

Part I

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(Peartree)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 MARCH 2021
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2019/2714/OUTLINE

ONE YMCA 90 PEARTREE LANE WELWYN GARDEN CITY AL7 3UL

HYBRID PLANNING APPLICATION FOR DEMOLITION OF EXISTING HOSTEL,
DEVELOPMENT OF A FOUR STOREY 100 BED YMCA HOSTEL (ALL DETAILS
SUBMITTED FOR DETERMINATION); AND OUTLINE PLANNING APPLICATION
FOR 2, 3 AND 4 STOREY BUILDING PROVIDING UP TO 43 RESIDENTIAL
APARTMENTS (ALL DETAILS RETAINED FOR FUTURE DETERMINATION AS
RESERVED MATTERS, EXCEPT MEANS OF ACCESS) WITH ASSOCIATED CAR
PARKING AND LANDSCAPING

APPLICANT: Miss H Scott

1 Site Description

- 1.1 The site is located in Welwyn Garden City on Peartree Lane, approximately 0.7 miles east of Welwyn Garden City Town Centre. The site is surrounded by a range of buildings varying in uses (residential; commercial; and light industrial).
- 1.2 The site is approximately 0.72 hectares in size and currently consists of a YMCA hostel providing 125 units and ancillary facilities. The site is still in operation as a hostel, but no longer meets the standards that YMCA expect of its accommodation. The majority of the hostel is accommodated within a 2 storey building towards the rear of the site and single storey building to the front of the site, which accommodates the hostel's maintenance facilities and office space. Car parking is located to the front of the site, behind the tree line and also located at the rear of the site. Access is gained from Peartree Farm, which leads onto Peartree Lane and Hydeway.

2 The Proposal

- 2.1 Planning permission is sought for a hybrid application for the demolition of the existing hostel, development of a four storey 100 bed YMCA hostel. All details of this part of the development are submitted for determination. Outline permission is proposed for up to 43 residential apartments (all details retained for future determination as reserved matters, except means of access) with associated car parking and landscaping.

Hostel

- 2.2 The proposed hostel would be located to the rear of the site and would comprise of 100 residential units, including 3 x ensuite room, 95 x studio flat, 2 x accessible studio flat. Located in the northern corner of the site are 28 car parking spaces and 34 cycle parking spaces allocated for the hostel.

Residential Apartments

- 2.3 The application seeks outline planning permission with all matters, other than access, reserved for future determination, for up to 43 residential dwellings. The illustrative layout submitted with this application identifies 43 residential units comprising of: 20 x 1 beds and 23 x 2 beds. The indicative plans include 6 residential blocks ranging from 2 - 3 ½ storeys. The indicative plans include 39 car parking spaces, 43 cycle parking spaces and 2 bins stores.
- 2.4 Amended plans were received throughout the consideration of this application, including a change in the colour of the hostel from grey and yellow brick to a red brick, a reduction in height and alteration of the design of the indicative residential buildings. Further information was also submitted in relation to affordable housing, drainage and car parking.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because the application is a major application and the Council has an interest in the land which is the subject of the application.

4 Relevant Planning History

- 4.1 Application Number: N6/1996/0561/FP
Decision: Granted
Decision Date: 14/03/1997
Proposal: Erection of two storey bedroom block

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
5.2 Welwyn Hatfield District Plan 2005 (District Plan)
5.3 Draft Local Plan Proposed Submission 2016 (emerging Local Plan)
5.4 Supplementary Design Guidance 2005 (SDG)
5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
5.7 National Design Guidance (NDG)

6 Site Designation

- 6.1 The site lies within Peartree ward, located within the settlement of Welwyn Garden City as designated within Welwyn Hatfield District Plan 2005. The site is also in close proximity to the public right of way – Welwyn Garden City 061 and adjacent to an area of urban open land.

7 Representations Received

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. A Peartree Residents Statement of objection was received signed by 17 members of the public during the initial public consultation and 2 neighbour objections were received. In total 19 representations have been received.
- 7.2 The representations received are published in full on the Council's website and are summarised below:
- Adverse harm to neighbour amenity – overbearing/over powering loss of light, lack of privacy, noise nuisance;
 - Noise and dust pollution;
 - Height and density conflicts with design policies;
 - Proposed development is not sympathetic to the local area;
 - Proposal will not improve the character and quality of the area and will diminish the functionality of the local area;
 - Proposal will not relate to the line of the buildings in the street and will not provide a continuous street frontage.
 - Hostel is excessively tall, is out of keeping with the scale in the wider area and will dominate the streetscene;
 - Hostel design is out of keeping with the existing residential area;
 - The introduction of the three-storey apartment building to the front of the site fails to respect the character and context of the area and that of neighbouring buildings (height, mass, scale) including the adjacent Peartree Close.
 - The proposal of having three story apartments along the front of the site will appear obtrusive and incongruous within the street scene.
 - There is no affordable housing;
 - Insufficient parking;
 - Increase in the traffic generation;
 - Fails to provide how surface water arising for the development is to be managed;
 - Neighbour noise and disrespectful behaviour.
- 7.3 Councillor Jackson-Mynott objected to the original consultation stating that “*The proposed development damages the aesthetic of the street, being completely out of kilter and completely different from every other building on the street. It should be red brick and white fenestration. I do not see the need for the grey in a street which is otherwise entirely red brick, white windows. I am wholly supportive of renovating the YMCA and creating a modern safe place for people to live, but the design needs to match its location.*”
- 7.4 Councillor Ranshaw initially objected on the grounds that the development would adversely affect local amenity, the proposed height, design and density conflicts with design policies, there is no affordable housing provision, and there is insufficient parking.
- 7.5 Councillor Ranshaw withdrew her objection and call in to Development Management Committee following consultation on the amended scheme.

8 Consultations Received

- 8.1 The following have responded advising that they have no objections to the proposal in principal, subject to conditions or obligations being applied:

- WHBC Client Services;
- WHBC Parking Services;
- WHBC Landscape and Ecology;
- WHBC Affordable Housing;
- HCC Lead Local Flood Authority;
- HCC Growth Team;
- HCC Highways Authority;
- HCC Ecology;
- HCC Historic Environment;
- Highways England;
- Hertfordshire Constabulary;
- Thames Water;
- Environment Agency;
- National Health Services.

8.2 The consultation period has expired and no response was received from the following consultees:

- Affinity Water;
- Herts & Middlesex Wildlife Trust; and
- Herts Sports Partnership.

9 **Analysis**

9.1 The main planning issues to be considered in the determination of this application are:

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Flood risk and sustainable drainage**
 - iii) Contaminated land**
 - iv) Archaeology**
 - v) Refuse and recycling**
 - vi) Accessible and adaptable dwellings**
 - vii) Environmental Impact Assessment**
- 6. Planning obligations**
- 7. The planning balance**

1. Principle of the development

9.2 The National Planning Policy Framework, February 2019 (NPPF) sets the context for plan making and decision making from the national perspective. Its overall content and principles are of relevance to this scheme. At its heart, there is a presumption in favour of sustainable development (para. 7). This means approving development proposals that accord with the development plan without delay (para 11).

9.3 Policy SD1 of Welwyn Hatfield District Plan (District Plan) 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.

- 9.4 Policy R1 of the District Plan 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.
- 9.5 Policy GBSP2 of the District Plan 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.
- 9.6 These objectives are consistent with the NPPF which supports the development of under-utilised land and buildings (para.118) and the efficient use of land (para.122).

