

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

DELEGATED APPLICATION

Application No: 6/2018/2387/MAJ
Location: 37 Broadwater Road Welwyn Garden City AL7 3AX
Proposal: Construction of new build of 22 x 2 Bedroom and 2 x 3 Bedroom residential apartments with balconies and a roof garden. Layout of 26 car parking spaces, cycle parking, refuse store, internal access routes, landscaping and supporting infrastructure.
Officer: Ms Louise Sahlke

Recommendation: Granted

6/2018/2387/MAJ

Context	
Site and Application description	<p><u>Site Description</u></p> <p>The application site is located on the eastern side of Broadwater Road, Welwyn Garden City. The site extends to approximately 0.2 hectares and is located within a central location within the WGC employment area.</p> <p>The site is surrounded by various employment uses. However it should be noted that this particular area is changing by virtue of the introduction of residential developments close to the site which include the recent permission for the redevelopment of Mercury House, Accord House and the detailed planning permission for the Shredded Wheat Factory/Quarter opposite.</p> <p>The application site known as 37 Broadwater Road is rectangular in shape and largely flat in topography. It currently comprises a two storey office building which is set back from Broadwater Road. The office building is currently vacant.</p> <p>The application property currently benefits from a relatively large car parking area with limited soft landscaping.</p> <p>Access to the site is gained directly from Broadwater Road by a vehicular access crossing. Immediately to the south lies a pedestrian footpath providing access from Broadwater Road to Peartree Lane.</p> <p><u>The Proposal</u></p> <p>This is a full planning application for the erection of 24 residential flats. The proposal would provide a total of 22 x 2 bedroom flats and 2 x 3 bedroom flats. These would all be private/market flats.</p> <p>The proposed 24 flats is an increase of 12 flats from the development approved under the prior approval application 6/2016/1318/PN11 granted in September 2016. This prior approval has not been implemented.</p> <p>The prior approval has established that the building can be converted to</p>

	<p>residential use and this application seeks to justify a greater number of flats and a denser form of residential development. These changes were not possible under the application for prior approval, as the prior approval process does not allow for works which would constitute development as these require separate planning permission. However in April 2017 planning permission was granted by the Planning Committee for the change of use of the office building to form 24 x 2 bedroom residential apartments with balconies, the construction of an additional two storeys and a four storey side and rear extension with roof garden, layout of 26 parking spaces and cycle parking, internal access routes and landscaping and supporting infrastructure (planning application reference 6/2016/2497/MAJ).</p> <p>A communal roof garden is provided on the third floor and some of the residential units will have private balconies.</p> <p>The proposed layout shows the flats parallel to the site frontage with Broadwater Road, and set back from the road behind a landscaped area.</p> <p>Bin and cycle provision would also be sited in the front of the site.</p> <p>The vehicular access would run along the southern boundary of the site and the area of hardstanding largely to the side and rear of the building would provide car parking for 26 vehicles, 2 of which are disabled parking spaces.</p> <p>The proposed residential flats would be constructed from materials that reflect those found locally.</p> <p>The proposal seeks also to incorporate a landscape scheme with improvements to boundary treatment.</p>
<p>Constraints (as defined within WHDP 2005)</p>	<p>LBC - LISTED BUILDING 1938-40 by Otto R Salvisberg of Zurich in - Distance: 22.64</p> <p>EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0</p> <p>UOL - Urban Open Land (Proposals Map Sheet 3) - Distance: 0</p> <p>Wards - Peartree - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2712958) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2763729) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7569731) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7660626) - Distance: 0</p> <p>HEN - No known habitats present (medium priority for habitat creation) - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p>
<p>Relevant planning history</p>	<p>6/2018/0825/MAJ - Construction of new build of 22 x 2 bedroom and 2 x 3 bedroom residential apartments with balconies and roof garden, layout of 26 car parking spaces, cycle parking, refuse store, internal access routes, landscaping and supporting infrastructure – Refused 17 July 2018.</p> <p>6/2018/0684/VAR - Variation of condition 16 (approved plans) on planning permission 6/2016/2497/MAJ – Refused 11th June 2018.</p>

