

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

DELEGATED APPLICATION

Application No: 6/2018/3292/MAJ
Location: Land adjacent to 45 Broadwater Road Welwyn Garden City AL7
 3AX
Proposal: Erection of four storey development comprising 91 x bed care
 home with 13 x care suites
Officer: Mrs Sarah Madyausiku

Recommendation: Granted

6/2018/3292/MAJ

Context	
Site and Application description	<p>The application site comprises vacant land on the east side of Broadwater Road. The site extends to an area of 0.38 hectares and has a mature tree belt along its eastern and southern boundaries. The site previously comprised of an office building and associated land. The office building was demolished at some point in 2016 following the grant of planning permission ref: N6/2014/2715/MA.</p> <p>To the south of the site, beyond the extensive tree belt present outside of the application site are homes and gardens on Moatwood Green/ Well Garth, which are generally two storey homes with pitched roofs. Beyond the tree belt on the east side of the site is Peartree Primary School. On the opposite side of Broadwater Road are new three storey homes of modern angular design. The area to the north has recently been developed into residential homes comprising 23 dwellings.</p> <p>The application site is within an employment zone EA1 (Welwyn Garden City Industrial Area) and within Urban Open Land (Proposals Map Sheet 3).</p> <p>Under the 2016 Draft Local Plan Proposed submission, the site is no longer designated as being within an employment area.</p>
Constraints (as defined within WHDP 2005)	<p>EMPL - EA1 (Welwyn Garden City Industrial Area) - Distance: 0 UOL - Urban Open Land (Proposals Map Sheet 3) - Distance: 0 Wards - Peartree - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7570249) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (7570346) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>

Relevant planning history	<p>-Application Number: N6/2013/2364/OR Decision: Granted Decision Date: 07 January 2014 Proposal: Prior approval for change of use of both floors in office building (Use Class B1a) to self-contained flats comprising of 40 x 1 bed apartments (Use Class C3)</p> <p>-Application Number: N6/2014/0231/OR Decision: Granted Decision Date: 01 April 2014 Proposal: Prior approval for change of use of office building (Use Class B1a) to self-contained flats comprising of 40 x 1 bed apartments (Use Class C3)</p> <p>-Application Number: N6/2014/2715/MA Decision: Granted Decision Date: 08 March 2016 Proposal: Demolition of existing office building (B1a) and change of use to, and erection of, part two, three and four storey Residential Institution (Care Home-C2) for 83 residents with associated car parking and landscaping- The building was demolished at some point in 2016.</p>		
Consultations			
Neighbour representations	Support: 0	Object: 6	Other: 0
Publicity	<p>Site Notice Display Date: 26 February 2019 Site Notice Expiry Date: 19 March 2019 Press Advert Display Date: 30 January 2019 Press Advert Expiry Date: 13 February 2019</p>		
Summary of neighbour responses	<p>The application was advertised by means of neighbour notification letters and a site notice. 6 objection letters have been received. The objections are summarised as follows:</p> <ul style="list-style-type: none"> • Proposed 33 parking spaces inadequate • Proposal will lead to greater traffic congestion, noise and air pollution • Proposed building would have an adverse impact on residents in terms of overlooking, loss of privacy, overshadowing and loss of views • Unattractive design with harm to character of area • Parking will be too close to existing homes with no “buffer” zone • The use is that of a nursing home rather than a care home • Harmful impact on Grade II Listed former Roche Products site • Kitchen extraction and refuse area too close to existing homes <p>Cllr Cowan has also objected to the development with regard to the design, location of the parking spaces and inadequate parking.</p>		
Consultees and responses	<p>The following have responded advising that they have no objections to the proposal in principal, subject to conditions or obligations being applied:</p> <ul style="list-style-type: none"> • WHBC Trees and Landscaping Team 		

	<ul style="list-style-type: none"> • WHBC Client Services Team • WHBC Public Health and Protection • Hertfordshire County Council, Highway Authority • Hertfordshire County Council, Growth Team • Herts Ecological • Lead Local Flood Authority • Hertfordshire County Council Historic Environment Advisor • Hertfordshire County Council, Spatial Planning Unit • Hertfordshire Constabulary • Cadent Gas • Thames Water • Natural England <p>WHBC Parking Services: Have objected on the basis that the proposed development would provide insufficient parking. This is addressed in the main body of this report.</p>
Relevant Policies	
<p>NPPF 2019</p> <p>Welwyn Hatfield District Plan 2005 (District Plan) Supplementary Design Guidance Supplementary Parking Guidance Interim Policy for car parking and garage sizes</p> <p>Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)</p> <p>Others : Planning Obligations, Supplementary Planning Document February 2012, National Design Guidance 2019</p>	
Main Issues	