Principle of the re-provision of the hostel

- 9.7 In terms of the principle of the demolition of the existing hostel and erection of a new hostel, this does not fall under a particular policy within the District Plan, or the eLP, other than SD1, R1 and GBSP2 of the District Plan, mentioned above.
- 9.8 Whilst the policies below are not directly relevant to hostels, which fall under a sui generis use, these are the closest district plan policies relevant to hostels and therefore are referred to.
- 9.9 Policy H9 of the District Plan relates to special needs housing. Within the supporting text of this policy it expresses that this type of accommodation may include accommodation for elderly persons, those with physical disabilities, those with mental health problems, those with learning difficulties and young people at risk. This policy states that permission will be granted for schemes which provide special need's accommodation particularly in town centres in areas which are close to community facilities and services. Whilst this is not directly applicable to hostels, it is the most relevant adopted policy as this proposal would provide housing for young people in need of shelter and at risk.
- 9.10 Policy SP 7 of the emerging Local Plan (eLP) echoes Policy H9 of the District Plan stating that in addition to the overall housing target, a net increase of around 330 bed-spaces to help meet the accommodation needs of those who need specialist (Use Class C2) residential or nursing care will be supported in the borough's towns and excluded villages.
- 9.11 In regards to the principle of the re-provision of the hostel, paragraph 59 of the NPPF states "*it is important.....that the needs of groups with specific housing requirements are addressed*".
- 9.12 In this instance, the proposals seeks to demolish and replace the existing hostel with another hostel, albeit with 25 fewer beds. At present over 95% of residents share some sort of facilities whether it be kitchens or bathrooms. Currently 70% of residents are in single rooms with shared bathrooms and communal dining. The proposal will provide a new solution where 97% of the new building will be self-contained units which will be of a higher standard and promote independent living. The proposed hostel will also provide improved facilities for residents and staff. Therefore, whilst the proposal would result in a loss of beds, it would introduce an improvement to the living standards.

- 9.13 The proposal would therefore provide housing for a group with specific housing needs and no objections are raised with Policy H9 of the District Plan, Policy SP 7 of the eLP and paragraph 59 of the NPPF.
- 9.14 In addition to the above policies, the proposed re-provision of the hostel would provide a form of housing accommodation. However, whilst not directly relevant, Policy H2 of the District Plan, which relates to windfall residential development, should be considered as part of this proposal. It outlines that windfall housing 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.*
- 9.15 Like Policy H2, Policy SADM 1 of the eLP is also relevant in regards 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.
- 9.16 The proposal would be carried out on previously developed site. There are sustainable modes of transport within walking distance from the site, along with town centre services and amenities. The proposal would replace the existing hostel with a similar number of units, so would not give rise to an intensification upon existing infrastructure. It is also considered that there are no physical or environmental constraints on the land to obstruct development. Furthermore, the provision of a hostel in this location would not undermine the delivery of allocated sites or the overall strategy of the Plan. For these reasons the proposal is considered to satisfy Policy H2 of the District Plan and SADM 1 of the eLP.
- 9.17 To conclude on the above, the proposal satisfies Policy R1 of the District Plan as it would be a continuation of the same use of previously developed land. Further to this, the proposal would be located within a sustainable location, in accordance with Policy SD1 of the District Plan. The development would also not contravene the Council's settlement strategy, in accordance with Policy GBSP2 of the District Plan, which directs development to the main towns. As such, no objections are raised to the principle of the hostel, which has a sui generis use.

Principle of the erection of residential apartments

- 9.18 The application proposes outline planning permission for a total of 43 flats.
- 9.19 As the site is not part of an allocated housing site within the District Plan or emerging Local Plan, the principle of erecting private residential apartments within the front of this site would be considered as windfall housing and therefore Policy H2 of the District Plan and Policy SADM 1 of the emerging Local Plan are both relevant.

- 9.20 The apartments would be erected to the front of the site, on previously developed land and would be within the confines of the existing settlement, Welwyn Garden City. The proposed development is considered to comply with the criteria in that the development would be undertaken on previously developed land, it would be accessible by means of transport other than the private car as there a bus route past the site, and the site is within walking distance of the facilities in Welwyn Garden City. In addition to this, any physical constraints have been resolved through the submission of additional information and shall be managed through the use of a condition. There are also no known infrastructure constraints and financial contributions are sought to cover the provision of local services, which have been requested to be secured, and agreed to by the applicant, through a S106 agreement. Accordingly, subject to the provision of a S106, the proposal would accord with Policies H2, GBSP2, SD1 and R1 of the District Plan and Policy SADM 1 of the emerging Local Plan.
- 9.21 Policy H10 of the District Plan requires that all residential developments involving 5 or more dwellings will be required to provide a proportion of dwellings to be built to lifetime homes standards. Policy SP 7 of the emerging Local Plan requires that at least 20% of all new dwellings on sites involving 5 or more dwellings will be required to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' (or as subsequently amended), the delivery of which should be distributed across market and affordable tenures. To ensure the requirements of these policies are met, it is recommended that a condition is attached to any grant of permission that requires a scheme for the delivery of accessible and adaptable homes is submitted and approved.

2. Quality of design and impact on the character of the area

- 9.22 The NPPF places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The National Design Guidance is also relevant, which illustrates how well-designed places can be achieved in practice.
- 9.23 Policy GBSP2 of the District Plan seeks to limit development to that which is compatible with the maintenance and enhancement of the character of the area. Policies D1 to D11 of the District Plan deal with detailed aspects of design for the application. Policy SP 9 of the eLP deals with place making and high quality design and Policy SADM 11 of the eLP amenity and layout. The Council also has a Supplementary Planning Document devoted to this subject.
- 9.24 As stated within the NDG well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. Development proposals should be shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it. This is proportionate to the nature, size and sensitivity of the site and proposal. The key characteristics that should be considered, as stated within the NDG.
- 9.25 This application seeks outline consent, with all matters reserved apart from the means of access to the site. Nevertheless, the applicant has submitted indicative drawings illustrating the elevations and layout of the private residential apartments. As such, an assessment must be undertaken of the density, layout,

and scale of the private residential apartments. These shall be assessed under separate headings, beginning with the proposed hostel.

Design, density and layout of hostel

- 9.26 The hostel has an 'L' shaped layout and is located to the rear of the site, with car parking located to the north. The proposal would introduce a four storey building within the site. The existing hostel is two storeys in height, set back from the street and when viewed from Peartree Lane a taller building is visible in the back drop of the site. The proposed development would be set back from the street and designed with a flat roof to reduce its dominance within the streetscene. Therefore, whilst the proposal is taller, minded that the hostel would be set back from the road, behind the apartments and mature landscaping, it is considered on balance that the proposal would not result in significant harm upon the character of the streetscene.
- 9.27 The hostel would be finished in red brick including patterned brick work and recessed window detail, with bronze metal windows, coloured surrounds and accent panels. Whilst red brick is a traditional Garden City material, the inclusion of bronze metal windows is more contemporary. Due to the hostel being set back from the streetscene and window frame colours varying within the streetscene, it is considered on balance that the window material and colour is acceptable. A condition shall be applied in the interest of achieving a high quality design in accordance with policies D1 and D2 of the District Plan and the NPPF.