	<p>6/2016/2497/MAJ - Change of use of an office building to form 24 x 2 bedroom residential apartments with balconies, the construction of an additional two storeys and a four storey side and rear extension with roof garden, layout of 26 parking spaces and cycle parking, internal access routes and landscaping and supporting infrastructure- Approved 27th April 2017. This application has not been implemented as the land has changed ownership.</p> <p>6/2016/1318/PN11 – Prior approval for the proposed change of use from office (class B1) to residential (class C3) (10 flats) – Approved 5th September 2016.</p> <p>N6/2015/0615/OR - Prior approval for the change of use from use class B1(a) (offices) to use class C3 (dwellinghouses) creating no.3 three bedroom flats, no.5 two bedroom flats, and no.4 one bedroom flats – Approved 14th May 2015.</p> <p>N6/1998/0988/FP - Demolition of existing single storey building and erection of two storey extensions to existing building – Approved 12th February 1999.</p> <p>N6/1983/0359/ - Two storey block of offices and workshop accommodation (class IV) - Approved 7th July 1983.</p>		
Consultations			
Neighbour representations	Support: 1	Object: 1	Other: 1
Publicity	<p>Site Notice Display Date: 15 April 2019</p> <p>Site Notice Expiry Date: 9 May 2019</p> <p>Press Advert Display Date: 10 October 2018</p> <p>Press Advert Expiry Date: 24 October 2018</p>		
Summary of neighbour responses	<p><u>Representations Received</u></p> <ul style="list-style-type: none"> • Two objection letters have been received from 2 Sir John Newsom Way and Church House. Their comments may be summarised as: • <u>Letters of objection</u> • ‘No longer be any disabled access to the site, especially for the elderly population of our town and those people with access needs. • Impact on infrastructure. • No visitor car parking/lack of car parking provided creating parking/congestion issues. • Diminishing amount of available office space in the town centre. • Percentage of affordable housing. • Include more green space in this development. This does not fit in line with our garden city. • Amount of car parking spaces. 		
Consultees and responses	1.1	Environment Agency- No objection.	
	1.2	Cadent Gas- No objection subject to informative for operational	

	<p>gas apparatus.</p> <p>1.3 Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) - No objection subject to conditions and no gate being proposed.</p> <p>1.4 Hertfordshire County Council Historic Environment Advisor – No comments to make.</p> <p>1.5 Hertfordshire County Council Lead Local Flood Authority – No objection subject to condition.</p> <p>1.6 Hertfordshire County Council Development Services – No objections subject to securing contributions through a S106 agreement.</p> <p>1.7 Hertfordshire Ecology – No objection.</p> <p>1.8 WHBC Client Services – No objection.</p> <p>1.9 WHBC Landscapes – No objection.</p> <p>1.10 WHBC Public Health and Protection– No objection subject to conditions and informatives.</p> <p>1.11 Hertfordshire Constabulary- Support.</p> <p>1.12 Thames Water – No comments received.</p> <p>1.13 WHBC Parking Services – No comments received.</p> <p>1.14 Affinity Water- No comments received.</p> <p>1.15 Thames Water- No comments received.</p> <p>1.16 NHS – No comments received.</p> <p>1.17 WHBC Parking Services- No comments received.</p> <p>1.18 Herts Health and Wellbeing Board- No comments received.</p> <p>1.19 WHBC Community Partnerships – No comments received.</p>
Relevant Policies	
<ul style="list-style-type: none"> • National Planning Policy Framework 2019 • Welwyn Hatfield District Plan 2005 • Draft Local Plan Proposed Submission 2016 • Supplementary Design Guidance, February 2005 • Supplementary Planning Guidance, Parking Standards, January 2004 • Interim Policy for Car Parking Standards and Garage Sizes, August 2014 • Planning Obligations, Supplementary Planning Document, February 2012 	
Main Issues	
<p>Whether the site is required to meet future employment requirements and business and community needs</p>	<p>The application site is located in a designated employment area EA1 – Welwyn Garden City Industrial Area. Policy EMP2 of the District Plan 2005 states that, in designated employment areas, proposals for uses other than Classes B1, B2 and B8 should generally be resisted and will only be permitted where it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business and community needs. All such proposals will also be required to satisfy criteria (i) to (v) of policy EMP2 of the District Plan 2005 and other relevant policies relating to the proposed use.</p> <p>The emphasis of the strategy and objectives in the Employment chapter</p>

	<p>of the District Plan 2005 is on husbanding reserves of employment land to ensure that there continues to be enough land and floorspace in the district, in the right locations and of the right quality, to provide jobs for local people, maintain a diversity of employment uses and accommodate the requirements of local businesses and firms seeking to locate in the area.</p> <p>Policy SADM10 of the Draft Local Plan Proposed Submission 2016 was prepared to accord with guidance in the National Planning Policy Framework 2012 and has the same approach to the loss of employment land to other uses, seeking to protect the supply of land for industrial, office and warehousing uses. This approach reflects the strong emphasis on sustainable economic development in the National Planning Policy Framework 2012 (NPPF). Paragraphs 18 to 22 of the NPPF set out the Government's overarching ambitions for building a strong, competitive economy.</p> <p>Notwithstanding the Council's strong desire to see adequate land remaining for employment uses, in 2015 an application for prior approval for a change of use from B1(a) office use to residential use affecting this site and creating 9 flats (N6/2015/0615/OR) was approved. Further to that, in 2016 an application for prior approval for a change of use from office to residential affecting this site and creating 10 flats (6/2016/1318/PN11) was approved and in 2017 planning permission to change the use of the building and for its extension to provide 24 flats was granted (6/2016/2497/MAJ).</p> <p>On the basis of the recently approved applications, it is considered that the employment use of the building has effectively ceased. Moreover, it is considered that the fall-back position offered by the previous approvals and planning permission is a material consideration which carries significant weight.</p>
<p>Whether the principle of residential development is acceptable?</p>	<p>By virtue of the site having received prior approval and planning permission for the conversion of the existing building to a residential use, the principle of the land and building being in a residential use has been established. Reference should also be given to the NPPF 2019 which encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.</p> <p>Policy H2 of the District Plan 2005 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:</p> <ul style="list-style-type: none"> (i) The availability of previously-developed sites and/or buildings; (ii) The location and accessibility of the site to services and facilities by transport modes other than the car; (iii) The capacity of existing and potential infrastructure to absorb further development; (iv) The ability to build new communities to support infrastructure and provide demand for services and facilities; (v) The physical and environmental constraints on development of land.