<p>Background</p>	<p>It is proposed to construct a four-storey building to provide a care home (Use Class C2 Residential institutions). The four storeys would comprise 91 x bedroom care homes on the first 3 floors, with 13 x care suites on the top (4th) floor (104 units in total).</p> <p>The key ways in which this proposal differs from the scheme approved within N6/2014/2715/MA, is as follows:</p> <ul style="list-style-type: none"> • The footprint and orientation of the building has been altered. The position of built form has been moved 21-30m further south of Birkin Court. • The vehicular access, car parking, and servicing areas have been move from parallel to Broadwater Road to north of the site adjacent to Birkin Court. • The building would be 4 storeys in height, rather than a mixture of between 2 and 4 storeys • The number of units has increased from 83 to 104 • The resident’s amenity garden has been relocated from the north of the site (adjacent to Birkin Court) to the south of the site. <p>The previous office building (now demolished) was 2 storeys and was located alongside to the boundary with the site to the north (now known as Birkin Court). The scheme approved within N6/2014/2715/MA allowed a 3 storey wing and amenity garden adjacent to Birkin Court. With the main entrance and car parking located adjacent to Broadwater Road. This new proposal moves the built form 21-30m further south of Birkin Court and the main entrance, circulation space, car parking spaces, bicycle stands, bin storage area and service entrance positioned to the north adjacent to Birkin Court.</p> <p>Compared to the scheme approved within N6/2014/2715/MA the orientation and form is altered so that two wings forming a “c” shape would extend to the south allowing for a south facing fenced off amenity garden.</p> <p>The building would be 4 storeys in height, compared to a mixture of 2-4 storeys approved within N6/2014/2715/MA. It would have a flat roofed, modern design. It would comprise a rectangular core section to the north of the site, where the main entrance and associated car parking and access route would be located. A new single entry point from Broadwater Road would be formed, with a pedestrian route from Broadwater Road to the main entrance.</p> <p>The western wing of the care home would extend along the boundary of Broadwater Road with a prominent built frontage that would broadly complement the linear form along this part of Broadwater Road. The building itself would comprise predominantly rendered and brick elevations with large amounts of glazing to allow in light for the occupants.</p>
<p>The Principle of the development</p>	<p>The application site is designated as employment land under the adopted District Plan. Policies EMP1 (Employment Areas) and EMP2 of that plan are relevant. Policy EMP1 defines the site as falling in</p>

employment land, and policy EMP2 states that any uses outside of Use Classes B1, B2, and B8 would normally be resisted unless it can be clearly demonstrated that the existing land or premises are no longer required to meet future employment requirements and business community needs.

With regard to the loss of the employment land, the Council takes a protective approach to existing employment land within the Borough. This is to ensure that there continues to be enough high-quality employment land and floor-space in the Borough to provide jobs for local people, to maintain the diversity of employment uses and to accommodate the requirements of local businesses.

The proposed use as a care home (with a nursing element) falls within Use Class C2 Residential Institutions. This proposed use would therefore be contrary with the aims of policy EMP1 and EMP2.

The 2016 Draft Local Plan Proposed Submission (Emerging Local Plan) was submitted for examination to the Secretary of State in May 2017 with the examination currently being held and public examination hearing dates ongoing. The removal of this site from the designated employment zone has not been contested.

Whilst Policy EMP1 forms part of the adopted development plan, Policy SADM10 of the emerging Local Plan is a material consideration and weight is therefore given to the fact that the site is not designated as employment land in that emerging Plan.

The relevant part of Policy SADM10 in the emerging Local Plan states that proposals which result in a loss of land from Class B uses to any other use whether in a designated employment area or not, will only be permitted where exceptions can be met. These are;

- iii) It can be demonstrated through active, extensive and realistic marketing over a period of three years that the land or premises are no longer required to meet future employment land needs, and that there is a lack of demand for the land or premises in that location;*
- iv) The proposed use is compatible with neighbouring uses and, where applicable, would not prejudice the continued use of neighbouring land for employment; and*
- v) In accordance with Policy SP8, they provide facilities that are supportive Class B uses*

Policy SP8, The Local Economy, outlines that the Council will support economic prosperity, encourage inward investment and the creation of a range of jobs by:

- i. Resisting the loss of land from Class B uses;
- ii. Retaining a stock of good quality employment land and premises;
- iii. Ensuring that provision is made to meet the needs of business sectors that are already well represented in Welwyn Hatfield and those that are looking to invest in the area;

iv. Maintaining a balance of types of employment so that opportunities are available for people with a range of different skills and levels of skill;

v. Ensuring that provision is made for a range of opportunities, in terms of sites and premises, to allow new and emerging sectors to be accommodated; and

vi. Recognising the important role played by non Class B land uses (including retail) in providing employment and contributing to the local economy.