Design, density and layout of residential apartments

- 9.28 This section of the application is in outline, with all matters reserved apart from the means of access to the site. Nevertheless, the applicant has submitted drawings illustrating the elevations and layout of the private residential apartments. To ensure up to 43 residential units on the site is achievable it is necessary to undertake an assessment of the acceptability of the proposed layout
- 9.29 Policy H6 of the District Plan states that in central areas and areas with good accessibility by modes of transport other than the car, residential development will be expected to be close to or exceed 50 dwellings per hectare provided that the development will not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the Plan. A similar approach is continued by Policy SP 9 of the emerging Local Plan.
- 9.30 The proposed development would result in a density that would exceed the 50 dwellings per hectare figure specified in the policies. The sustainable location of the site is such that higher density development would be acceptable in principle in this location, and the provision of flats will also generally result in a higher density of development than when compared to houses. However, the main consideration in determining the acceptability of the density of the proposed development, will be in relation to the size, scale and design of the proposed development.
- 9.31 The residential apartments are located to the front of the site, in a 'C' shaped layout, around a car park courtyard. Soft landscaping is proposed along the north western, southern and eastern boundary.
- 9.32 The proposed layout of the dwellings, landscaping and car parking has achieved a design, whereby the built form is set back from the street scene behind a tree

line. This reduces the dominances of the built form when viewed from the streetscene and ensures sufficient space is retained at the front and side of the site for soft landscaping, thus creating an accessible and friendly environment. It is therefore considered that 43 residential apartments could sit comfortably on the site, with sufficient space for soft landscaping. As such, no objection is raised regarding the indicative layout.

- 9.33 Whilst the appearance and scale of apartments would be dealt with as a reserved matter, indicative streetscenes have been submitted and form part of this assessment. The indicative heights range from 2 to 3½ storeys. The taller element is located to the rear of the 'C' shaped layout, with the height reducing towards the front of the streetscene. Setting the taller buildings to the rear of the C and reducing the height towards the front of the site, mitigates the impact of the height within the streetscene.
- 9.34 The indicative plans are designed to retain the character of the local residential vernacular. This element of the scheme is outline at this stage, however it is proposed that steep tiled roofs should be incorporated with regular window arrangements and informal asymmetrical configurations. The scheme also aims to incorporate architectural details such as Flemish bonding brickwork and materials including red brick and white fenestrations to contribute to the existing character of the area. Further to this the apartments are designed in red brick which would be in keeping with the Garden City and the immediate context. The proposed design of the apartments is therefore considered acceptable. Nevertheless, the appearance and scale would be dealt with as a reserved matter and the materials would be conditioned on a reserved matter application to satisfy the relevant design policies.
- 9.35 The indicative plans also demonstrate that sufficient space could be afforded for soft landscaping. This is important as proposals are expected to help to maintain an appropriate balance between soft and hard landscaping on the site to ensure a visually attractive setting is created, in keeping with the Garden City ethos. As landscaping is a reserved matter a condition would be required in any event to ensure information is submitted to satisfy the relevant policies.
- 9.36 Policy H10 requires at least 20% of all new dwellings on sites involving 5 or more new dwellings to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures. It is considered that this proportion may vary where a proportion of dwellings are proposed to meet Part M4(3) standards for 'wheelchair user dwellings'. In addition, at least 20% of new dwellings should be built to lifetime homes standard to satisfy Policy H10 of the District Plan. In this case, the submitted plans for the residential apartments are indicative. The reserved matters include details of the layout and design and therefore an assessment would be made on the provision of accessible housing at that stage.
- 9.37 Overall, the information submitted demonstrates that up to 43 residential units can be accommodated on the site, with sufficient space, landscaping and parking, which provides officers the confidence that an acceptable scheme can be produced. Nevertheless, the reserved matter applications relating to the design, layout and landscape will need to demonstrate that any future scheme is of a high quality design. Accordingly no objections are raised with regard to a development of up to 43 residential units with all matters reserved other than means of access.

3. Residential amenity

- 9.38 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.39 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 9.40 With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings. The objections raised by neighbouring properties regarding the impact of development upon their amenity spaces are also taken into account within this section.
- 9.41 The proposed hostel replaces the existing hostel and is set back a sufficient distance from existing residential properties, therefore causing no undue overlooking. In addition, due to the hostel's siting and orientation, it would not result in adverse harm to neighbouring properties by way of a loss of sunlight or overshadowing. It is therefore considered that the hostel would maintain a satisfactory relationship with nearby buildings and properties and would not result in adverse harm to their residential amenities that they should reasonably expect to enjoy.
- 9.42 On either side of the proposed apartment building are existing access roads where the residential units along Peartree Lane and Peartree Close are set away from the application site. The property to the north of the site along Peartree Lane does have a window facing towards the site. Whilst the apartment building would be visible from these existing dwellings, due to the scale and siting of the proposed building, it is not considered that it would cause any undue detrimental loss of light or overbearing impact to these, or any other dwelling. Notwithstanding this, this will be assessed fully at the reserved matter stage.
- 9.43 With regard to overlooking from the apartment building, the building proposed is set some distance from neighbouring properties and it is considered that any potential direct overlooking could be mitigated at design stage and a full assessment be made at that stage. Whilst objections have been raised that there could be a loss of privacy to the residents in Peartree Close and to houses along Peartree Lane, it is considered that with an appropriate design and internal layout, which would be at the reserved matter stage, privacy will be able to be maintained for the occupiers of these existing residential units.
- 9.44 The majority of the hostel is set back from the proposed residential apartment. However, the proposed bookend element would reduce the gap. Having said that, this would be adjacent to the far back left corner of the residential apartment and an acceptable layout could be proposed for those apartments to ensure an acceptable level of light and privacy is achieved. As this application is at an indicative stage the internal layout has not been provided of these flats, however the indicative plans do indicate windows on the northern and southern elevation. If this were the case, whilst the hostel would project closer to the residential apartments, it would not result in detrimental harm upon the amenity of the future occupiers in the apartments.

- 9.45 The indicative layout shows an acceptable layout and design could be achieved which would maintain an acceptable level of amenity for existing and future occupiers.
- 9.46 To protect the amenity of existing residential properties in the near vicinity from light pollution, due to external lighting, a condition shall be applied requiring the applicant to submit details of external lighting prior to installation.
- 9.47 A condition is also necessary, reasonable and appropriate for the hostel development not to be occupied until details of any air ventilation, extraction and odour control systems have been agreed with by the Local Planning Authority, to protect the amenities of future and existing occupiers.
- 9.48 It is noted objections were received regarding noise and disrespectful behaviour from existing occupiers of the YMCA hostel. The development once occupied is not considered to give rise to noise or disturbance detrimental to the amenity of existing occupiers. It is however considered reasonable, necessary and appropriate to apply a condition requiring noise from plant and equipment associated with the development to be 10dB (LAeq) below the background noise level (LA90) at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality or other character is present). This is to protect the amenity of existing residents during the construction phase.
- 9.49 Due to the development being in close proximity to commercial/industrial properties, noise may arise which would disrupt future occupiers amenity. There are concerns regarding the levels which have been highlighted within the BS4142 assessment, and would normally lead one to conclude that complaints would be made. However, this is replacing an existing building of the same use, and records show that complaints have not been made about noise in the area. A condition shall be applied requiring details to be agreed relating to a sound insulation scheme to protect the proposed development from noise due to traffic and commercial/industrial businesses.
- 9.50 A noise condition was requested by WHBC Public Health and Protection in regards to the residential apartments, however this would be unreasonable at this stage, as the applicant is seeking outline permission. Such a condition should be applied during the reserved matter's application relating to design.
- 9.51 The SDG also requires that all residential development should incorporate private open space for the use of residents. The indicative open space plan for the residential apartments identifies areas of green space on this site that could be used informally, however it is noted that no private amenity space has been identified. Through reserved matters private amenity space could be negotiated, for example through the provision of balconies. As such, objection is not raised in this regard.
- 9.52 Whilst there is not a policy requirement for hostels to have open space, it is noted the proposal includes outdoor community spaces (smoking area; quiet garden; and a garden with a terrace), which is supported.
- 9.53 Accordingly, it is considered that subject to conditions, the proposed development would not impact unduly on residents of these properties or existing neighbouring occupants, in line with the Framework and Policies D1 and R19 of the District Plan and the SDG.

