

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

DELEGATED APPLICATION

Application No: 6/2018/1518/VAR
Location: Empire House Bessemer Road Welwyn Garden City AL7 1FY
Proposal: Removal of condition 2 (investigation and risk assessment), 3 (remediation scheme), 4 (monitoring and maintenance scheme) and 12 (landscape details of green walls and roof for bin and cycles stores) on planning permission 6/2016/2690/MAJ
Officer: Ms Louise Sahlke

Recommendation: Granted

6/2018/1518/VAR

Context	
Site and Application description	<p>The application site is located on the west side of Bessemer Road, to the north-east of the main town centre of Welwyn Garden City. The site comprises part of the former Rank Xerox campus, which included in total three matching office buildings which are four storeys in height (including the third floor plant rooms to the roof-tops) and which are set out in a symmetrical layout, all facing inwards towards the central roundabout access. The buildings are known as the Development Centre (to the west of the three), the Business Centre (the central building of the three) and the Enterprise Centre (to the east). The campus also included a fourth building known as 'Vision House', which has served as an ancillary warehouse building to the three office buildings. All of these buildings have now been remodelled into and their use changed to residential.</p> <p>Planning permission was granted for three additional residential blocks on the site via an outline planning permission. The layout and design of two of the blocks was changed from that shown in the outline permission. The building footprint for X2 and X3 in the Masterplan permission were changed due to the increase in height from four to five storey. This left a larger area by the central access available, where the principle of the building was established through the Masterplan permission. It is this left over area that is the subject of this application.</p> <p>The application sought full planning permission for the erection of a five-storey residential block comprising 30 x 2bedroom apartments. The proposed building would have a flat roof and would be approximately 32.5m wide, 17.5m deep and 15m high plus a 1m high lift shaft.</p> <p>This proposal was an addition to the outline permission for the erection of four apartment blocks of up to 235 units. Full planning permission has been granted for the 235 units, and as such this proposal will result in additional 30 units to the approved redline site of the outline permission.</p> <p>The site lies within Welwyn Garden City and Employment Area EA1as</p>

	<p>designated in the Welwyn Hatfield District Plan 2005.</p> <p>The proposal is for the removal of conditions 2, 3, 4 and 12 of planning application reference 6/2016/2690/MAJ for contamination and landscaping of the bin stores.</p>
Constraints (as defined within WHDP 2005)	<p>EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0</p> <p>Wards - Haldens - Distance: 6.36</p> <p>Wards - Peartree - Distance: 0</p> <p>Wards - Sherrards - Distance: 26.81</p> <p>FM30 - Flood Zone Surface Water 30mm (1865126) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7564292) - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Planning</p> <p>Application Number: 6/2015/1669/PN11 Decision: Withdrawn Decision Date: 25 August 2015 Proposal: Prior approval for the change of use of three buildings from office use (Use Class B1) to 210 residential dwellings (Use Class C3).</p> <p>Application Number: 6/2015/2003/PN11 Decision: Withdrawn Decision Date: 23 November 2015 Proposal: Prior approval for the change of use from office to residential to provide 246 units</p> <p>Application Number: N6/2014/1614/NM Decision: Granted Decision Date: 01 December 2015 Proposal: Non material amendment following approval of planning permission N6/2007/0987/MA - Alteration of marking of 4 no existing car spaces</p> <p>Application Number: 6/2015/2128/MAJ Decision: Granted Decision Date: 02 February 2016 Proposal: Removal of existing plant rooms and replacement with 22no duplex apartments</p> <p>Application Number: 6/2015/2213/MAJ Decision: Granted Decision Date: 02 June 2016 Proposal: Hybrid planning application comprising: Full details for replacement of existing plant rooms with 44 (total apartments) on Enterprise Centre and Development Centre. Outline application for residential redevelopment and erection of 4 apartment blocks of up to 235 residential units with only access for consideration.</p> <p>Application Number: 6/2016/1176/RM Decision: Granted Decision Date: 31 August 2016</p>