With regard to Policy SADM10 criteria (iii) (iv) and (v), the applicant has not provided marketing evidence over a three year period. Having said this it is important to note that marketing information that accompanied the last application for the care home showed that the care home was a viable option. In addition, as the existing building has been demolished following the granting of the previous permission this means that there is no longer a building to market.

It is of relevance to note that because of the previous permission for the care home, and the fact that the building was demolished, the site has not been designated as employment land in the employment area EA1 (Welwyn Garden City Industrial Area) as part of successive consultation documents under the 2012 Emerging Core Strategy, 2015 Local Plan Consultation and 2016 Draft Local Plan Proposed Submission.

With particular regard to the previous planning permission (N6/2014/2715/MA) on the land, this allowed for the demolition of the previous office building (B1a) and change of use to a Residential Institution (Care Home-C2) with associated car parking and landscaping.

Section 56 of the Town and Country Planning Act 1990 sets out when a material operation has begun that defines when a planning permission has been implemented. Section 4 (aa) stipulates that “any work of demolition of a building” would mean that development had begun.

There were a number of conditions for application ref: N6/2014/2715/MA that were worded as details to be submitted and agreed prior to commencement. Conditions 2 (materials), 3 (hard and soft landscaping), 5 (ingress and egress), 6 (details of odour extraction), and condition 7 (sound insulation) have not been agreed in writing by the Council. However, these conditions could have been worded differently so that the trigger point for compliance was later in the build. Even those these conditions were not agreed prior to the demolition of the building, it is considered that the demolition of the office building as part of the previous planning permission (N6/2014/2715/MA) has resulted in the development being started and although pre-commencement conditions were not agreed, the permission has been lawfully implemented.

As a consequence, the lawful use of the land is as a Residential Institution (Care Home-C2) and not as employment land.

As the Council's adopted policies have not changed since this time and there has not been a material change in relevant national policy, it is considered that there is no reasonable justification to diverge from this previously agreed position of accepting the principle of a care home use on this site.

District Plan Policy SD1 states that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the District Plan; Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. The proposal also complies with District Plan Policy CLT 17. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (para.118) and the efficient use of land (para.122).

Windfall residential sites

The site has not been allocated in the District Plan for additional housing supply and as such comes forward as a windfall residential site where Policy H2 applies. This policy states that all applications for windfall residential development will be assessed for potential and suitability against the following criteria:

- 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; and*
- v. The physical and environmental constraints on development of land*

In terms of accessibility, the site is located approximately half a mile from Welwyn Garden City town centre, which is a major train, bus and transport hub for the area. The site is therefore considered to be one of the most sustainable locations in the Borough given that it is highly accessible for local amenities and to a number of modes of transport.

Policy SADM1 of the Emerging Local Plan is also relevant in regard to windfall housing development. This policy is similar to Policy H2 of the District Plan 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 a settlement within the settlement hierarchy.

The Council do not have a demonstrable five year land supply of deliverable housing sites. This care home would fall under a residential

use and would therefore contribute towards the land supply of deliverable housing sites within the Borough.

The use of the land is proposed within Use Class C2 Residential institutions. District Plan Policy H9 of the Local Plan 2005 states “The Council will grant permission for schemes which provide special needs accommodation particularly in town centres or in areas which are close to community facilities and services. Incorporation of special needs housing schemes in residential development in central areas will be encouraged.” The proposed care home and the activity associated with its occupation would not be incompatible with its residential neighbours to the south (Moatwood Green/ Well Garth) and to the west on Broadwater Road.

The four storey building would comprise 91 units at ground, first and second floors with each unit containing a bedroom and en-suite. On the third floor (top floor) an additional 13 “care suites” would be provided each comprising a separate bedroom, a sitting room and en-suite. All the units within the building would be within this C2 use, with the 13 care suites offering a larger room size for occupants who desire additional space.

In order to ensure that the use continues as a C2 Residential Institution, it is judged that it would be reasonable and appropriate to impose a condition to limit the use of the site for a C2 Residential Institution only. This is necessary as any other use within or outside of Class C2 would need to be fully assessed by the Council through the planning process.

Conclusions of the principle of development

The weight which can be attached to adopted District Plan Policies EMP1 and EMP2 and the emerging Policy SADM10 and its tests set out in parts iii.-v is reduced in this assessment when concluding that the previous application ref: N6/2014/2715/MA has been lawfully implemented so that the site is no longer in employment use.

This, together with the weight attributed to the “presumption in favour of sustainable development” under paragraph 11 of the NPPF means that planning permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The benefits that the proposal would provide through the delivery of 104 residential units is afforded significant weight.

As a consequence of the above, the proposed care home would contribute towards housing land supply within this Borough, it is necessary to assess the location as a suitable site to provide this accommodation.

Whilst the site is currently located in a designated employment area, it is not as part of the emerging plan. The site is also not (as concluded above) in employment use.

