

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 26 MAY 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2015/2416/MAJ

THE HOLDINGS, COLE GREEN LANE, WELWYN GARDEN CITY, AL7

PROPOSED TWO STOREY OFFICE (B1A) USE AND GENERAL INDUSTRIAL (B2) USE AND STORAGE AND DISTRIBUTION (B8) USE ON FORMER EQUESTRIAN LAND AS PERMITTED AND COMMENCED UNDER PLANNING PERMISSION N6/1993/0244/OP

APPLICANT: Mr K Alder-Barber

(Howlands)

1 Site Description

- 1.1 The application site comprises a parcel of land approximately 2.25 hectares in area on the eastern edge of Welwyn Garden City. It has a frontage onto Cole Green Lane (B195), near to its junction with Black Fan Road and approximately 1km north of its junction with the A414.
- 1.2 The land is presently unused. Landfill operations have occurred at the site in the past but these have halted recently. There are a number of earth bunds along the site frontage and several mature trees on the street frontage. The site's main vehicle access is from the east off Cole Green Lane and this has been closed off with concrete barriers and the gate is locked. A second access at the south east corner of the site has also been closed.
- 1.3 To the west the site abuts a public footpath and National Cycleway No 6. Beyond that the land to the west is agricultural as is the land to the south of the site. Some of this land was previously used for mineral extraction and has permission for a waste recycling facility (From Hertfordshire County Council). To the north is Howicks Wood which was a County Wildlife Site but has been down-graded to secondary woodland since it has been cleared of vegetation in order to remove stored materials from the site (See Planning History).

2 The Proposal

- 2.1 Full planning permission is sought for a two-storey, mixed B Class use including B1a (Office), B2 (General Industry) and B8 (Storage and Distribution).
- 2.2 The development would comprise one building positioned towards the rear (western side) of the site. The footprint would be 2,910sqm with gross floor-space over two floors totalling approximately 5,820sqm. The roof would be flat with an eaves height of 7.4m, except at the two entrance points which would be 8.7m high.
- 2.3 The floor plans show the internal space being divided internally into eight units; four units of 455sqm and four of 846sqm. The two large and two small units on

the first floor would be offices (2,600sqm). On the ground four one small and one large unit would be storage (1,300sqm) and the other two would be 'maintenance space' (1,300sqm).

- 2.4 The external walls would be finished in rain-screen cladding with a corrugated roof behind a parapet. Indicative CGI's show the colours as pale grey and buff. The windows would be double glazed in light grey frames and the doors to the main entrance would be glazed. There would be roller shutters to the maintenance area and secure, dark grey metal doors to the fire exits to the rear.
- 2.5 The eastern side of the site would contain the vehicle accesses, circulation space, cycle parking, car parking for 122 cars and five loading bays. The existing two vehicle accesses would be opened. Amended plans show the one at the southern end of the site providing egress from the site in both directions along Cole Green Lane, the other (the main site access) would be an access and egress onto both directions on Cole Green Lane.
- 2.6 The bunds around the site perimeter also require planning permission.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because, as employment development in the Green Belt, it represents a departure from the Welwyn Hatfield District Plan 2005. The application would need to be referred to the Secretary of State if the Committee is minded to approve it.

4 Relevant Planning History

- 4.1 C6/1988/0102/OP – Equestrian Centre and related facilities. Granted 26th July 1990 subject to a S52 agreement to vacate Mill Green Stables.
- 4.2 N6/1993/0244/OP – Renewal of Outline Planning Permission for an equestrian centre with club facilities, staff house and garage. Granted 29.12.1993. Removed requirement for S52 agreement.
- 4.3 N6/1995/0393/DE – details of reserved matters (in respect of N6/1993/0244/OP) siting, design, layout, external appearance and means of access. Approved 7.6.1996.
- 4.4 N6/1995/0694 – Compaction and capping of ground with clay, including alterations to existing ground levels in preparation for commencement of development. Approved 27.2.1996.
- 4.5 N6/1996/0496/DE - landscaping details pursuant to N6/1993/0244/OP. Approved 26.2.1996.
- 4.6 N6/1996/0562/FP – Erection of detached house and double garage to be linked to equestrian centre. Approved 26.2.1996.
- 4.7 Letter dated 13.1.2000 from WHDC confirming that a material commencement of development has occurred by virtue of the restoration works permitted under N6/1995/0694. As such the equestrian centre can be commenced without the need for a further planning application.