<p>Proposal: Approval of reserved matters (appearance, layout, scale and landscaping) for the erection of two apartment blocks totalling 110 units with associated parking and landscaping of the approved outline planning permission 6/2015/2213/MAJ</p> <p>Application Number: 6/2016/1296/COND Decision: Granted Decision Date: 06 September 2016</p> <p>Proposal: Approval of details reserved by condition 11 (landscaping), condition 12 (construction statement), condition 13 (archaeology) and condition 14 (noise report) on planning permission 6/2015/2213/MAJ</p> <p>Application Number: 6/2015/2426/LAWE Decision: Withdrawn Decision Date: 28 November 2016</p> <p>Proposal: Certificate of lawfulness for the development application for the residential use (C3) of the Business Centre building and land within its curtilage at Rank Xerox, Bessemer Road, AL7 1HE.</p> <p>Application Number: 6/2016/1916/COND Decision: Granted Decision Date: 15 December 2016</p> <p>Proposal: Approval of details reserved by condition 10 (Materials), condition 15 (Drainage), condition 16 (Piling Method Statement) and condition 17 (Archaeological Site Investigation and post-investigation assessment) on planning permission 6/2015/2213/MAJ</p> <p>Application Number: 6/2016/1975/RM Decision: Granted Decision Date: 16 December 2016</p> <p>Proposal: Approval of Phase 2 reserved matters (Appearance, Landscaping, Layout & Scale) for the erection of two apartment blocks totalling 125 units with associated parking and landscaping of the approved outline planning permission 6/2015/2213/MAJ.</p> <p>Application Number: 6/2016/2690/MAJ Decision: Granted Decision Date: 20 April 2017</p> <p>Proposal: Erection of a 5-storey building to provide 30 x2 bedroom residential flats.</p> <p>Application Number: 6/2018/0547/COND Decision: Refused Decision Date: 20 April 2018</p> <p>Proposal: Submission of details pursuant to condition 1 (waste and recycling storage), 2 (risk assessment related to contamination), 3 (approved scheme of remediation), 4 (scheme to monitor remediation), 7 (construction management plan), 10 (surface water drainage scheme) and 12 (landscaping details of green walls) on planning permission 6/2016/2690/MAJ, dated 20/04/2017</p> <p>Application Number: 6/2018/1517/COND Decision: Granted Decision Date: 06 August 2018</p> <p>Proposal: Submission of details pursuant to condition 7 (construction management plan) and 10 (Surface water drainage scheme) on planning permission 6/2016/2690/MAJ</p>			
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0

Publicity	<p>Site Notice Display Date: 2 August 2018</p> <p>Site Notice Expiry Date: 23 August 2018</p> <p>Press Advert Display Date: 4 July 2018</p> <p>Press Advert Expiry Date: 18 July 2018</p>
Summary of neighbour responses	<ul style="list-style-type: none"> • None
Consultees and responses	<p>WHBC - Public Health and Protection – Comment able to discharge conditions.</p> <p>Hertfordshire County Council - Hertfordshire Transport Programmes & Strategy – No objection.</p> <p>Welwyn Hatfield Borough Council - Landscapes Department – No comments received.</p>
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 type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others D8 Landscape R2 Contaminated Land <u>Draft Local Plan Proposed Submission 2016</u> SP9 Place Making and High Quality Design SADM11 Amenity and Layout SADM18 Environmental Pollution	
Main Issues	
History	<p>Planning application reference 6/2016/2690/MAJ for the erection of a 5-storey building to provide 30 x2 bedroom residential flats was approved on 20th April 2017.</p> <p>The current application includes the removal of conditions 2, 3, 4 and 12 for contamination and landscaping of the bin store.</p> <p>Development of the wider site is under construction.</p> <p>It is not considered that the removal of the conditions would impact on the principle of development which had been approved under planning application reference 6/2016/2960/MAJ. As the merits of the development have previously been assessed under the original application, this report will deal with the proposed changes only.</p>
Impact on contaminated land	<p>Under planning application reference 6/2016/2690/MAJ, the delegated report states that the issue of contaminated land has been considered in the outline and reserved matters applications, which included the application site, by the Council's Environmental Health Officer who finds the contamination findings on the site manageable and the proposed remediation strategy satisfactory. Therefore conditions were included requiring that the remediation scheme be carried out in full and in</p>