The site adjoins residential properties on its south side and north and west. To the east (rear) is a school. Further north of the site there is a mixture of employment land and residential land, owing to some sites

	<p>being converted from office accommodation to residential, accommodation as part of the prior approvals process. As a consequence the site's immediate neighbours are predominantly in residential use. The proposal would be broadly compliant with Policy SP7 and CLT17 and is a suitable site to provide this accommodation.</p> <p>It is now appropriate to look at the altered layout and overall design of the proposed development as set out below.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>District Plan Policies D1 and D2, Emerging Local Plan Policy SP9 and the Supplementary Design Guidance (SDG), seek to ensure a high quality of design which relates to the character and context of the dwelling and surrounding area. The policies require extensions to complement and reflect design and character, be subordinate in scale, and not look cramped within the site in regards to bulk. These policies are in line with paragraph 124 of the NPPF which states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.</p> <p>These policies are expanded upon in the Council's Supplementary Design Guidance 2005 (SDG), which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and surrounding area.</p> <p>The proposed layout includes a singular access road from Broadwater Road with the main entrance to the care home being located to the north of the site.</p> <p>Compared to the previous permission for a care home in this location, this proposal has re-orientated the building. Instead of a car park fronting Broadwater Road, the car parking area would be located at the north of the site, with the building configured in a built form with two wings forming a "c" shaped structure. In addition, the amenity garden would be to the south adjacent to the boundary with Moatwood Green/ Well Garth.</p> <p>The character and form of built development in the vicinity is mixed, with recent residential conversions still retaining a largely commercial type character. Conventional housing is located to the south on Moatwood Green and Well Garth but to the north and opposite on the west side of the road are newly built flat roofed rectangular form contemporary homes and there also remains some employment/office buildings in the street. The proposal for a flat roofed, rectangular form of building at four storeys in height would not therefore appear out of place in this location.</p> <p>The proposed blend of brick and render panels serves to reduce the apparent bulk of the building and creates a building with some visual interest. There would be a strong presence along Broadwater Road which would be similar to the built form on the opposite side of the street. To the south of the site, the propose amenity garden would be complimented by the existing tree belt to the south and east of the site, which would provide amenity space for the residents, away from the main road.</p>

	<p>The 104 residential units proposed would be one bedroom units in addition to other associated services that would include:</p> <ul style="list-style-type: none"> - Nurse station & medical room - Assisted bathroom - Centrally provided laundry and catering, - Shared day space - Library space - Sluice and other ancillary service rooms <p>The proposed 13 top floor units would still benefit from all the shared associated services as the other units, comprising one bedroom and they would have a shared access via the main entrance. However, they would be offered at a more 'premium' rate service with larger and more specious accommodation on offer. These units offer suitable accommodation in respect of the proposed end users.</p> <p>The layout of the site has been developed to provide an amenity garden to the south which is considered to compliment the tree belt and two storey houses to the south. To the north, where the car parking is proposed, this is not considered an uncharacteristic design feature in this area. The car park with its absence of above-ground built form, allows for a degree of separation of the built form of the care home and the 3 storey houses to the north and a small strip of soft landscaping is proposed between the site and the houses in Birkin Court.</p> <p>It is noted that concerns have been raised with regard to the potential harmful impact of the development on the on Grade II Listed former Roche Products site. This listed building is located over 85 metres away from the north corner of the site. Given this distance and the fact that other 3 and 4 storey buildings have already been constructed closer to this listed building, it is judged that the height and massing of the proposed development would have no material impact on the setting of this listed building in line with section 66 of the Listed Buildings Act 1990.</p> <p>Overall, the layout, design and appearance of the proposed development, would be of a sufficient high quality and would adequately respect and relate to the overall character of the area. Accordingly, no objections are raised with regard to Policies D1 and D2 of the District Plan, the SDG, Emerging Local Plan Policy SP9 or the NPPF.</p>
<p>Impact on neighbours</p>	<p>Policy D1 of the District Plan requires the standard of design to be of high quality. This Policy is expanded upon in the Council's SDG which sets out general design principle for all development including noise and sunlight and daylight. Emerging Policy SADM11 aims to preserve neighbouring amenity. These policies are broadly consistent with the NPPF.</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 care home.</p> <p>The nearest residential properties to the proposed development are</p>

located to the north in Birkin Court, to the west along Broadwater Road and to the South on Well Garth.

The site would be screened by trees from its neighbours on Well Garth and Moatwood Green and to the north. Compared to the scheme approved within N6/2014/2715/MA, where the north wing of 3 storeys in height was on the boundary with the properties in Birkin Court, this proposal locates the 4 storey building at a distance of 21m and 30m away from the boundary of properties in Birkin Court. The separation distance is sufficient to ensure that there would be no material impact on the residential amenity of adjoining occupiers through loss of day/sun light or any adverse overshadowing that would be sufficient enough to warrant a reason for refusal.