- 4.8 N6/2003/1078/FP – Garden centre to include indoor and outdoor sales area, cafe, storage area, car parking, servicing and landscaping. Appeal against non-determination of the application was dismissed on 30.9.2004 for the following reasons (in summary):

“The need for a new garden centre does not carry sufficient weight and there would be no significant benefits in terms of reduction in the need to travel to outweigh the harm to the Green Belt of inappropriate development. The proposal would have a more detrimental visual impact on the openness of the Green belt than the extant equestrian centre... I find there are no very special circumstances which would outweigh the harm I have identified, in conflict with national and development plan policies, which seek to protect the Green belt.”

- 4.9 A pre-application meeting was held with the applicant in 2015 and advice given that the key issues relate to the Green Belt designation of the site and the history of the site. The proposal would be a departure from the District Plan and would need to be referred to the Secretary of State if a positive recommendation is reached. However, a generally positive response was provided.

Enforcement History

- 4.10 The site was subject of enforcement action taken by Hertfordshire County Council in 2013. An enforcement notice was served on 10 June 2013 alleging a material change of use of the land from agriculture to a use for the importation, deposit, storage, processing, sorting, recycling and transfer of waste materials. The enforcement notice is awaiting compliance to the satisfaction of the County Council. However, agreement was made that this will await the submission of a planning application.
- 4.11 Welwyn Hatfield Council also took enforcement action in respect of breaches of planning control in 2013. Since then the unlawful uses have been successfully stopped. However the notice also required the removal of the bunding which remains in place to provide necessary security whilst the owners looked for an alternative use of the site and submission of a planning application. Additionally, the vehicle entrance was blocked off and site surveillance/monitoring is carried out to prevent further breaches.
- 4.12 Both enforcement notices will remain in place in perpetuity. The application referred to above is that being considered here. The former owner of the site has co-operated with the Council leading to the submission of this application.

5 Planning Policy

- 5.1 National Planning Policy Framework (NPPF2012) (paragraphs 79-91 Green Belt)
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005
- 5.4 Supplementary Planning Guidance, Parking Standards (January 2004) and Interim Parking Standards 2014

6 Site Designation

- 6.1 The site lies within the Green Belt and Landscape Character Area (Welwyn Fringes) as designated in the Welwyn Hatfield District Plan 2005. Bridleway (Welwyn Garden City 069) starts on the other side of Cole Green Lane at the northern end of the site

7 Representations Received

- 7.1 The application was advertised by means of site notices and press notices. No responses have been at the time of completion of this report. The consultation period expires on the 25th May. If comments are received, these will be reported to Committee.

8 Consultations

- 8.1 No responses were received from the following consultees:
Hertfordshire County Council - Property Services S106, Hertfordshire County Council – Historic Environment Advisor, Hertfordshire and Middlesex Wildlife Trust, Affinity Water, British Gas, Welwyn Hatfield Access Group, Welwyn Garden City Chamber of Trade, BT Openreach, Welwyn Hatfield Borough Council – Client Services, East Hertfordshire District Council.

Responses from other consultees are set out below.

- 8.2 **Hertfordshire County Council - Transport Programmes and Strategy** – No objection to amended proposals - subject to a S106 (securing a Travel Plan and Contribution of £6,000 towards its monitoring), a Grampian condition over works to junctions onto/from Cole Green Lane and other conditions over egress, access, signs, visibility splays and layout of parking.
- 8.3 **Lead Local Flood Authority (Hertfordshire County Council)** –No objection subject to implementation of the submitted FRA by Entran (Rev 1.1 January2016). Two conditions recommended: limiting surface water run-off and requiring a more detailed SUDS scheme.
- 8.4 **Environment Agency** – No objection - subject to contamination being dealt with to protect underlying groundwater (in addition to Environmental Health concerns over human health). Advises SUDS should avoid infiltration systems in areas of contamination and foundations that cause contaminants to pollute groundwater. Contamination Assessment should be carried out by a suitably qualified person.
- 8.5 **Thames Water** – No objection - subject to surface water flows being attenuated. Discharge to a public sewer requires prior approval from Thames Water Developer Services.
- 8.6 **Hertfordshire Fire and Rescue Service** – No objection to the development - subject to the provision of fire hydrants in accordance with BS750 and water supplies in accordance with BS9999. The site does not have adequate hydrant provisions at present.
- 8.7 **Hertfordshire County Council - Waste Management** – No objection to the development. Advise that the development will require a Site Waste Management Plan. The site is adjacent to an operative allocated waste site off Birchall Lane. The application site was the subject of Waste enforcement action

in 2013. The enforcement notice was complied with and remains in place on the land. The site was a landfill site and may be contaminated with leachates and landfill gases