4. Highways and parking considerations

- 9.54 In terms of parking, paragraph 105 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan 2005 and the Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.
- 9.55 The site currently comprises of 125 hostel units and a total of 28 car parking spaces. This proposal includes the demolition of the existing hostel units and erection of 100 hostel units and up to 43 residential units.
- 9.56 The Council's Parking Standards Supplementary Planning Guidance (SPG) states that 0.75 spaces per 1 bedroom unit and 1 space per 2 bedroom unit. This development proposes 39 spaces, with a space being allocated for blue badge parking. The indicative car parking provision for the residential apartments therefore satisfies the SPG.
- 9.57 In regards to the Council's parking guidance SPG recommends that for a hostel a maximum provision of 3 car spaces every 4 units is provided. This would total a maximum provision of 75 car spaces, however when applying the further zonal approach 19 to 38 spaces should be provided to satisfy the SPG. This proposal includes 28 spaces allocated to the hostel and would therefore fall within the range, thus satisfying the SPG.
- 9.58 Further to this point, as the number of hostel units are decreasing the number of spaces per unit would actually increase in comparison to the existing scenario. The applicant provides further justification for the hostel car parking provision, expressing that the site is within a sustainable location, walking distance from services and public transport (rail and bus), the level of provision would exceed that of the current situation, and based on utilisation and current occupancy levels, the provision of car parking for the hostel would be sufficient. In addition to this, the applicant has outlined that one of the aims of the Travel Plan is to encourage the use of E-car clubs.
- 9.59 Based on the justification put forward and given that the number of car parking spaces would satisfy the car parking requirement, it is considered that the car parking provision is satisfactory in this case.
- 9.60 It is noted that no electric charging points are proposed as part of this development. As such, EV charging will be secured by planning condition.
- 9.61 The Highways Authority commented that the impact of this development on the local highway network has been assessed and is shown to be acceptable with

improvement to the public transport. This is to be secured via s278 works, s106 contribution, and Travel Plan.

- 9.62 As advised by the Highway's Authority, planning contributions are sought towards Travel Plan monitoring and a sustainable contribution towards Package 13 Welwyn Garden City active travel improvements. In addition to this, a S278 Agreement is sought to provide kassel kerbs for bus stops on Mill Green Lane.
- 9.63 Cycle parking is also proposed for one bicycle per apartment. As for the hostel, the development includes a total of 34 cycle spaces. The cycle parking provision is therefore satisfactory.
- 9.64 In summary, the proposal would provide an acceptable level of on-site car parking and therefore no objections are raised in regards to Policy M14 of the District Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

5. Other considerations

i) Ecology

- 9.65 Paragraph 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. Paragraph 175 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 175(d) of the NPPF that *"opportunities to incorporate biodiversity improvements in and around developments should be encouraged"*.
- 9.66 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity.
- 9.67 Policy R16 of the District Plan refers to Protection of Species and outlines that planning permission will not be granted for and development of use of land which would have an adverse impact on badgers or species protected by schedules 1, 5 or 8 of the 1981 Wildlife and Countryside Act, as amended.
- 9.68 Bats are a protected species. The Framework sets out that planning permission should be refused if significant harm to biodiversity cannot be avoided or adequately mitigated against. Hertfordshire Ecology consider that sufficient surveys have been undertaken to ascertain bats are not roosting at the property. Along the eastern boundary of the site there is a line of mature broadleaved trees with potential roost features. A condition shall therefore be applied that if the removal of this tree is required it should be soft felled under the supervision of an appropriately qualified ecologist in line with Bat Conservation Trust best practice guidelines.
- 9.69 In addition, a further condition requiring the applicant to submit a Landscape and Ecological Management Plan is suggested, in which they should demonstrate the scheme does not result in a net loss of biodiversity in accordance with Policy R11 of the District Plan, and where possible delivers net gains in biodiversity as required by Paragraph 170 of the NPPF.

ii) Flood risk and sustainable drainage

- 9.70 With regard to flood risk and sustainable drainage, the Lead Local Flood Authority (LLFA) has agreed that should the geotechnical investigation find ground condition for potential sink holes, alternative surface water drainage strategy to be implemented. This will be based on replacing the soakaways attenuation tanks with discharge into the surface water sewer. To secure the final detail of the drainage scheme, as requested by the LLFA, conditions are suggested to be applied to any permission granted. This is to reduce the risk of flooding and prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site. Subject to conditions the proposal would satisfy Policy R7 of the District Plan.

iii) Renewable Energy

- 9.71 Policy R3 of the District Plan states that 'the Council will expect all development to (i) include measures to maximise energy conservation through the design of buildings...' Policy SD1 of the District Plan states that 'development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied'.
- 9.72 An Energy Statement has been submitted with this application. It has outlined the preliminary specification for the development and the resulting savings implemented by the energy efficient measures. A fabric-first approach has been taken. The Statement also states that an additional energy and CO2 savings will be considered throughout the design of the development, The Statement therefore satisfies Policies R3 and SD1 of the District Plan.

iv) Landscaping

- 9.73 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.
- 9.74 There are few landscape features currently in the site. An arboricultural implications assessment and method statement have been submitted (BMD report BMD.19.048.RP.902.A). The trees shown for removal are generally poor quality and it is considered that the removals could be mitigated through a robust landscape scheme. As such, a planning condition relating to the development of the hostel, shall be applied ensuring a landscape scheme is submitted.
- 9.75 A condition shall also be applied ensuring the development is carried out in accordance with the BMD report, thus satisfying Policy R17 of the District Plan.
- 9.76 In terms of the residential development, as landscaping is a reserved matter a condition would be required for the submission of a detailed landscape plan including species, sizes, densities, planting methods and aftercare, along with the use of green roofs and green walls where appropriate. This would ensure the private residential scheme to the front of the site reflects the soft landscape character of the Garden City and therefore satisfying Policy D8 of the District Plan. These views are shared with WHBC Landscape Officer.

v) Contaminated land

- 9.77 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. Due to industrial uses nearby, it is considered appropriate to apply a condition in case unexpected contamination occurs. This view is shared with WHBC Public Protection and Health.
- 9.78 Accordingly, subject to the imposition of the above mentioned condition, the proposal would not be contrary to Policy R2 of the District Plan.