The main entrance to the site would be located to the north with an expanse of windows located on this north elevation. These windows would have views onto the houses to the north in Broadwater Road and Birkin Court. The distances here vary between 21 and 30 metres. The closest residential property would be 45 Broadwater Road which has its side elevation adjacent to the site. Numbers 16-19 Birkin Court have their rear elevations and private rear gardens adjacent to the site.

The application has been amended since its initial submission and a number of proposed balconies on the third floor have been removed. With the removal of these balconies, the properties and layout of the development would be sited in such a manner that there would be no undue loss of privacy to neighbouring properties. As a consequence, although the proposed development would change the existing relationship between the site and these neighbours this would not be unacceptable.

Policy R19 of the Local Plan states that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land uses. Policy SADM18 of the Emerging Local Plan outlines that that a noise and vibration impact assessment will be required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration. Very disruptive noise and/or vibration pollution will not be permitted and disruptive or intrusive effects will be weighed against the needs for, and benefits of, the development. These policies are in place in the interest of high quality design to ensure that the living conditions of existing and future occupiers are maintained.

The Council's Public Health & Protection Officer raises no objections. The site is surrounded by residential properties to the North, South and West (across the road) and to the East the site is bounded by Peartree Primary School. Relevant considerations include noise from activities associated with the proposal and those of the school site to the east, noise from traffic and noise from plant and equipment.

In terms of noise from plant and equipment, the Council's Public Health & Protection Officer has advised that this can be suitably controlled by a planning condition requiring any plant to be at least 10dB below the background noise level at the nearest sensitive receptors. As a consequence, it is considered reasonable and appropriate to require,

	<p>details of a plant and extraction system to be submitted to and approved in writing by the Council before the development is occupied.</p> <p>With regard to the impact on the proposals on future occupants of the proposed units would provide one bedroom units. The layout of the buildings and the positioning of windows ensures that, with regard to overshadowing, daylight and sunlight, and the dominance of the development the scheme has been designed to achieve acceptable conditions for future occupants.</p> <p>The design and layout of the proposed amenity garden would ensure that it is functional and usable in terms of its orientation and size.</p> <p>Concluding on these matters, the development proposal would protect the living conditions of all neighbouring occupiers and future occupiers in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005, the SDG, Emerging policy SADM11 and the NPPF.</p>
<p>Access, car parking and highway considerations</p>	<p>Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.</p> <p>This application has been supported by a Transport Statement (by Mayer Brown Limited dated December 2018) and a “Response to the Local Highway Authority consultation” dated 29 April 2019 and a Travel Plan (by Mayer Brown dated April 2019). Both documents have been reviewed by the Highway Authority.</p> <p>The previous extant planning permission (N6/2014/2715/MA) for the care home permitted 27 car parking spaces. This current proposal includes the provision of new car parking on the existing site to provide 33 parking spaces. The site was previously served by a centrally located access route off Broadwater Road. The new access to the main entrance and 33 parking spaces would still be off Broadwater Road, but would be located towards the north of the site.</p> <p>In 2014 that the introduced the Council’s Interim Parking Policy which states that all planning applications will be determined on a case-by-case basis to achieve a sensible level of provision taking account of the existing SPG standards, NPPF guidance, the relevant circumstances of the proposal, its site context and its wider surroundings. The site is in Zone type 2 as set out in the SPG, whereby car parking provision allows a 25-50% of the maximum demand based standard.</p> <p>Parking on the site has been provided in accordance with the Welwyn Hatfield interim parking standards, with 33 spaces being provided. These spaces shall be for use by staff and visitors noting that use by residents is likely to be limited given their proposed care needs. The Transport survey submitted in support the application sets out that “the level of parking experienced can be accommodated within the parking provision provided on-site” (p3). On this basis, the car parking provision is suitable as proposed.</p> <p>In considering those visitors and residents that will need to access the</p>

