

To: C Lofthouse
Condy & Lofthouse Ltd
17 Connect Business Village
24 Derby Road
Liverpool
L5 9PR

Important – Planning permission and notices of consent

Compliance with conditions

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

For advice on any of these matters, please contact the duty planning officer or the case officer at Welwyn Hatfield Borough Council, Campus East, The Campus, Welwyn Garden City, AL8 6AE or by email planning@welhat.gov.uk between 0900 – 1100 daily.

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

To: C Lofthouse

Application No: 6/2018/3292/MAJ

Date of Approval: 17 February 2020

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

Development: Erection of four storey development comprising 91 x bed care home with 13 x care suites

At Location: Land adjacent to 45 Broadwater Road Welwyn Garden City AL7 3AX

Applicant: Marbrook Care

Application Date: 17 January 2019

This planning permission is subject to a Section 106 agreement.

In accordance with the conditions listed below: -

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).

Informative(s)

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



Colin Haigh
Head of Planning

Town and Country Planning Act 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of The Town and Country Planning Act.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or 12 weeks in the case of a householder appeal of the date of this notice, whichever period expires earlier. •
- As this is a decision to refuse permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice;
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render

the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

WHY HERTFORDSHIRE BUILDING CONTROL?



Hertfordshire Building Control are owned by seven local authorities in Hertfordshire. In effect, as a resident in Hertfordshire, you own Hertfordshire Building Control. Any profit we make is returned to those local authorities who reinvest it into our communities, which you as a resident will benefit from. Therefore, by using our services you benefit from our experienced and knowledgeable team of surveyors, and also from the investment made in the community by Local Authorities.

Being accountable to the public in this way means that we will not be compromised by people or organisations, and when things go wrong - for example buildings becoming dangerous, as a result of poor building practices and improper inspections - we are the people who are called in to ensure that the area is made safe and further losses minimised.

Use Hertfordshire Building Control early on in your project, to **prevent** such occurrences rather than having us being called in to **cure** them.

WHAT HERTFORDSHIRE BUILDING CONTROL OFFERS:

- A truly independent service working on behalf of the property owner and accountable to the residents of Hertfordshire;
- Surveyors with the skills and experience to lead the compliance process ensuring that your property meets the standards required by Building Regulations
- A team with the capacity to provide a responsive service, ensuring that your project will be inspected when it needs to be and will not be held up
- The technology to increase surveyor time on site and improve our service to our customers;
- A one stop shop for all related activities including air testing, acoustic testing, engineering and SAP calculations and warranties;
- A company that returns 100% of its profits back to Local Authorities for investment in the community.

NEXT STEPS

Contact us as early as possible to make sure we can help you through the process. If you are sure about the type of building application you need to make, you can download the forms online at www.hertfordshirebc.co.uk

If you have any concerns or questions then please call us on **020 8207 7456** or email buildingcontrol@hertfordshirebc.co.uk

Hertfordshire Building Control
Hertsmeare Civic Offices
Elstree Way
Borehamwood
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HERTFORDSHIRE BUILDING CONTROL

PROTECTING YOUR INTERESTS BY
ENSURING QUALITY BUILDINGS

020 8207 7456
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HERTFORDSHIRE
BUILDING CONTROL



WHAT IS BUILDING CONTROL?

Building Control ensures that architects, builders and other professionals in the construction industry adhere to the Building Regulations when designing and building structures. The Building Regulations set the standards for the design and construction of buildings to ensure that they are safe, accessible and energy efficient.

DOES MY PROJECT NEED BUILDING CONTROL APPROVAL?

Projects that involve extensions, structural changes, loft or garage conversions or changes to electrical wiring will - in the vast majority of cases - need Building Control certification. It is a legal requirement.

To check whether your project requires building control approval please call one of our qualified surveyors on **020 8207 7456** who will be happy to advise you. Or contact us at the following email address: buildingcontrol@hertfordshirebc.co.uk. Alternatively, there is a lot of useful advice contained on our website: www.hertfordshirebc.co.uk.

WHY DO I NEED BUILDING CONTROL?

There is a legal requirement that work carried out on buildings, including alterations, extensions and garage and loft conversions are inspected and certified by an authorised Building Control body. Building Control protects the interests of the property owner ensuring that architects and builders adhere to the standards required in the Building Regulations. Sadly, there are a number of rogue operators who will cut corners to save themselves money and in doing so cause buildings to be unsafe, difficult to access or exit, and energy inefficient. The building control surveyor protects the interests of the property owner and should therefore be independent of the architect and/or builder. Make sure that it is you and not your builder or architect who selects your Building Control provider, or that you have carried out the necessary due diligence.

IS THIS DIFFERENT FROM PLANNING?

Building Control is separate from planning, which deals with the appearance of buildings and how they fit into their environment. Your project may also need planning consent, which is a different process.

You may be receiving this advice note because you have submitted plans to your Local Authority planning department. If not you will need to contact them to discuss planning requirements. Links to contact Local Authority Planning departments are on our website.

WHAT DO BUILDING CONTROL SURVEYORS DO?

Building Control Surveyors work on behalf of the property owner and with architects, builders and other construction professionals to lead the compliance process, certifying that buildings conform to Building Regulations. The mission of Hertfordshire Building Control is to ensure quality buildings and add value for our customers and communities by leading the compliance process. Essentially the surveyor protects the interests of the property owner and should therefore be independent of the architect and/or builder. Make sure that it is you and not your builder or architect who selects your Building Control provider, or that you have carried out the necessary due diligence.