	<p>Policy SADM1 of the Draft Local Plan Proposed Submission 2016 is also relevant in regards to windfall housing development. This policy is similar to Policy H2 of the District Plan 2005 but adds that the proposal should not undermine the delivery of allocated sites or the overall strategy of the Plan, and proposals would not result in disproportionate growth taking into account the position of the settlement hierarchy.</p> <p>The application site is located within the main town of Welwyn Garden City. It is situated in a particularly sustainable location; being within walking distance of the town centre and the train station and being served by various bus services along Broadwater Road, at the front of the property. The proposed development would utilise the existing access onto Broadwater Road, a main thoroughfare within the town, providing good access to the surrounding area. Furthermore, there are no known physical or environmental constraints at this site that cannot be dealt with by the imposition of relevant conditions. Therefore it is in principle in accordance with the aims of the National Planning Policy Framework 2019, Policy H2 of the District Plan 2005 and Policy SADM1 of the Draft Local Plan Proposed Submission 2016.</p> <p>Also whilst the site is located in a designated employment area, the surrounding area itself is changing with more residential sites being approved. Most recently planning permission for the redevelopment of the Shredded Wheat factory site for residential led development. The introduction of a further development of 24 residential dwellings at the site which already has permission for 24 flats would not be inconsistent with the evolving and changing character of the site and area. Neither would it undermine the delivery of allocated sites or the overall strategy of the Plan or result in disproportionate growth taking into account the position of Welwyn Garden City within the settlement hierarchy.</p> <p>Taking the above into account, there remains no objection in principle to the residential development of the site and the presumption in favour of sustainable residential development should apply.</p>
<p>Density, layout and design and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area</p>	<p>Development should be compatible with the maintenance and enhancement of the character of the area (Policy GBSP2). Additionally policies D1 and D2 of the District Plan 2005 and Policy SP9 of the Draft Local Plan Proposed Submission 2016 apply which aim to ensure a high quality of design and to that development respects and relates to the character and context of the locality. Policy H6 of the District Plan 2005 requires new developments of 5 or more dwellings to be built at densities of 30-50 dwellings/ha provided that it does not have an adverse impact on the character of the surrounding area and satisfies design policies.</p> <p>In addition to the above, the National Planning Policy Framework 2019 sets out the view of the Government in respect of good design, indeed this is noted as a key aspect of sustainable development as it can contribute positively to making places better for people.</p> <p>The proposed application seeks to develop the site and provide 24 flats, establishing an overall density of 120 dwellings per hectare. The density is similar to other residential development sites within the surrounding area which is characterised by a variety of housing types and densities.</p>

Within central areas with good accessibility by modes of transport other than the car, residential developments are able to exceed 50 dwellings per hectare. The development is not considered to have an adverse impact on the character of the surrounding area and can satisfy the design policies in accordance with the plan.

An earlier planning permission for 24 flats to be provided within the existing building and extensions on site was granted. That permission showed a building of near identical size and shape and occupying the same footprint on the site. The design and appearance was considered acceptable and can be still be implemented (6/2016/2497/MAJ).

The current proposal is for an entirely new building but built to appear very similar to the existing building that it would replace. The justification for the differing approach is that the resultant development would be built entirely to current standards rather than an existing building being adapted to meet current standards. It would allow for certain efficiencies to be created.

The proposed layout includes a vehicular access to the south of the site from Broadwater Road. The side of the proposed residential building faces onto the access road. The front of the proposed residential building fronting Broadwater Road would be set back from the road frontage providing some landscaping and trees along the frontage of the site. Given the number and layout of these properties together with their siting, which is set back from Broadwater Road, they would not appear cramped or unduly dominant from the road. Additionally landscaping would be provided with the retention of some of the trees along the boundary to soften the street scene and integrate the development into the existing locality.

The residential units have access to the communal roof garden and many of the first, second and third floor flats have small and private balconies. The site currently has limited landscaping and trees. Landscaping (both soft and hard) has been used to provide a more attractive environment and set the buildings in a landscape context. A landscaping scheme has been proposed and, if planning permission is granted would be required to be implemented and is considered to help the development to integrate visually into the existing community. The boundary treatment of the site has also been demonstrated as part of the landscaping scheme and is considered acceptable.

Policy R20 of the District Plan 2005 and Policy SADM18 of the Draft Local Plan Proposed Submission 2016 seeks to minimise light pollution. No details have been provided to how the proposed development will be illuminated. Therefore to protect the visual amenity of the locality, a lighting condition is required as part of any planning application approved. Policy D7 of the District Plan 2005 requires development to consider safety by design. It is considered that these aspects such as lighting will be conditioned as part of any planning application approved. Therefore subject to necessary conditions, the proposal is considered to accord with the National Planning Policy Framework 2019, Policy R20 of the District Plan 2005 and Policy SADM18 of the Draft Local Plan Proposed Submission 2016.

