



WELWYN HATFIELD COUNCIL

Council Offices, Welwyn Garden City, Herts, AL8 6AE
Telephone: Welwyn Garden (01707)357000

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING DECISION NOTICE – PERMISSION

N6/2007/412/MA

ERECTION OF 20 UNITS COMPRISING OF B1 (BUSINESS) USE WITH ASSOCIATED ACCESS, ROADS AND LANDSCAPING.

at: LAND AT 29 BROADWATER ROAD, WELWYN GARDEN CITY,

Agent Name And Address

BBF FIELDING LTD,
41 CHOBHAM ROAD,
WOKING,
GU21 6JD

Applicant Name And Address

TERRACE HILL (WELWYN GARDEN CITY)
LTD,
C/o AGENT,

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 12/03/2007 and shown on the plan(s) accompanying such application, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) proposed finished levels [earthworks to be carried out and details of material to be deposited onto UOL including contouring and seeding/planting)
- b) means of enclosure and boundary treatments
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials
- f) 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

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- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

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

3. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

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

4. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837 (2005) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas

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shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition retained tree or shrub means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of [five years] from [the date of the occupation of the building for its permitted use]

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

5. A landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing prior to the occupation of the development. The landscape management and maintenance plan shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies R11 and D8 of the Welwyn Hatfield District Plan 2005.

6. No development shall take place until samples of 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. Subsequently, the approved materials shall not be changed without the prior written consent of the Local Planning Authority.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no extensions or alterations shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally.

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

8. There shall be no open storage of refuse, goods or materials other than in areas specifically set aside for this purpose and shown on a plan submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005

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9. Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 07:00am and 19:00pm. Mondays to Fridays and 08:00am to 16:00pm on Saturdays, with no working on Sundays, Public or Bank Holidays.

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

10. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 19:00 on Mondays to Fridays and between the hours of 09:00am to 14:00pm on Saturdays.

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

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987, and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the units as B1 business units. and for no other use or purpose, including any use or purpose, including any use or purpose within the same use class.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these orders in the interest of protecting the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005

12. Prior to the commencement of the development hereby granted, details of the location and design of the refuse bin and recycling materials storage areas shall be submitted to and approved by the Local Planning Authority. These stores shall be provided prior to the first occupation of the units to which they relate.

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

13. No development approved by this planning permission shall be commenced until;

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a Conceptual Model for the site of all potential contaminant sources, pathways and receptors has been produced. This should be submitted to, and be approved in writing by the Local Planning Authority prior to further investigations being carried out.

b) A site investigation in accordance with BS 10175:2001 British Standards Institution Code of Practice, "The Investigation of Potentially Contaminated Sites" has been designed for the site using the information obtained from the desktop study and the Conceptual Model. This should be submitted to, and be approved in writing by the Local Planning Authority prior to the investigation being carried out on the site. The investigation must be comprehensive enough to enable, a full risk assessment to be undertaken relating to risks to future users of the site, water resources, surrounding land

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and property, wildlife, cultivated trees and plants, building materials, and any other persons who may be affected, refinement of the Conceptual Model, and the development of a Remediation Strategy.

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority. A risk assessment has been undertaken and all samples have been analysed by an appropriately accredited laboratory.

d) A Remediation Strategy detailing the remediation requirements, including measures to minimise the impact on, future users of the site, water resources, surrounding land and property, wildlife, cultivated trees and plants, building materials, and any other persons who may be affected, using the information obtained from the Site Investigation and including a Sustainable Remediation Options Appraisal has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to remediation being carried out on site.

e) The development of the site should be carried out in accordance with the approved remediation Method Statement unless otherwise agreed in writing by the Local Planning Authority.

f) On completion of the remedial works a full Validation Report to cover all works specified in the Remediation Strategy has been submitted to and agreed by the Local Planning Authority.

