets. The applicant **MUST** contact Welwyn Hatfield Borough Council, Transportation (Cathy Wilkins 01707 357558) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 35700.
4. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access. 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

6. 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. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
8. It is advised that the development of 23 dwellings, hereby approved, shall be constructed to meet the Police preferred minimum security standard of Secure By Design. For further information, please contact Hertfordshire Constabulary Tel: 01707 355225 or information can be found at www.herts.police.uk.



Colin Haigh
Head of Planning

Town and Country Planning Act 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of The Town and Country Planning Act.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. •
- If this is a decision to refuse permission for
 - a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
 - a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
 - an application for advertisement consent, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice;
 - works in respect to a tree preservation order application, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice;
 - a lawful development certificate, there is no time restriction.
- For all other appeals, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. •
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for

the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.