

To: Mr S Birnbaum  
SMB Town Planning Ltd  
The Studio  
18 Orchard Drive  
Edgware  
Middlesex  
HA8 7SD

## **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](mailto: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: Mr S Birnbaum

**Application No:** 6/2019/1452/MAJ

**Date of Approval:** 7 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:** Change of use for conversion of first and second floors from (A1 Use) Retail to (C3 use) Residential and additional storey for 27 dwellings; the retention of the ground floor for Class A use

**At Location:** 26 Stonehills Welwyn Garden City AL8 6NA

**Applicant:** Amsprop Reat Limited

**Application Date:** 27 June 2019

**This planning permission is subject to a Section 106 agreement.**

In accordance with the conditions listed below: -

**NO DEVELOPMENT**

1. No development shall commence until a scheme setting out the arrangements for the delivery of accessible housing must be submitted to and approved in writing by the Local Planning Authority in accordance with the following requirement:
  - a) A schedule of at least 20% of residential buildings, together with appropriate plans and drawings setting out details of the number, layout and location of all units that will comply, shall be submitted to and be approved by the Local Planning Authority, with Part M4(2) of the Building Regulations 2010.
  - b) All units specified as M4(2) in the agreed schedule and plans shall be implemented in accordance with that approval.

**REASON:** To ensure that suitable housing is provided for households in need of accessible in accordance with Policies D1 and H10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

2. No development shall commence until a scheme to protect future occupiers of the development from traffic and commercial/industrial noise is submitted to and approved in writing by the Local Planning Authority. The approved details shall be subsequently implemented before any part of the accommodation

hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing. The scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 and commercial and industrial noise must be 10dB below levels within BS8233. Any associated mechanical ventilation will need to meet the ventilation requirements found with The Noise Insulation Regulations 1975 (or a similar alternative to be agreed with the Local Planning Authority).

REASON: To protect the occupants of the new development from noise disturbance in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

3. No work relating to the roof domers shall take place until samples of the materials, including full details of window frames, to be used in the construction of the external surfaces of the building hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

#### PRIOR TO OCCUPATION

4. No occupation of the development hereby permitted shall be undertaken until the provision of refuse and recycling has been constructed, equipped and made available for use prior to the occupation of each resident unit which it is associated with, in accordance with drawing number 7654/P101, and retained in that form thereafter.

REASON: In order to ensure that there is adequate provision for refuse and recycling in accordance with Policy R5 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. No occupation of the development hereby permitted shall be undertaken until the provision of secure cycle parking has been constructed, equipped and made available for use prior to the occupation of each resident unit which it is associated with, in accordance with drawing number 7654/P101, and retained in that form thereafter.

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

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders

revoking or re-enacting these Orders) this permission hereby granted shall only permit the use of the ground floor of this building as retail Use Class A1. Any alteration to this approved use will require planning permission.

Reason: To accord with the requirements of Policies D1 and TCR7 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

#### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
7654 P003		Existing First Floor Plan	17 June 2019
7654 P007		Existing Elevations	17 June 2019
7654 P002		Existing Basement And Ground Floor Plans	17 June 2019
7654 P005		Existing Roof	17 June 2019
7654 P004		Existing Second Floor Plan	17 June 2019
7654 P009		Existing Site Plan	17 June 2019
7654 P006		Existing Elevations	17 June 2019
7654 P008		Existing Sections	17 June 2019
7654 P105		Proposed Roof Plan	17 June 2019
7654 P104		Proposed Third Floor Plan	17 June 2019
7654 P310		Street Level Visual Northeast	17 June 2019
7654 P303		Proposed Sections	17 June 2019
7654 P102		Proposed First Floor Plan	17 June 2019
7654 P103		Proposed Second Floor Plan	17 June 2019
7654 P101		Proposed Basement And Ground Floor Plans	17 June 2019
7654 P301		Proposed Elevations East And North	17 June 2019
7654 P302		Proposed Elevations West And South	17 June 2019
7654 P001		Location Plan	17 June 2019
7654 P109		Proposed Site Plan	28 June 2019

7654 P301	Proposed Elevations East and North	28 June 2019
7654 P302	Proposed Elevations West and South	28 June 2019
7654 P303	Proposed Sections	28 June 2019
7654 P310	Street Level Visual Northeast	28 June 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. The development will involve the numbering of properties and/or the naming of new streets. The applicant **MUST** contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

2. This planning decision letter should be read in conjunction with the S106 Legal Agreement.

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 which may affect the land.

4. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed."

5. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and->

pavements/business-anddeveloper-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

7. 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-andpavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

8. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the

Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

9. The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business->

and-developer-information/development-management/highwaysdevelopment-management.aspx or by telephoning 0300 1234047.

10. 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

11. 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

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

13. 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.

14. 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.

15. 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.

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

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

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

19. '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.

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

21. 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.

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

23. All efforts shall be made to reduce dust generation to a minimum.
24. 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.
25. Waste materials (especially asbestos containing materials) will need to be disposed of by a licensed contractor.
26. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.



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](http://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](http://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](mailto:buildingcontrol@hertfordshirebc.co.uk)

Hertfordshire Building Control  
Hertsmeare Civic Offices  
Elstree Way  
Borehamwood  
Hertfordshire  
WD6 1WA

020 8207 7456  
[buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk)  
[www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)



## HERTFORDSHIRE BUILDING CONTROL

PROTECTING YOUR INTERESTS BY  
ENSURING QUALITY BUILDINGS

020 8207 7456  
[www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk)

HERTFORDSHIRE  
BUILDING CONTROL



### 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.

### 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@hertfordshircc.co.uk](mailto:buildingcontrol@hertfordshircc.co.uk). Alternatively, there is a lot of useful advice contained on our website: [www.hertfordshircc.co.uk](http://www.hertfordshircc.co.uk).