vi) Archaeology

- 9.79 District Plan Policy R29 states that the Council will require developers to undertake an archaeological assessment where the proposed development may affect remains of archaeological significance, or may be sited in an area of archaeological potential.
- 9.80 The site abuts Peartree Farm, which is shown on later 19th century Ordnance Survey maps [Historic Environment Record 17938]. The site therefore has potential to contain archaeological remains. Accordingly, subject to the imposition of conditions, the proposal would not unduly impact on archaeology and complies with Policy R29 of the District Plan. This view is shared with HCC Historic Environment Advisor.
- 9.81 Accordingly, subject to the imposition of conditions, the proposal would not unduly impact on archaeology and complies with Policy R29.

vii) Housing Mix

- 9.82 In terms of the housing mix Policy SP 7 of the emerging Local Plan states that proposals for 11 or more new dwellings should demonstrate how the mix of tenure, type and size of housing proposed on sites will reflect the Council's latest evidence of housing need and market demand and contribute towards meeting the varied needs of different households. The most up to date evidence is found in the Technical OAN paper (June 2019) which has been produced in connection with the Local Plan examination. This states that the implied size of housing required (2013 – 2032) is as follows:

1 bed	2 bed	3 bed	4+ bed
14%	23%	41%	22%

- 9.83 This paper also sets out that the implied type of housing required (2013 – 2032) is 77% houses and 23% flats.
- 9.84 Whilst the applicant seeks outline permission for the apartments, with all matter except access reserved, the applicant has proposed an indicative housing mix and therefore consideration is given to this. The application proposes the following dwelling mix, all of which are proposed to be flats:

1 bed	2 bed	3 bed	4+ bed
51%	49%	0%	0%

- 9.85 The proposal would not meet the requirements of the latest evidence of housing need and market demand. It is noted however that the size of the site and its location within the town centre will impact upon the type and mix of development proposed, and development of this nature is unlikely to be able to fully meet the latest housing need. The NPPF states that decisions should promote effective use of land in meeting the needs for homes and other uses, and should encourage multiple benefits from land, including through mixed use schemes. The benefits associated with the proposed development therefore need to be balanced against the mix of dwellings proposed.

6. Environmental Impact Assessment

- 9.86 Whilst the applicant has not submitted an Environmental Impact Assessment (EIA) screening request, the Local Planning Authority has undertaken one. The development is not contained within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). The development does not fall either within Schedule 2 of the Regulations. Whilst the proposal is considered an Urban Development Project, as listed at 10(b) of Schedule 2, the development would take place on a site less than 5 hectares, would not include more than 150 dwellings and would not include more than 1 hectare of urban development which is not dwelling house development. An EIA is therefore not required.

7. Planning obligations

- 9.87 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):
- 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.
- 9.88 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.

Affordable Housing

- 9.89 *Affordable Housing:* The proposal includes 100 hostel units and 43 residential apartments.
- 9.90 Paragraph 64 of the NPPF states where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Policy SP 7 of the eLP requires 30% affordable housing provision.

- 9.91 The NPPF continues stating that exemptions to this 10% affordable housing requirement should be made where the site or proposed development provides specialist accommodation for a group of people with specific needs.
- 9.92 In this instance, the application includes the provision of 43 residential apartments and 100 hostel units. Affordable housing is not sought on the residential properties as the hostel units would provide an alternative affordable housing provision for a group of people with specific needs. Whilst this would not technically meet the affordable housing definition in the NPPF, all of the accommodation units within the hostel (100) will be provided on an affordable rent basis, in line with the definition outlined within the overarching regulatory rent standard. Additionally, no further objections are raised as the hostel would meet housing for a group of people with specific needs. The proposal ultimately provides 70% of affordable accommodation. As the hostel is in a sui generis use to change the use would require a new planning permission. The WHBC Housing Team have agreed with this view and support the application.

Hertfordshire County Council Contributions

- 9.93 Hertfordshire County Council request that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development including:
- Education Primary £138,429.00
 - Education Secondary £11,549.00
 - Childcare Services £1,520.00
 - Library Services £4,559.00
 - Travel Plan £6,000
 - Sustainable contribution of £28,117.95 towards Package 13 Welwyn Garden City active travel improvements
 - Fire hydrants

WHBC Contributions:

- 9.94 The proposal is considered acceptable, subject to S106 contributions being provided to cover the costs of;
- Public Open Space £4,293.18
 - Play Facilities £11,187.20
 - Waste and Recycling £3,488.00
 - Outdoor Sport Facilities £2,700.00
 - Indoor Sport Facilities £29,545.00
 - National Health Service GMS £30,435.53
 - National Health Service Mental Health £8,675.25
 - National Health Service Community Healthcare £7,827.29
- 9.95 In accordance with the Council's Planning Obligations SPD, a monitoring fee of £5000 will also be required and payment will be required to be made on completion of the s106 Agreement.
- 9.96 These requested contributions are considered to be reasonable and to pass the necessary Community Infrastructure Levy 122 tests as the works are considered necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

- 9.97 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.
- 9.98 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.

8. The planning balancing

- 9.99 The provision of 43 x 1 and 2 bed flats fail to reflect the identified mix of new homes required to meet the boroughs needs and so the proposal conflicts with the requirements of the eLP Policy SP7 which in general terms expects larger sites to have a greater opportunity to deliver a broader mix of sizes. The proposal would not accord with Policy SP 7 of the eLP and therefore considerations should be given to whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
- 9.100 As the council cannot demonstrate evidence of a five year supply of deliverable housing sites, Para. 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.101 The Government published the housing delivery test results on 19 January 2021. It confirmed that Welwyn Hatfield had built 1,450 homes in the period 2017/18-2019/20 against a target of 2,284. This equates to 63%. Because supply has fallen below 75%, the Council needs to apply the presumption in favour of sustainable development when determining planning applications, which means granting planning permission unless there are clear reasons for refusal.
- 9.102 The presumption in favour of sustainable development does not change the statutory status of the development plan which continues to be the starting point for consideration, however it is also necessary therefore to consider whether the proposal represents sustainable development and whether any adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.
- 9.103 The site is located on previously developed land within the settlement of Welwyn Garden City. Sited under a mile from the town centre and close to the towns facilities, including public transport (rail and bus), the location of the development is considered to be accessible and sustainable.
- 9.104 In terms of the development's social benefits it will result in the provision of 100 hostel beds and 43 new apartments. Whilst the housing mix would not meet local demands, due to the lack of delivery of housing within the Borough, the new apartments would be a significant social benefit and will weigh heavily in favour of the development.
- 9.105 Planning obligations are sought towards primary and secondary education, library and youth services and open space provision. As these obligations are

sought to offset the demand upon existing infrastructure from this development, these planning obligations are considered to have neutral weight.