	<p>accordance with that proposed, no objections are raised in this regard.</p> <p>From submitted correspondence as part of this application demonstrating discussions between the applicant Chase Homes and the Council's Environmental Health team, there was an error in the inclusion of conditions in regards to remediation. A remediation strategy was submitted as part of planning application reference 6/2016/2690/MAJ. This remediation document has been reviewed and it has been confirmed by Environmental Health that conditions 2, 3 and 4 can be removed.</p>
Impact on landscape	<p>Condition 12 requires full landscaping details of green walls and roofs for the proposed refuse bin and cycles stores. This condition is not required as a non-material amendment application was subsequently granted under permission reference 6/2016/2690/NMA, which moved the bin/recycling store into the building.</p> <p>Therefore it is considered that this condition can be removed.</p>
Conclusion	
<p>No objections are raised over the proposed development, the development, as constructed does not impact on the visual amenity of the area and would not impact on contamination of the land. Therefore the proposal is considered in line with planning policy.</p>	

Conditions:

1. Notwithstanding the layout as shown in drawing number 16 002-420 H, no development shall take place before details of the provisions for the storage and recycling of refuse and areas to serve the residential units have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s).

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 IM2, R5 and D1 of the Welwyn Hatfield District Plan 2005.

2. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

REASON: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

3. The materials to be used in the construction of the external surfaces of the building hereby approved shall match those specified in the discharge of Condition 10 of planning permission 6/2015/2213/MAJ and approved by the Local Planning Authority under application reference 6/2016/1916/COND for approval of details reserved dated 15th December 2016.

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. The development hereby permitted shall not be built other than in accordance with the proposed construction management plan approved under application reference 6/2018/1517/COND dated 6/8/2018.

REASON: To ensure satisfactory provision to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

5. Prior to the first occupation of the development hereby permitted the on-site car including cycle parking, and areas for servicing and turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety and to support the cycling as an alternative to the use of the private motor vehicle. In the interests of highway and pedestrian safety in accordance with Policies M1 and M14 of the Welwyn Hatfield District Plan 2005.

6. The development permitted by this planning permission shall be carried out in accordance with the Surface Water / SUDs Strategy Ref No: IDL/752/X5/100, March 2017, Revision A, prepared by Infrastructure Design Ltd (IDL) and the following mitigation measures :

- Implementation of lined permeable paving, grassed swales, cellular crates and borehole soakaway as shown on the drawing No. IDL/752/X5/07/200 Rev A
- Providing the minimum two treatment stages for the surface water collecting from new roads and parking areas
- Providing a minimum 74.2 m³ attenuation storage to delay the flows prior to discharge into the borehole soakaway.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

7. The development hereby permitted shall not be built other than in accordance with the proposed final surface water drainage scheme approved under application reference 6/2018/1517/COND dated 6/8/2018.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

8. Upon completion of the drainage works an updated management and maintenance plan for the all the SuDS features and structure must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

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

16 002-501 F 10 July 2017
16 002-502 J 10 July 2017
16 002-425 Location Plan 20 December 2016
16 002-426 Bin & Cycle Store 22 December 2016
DS31081504.02 Tree Constraints Plan 22 December 2016
16 002-424 D Landscaping Plan 20 February 2017
16 002-427 A Floor Plan with Lifetime Home & Part M Comparison 15 March 2017
16 002-403 H Building X2 balcony screening plans 21 March 2017
X5 Drainage Strategy 13 March 2017

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

DRAWING NUMBERS

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

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 decision is also subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.
2. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Lorraine Davis 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
4. This permission does not convey any consent which may be required under any

legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.

5. Noise control

1. All works and ancillary operations which 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 Saturdays

and at no time on Sundays and Bank Holidays

2. 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

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions

4. 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.

5. 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.

6. 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.

7. All pile driving shall be carried out by a recognised noise reducing system.

8. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material

9. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

10. '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.

11. Any emergency deviation from these conditions shall be notified to the Council without delay

12. 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.

13. Permissible noise levels are not specified at this stage.

Dust control

1. All efforts shall be made to reduce dust generation to a minimum
 2. 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.
 3. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
6. A) 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
- B) 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.
- C) Roads to remain private: The applicant is advised that all new roads / the routes marked on the plan / the routes described below* [delete as appropriate] 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.
- D) 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.

Determined By:

Mr Colin Haigh
5 September 2018



**WELWYN
HATFIELD**