The site is surrounded by a variety of developments of differing scale and heights. The residential buildings range from three to four stories in height and relate to the height of the commercial buildings which surround the site. Overall, the character of the area in terms of the scale and heights of building is varied and the proposed scheme is typical of the immediate surrounding area.

The parking courtyard for the residential building has been located in a similar situation to the existing location enabling natural surveillance. Landscaping would be generally low level, therefore allowing views from apartment building windows. The parking courtyard is an area of hardstanding which is broken up along the edges by natural vegetation and trees. Therefore seeking to break up what would be large expanses of parking bays.

The car parking area would provide 26 spaces, the majority of which would be to the rear of the building with a few spaces seen along the southern boundary, however as these are set back from the front of the car parking area is not considered these spaces are readily visible from Broadwater Road and thus is not considered to dominate the site.

The landscaping plan demonstrates a potential route for a pedestrian access. This would be located separate to the vehicular access point. However has not been shown clearly on the proposed landscape plans. Therefore it is considered that if planning permission is granted that revised plans are submitted which demonstrate a suitable pedestrian access point.

It is considered that the proposed layout and design of the scheme has a clear identity which is considered easy to understand. Overall the amount, layout, design and proposed landscaping of the development provides an acceptable form of development that does not appear unduly cramped to warrant a refusal in this regard.

The development now proposed would however appear very similar to the approved scheme so that its planning impacts would be equally similar. In principle the proposed scheme is acceptable. A full list of materials has not been provided and therefore relevant conditions would be required.

Taking account of the above, it is considered that the proposed development would be in accordance with Policies D1, D2, D4, D7 and D8 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance Statement of Council Policy 2005 and relevant parts of the National Planning Policy Framework 2019.

i. Impact on the setting of a Listed Building

The application site is located opposite a Grade II Listed Building (being approximately 28m away) The Roche Products Factory. The Local Planning Authority must pay special regard to the desirability of preserving the setting of nearby listed buildings. The National Planning Policy Framework, section 16 requires local planning authorities in determining applications to consider whether new development will cause harm to the character and/or setting of heritage assets.

	<p>The development has been considered in relation to its proximity to this building which is currently being converted and the Shredded Wheat Factory (another Grade II Listed Building) further along Broadwater Road. The frontage of the existing building on the site, which was built in the late C20th, faces almost directly onto the administration block of the listed building and can be viewed across its iconic lawns. Like the listed building the application building is two storeys and of some interest, with a bold cantilevered roof and a dramatic pylon which defines the entrance and gives visual support to the cantilever. The smooth white finishes are sympathetic with the listed building. The rear of the building is in simple and cubic form with cool crisp finish of metal cladding and ribbon windows.</p> <p>The proposal would retain the appearance of the frontage to an extent but would build upwards with additional storeys and would also be built further to the rear taking up part of the existing car park. As a result of the development new elevations would consist of the introduction of balconies and inset windows.</p> <p>The existing buildings in the road are generally lower at 2 -3 storeys but there are exceptions e.g. No.29 which has a 3 storey frontage, rising to 4 storeys at the rear. The rear factory wing of the of the Roche building is also of 4 storeys but well set back and of course the Shredded Wheat silos are significantly higher.</p> <p>The bulk, size, mass and architectural design of the proposed residential building would be consistent with other buildings in the street scene. Furthermore due to the design of the building, the third floor would be set back from the front of the building and it is not considered that it would appear as a bulky four storey building. Furthermore the scale of the building is not uncommon in this location and its front elevation would retain a similar appearance to the existing with the distinctive design retained and its relationship with the Roche administration building.</p> <p>Due to the distance of approximately 290m from the Shredded Wheat building, and the consideration that a number of tall buildings have been granted planning permission between the application site and the Listed Building on the Shredded Wheat site, the proposed development is not considered to adversely impact its' setting and whilst some views of the host site would be possible, the increase in the overall height of the building is not considered to compete with the Shredded Wheat silos.</p> <p>It is therefore considered that on balance the proposal would lead to less than substantial harm to the setting of the listed buildings and would provide benefits in the form of new housing in a sustainable location and would not therefore be contrary to the National Planning Policy Framework part 16.</p>
<p>Impact on amenity of adjoining/adjacent occupiers</p>	<p>With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.</p> <p>The nearest adjoining neighbours are the residential development that</p>

has taken place to immediately to the south. Furthermore residential development has been approved at the former Roche Products Factory and Shredded Wheat Factory. The wider area is a mix of employment, retail and residential uses.

The proposed development would result in an increase in the amount of built form at the site. As a result there would be an increase in the amount of fenestration seen to the elevations and additional balcony detailing and a roof top garden. No.29 Broadwater Road is a substantial four storey building and is the closest occupied business site, although this site is approximately 73m from the application site.

No buildings can be seen on the site immediately to the north of the host site. Therefore it is considered that whilst overlooking towards this building would result, due to the distances achieved there are no concerns regarding living conditions for occupiers of the proposed development.