- 8.8 **Hertfordshire County Council - Ecology/Biological Records Centre** – No objection - subject to a condition requiring a Risk Avoidance Measures Method Statement (RAMMS) and an informative over timing of site clearance or requiring a search by qualified ecologist. No protected sites or features are expected to be harmed by these proposals. The site does not lie within a LWS or other protected area. However, it is in an area of high priority for habitat creation.
- 8.9 **Hertfordshire County Council - Constabulary** – Comments that the site is isolated and has been the subject of multiple unlawful incidents. No objection to the development subject to conditions over security standard doors and shutters and gates to the site entrances.
- 8.10 **Welwyn Hatfield Borough Council – Environmental Health** – No objection - subject to condition requiring thorough contamination investigation and remediation. Other conditions also required over noise and vibration, noise attenuation and external lighting.
- 8.11 **Welwyn Hatfield Borough Council – Landscape Department** – No objection - subject to landscaping scheme that enhances perimeter planting and uses shrubs to cover ground within the site and structural soils within hardstanding areas. Also requires a Tree Survey and Tree Protection Plan.

9 Analysis

- 9.1 The main planning issues to be considered in the determination of this application are:
1. **Whether the proposal is appropriate development within the Green Belt or very special circumstances exist which outweigh the harm (Local Plan Policies GBSP2, NPPF paragraphs 86-89)**
 2. **Whether the proposal respects and relates to the character and context of the area, (D1, D2)**
 3. **Impact on living conditions and residential amenity of neighbouring properties (D1, R19, R20, SPD)**
 4. **Other material planning considerations**
 - (i) **Access, highway safety and parking (NPPF, D5, M14, SPG and interim Policy for Car Parking Standards and Garage Sizes)**
 - (ii) **Landscaping (D8)**
 - (iii) **Biodiversity (NPPF) (R11)**
 - (iv) **Land Contamination (R2)**
 - (v) **Flood Risk (R7)**
 - (vi) **Waste Management, Refuse and Recycling, Fire Hydrant (R5, D1, D5)**
 - (vii) **Security (D7)**
1. **Whether the proposal is appropriate development within the Green Belt or very special circumstances exist which outweigh the harm**
- 9.2 The application site is within the Green Belt and the key policies for this proposal are contained in National Planning Policy Framework (NPPF 2012) Paragraphs 86-89 and Saved Policies SD1 and GBSP2 of the Welwyn Hatfield District Plan

2005. These Policies direct new development towards existing towns and settlements outside the Green Belt. They make clear that new development is inappropriate in the Green Belt and therefore harmful to it and would only be considered in very special circumstances. Land surrounding the site has been considered for allocation for housing as part of the Local Plan Review Process. However, the draft local plan document for final consultation has not been published and the Local Plan has further stages to go through before it can be adopted. As such, the planning status of the site is as designated in the District Plan 2005.

- 9.3 Exceptions to this are limited and are set out in paragraph 89 of the NPPF. The proposed development would not qualify as any of the exceptions relating to extensions or replacement buildings as there are no buildings of this scale on the site. Nor would it qualify as an infill development as it is on the edge of Welwyn Garden City with open land around. It would not qualify as an exception under Paragraph 90 of the NPPF (mineral extraction, engineering works, local transport infrastructure, or development under the Community Right to build).
- 9.4 Consequently the proposed development would not be considered an exception under the normal policies and would be inappropriate and therefore harmful to the Green Belt. Paragraph 87 of the NPPF states that inappropriate development should not be approved except in very special circumstances, where other considerations clearly outweigh the harm to the Green Belt.
- 9.5 The individual circumstances of this site need to be taken into account and consideration given as to whether they constitute very special circumstances that outweigh the harm to the Green Belt. These considerations include
- the previous planning history and
 - the interim tipping activities that took place unlawfully on the site.

Previous Planning History – Extant Permission for Equestrian Centre

- 9.6 The site has a history of permissions for an equestrian centre (N6/1993/0244/OP). The development is considered to have lawfully commenced and the permissions (outline, reserved matters and discharge of conditions) are extant. As such they can be considered to be a reasonable fall-back position and, therefore, a material consideration in the determination of the current application. The current submission cannot be considered as a replacement building as the previously approved scheme has not been completed. However, it has been accepted that the previously permitted building could be completed (having been lawfully commenced in the past). It may, therefore, be regarded as a legitimate fallback development.
- 9.7 For the purposes of comparison, had the building been built the requirements in Paragraph 89 for a replacement building are that it should
- be in the same use and
 - not be materially larger than the one it replaces (in size and scale)
 - would not have a greater impact on the openness of the Green Belt.