- 9.106 As for the hostel it would result in the loss of 25 beds, which weighs against the proposal. Having said that, the redevelopment of the hostel would result a new solution where 97% of the new building will be self-contained units which will be of a higher standard and promote independent living. The improvement of the hostel and associated facilities is considered to be a benefit of this scheme, offsetting the loss of the existing 25 beds.
- 9.107 Overall the social impacts of the proposal may be considered to weigh in favour of the proposal.
- 9.108 As for economic effects the development would be a substantial investment in the town, it would create a significant number of construction jobs in the short term, construction spend in the town and area and ultimately will result in longer term benefits from increased occupier spend and council tax receipts. Moderate weight is afforded to this.
- 9.109 The third strand of sustainable development relates to environmental impacts. This scheme represents the redevelopment of a brownfield site in the borough. The development would be undertaken with a fabric-first approach, amongst preliminary specification outlined within the Energy Statement, ensuring the scheme is energy efficient. A condition will also be applied to ensure there is no net loss of biodiversity on the site. Through appropriate, reasonable and necessary planning conditions other environmental impacts including contamination; flood risk; waste management and archaeology will be mitigated and controlled. These features are required for all developments and so are not considered as benefits and are neutral.
- 9.110 In addition to the above environmental impacts, whilst the hostel is taller in height than buildings in the immediate locality, it will be set back from the street scene, behind the apartments and soft landscaping thus mitigating its impact within the wider surrounding area. The indicative plans for the apartments are considered to demonstrate sufficient space is afforded for the 43 apartments, landscaping and car parking. The overall design and landscape proposed is considered to be of a suitable high standard with the potential to become an attractive place in which to live with a pleasing effect upon the street scene. These features, however, are required for all developments and so are not considered as benefits and so the design impacts of the development can be assessed as neutral.
- 9.111 The proposal also provides adequate car and cycle parking. The application was also accompanied by a Travel Plan which seeks to encourage sustainable travel. These measures will be secured by way of a planning condition. The traffic impacts of the development are therefore considered to be moderately beneficial.
- 9.112 Mindful of this, and the above points regarding those discussed within this report, the scheme proposed would contribute to the current housing demand.
- 9.113 The proposal would have a social, environmental and economic role to play in achieving positive growth now and into the future. Therefore, although the harm associated with the housing mix is relevant it is considered that such impacts are not sufficiently weighty to significantly and demonstrably outweigh the benefits of the scheme, particularly the contribution of the proposed development to the identified housing need in the District.

9.114 Overall, therefore, it is considered there no adverse impacts which, either individually or together, are of sufficient weight to indicate that the development should be restricted. When taking the policies of the Development Plan and the Framework as a whole, the adverse impacts of granting the proposed development are limited and that there is not material harm that significantly and demonstrably outweigh the substantial benefits which would result from the provision of new housing and affordable housing to boost supply as required by the Framework.

10 Conclusion

- 10.1 To conclude on the above, the proposed development is considered to be acceptable and subject to the imposition of conditions and a planning obligation the proposal is recommended for approval.
- 10.2 Subject to conditions and a planning obligation the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or nature conservation interests and subject. Accordingly and for the reasons given, the proposal is recommended for approval.

11 Recommendation

11.1 It is recommended that planning permission be approved subject to:

1. Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement for:

Education Primary £138,429.00

Education Secondary £11,549.00

Childcare Services £1,520.00

Library Services £4,559.00

Travel Plan £6,000

Sustainable contribution of £28,117.95 towards Package 13 Welwyn Garden City active travel improvements

Fire hydrants

Public Open Space £4,293.18

Play Facilities £11,187.20

Waste and Recycling £3,488.00

Outdoor Sport Facilities £2,700.00

Indoor Sport Facilities £29,545.00

National Health Service GMS £30,435.53

National Health Service Mental Health £8,675.25

National Health Service Community Healthcare £7,827.29

Monitoring fee £5,000

The following conditions:

CONDITIONS FOR THE ENTIRE DEVELOPMENT

PRE-COMMENCEMENT CONDITIONS FOR THE ENTIRE DEVELOPMENT

1. The development permitted by this planning permission shall be carried out in accordance with the Drainage Strategy Report produced by Pinnacle Consulting Engineers, project number C190906, version 3.3, dated 03 December 2020 and

Flood Risk Assessment produced by Pinnacle Consulting Engineers, project number C190906, version 2.0, dated 3 June 2020 and the following mitigation measures:

1. Provision of drainage strategy based on infiltration (for catchments A and C) and discharge into Thames sewer (Catchment B).
2. Limiting the surface water run-off rates to a maximum of 5l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the Thames surface Water sewer.
3. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
4. Implement drainage strategy utilising lined permeable paving with sub-base and attenuation tanks
5. Provision of a filter drain to manage exiting surface water flood risk

REASON: To protect the surrounding environment from flooding in accordance with Policies R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

2. Development must be carried out in accordance with the submitted Arboricultural Implications Assessment and Method Statement (BMD report BMD.19.048.RP.902.A). The removal of trees identified within the Arboricultural Implications Assessment and Method Statement must be soft felled under the supervision of an appropriately qualified ecologist in line with Bat Conservation Trust best practice guidelines.

REASON: To ensure the satisfactory protection of retained trees, shrubs and hedgerows during the construction period in the interest of visual amenity in accordance with Policies R11, R17 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

3. No development shall take place on the application site as identified in drawing numbered 8057 / P010 until an Archaeological Written Scheme of Investigation is submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording as suggested by the evaluation;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall not be carried out other than in accordance with the approved programme.

Prior to occupation the site investigation and post investigation assessment must have been completed in accordance with the programme set out in the Written

Scheme of Investigation approved and provision should have been made for analysis and publication where appropriate.

REASON: To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation in accordance with the National Planning Policy Framework and Policy R29 of the Welwyn Hatfield District Plan 2005.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005.

NO DEVELOPMENT OTHER THAN DEMOLITION FOR THE ENTIRE DEVELOPMENT

5. No development other than demolition, site clearance, or remediation works in respect of land contamination shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval. The surface water drainage system will be based on the submitted the Drainage Strategy Report produced by Pinnacle Consulting Engineers, project number C190906, version 3.3, dated 03 December 2020 and Flood Risk Assessment produced by Pinnacle Consulting Engineers, project number C190906, version 2.0, dated 3 June 2020. The scheme shall also include:
 1. Detailed infiltration testing in accordance with BRE Digest 365 at the proposed depth and location of the proposed SuDS feature
 2. Provision of additional ground investigations to assess the potential for solution features.
 3. Groundwater monitoring to be carried out following any ground remediation works to determine the level of groundwater. If the site is found to be impacted by groundwater, an assessment of this flood risk and its mitigation should be provided. Details on how the site drainage features will be secured against groundwater should also be provided.

4. A minimum of 1m buffer zone needs to be provided between a bottom of any infiltration feature and the existing groundwater levels on the proposed development site.
5. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event, with a supporting contributing area plan.
6. Demonstrate appropriate SuDS management and treatment for the entire site including the access road. To include exploration of source control measures and to include above ground features such as permeable paving.
7. Provision of half drain down times within 24 hours.
8. Exceedance plan for events greater than the 1 in 100 year plus 40% for climate change event.

REASON: To protect the surrounding environment from flooding in accordance with Policies R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

PRIOR TO OCCUPATION OF THE ENTIRE DEVELOPMENT

6. No part of the development hereby permitted shall be occupied until the vehicular accesses (indicated for improvement on drawing number 8057 P101 Proposed Site Layout) is upgraded to include tactile paving across the access on Peartree Farm and resurfacing of the bell mouth with Peartree Lane.

REASON: To ensure suitable, safe and satisfactory planning and development of the site upon the local highway network in accordance with Policies D1 and M1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

POST DEVELOPMENT FOR THE ENTIRE DEVELOPMENT

7. No external lighting shall be installed without the prior agreement in writing of the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

The development shall not be carried out other than in accordance with the approved details and should be retained thereafter.

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

8. Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted:
 1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
 2. Provision of a complete set of as built drawings for site drainage.