It should be noted that planning permission for 23 flats and dwellings to the south has been built under application N6/2015/0034/MA. Therefore consideration needs to be made with regards to the development granted and the impact the proposed development will have. The neighbouring site has permission for an 'L' shaped flatted building, three storeys in scale (approximately 9.3m in height), and sited approximately 2.6m from its northern boundary. Additionally three storey dwelling houses are set back behind the flatted building but a similar distance from the boundary.

The proposal would result in a building greater in scale with an increase in height (an additional two storeys approximately 13.2m) and an increase in depth. There would be a separation distance of approximately 17m from the side elevation of the proposed flats and the development granted at the neighbouring site to the south.

It is considered that because of the proximity of the proposed building to the approved flatted scheme neighbouring the site, the positioning of windows needs to be carefully considered. The south elevation has been altered and 'oriel' windows are now proposed to prevent direct overlooking. Whilst a window pane would face directly towards the neighbouring site these would be obscure glazed providing light only into the rooms. However a clear glazed window would be seen angled towards the road or to the rear of the site avoiding direct overlooking towards the new residential development to the south.

Additionally it is noted that balcony detailing seen to the south elevation would have privacy screens to prevent direct overlooking towards the residential dwellings and instead views would be gained across the land to the rear of the site, it would be necessary for this to be conditioned should permission be granted. With regards to the roof garden, this would primarily be seen to the front of the building, obscured glass panels would be seen, furthermore, a buffer of planting would be seen preventing residents from getting to the very edge resulting in direct overlooking. It is considered that a condition can be imposed ensuring this is maintained at all times.

	<p>Because of the orientation, separation distances and siting of the proposed development, there would be no material impact on the residential amenity of adjoining occupiers through loss of day/sunlight or any adverse overshadowing that would be sufficient enough to warrant a refusal.</p> <p>With regard to the impact on the proposals on future occupants of the proposed dwellings, the layout ensures that the scheme has been designed to achieve acceptable living conditions.</p> <p>No details have been provided of lighting. Therefore in order to protect the residential amenity of residential properties. It is considered reasonable to request a lighting condition as part of any planning permission.</p> <p>Policy R19 of the District Plan 2005 requires proposals to be refused if the development is likely to suffer unacceptable noise or vibration from other land uses. As a result a noise impact assessment has been submitted to support this application.</p> <p>The Council's Public Health and Protection Department have been consulted and raised no objection subject to relevant conditions. Relevant noise protection informatives have also been included.</p> <p>Overall it is considered that the proposal would have no significant adverse impact on the living conditions of future occupiers or adjoining/adjacent properties and as such it accords with the National Planning Policy Framework 2019, Policies R19 and D1 of the District Plan 2005 and the Supplementary Design Guidance Statement of Council Policy 2005.</p>
<p>Highway and parking matters</p>	<p><u>Highway network and access</u></p> <p>Vehicular access to the application site would be from Broadwater Road. There is no objection with the location of the existing access from Broadwater Road and the application also demonstrates that the residential arrangement is accessible by refuse vehicles and that vehicles can manoeuvre in order to negotiate the site and emerge in forward gear.</p> <p>The layout of the site provides an access road which is shown to be a width of approximately 5m with a separate footpath. The vehicular access accommodates passing of one vehicle. Therefore ensuring the free flow of traffic into the site. The existing visibility splays of the vehicular entrance are to be retained. Overall it is considered that the proposed access routes into the site and the internal access roads would provide sufficient, safe access and turning areas for parking spaces.</p> <p>It is also considered that the proposed development would generate fewer vehicle movements in the peak than the former office use and would therefore not have a severe impact on the capacity of Broadwater Road and the effect of additional traffic through Welwyn Garden City is unlikely to be severe as a direct result of this.</p>

Pedestrian access is proposed from Broadwater Road into the proposed development site making provision for the site to become integrated with the existing developments. However further details would be required by way of condition.

Vehicular access has been confirmed as acceptable by consultees.

Parking provision

In accordance with the standards set out in the Council's Supplementary Planning Guidance, 1 parking spaces are required to be provided for two bedroom dwellings, and 1.5 spaces per two bed dwellings.

This equates to 25 parking spaces for the proposed flats which have been provided as part of this scheme. 2 disabled parking spaces have been provided. Therefore the proposal would meet the Council's maximum standards.

There is no policy requirement for visitor car parking. It is considered that visitors would be accommodated within the town centre public car parks.

Furthermore the host site is located a short walk from the centre of Welwyn Garden City where the train station and bus station are located. Additionally bus stops can be seen close to the application site and as such the site is considered to be in a sustainable location.

40 secure cycles spaces are proposed for the residential building. As such there is sufficient cycle storage available for residents in accordance with the Council's Parking Standards.

There is policy requirement for two wheeled vehicle spaces to be provided. However these could be parked within a car parking space if needed.

Details of the location of the electric charging points have been provided. These details are considered acceptable.

Due to the location on the edge of the town centre and within the employment area, it is recommended as part of any planning application approved that a car parking management plan is conditioned to ensure that only residents are able to utilise the car parking provided.