REASON: To ensure that the proposed site investigations and remediation will not cause pollution of controlled waters and that development complies with approved details in the interests of the protection of public health in accordance with Policy R29 of the Welwyn Hatfield District Plan 2005

14. No development shall commence until details of energy-efficient construction materials and processes, including measures for long term energy and water efficient use of the building, have been submitted to and approved in writing by the Local Planning Authority. These measures should promote the use of renewable resources and involve sustainable drainage, heating and power systems. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form unless otherwise agreed in writing by the Local Planning Authority

REASON: To ensure that the development contributes towards Sustainable Development and Energy efficiency in accordance with Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005

15. On site parking shall be provided for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site in accordance with details to be agreed in writing with the Local Planning Authority before the commencement of site works. The parking area shall remain until building and clearance work have been completed.

REASON: To ensure that no obstructions to the public highway occur during the construction period in the interests of highway safety

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16. Prior to the occupation of the units hereby permitted, a noise attenuation scheme showing how the impact of noise from the development on the surrounding residential occupiers shall be controlled, shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be implemented in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

Reason – To reduce the impact of the development on the residential amenity of surrounding occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

17. The building(s) hereby approved shall not be occupied until the roads and footpaths associated with the building(s) have been constructed and surfaced in accordance with details which have been submitted to and agreed in writing by the Local Planning Authority in accordance with Policy 29 of the Hertfordshire Structure Plan Review 1991 - 2011

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy 29 of the Hertfordshire Structure Plan Review 1991 - 2011

18. No unbound material shall be used on the proposed access within 20 metres of the highway boundary. Details of the proposed surface dressing shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of the development and implemented in accordance with those details

REASON: To prevent the tracking out of materials onto the highway in the interests of highway safety in accordance with Policy 29 of the Hertfordshire Structure Plan Review 1991 - 2011

19. No development (including demolition) shall commence until wheel-cleaning apparatus have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained during construction of the development hereby approved.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site in the interests of highway safety in accordance with Policy 29 of the Hertfordshire Structure Plan Review 1991 - 2011.

20. No development/works shall take place until a revised plan has been submitted to and approved by the Local Planning Authority in writing showing the following amendments, which shall be incorporated into the design for the development/works hereby permitted. The permission shall be implemented in accordance with the amendments listed below:

1. Removal of balconies on B1 office units at first floor level
2. Removal of part of proposed boundary wall to north of office building

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REASON: The proposed balconies are not in keeping with the design and appearance of the units and are considered inappropriate for the buildings proposed that add visual clutter. The proposed wall to the immediate north of the office units blocks the open frontage of the site which needs to be maintained to preserve the character of the streetscene in accordance with Policies D1, D2, GBSP2 of the Welwyn Hatfield District Plan 2005.

21. The development hereby permitted shall not commence until details indicating the drainage works exact position and course, manufacturer's specifications, type and discharge of final effluent are submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be installed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

22. Two months prior to the first use of the development hereby approved, a Green Travel Plan shall be submitted to and approved in writing by the local planning and highway authority with the object of reducing the number of staff and visitors travelling to the site by private car and to promote sustainable transport measures. Subsequently the development shall be implemented in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

REASON: To promote sustainable transport measures to the development in line with national and local planning policies

REASONS FOR APPROVAL

The proposal has been considered against development plan policies (Hertfordshire Structure Plan 29 Welwyn Hatfield District Plan 2005 EMP2, GBSP2, D1, D2, M14, R2, R5, R3, R17, EMP1), in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

INFORMATIVE

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain their permission and requirements.

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APPROVED PLAN NUMBER(S): 489/07 & 06617 (PL) 05 & 06617 (PL) 04 & 06617 (PL) 02 & 06617 (PL) 03 & 06617 (PL) 11 & 06617 (PL) 01 & S06147/2 Rev A & 06617 (PL) 09 & 06617 (PL) T2 & 06617 (S) 01 & 06617 (PL) 08 & 06617 (PL) 07 & 06617 (PL) 06 & S06147/1 rev A, all date stamped 12 March 2007 in addition to 06617 (I) T3 Rev 1 date stamped 25 May 2007

Date: 06/06/2007

A handwritten signature in black ink, appearing to read 'Chris Conway', with a large, sweeping flourish at the end.

Chris Conway
Chief Planning and Environmental Health Officer