3. A management and maintenance plan for the SuDS features and drainage network.
4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

REASON: To protect the surrounding environment from flooding in accordance with Policies R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

CONDITIONS FOR THE PROPOSED HOSTEL

PRE-COMMENCEMENT CONDITIONS FOR THE PROPOSED HOSTEL

9. The building for the hostel hereby permitted shall not be carried out other than in accordance with the approved Energy Strategy Report carried out by Stroma Built Environment, dated Oct 2019.

REASON: To ensure that the development contributes towards Sustainable Development and Energy efficiency in accordance with Policy R3 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

10. No development of the hostel shall commence including demolition, 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;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

PRIOR TO ANY ABOVE GROUND DEVELOPMENT FOR THE PROPOSED HOSTEL

11. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the hostel building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development must 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 the National Planning Policy Framework and Policy D1 of the Welwyn Hatfield District Plan 2005.

12. Prior to any above ground development of the hostel a scheme of noise protection measures to protect future occupiers of the development from noise due to traffic and the existing and proposed commercial/industrial businesses in the vicinity, shall be submitted to the Local Planning Authority for its written approval. The approved noise protection measures scheme shall be implemented before any part of the accommodation hereby approved is occupied and retained thereafter.

For traffic noise the scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS8233:2014.

For commercial/industrial noise the scheme shall ensure the indoor ambient noise levels in living rooms and bedrooms are 10dB below the standards within BS 8233:2014 and LAmax levels are not to exceed 40dB internally with windows closed.

If opening windows raises the noise levels above those listed above, then mechanical ventilation will need to be installed, with ventilation rates required to meet those found within The Noise Insulation Regulations 1975.

Alternative methods and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed and the ventilation rate for the system being substituted for those within Appendix P.

Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the requirements of Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

NO DEVELOPMENT OF THE PROPOSED HOSTEL OTHER THAN DEMOLITION

13. No development of the hostel other than its demolition shall commence until a Landscape and Biodiversity Management Plan is submitted to and approved in writing by the Local Planning Authority. The Landscape and Biodiversity Management Plan must refer to the Ecological Report submitted as part of this application and must also include details identifying wildlife enhancements marked on a biodiversity plan, and details of measures to protect and enhance existing flora, fauna and habitats within the development site. These enhancements must mitigate the loss of biodiversity on the site and enhance the visual impact of the development hereby approved. The Landscape and Biodiversity Management Plan shall not be carried out other than in accordance with the approved details and retained thereafter.

REASON: To ensure the landscape, habitats and species are safeguarded and where appropriate enhanced in accordance with Policies D8, R11 and R28 of the Welwyn Hatfield District Plan; and the National Planning Policy Framework 2019 and the requirements of the Conservation of Habitats and Species Regulations 2010.

PRIOR TO OCCUPATION OF THE PROPOSED HOSTEL

14. No part of the hostel development hereby permitted shall be occupied prior to the implementation of the approved Framework Travel Plan dated October 2019.

Those parts, excluding the following which need to be addressed:

1. In general, a suitable location and set of proposed Travel Plan measures to encourage sustainable travel from the development;
2. Travel Plan Coordinator (TPC) needs to be in place ahead of first occupation;
3. More information on the TPC's duties, background, and frequency on site will be needed;
4. Bi-annual survey of SAMS/TRICS preferred as well or instead of.

After occupation the approved Travel Plan identified therein shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure suitable, safe and satisfactory planning and development of the site upon the local highway network and provide a high standard of facilities for future and existing occupants in accordance with Policies D1 and M1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

15. No part of the hostel development hereby permitted shall be occupied until the bin store hereby approved is constructed, equipped and made available for use and retained in that form thereafter.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with Policies R5 and D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework

16. No part of the hostel development hereby permitted shall 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. Such details must include the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development. The proposed system will need to adhere to the Defra guidance on the Control of Odour and Noise from Commercial Kitchen Extract Systems.

No part of the development shall be occupied until the details hereby approved have been constructed, equipped and made for use and retained in that form thereafter.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the requirements of Policies D1 and R19 of the Welwyn Hatfield District Plan 2005.

17. No part of the hostel development hereby permitted shall be occupied until details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs), the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation all EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained thereafter.

REASON: To ensure the development is energy efficient and sustainable in accordance with Policies SD1, R3 and R4 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

18. No part of the hostel hereby permitted shall be occupied until the cycle parking provision for the hostel has been constructed, equipped and made available in accordance with the drawing numbered 8057 / P118 Rev B 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.

POST DEVELOPMENT FOR THE PROPOSED HOSTEL DEVELOPMENT

19. There shall be no deliveries to or from the hostel premises hereby permitted outside the hours of 07:00 – 19:00 Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays unless an individual delivery plan serving the hostel unit has first been submitted to and approved in writing by the Local Planning Authority. Deliveries to and from that business unit shall thereafter adhere to the times specifically agreed for that business premise.

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

CONDITIONS FOR THE PROPOSED RESIDENTIAL APARTMENTS

OUTLINE CONDITIONS FOR THE RESIDENTIAL APARTMENTS

20. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

21. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

22. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: In order to comply with Section 92 of the Town and Country Planning Act (As amended).

23. Any development carried out under this permission, hereby approved, shall not exceed the maximum height set out in the drawing numbered 8057 / P121 Rev C titled Residential Indicative Streetscene & Elevation.

REASON: To ensure that the development and associated mitigation measures takes place in accordance with the principles, parameters and assessment contained within the Application Documentation.

PRE-COMMENCEMENT CONDITIONS FOR THE RESIDENTIAL APARTMENTS

24. No development of the residential apartment shall commence including demolition, 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. Access arrangements to the site;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

PRIOR TO ANY ABOVE GROUND DEVELOPMENT OF THE PROPOSED RESIDENTIAL APARTMENTS

25. Prior to any development of the residential apartments above ground level a scheme setting out the arrangements for the delivery of accessible housing must be submitted to and approved in writing to 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) At least 20% of the apartments must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures.

c) 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.

PRIOR TO OCCUPATION OF THE PROPOSED RESIDENTIAL APARTMENTS

26. No part of the residential apartment development hereby permitted shall be occupied prior to the implementation of the approved Framework Travel Plan dated October 2019. Those parts, excluding the following which need to be addressed:

1. In general, a suitable location and set of proposed Travel Plan measures to encourage sustainable travel from the development;
2. Travel Plan Coordinator (TPC) needs to be in place ahead of first occupation;
3. More information on the TPC's duties, background, and frequency on site will be needed;
4. Bi-annual survey SAMS/TRICS preferred as well or instead of.

After occupation the approved Travel Plan identified therein shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure suitable, safe and satisfactory planning and development of the site upon the local highway network and provide a high standard of facilities for future and existing occupants in accordance with Policies D1 and M1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

27. No part of the residential apartment development hereby permitted shall be occupied until the works to provide kessel kerbs at the bus stops on Mill Green Lane, have been submitted and approved by the Local Planning Authority.

The works to the kessel kerbs at the bus stops on Mill Green Lane shall be provided in accordance with the approved schemes prior to occupation of the residential apartment development. The development thereafter shall not be implemented other than in accordance with the approved works to the kessel kerbs unless otherwise submitted and agreed in writing by the Local Planning Authority.