Construction Method Statement

Due to the size of development it is considered reasonable to request a construction method statement to demonstrate the phases of development from demolition to completion, storage of materials, vehicles, tree protection etc. The level of information within the submitted document is not sufficient for this size of development. Therefore a condition has been recommended.

In conclusion the proposal is considered to be acceptable with regards

	<p>to its impact on the highway and provides an appropriate level of car and cycle parking provision. In the event of permission being granted conditions would be required which would include the access, turning areas and parking spaces being laid out.</p>
Landscaping Issues	<p>The site is currently has a hard-surfaced car park, surrounded by metal fencing/enclosures and is of low ecological value, although the row of mature trees to the rear boundary are worthy of retention.</p> <p>Significant work has been undertaken on the landscaping and has been agreed under previous planning submissions. Therefore is considered acceptable.</p> <p>Compared to the existing nature of the site, it is considered that the proposed development would provide the opportunity to improve and increase soft landscaping within this location.</p>
Other Material considerations	
Flooding and Drainage	<p>The Lead Local Flood Authority were consulted on the application and do not wish to raise an objection on flood risk grounds. The drainage strategy is based upon permeable paving, raised rainwater planters, bio-retention storage and discharge into Thames Water surface water sewer.</p> <p>The Lead Local Flood Authority have requested relevant conditions to protect against flood risk and surface water drainage.</p> <p>Thames Water have raised no objection subject to relevant informatives.</p> <p>Subject to conditions, the proposed development is acceptable with regard to the National Planning Policy Framework 2019, Policies R7 and R10 of the District Plan 2005, and Policy SADM14 of Draft Local Proposed Submission 2016.</p>
Noise, and Contaminated Land	<p>A noise impact assessment has been submitted by the applicant. The Council's Public Health and Protection Department have raised no objection in principle subject to relevant conditions.</p> <p>Policy R2 of the District Plan 2005 outlines that development should only be approved on land that is known to be contaminated where it has been adequately proven that the development or land would not pose an unacceptable risk to public health or the environment. The applicant has submitted a desk top report. This application seeks to demolish and rebuild the previous approved applications and also create landscaped areas. The desk top report states further investigations are required to determine whether the site is significantly contaminated. From the basis of this investigation and assessment from the Council's Public Health and Protection department it has been concluded that the use of an appropriate condition would ensure that proposed development would not pose an unacceptable risk to human health. It is considered that this is undertaken in line with the Environment Agency guidelines included as part of this decision.</p>

Refuse and Recycling Storage	A bin store would be located on the southern boundary, towards the front of the site. WHBC Client Services have requested 4 x 1100 litre shared containers are provided at the site to be emptied weekly. A Mini Recycling Centre can be installed within the bin store. However the applicant would have to pay for these bins separately should they wish to implement recycling facilities. It is noted that a freighter can enter and manoeuvre within the site exiting onto Broadwater Road in a forward gear.
Lifetime homes	In accordance with Policy H10 of the District Plan 2005 and Policy SP7 of the Draft Local Plan Proposed Submission 2016, the proposed development would need to ensure that a proportion of the proposed units would be built to lifetime homes standard ensuring the creation of accessible housing for all members of the community. Policy SP7 of the Draft Local Plan Proposed Submission 2016 requires at least 20% of all new dwellings on sites involving 5 or more new dwellings to meet the required Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings'. It is confirmed that all the apartments will be accessible. Therefore the proposal would be in line with the National Planning Policy Framework 2019, Policy H10 of the District Plan 2005 and Policy SP7 of the Draft Local Plan Proposed Submission 2016.
Renewable Energy and Sustainability	<p>Policy R3 of the District Plan 2005 states that 'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings. 'Policy SD1 of the District Plan 2005 states 'Development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'.</p> <p>The previous sedum roof has been removed to allow for the provision of solar panels. There are limited opportunities to increase energy conservation methods due to the constraints of the site. Therefore the provision of solar panels is considered acceptable and no objections are raised in regards to the provisions of the National Planning Policy Framework 2019, Policies SD1 and R3 of the District Plan 2005 and Policies SP10 and SADM13 of the Draft Local Plan Proposed Submission 2016.</p>
Archaeology	The proposed development is not located within an Area of Archaeological Significance. No objection has been raised by Hertfordshire County Council Archaeology.
Protected Species and Ecology	<p>The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.</p> <p>Policy R11 of the Local Plan 2005 and Policies SP11 and SADM16 of the Draft Local Plan Proposed Submission 2016 outline that development will be required to demonstrate how it would contribute positively to the biodiversity of the site. Hertfordshire Ecology have</p>