	<p>site, it must be emphasised that the site is highly accessible for local amenities and to a number of modes of transport other than by use of a private car. For example, the site is well located within walking distance of a range of shops and services and benefits from convenient access to footways, cycleway and public transport in Welwyn Garden City town centre. In addition, the site is also located within close walking distance of Welwyn Garden City Railway Station.</p> <p>Further to the above, it should be noted that there would also be a storage area for bicycles within the north of the site, which supports sustainable modes of transport. C2 residential institutions of this kind are required to follow the Council's SPG on bicycle parking standards which are given as follows: 1 short term space per 20 beds with 1 long term space per 10 staff on duty at any one time.</p> <p>Taking into account the proposed number of beds (104) and the maximum number of staff (23) at the care home, a minimum of eight bicycle parking spaces should be provided using the standards above. The proposed development includes the provision bicycle parking spaces at the north of the site. It is judged that it would be reasonable and appropriate to impose a condition to require further details of these bicycle parking spaces to be submitted and approved by the Council prior to the occupation of the site, in order to ensure compliance with policy M6 of the District Plan.</p> <p>The application has been supported by a Site Waste Management Plan (which forms an appendix to the Design and Access Statement) however, this plan does not make reference to any requirement for special management on dates of collection. On this basis, it is recommended that a condition for a revised Waste Management Plan be secured by condition which would describe all mitigation necessary to ensure highway safety is maintained.</p> <p>The proposal is considered to be acceptable with regard to its impact on the highway and provides an appropriate level of car 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 and off site works including pedestrian facilities to ensure the impact of the use is mitigated for.</p> <p>Subject to the above mentioned conditions being imposed, the development proposal would be in accordance with Policies M14 and D1 of the Welwyn Hatfield District Plan 2005, the SPG and Council's Interim Policy for Car Parking and Garage and the NPPF.</p>
Other Material considerations	
<p><i>Ecology, Open Space and Landscaping</i></p>	<p>Para.170 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible. Para.175 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Para.175(d) of the NPPF that</p>

	<p><i>“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”</i>. Policy D8 of the District Plan seeks to maintain and protect existing landscaping. Policy R11 outlines that development will be required to demonstrate how it would contribute positively to the biodiversity of the site.</p> <p>The site was previously in office use and is sparsely vegetated. Whilst the vegetation at the site is of low significance to represent a constraint on development of the site, its contributions at a local level to this part of Broadwater Road. There is a collection of three Oak trees along Broadwater Road that together, form part of a boulevard of the same trees along the east and west side of this part of Broadwater Road. The application proposes to keep two of these trees. One would be required to be removed to allow for a pedestrian footpath. The applicant has agreed to replace the Oak tree of the same species as the one to be removed. The Council will require the details of this replacement tree to be agreed and this can be secured by condition.</p> <p>In order to maintain the Welwyn Garden City ethos and enhance the local landscape, the application proposes hedging along the boundary of Broadwater Road with additional areas of soft landscaping around the site. This is welcome but a condition for further details of the landscaping scheme would be required by condition, in order to ensure appropriate species and planting are provided.</p> <p>Overall, subject to above conditions being imposed, the amount of landscaping compared to the built development proposed would be acceptable. Accordingly, on this basis, there would be no conflict with the NPPF or Policies D8 and R11.</p>
Contaminated Land	<p>District Plan Policy R2 states that the Council will encourage development on land that may be contaminated. However, on such sites applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.</p> <p>Contamination is not showing directly on the site, however, across the road the Council’s mapping system shows potential contamination, which may have been remediated as the site has been developed. However, due to potential for migration of contamination, it is recommended that an unexpected finds condition is placed on any approval in order to ensure the future living conditions of the occupiers is safeguarded.</p> <p>Subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R2.</p>
Archaeology	<p>The application site is not located within an area of archaeological significance. The Historic Advisor at Hertfordshire County Council has commented that the development is unlikely to have an impact on heritage assets of archaeological interest. Therefore, the proposed development is considered acceptable in accordance with Policy R29 of the Welwyn Hatfield District Pan 2005.</p>
Waste and recycling	<p>The Council’s Client Services Team raised no objection to the proposal because waste collection would be carried out by a private contractor.</p>

	<p>Therefore there is no requirement to impose a condition with reference to bin storage types.</p> <p>Hertfordshire County Council Waste department have outlined that all relevant construction projects be supported by a Site Waste Management Plan. As a consequence of the site location and level of development it is considered that it would be reasonable and appropriate to require a Site Waste Management Plan (SWMP) be submitted prior to commencement. A SWMP was submitted as part of the submitted design and access statement, but further detail is required. The SWMP should contain details of what waste types are anticipated and where the waste will be taken for treatment and disposal. It should also predict the amount and type of waste expected to arise and then be used to record the actual waste as it arises. On this basis, it is recommended that a condition for a Waste Management Plan be secured by condition which would describe all mitigation necessary to ensure suitable waste management practices are controlled.</p>
<p>Flooding and drainage</p>	<p>The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 and 3 and all land outside those zones is in flood Zone 1. This site is located within Flood zone 1 i.e. a low probability of flooding.</p> <p>In an area classified as Flood Zone 1 all land uses are considered appropriate and the technical guidance advises that the overall aim of the sequential approach should be to steer development to Flood Zone 1. The technical guidance advises that residential uses should be steered toward Flood Zone 1 where possible and where it cannot that there is appropriate mitigation measures. It is judged that as the proposed development is in accordance with the guidance on steering residential development to land that is within Flood Zone 1 because all the development would be within Flood Zone 1.</p> <p>The technical guidance also advises that the overall aim of developers and local authorities should be to seek opportunities to reduce the overall level of flood risk in an area through the layout and form of the development, and the appropriate application of sustainable drainage systems. Such systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.</p> <p>A Flood Risk Assessment and Drainage Strategy together with supporting information has been submitted with this application. The Lead Local Flood Authority have reviewed the submitted information and consider that the proposed development would be acceptable subject to the imposition of a condition to requiring a detailed surface water drainage scheme to show the satisfactory disposal and storage of surface water. As a consequence, it is judged that it would be reasonable and appropriate to impose a condition for a detailed surface water drainage scheme and a condition requiring a detailed drainage layout to be imposed. Accordingly, subject to the recommended conditions being imposed on any approval, the proposed development provide sustainable drainage solutions and would be in accordance with</p>