Proposed Use

- 9.8 The proposed employment building would not be in the same use as the previously approved equestrian centre so would not meet this criterion. The proposed use of the employment building would represent a change of use from the approved equestrian centre. It would introduce a more urban character to the

site in terms of building style and parking patterns. Consequently the proposal would be inappropriate and by definition cause harm to the Green Belt. The other two criteria (size and openness) are considered below.

Size and Scale

- 9.9 The extant permission provides a fall-back position with respect to the scale of building that could lawfully result on the site. The equestrian centre; including an indoor arena, stables, a club house, a detached house and a garage, would have a cumulative footprint of approximately 3,305sqm. The stables and garage would be single storey but the largest building, the arena, would be 78m wide, have an eaves height of 5m and ridge height of 9.7m. Although the building has not been constructed the development has been deemed to have commenced and could still be completed.

	Equestrian Proposal	B1, B2 & B8 Proposal
Footprint	3,305 sqm	2,980 sqm
Width of main building	78 m	96 m
Height	9.7 m	7.4 m
Depth	37 m	30 m

- 9.10 The proposed employment building in the current submission would be very similar in footprint to the extant scheme; 2,980sqm (2,910sqm B Class plus 20sqm cycle stores and 50sqm bin stores). The proposed footprint would not be materially or disproportionately larger than the approved equestrian centre and, consequently, it could be argued that it would not result in additional significant harm to the Green Belt in this location than would the extant permission.
- 9.11 With regard to bulk of the building, it would be 19m longer but 7m less deep than the approved equestrian arena. The floor-space would be approximately 6,000sqm in total and it could be occupied as eight separate units with a commensurate amount of parking on the front of the site.
- 9.12 However, the size and scale of the currently proposed building would be similar to the previously approved equestrian centre buildings and, on their own, it is considered would not cause significantly more harm to the Green Belt.

Visual Openness

- 9.13 The equestrian centre would have a ridged roof (9.7m high) with pitches to the front and rear down to an eaves height of 5m. The current proposal would have a flat roof 7.4m high for the majority of the building which would be less visually intrusive in the Green Belt than the roof of the equestrian centre. While the style of building would differ from the equestrian centre proposal it would be lower in height. The bunding around the site has affected the visual openness of the site and is visually dominant compared to its condition before the unlawful tipping commenced and compared to the boundaries of the sites around. Its removal was required in the Enforcement Notice. However, it has been retained pending the future use of the site being determined, in order to prevent further tipping. It is considered that in the event of a secure use being introduced on the site, the bunding would be an inappropriate boundary treatment for the site and should be removed prior to the site being occupied. More appropriate boundary treatment would be a boundary fence in appropriate colour and density with much enhanced tree and shrub planting. This combined with the existing highway vegetation would constitute a more suitable form of screening for the site.

- 9.14 When viewed from the public highway on Cole Green Lane the proposed building would be screened by the agreed boundary treatment and landscaping and the mature trees growing around the site. When viewed from the National Cycle Route behind the site the building would also be visually screened by the boundary fences and vegetation. The eastern side of the site towards Cole Green Lane would be used for car parking, which can be visually intrusive. The parking of cars and horse boxes would have occurred with the equestrian use but would in all likelihood be less regular or frequent than parking at an employment site. While most of the site frontage would be screened, some of the parking area would be visible through the vehicle accesses at the south and north ends of the site and this may be slightly more intrusive than the parking associated with the equestrian centre and consequently any landscaping scheme will need to include planting that reduces the visual impact of the car parking.
- 9.15 A key part of that consideration of whether the extant permission represents a potential fall-back position is the likelihood of the approved scheme being implemented and it has been confirmed that the equestrian development was commenced and could still be lawfully built.
- 9.16 The current planning application proposal is comparable to the previous approval but has a less bulky roof-scape. Consequently, it would not be materially larger than the previously approved scheme and would not result in significantly more harm to the visual openness of the Green Belt than the approved equestrian scheme. Due to the design and positioning of the proposed building it is considered that it would not substantially reduce the visual openness of the Green Belt in this location over and above the existing approved situation. It also offers the potential to remove the bunding from the site perimeter and enhance the openness of the Green Belt.
- 9.17 Because of the change of use the proposed development cannot be considered an exception to the principles of the NPPF 2012 and the policies of the Local Plan. It would, therefore, be contrary to the Policy in NPPF 2012 and to Saved Policies GBSP2 and RA4 of the Welwyn Hatfield District Plan 2005.