	<p>been consulted and raise no objection.</p>
<p>Planning Obligations & Legal Agreement</p>	<p>S106 of the Town and Country Planning Act 1990 (as amended) enables landowners/developers to enter into an obligation with the relevant local planning authority to achieve specified aims which may include:</p> <p>(a) restricting the development of the land in any specified way; requiring specific operations to be carried out in, on, under or over land; (b) requiring the land to be used in any specified way, or (c) requiring a sum or sums to be paid to the authority on a specified date or dates periodically.’</p> <p>Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development. <p>In this case, it is appropriate to seek contributions through a S106 legal agreement. This would be in accordance with policies M4 and IM2 of the District Plan 2005.</p> <p><u>Affordable housing</u></p> <p>The proposed development seeks permission for 24 residential units. This is below the threshold for affordable housing within Policy H7 of the District Plan 2005. However Policy SP7 of the Draft Local Plan Proposed Submission 2016 requires that for a proposal of 11 or more new dwellings or a site of 0.5 ha or more, 30% of the houses should be affordable. In this instance, a minimum of 30% would be sought which should comprise subsidised housing. The NPPF 2019 paragraph 64 says “where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership”.</p> <p>However, as set out in the Council’s Planning Obligations Supplementary Planning Document (SPD), the Council recognises that in certain market conditions, the overall level of contribution attributed to a scheme can affect the financial viability of a development proposal. In these circumstances an applicant would be expected to submit a viability appraisal and to pay for the Council to have this appraisal independently checked and verified.</p> <p>In the context of this advice and the policy position that it creates, the Council was informed by the applicant that the scheme that has been designed is not able to deliver any affordable housing and remain viable. A Financial Viability Statement was submitted and this was assessed by an independent advisor (BNP Paribas) for the Council. A Cost Assessment was undertaken by an independent Quantity surveyor (RLF).</p>

BNP advise that the scheme could not support on-site provision of affordable housing but could provide a financial contribution for S106 contributions and off-site affordable housing of £200,000. This financial contribution has been agreed by the Council's Housing Department.

In conclusion the proposed development is not compliant with Policy SP7 of the Draft Local Plan Proposed Submission 2016. Results from the viability assessment process demonstrate that on-site provision of affordable housing units (whether affordable rent or shared ownership) would undermine the viability of the scheme. The level of financial contribution that the scheme could render may increase in the future, for example as a result of changes in market conditions, and it is recommended that a proportion of any increase be secured for affordable housing purposes by a S106 Agreement obligation. A review mechanism has been included as part of the S106. Any additional affordable housing contribution is based on the formula included within Schedule 2 of the S106 agreement.

Hertfordshire County Council Contributions

Confirmation has been received from Hertfordshire County Council that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development including:-

HCC Nursery Education - £4830.00 (Nursery Education towards the expansion of Ludwick Nursery School (Partnership development with Squirrels Day Nursey)

HCC Childcare Service - £1432.00 (Towards the expansion of Squirrels Day Nursey (Partnership development with Ludwick Nursery School)

HCC Library Services - £3166.00 (Towards the enhancement of the ICT provision at Welwyn Garden City Library)

Welwyn Hatfield Contributions

WHBC Client Services have found the proposal to be acceptable, subject to S106 contributions being provided to cover the costs of bin provision specifically for the 24 proposed dwellings, amounting to £1,560. This does not include recycling facilities/bins. This refuse contribution would not be subject to the pooling system, as this is specific to the proposed development.

The following contributions are required:

WHBC Green Spaces - £2749.88 (To supply outdoor furniture at the Community Orchard based at Woodhall Open space).

WHBC Play Facilities - £7212.80 (Towards the improvement and enhancement of The Reeds Play area off Corals Mead).

In accordance with the Council's Planning Obligation 2012, a monitoring fee of £5,000 will also be required and payment will be required to be made prior to commencement of the development.

	<p>These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.</p> <p>The applicant/agent has agreed in principle to these contributions and a S106 agreement has been agreed which would be in accordance with the National Planning Policy Framework 2019, Policies IM2 and M4 the District Plan 2005 and Policies SP7 and SP13 of the Draft Local Plan Proposed Submission 2016.</p>
Conclusion	
<p>The proposed development has been considered in terms of its impact on the design and character of the property, character and context of the area, amenity of adjoining/adjacent occupiers and highway and parking matters. Special regard has been given to the desirability of preserving the character and setting of nearby listed buildings. For the reasons outlined above, it is considered that subject to the imposition of necessary planning conditions the proposal complies with relevant national and local planning policies.</p> <p>The proposed residential development of 24 dwellings would result in a reduction in traffic movements on the road network and has been designed to reflect the character and style of new residential development immediately opposite the site on the west side of Broadwater Road. The scale and design of the building is considered acceptable in this location.</p> <p>The redevelopment presents opportunities for landscape and habitat improvements and subject to conditions, is acceptable with regard to impacts on highway safety and issues of environmental health.</p> <p>The proposal does not fully meet the normal requirement for on-site Affordable Housing at 30% on the site. Detailed consideration has been given to the viability of the proposed scheme and it is the Council's view that the provision of on-site affordable housing units, would in this case threaten the viability of the proposal. However, the Applicants have agreed to provide S106 and affordable contributions and to a review mechanism being included in a S106 agreement to secure a proportion of any uplift in profit.</p>	

Conditions:

1. Prior to commencement of development, a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
 - (a) Construction vehicle numbers, type, routing;
 - (b) Traffic management requirements;
 - (c) Construction and storage compounds (including areas designated for car parking);
 - (d) Siting and details of wheel washing facilities;
 - (e) Provision of sufficient on-site parking prior to commencement of construction activities;

REASON: In order to protect highway safety and the amenity of other users of the public highway. In accordance with the National Planning Policy Framework and Policies M14 and D1 of the Welwyn Hatfield District Plan 2005.