	Policy R7 of the District Plan, Policy SADM14 of the Emerging Local Plan and the NPPF.
Environmental impact assessment	The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations) specifies those forms of development that require EIA. In this case the development does fall under either schedule 1 or schedule 2 development categories and therefore no EIA is required.
Planning Obligations	<p>S106 of the Town and Country Planning Act 1990 (as amended) enables land owners/developers to enter into an obligation with the relevant local planning authority to achieve specified aims which may include:</p> <ul style="list-style-type: none"> 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>The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. 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) as follows:</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>The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.</p> <p>Hertfordshire County Council Contributions: Confirmation has been received from Hertfordshire County Council that financial contributions are required to improve access to buses and improvements to pedestrian links. It would therefore be appropriate to improve local facilities to further promote accessibility to the site by public transport. This can be achieved by way of a Sustainable Transport Contribution of £16,500 (required to be paid prior to commencement).</p> <p>In addition to the above, Hertfordshire County Council require that a residential type development provides a framework Travel Plan and monitoring & evaluation fee of £6000 prior to commencement of the development.</p> <p><i>Welwyn Hatfield Contributions:</i> In accordance with the Council's</p>

	<p>Planning Obligations SPD, a monitoring fee of £1,697.00 (subject to Retail Price Index) will also be required and payment will be required to be made on completion of the S106.</p> <p><i>Conclusion:</i> The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement has been agreed in principle. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.</p> <p>The proposal, subject to the completion of a Section 106 Agreement, would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010, as amended.</p>
<p>Conclusion</p>	
<p>Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. This proposal broadly complies with different polices of the development plan, moreover there are other considerations such as the effects on housing land supply to be taken into account. There is, therefore, a balance to be struck</p> <p>The proposal would result in the loss of vacant office land. However, there was a recent planning permission for an alternative care home use on the site. In addition, the proposal would help to boost the supply of housing in line with the government's objective set out in the NPPF. The Council cannot demonstrate a 5-year supply of deliverable housing sites, paragraph 11(d) of the NPPF applies. This outlines that applications involving housing should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. In this regard, the proposal is a suitable use of the land.</p> <p>The proposal would provide a satisfactory level of accommodation for its future occupants, would not negatively impact upon the character and context of the area, respects the amenity of the occupiers of adjoining premises and provides sufficient parking while also promoting sustainable methods of transportation.</p> <p>The proposal is acceptable and no harm has been identified that cannot be adequately mitigated against, or overcome by planning condition. Subject to a legal agreement securing the Travel Plan, Travel Plan monitoring fee and Sustainable Transport Contribution and planning conditions, the proposal is considered to be acceptable in terms of: quality of design and impact on area's character; living conditions of neighbouring residents, highway safety and capacity; parking; and flooding.</p> <p>Accordingly, Officers consider that this application accords with all relevant local and national planning policies, and recommend a solution of grant planning permission subject to the Travel Plan, Travel Plan monitoring fee and Sustainable Transport Contribution being secured by a legal agreement.</p> <p>Recommendation</p> <p>It is recommended that planning permission be granted subject to the satisfactory completion of a Section 106 Agreement securing a Travel Plan, Travel Plan monitoring fee and Sustainable Transport Contribution and the agreement of any necessary extensions to the statutory determination period to complete this agreement; and the following conditions:</p>	

Conditions:

PRIOR TO COMMENCEMENT

1. No development shall take place until a Construction Management Plan (or Construction Method Statement) 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 Management Plan / Statement shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. 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 and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and the National Planning Policy Framework.

2. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, including the recommendations of the surface water drainage assessment (carried out by NJP Consulting Civil & Consulting Engineers Ltd, reference RN/10528, version 1.10, dated August 2019), has been submitted to and approved in writing by the Local Planning Authority. This should include:
 - a). Final detailed drainage layout with all SuDS features proposed and with indicated total storage volume provided.
 - b). Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
 - c). Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage design should ensure:

- The surface water run-off generated by the critical storm events is limited so that it will not exceed the surface water run-off rate of 2 l/s during the 1 in 100 year event plus 40% of climate change event.
- Storage must be provided to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year plus climate change event providing a total storage volume in permeable paving with sub-base area.
- Discharge of surface water from the private drainage network into the Thames Water surface water sewer network.