REASON: To ensure suitable, safe and satisfactory planning and development of the site upon the local highway network and provide a high standard of facilities for future and existing occupants in accordance with Policies D1 and M1 of the

DRAWING NUMBERS

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

8057 / P118 REV B Proposed Cycle Store Details – Plan and Elevations
SP07 Rev A 1903-19 SP06 12m refuse vehicle
8057/P120 Rev C Proposed Housing Block Plan
8057/P121 Rev C Indicative Streetscene Elevation
8057/P101 Rev B Proposed Site Layout
8057_SK51 Site Ownership Area
8057/P117 Rev A Proposed Hostel Typical Window Detail
8057/P115 Rev A Proposed hostel West and South Elevations
8057/P122 Rev A Proposed Residential Open Space
8057_SK52 Application Site Boundary Areas
8057_SK53 Existing Areas
8057/P102 Rev A Indicative Site Selection
8057/110 Rev A Proposed Hostel Ground Floor Site Plan
8057/P116 Rev A Hostel Sections
8057/P114 Rev A Proposed Hostel East and North Elevations
8057/P113 Proposed Hostel Roof Plan
8057/P112 Proposed Hostel Second and Third Floor Plan
8057/P111 Proposed Hostel First Floor Plan
8057/P100 Site Boundary Plan
8057/P013 Demolition Plan
8057/P012 Existing Elevations
8057/P011 Existing Plans
8057/P010 Existing Site Plan
BMD.19.048.DWG.902 Arboricultural Implications 1

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

INFORMATIVES

1. This planning decision letter should be read in conjunction with the S106 Legal Agreement.
2. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
3. If at any time during the course of construction of the development hereby approved, a species of animal that is protected under Schedule 1* or 5** of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994*** or the Protection of Badgers Act 1992 is discovered,

all construction or other site work affecting the species shall cease until a suitable mitigation scheme has been submitted to and approved in writing by the Local Planning Authority and a license has been obtained from DEFRA (Department for Environment, Food and Rural Affairs).

* Includes nesting birds

** Includes great crested newts, bats, reptiles and water voles

*** Includes great crested newts and bats.

4. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
5. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 08:00 and 18:00 on Mondays to Fridays and between the hours of 08:00 to 13:00 on Saturdays.
6. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
8. Construction standards for works within the highway: 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 bus stop improvements. The requirement as part of the offsite s278 works is to:
 - Upgrade of bus stops on Mill Green Road
 - Upgrade of bell mouth on Peartree Farm junction
 - Tactile paving on each side of the site access junction

The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development. 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

9. The applicant is advised that all new highway marked on the plan within the site will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
10. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
11. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
12. 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.
13. This planning permission gives no entitlement to affect any public rights of way or established highway within the application site. Any diversion, extinguishment, stopping up or creation of a public right of way may need its own Order under the Highways Act 1984 or The Town and Country Planning Act 1990 (As amended) before any works affecting the rights of way can be commenced. For further information, please contact the Local Planning Authority on 01707 35700, or Hertfordshire County Council, Environment Department on 01992 555555.
14. 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.
15. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.

OR

It is recommended that in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of

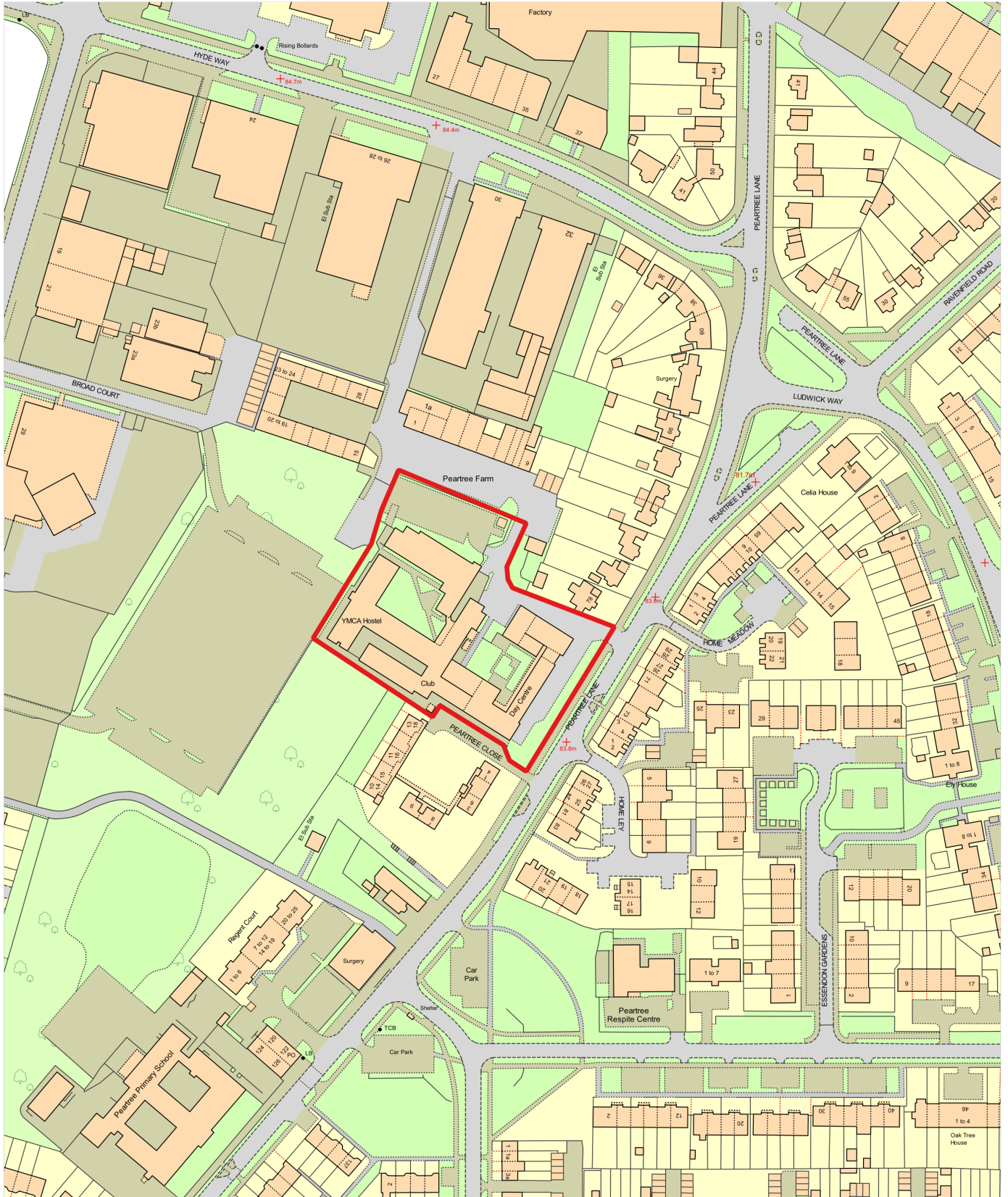
the absence of a completed S106 agreement for the following reason and subject to the application not being called in by the Secretary of State:


1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to Policies M2 and M4 of the Welwyn Hatfield District Plan 2005.

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.

Clare Howe (Development Management)
Date: 11 February 2021



 <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: One YMCA, 90 Peartree Lane, Welwyn Garden City, AL7 3UL		Scale: DNS
			Date: 19-02-2021
	Project: Development Management Committee	Drawing Number: 6/2019/2714/OUTLINE	Drawn: Holly Butrimas-Gair
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