2. Prior to commencement of development, the following criteria shall be submitted to and approved in writing by the Local Planning Authority.

1. Site Characterisation

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

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years to be determined, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

REASON: to protect against contamination of the land in accordance with the National Planning Policy Framework and Policy R18 of the Welwyn Hatfield District Plan 2005.

3. No development above ground level in any phase of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted planning permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and subsequently, the approved materials shall not be changed.

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

4. No development above ground level in any phase of the development shall take place until the glazed balustrade/screen details have been submitted. The details should demonstrate that the necessary noise levels for the external amenity areas are in compliance with the noise requirements under BS8233:2014 and the resultant noise levels within the external amenity areas (balconies and roof top communal area) would not exceed the LAeq,T 55dB. Once these details have been agreed they shall be implemented in accordance with these details and shall be in

place before the first occupation of the flats and shall be retained in that form thereafter.

REASON: To ensure compliance with a scheme to protect the living conditions and amenity of the residents from noise disturbance in accordance with the National Planning Policy Framework and Policy R19 of the Welwyn Hatfield District Plan 2005.

5. Prior to any above ground 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. Details of how the internal noise standards within BS8233 will be achieved must be provided.

If opening windows compromises these levels, mechanical ventilation will be required that meets the ventilation rates within the Noise Insulation Regulations 1975 (amended 1988). Details of any mechanical ventilation systems needed to achieve this will be required.

Reason – to protect the amenity of the residents against noise pollution in accordance with the National Planning Policy Framework and Policies R19 and D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance Statement of Council Policy 2005.

6. Notwithstanding the proposed plans submitted for landscaping, prior to any above ground development, a revised roof garden plan demonstrating planters around the perimeter of development shall be 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 unless otherwise agreed in writing by the Local Planning Authority.

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

7. Notwithstanding the approved plans, prior to first occupation, the balcony balustrade to unit 24, balconies with sides facing the southern elevation (flats 11, and 18) and the communal garden area at third floor level along the southern elevation shall be glazed with obscured glass and shall be fixed at a height of 1.8m above finished floor level, and shall be retained in that form thereafter.

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

8. Prior to first occupation, all oriel windows with glazing facing the southern boundary shall be obscure glazed and non-opening.

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

9. Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan. It shall thereafter be retained and be made permanently available for that specific use.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with the National Planning Policy Framework and Policies M14 and D1 of the Welwyn Hatfield District Plan 2005.

10. Prior to first occupation, details of any/all external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then not be carried out and occupied other than in accordance with the approved details.

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

11. Prior to the first occupation of the development hereby permitted, full details of a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall then be implemented and maintained on site.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with the National Planning Policy Framework and Policies M14 and D1 of the Welwyn Hatfield District Plan 2005.

12. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Innervision Design Ltd, dated April 2018:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.67 l/s during the 1 in 1 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water run-off volumes providing a minimum of 12.5 m³ (or such storage volume agreed with the LLFA) of storage volume in rain gardens planters and additional storage in permeable paving.

3. Discharge of surface water from the private drain into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To prevent flooding by ensuring the satisfactory disposal 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 National Planning Policy Framework, and Policies R7 and R10 of the Welwyn Hatfield District Plan 2005.

13. Prior to occupation, a scaled plan showing full specification and technical details of the pedestrian access shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian access shall therefore be constructed/implemented in accordance with the approved details before occupation of the fifteenth flat hereby permitted.

Reason: to promote accessibility of the site in accordance with the National Planning Policy Framework.

14. All approved landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years of planting 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 of the area in accordance with the National Planning Policy Framework and Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

15. 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
312.AS.01		Existing Ground & First Floor Plans	18 September 2018
312.AS.03		Existing Site Plan	18 September 2018
312.AS.02		Existing Elevations	18 September 2018
200	C	Proposed Plans (Ground Floor and First Floor)	18 September 2018
201	C	Proposed Plans (Second Floor and Third Floor)	18 September 2018
202	B	Proposed Elevations	18 September 2018
203	D	Proposed Site Plan	8 May 2019
204	B	Proposed Location Plan	8 May 2019

687.16.1B		Landscape Proposals	27 September 2018
687.16.2A		Tree Protection Plan	27 September 2018
206-1	D	Proposed Bin Shed swept Path	8 May 2019
206		Proposed bin shed	11 October 2018
205		Proposed bike shed	11 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 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.
2. 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.
3. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (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.
4. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. 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.
5. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

6. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
7. Any works to the external roof structure should be avoided during the nesting bird season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of works and if active nests are found, the area should be cordoned off (buffer 4m) and/or works should stop until the birds have left the nest.
8. 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.
9. The applicant is advised that all new roads associated with this development will remain un-adopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new road a 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.
10. 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.
11. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval

before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

12. 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

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

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

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 manufacturers.

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.

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.

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

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

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

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.

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

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.

Permissible noise levels are not specified at this stage.

All efforts shall be made to reduce dust generation to a minimum.

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.

Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

Please note if the LPA decide to discharge the conditions, we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Determined By:

Mr Chris Carter
18 July 2019