The approved surface water drainage scheme and flood risk mitigation measures shall be fully implemented prior to occupation, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. These measures shall be maintained thereafter.

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 Policies R7, R9 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development shall take place until a Site Waste Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The Management Plan as approved shall be implemented throughout construction period and subsequently the development shall not be carried out other than in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development management Policies document and the Welwyn Hatfield District Plan Policy R5 and the National Planning Policy Framework.

4. In the event that contamination is found at any time when carrying out the development hereby permitted, it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to 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 and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND LEVEL WORKS

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

The landscaping details to be submitted shall include:

- Oak tree replacement (front of site)
- A broad range of plants and tree species to offer all year round interest and resilience to the scheme

- Tree planting within the site itself, particularly in the outside recreation areas to provide shade
- Details of planting methods and aftercare
- Details of hard landscaping materials
- Details of any proposed external CCTV installations

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

6. 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 have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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

PRIOR TO OCCUPATION

7. Prior to occupation of the development hereby permitted, details of secure bicycle parking to include the provision for a minimum of eight bicycle parking spaces 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 scheme.

REASON: In order to ensure that there is adequate provision for secure bicycle accommodation within the application site, encouraging alternative modes of transport in accordance Policies M6 and M8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

8. The building hereby approved shall not be occupied until a scheme to protect future occupiers from noise, with particular reference to noise generated from nearby traffic and Peartree school, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the specifications included within the approved scheme.

The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014. Outdoor amenity areas will need to meet the 55dB World Health Organisation Community Noise Guideline Level.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

9. The building hereby approved shall not be occupied until the roads, footpaths, vehicular parking and bicycle spaces, servicing areas and access associated with the building have been constructed and surfaced in accordance with details which have been submitted to and agreed in writing by the Local Planning Authority. These approved details shall then be retained thereafter.

REASON: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with the National Planning Policy Framework.

POST DEVELOPMENT COMMENCING

10. This permission shall only permit the use of the site within Use Class C2 (Residential institution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use within that Class and for no other use or purpose.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these Orders in the interest of protecting the residential amenity of adjoining occupiers in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

11. The building hereby approved shall not be occupied until details of any air ventilation, extraction and odour control systems have been submitted to and approved in writing by the Local Planning Authority. The proposed system will need to adhere to the Defra guidance on the Control of Odour and Noise from Commercial Kitchen Extract Systems. Subsequently, no part of the development shall be occupied until the facilities have been provided in accordance with the details approved.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

12. Noise from plant and equipment associated with the development shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policies R19 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

13. No deliveries shall be taken or dispatched from the site outside the hours of 08:00 – 18:00 Mondays to Fridays, 08:00 – 17:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

14. No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars hereby approved.

(a) Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of

such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

This condition will cease to have effect on the date 5 years from the date of works to implement this permission commences on site.

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

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
BS 5837 2012 TREE SURVEY		Tree Survey Plan	31 December 2018
TS18-448X/2		Street Scene Elevation (existing)	31 December 2018
TS18-448X/1		Topographical Survey	31 December 2018
1959.1		Tree Protection Plan	18 September 2019
17-132-121	B	First Floor Plan - As Proposed	2 July 2019
17-132-122	C	Second Floor Plan - As Proposed	2 July 2019
17-132-123	F	Third Floor Plan - As Proposed	22 August 2019
17-132-124	C	Roof Plan - As Proposed	2 July 2019
17-132-150	C	Elevations - As Proposed - Sheet 1	2 July 2019
17-132-151	A	Elevations - As Proposed - Sheet 2	17 January 2019
17-132-152	A	Elevations - As Proposed - Sheet 3	17 January 2019
17-132-153	B	Street Scene Elevation - Proposed	2 July 2019
17-132-155	C	Indicative 3D Views - Sheet 1	2 July 2019
17-132-156	B	Indicative 3D Views - Sheet 2	2 July 2019
17-132-100	C	Site Location Plan	17 January 2019

17-132-110	E	Proposed Site Plan	5 September 2019
17-132-120	A	Ground Floor Plan - As Proposed	17 January 2019

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. 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.

2. 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.
3. 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 or legal interest (easements or wayleaves) which may affect the land.
4. 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.
5. The applicant is advised to contact Environmental Health at Campus East, Welwyn Garden City, Tel: 01707 357242, with regard to the necessary food, hygiene and sanitary standards.
6. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.

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.

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.

Road Deposits: 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
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developerinformation/development-management/highways-development-management.aspx> or by telephoning 0300 1234047

Determined By:

Mrs Sarah Smith
17 February 2020