Very Special Circumstances – Previous Unlawful Use of the Land

- 9.18 However, consideration also needs to be given to other factors that may constitute very special circumstances to outweigh the harm to the Green Belt that would result from the change of use. Paragraph 91 of the NPPF indicates that wider environmental benefits may constitute very special circumstances
- 9.19 Since the approval was given for the equestrian centre and the land was prepared for that development, the site became used for storage of skips, waste materials, plant and machinery by a lessee of the site as well as the construction of the bunding. Both Hertfordshire County Council and Welwyn Hatfield Borough took enforcement action against these activities and development in 2013. The site owner cleared the site of these activities and originally employed security staff to protect the site round the clock to prevent repeat breaches of the site's security. In addition, bunds have been installed around the site and across the accesses remain in place. Hertfordshire Constabulary and Hertfordshire County Council Minerals and Waste Team have confirmed these events.

- 9.20 While the site stays vacant it remains vulnerable to further unlawful tipping activity. A permanent use is sought to resolve this issue. The proposed mixed B Class use, by virtue of its more regular and frequent occupation of the land, would be likely to achieve the benefits of making the site secure, preventing further tipping and, in addition, remediating any contamination on the land. It is considered more likely to achieve these benefits than leaving the land. The removal of the threat of tipping and remediation of contamination (resulting from the previous unauthorised storage of waste on the site) can be considered as wider environmental benefits that can be weighed against the harm to the Green Belt of the proposed development.

Conclusion on Green Belt terms.

- 9.21 The proposed change of use would be contrary to Green Belt Policies of the NPPF 2012 and the Welwyn Hatfield District Plan 2005. However, the approved equestrian scheme can be considered to be a reasonable fall-back position for the amended submission. The proposed buildings would not be materially larger than the permitted scheme and the openness of the Green Belt would not be significantly affected by them. In addition, the more recent history and vulnerability of the site to unlawful waste tipping, in this particular case, constitute very special circumstances. The proposed use would be of a nature that would be likely to prevent further unlawful activity on the site. These factors, together with the significant wider environmental benefits of the scheme are, therefore considered to outweigh the inappropriateness of the development and any harm to the Green Belt.

2. Whether the proposal respects and relates to the character and context of the area. (D1, D2, D8, SDG and NPPF)

- 9.22 Local Plan Policies D1 (Quality of Design) and D2 (Character and Context) aim to ensure a high quality of design and that new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed with regard to its bulk, scale and design and how it harmonises with the existing buildings and surrounding area. NPPF paragraph 64 emphasises the importance of good design in context that improves the character and quality of an area and the way it functions.
- 9.23 The site is beyond the eastern edge of Welwyn Garden City. It is separated by treed bunds from houses 250m away to the north and west and from a landfill site to the south. To the east lies open countryside and the boundary with East Hertfordshire District.
- 9.24 The area is in the Green Belt and there are no substantial buildings along this stretch of Cole Green Lane, although there is a building on the adjoining Tarmac land. The application site has been the subject of unlawful storage of waste and associated activities. As part of measures to prevent the unlawful activities 4m high bunds were installed around the site perimeter and these, in turn, are screened by mature trees and undergrowth outside the site on the Highway verge. Views into and across the site have been reduced by the bunds. It is considered appropriate to remove the bunds and to replace them with alternative secure boundary treatment with fences and enhanced planting.
- 9.25 The proposed buildings would be positioned on the western side of the site away from the road. The submitted plans show the site would have two points of

access from Cole Green Lane. The concrete blocks outside the northern site access would be removed and Hertfordshire Constabulary has requested that secure gates be installed at both site accesses. The replacement of the concrete blocks with secure gates would represent an improvement to the appearance of the site.

- 9.26 The proposed building would be 7m high and set back 47m from the road. The external walls would be finished in cladding, introducing an urban element to this Green Belt context. It would be visible to some extent through the site accesses and boundary planting. The visual impact could be mitigated by careful use of materials and screening. Enhancements to planting on the boundary of the site and the use of shrubs within the site, rather than low grass are recommended (both for their contribution to screening and their resilience within car parks).
- 9.27 In terms of the character and context of the area, subject to mitigation of the building's appearance by use of materials and screening, the proposed scheme is considered to have an impact very similar to the extant equestrian scheme.

3. Impact on living conditions and residential amenity of neighbouring properties (D1, R19, R20, SDG and NPPF)

- 9.28 Policies D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. Guidance in Paragraph 17 of the NPPF seeks high quality design and good standards of amenity for all existing and future occupiers of land and buildings.
- 9.29 Policies R19 and R20 seek to prevent new development from resulting in noise and light nuisance to existing sensitive uses such as residential.
- 9.30 The nearest neighbours are the residential properties in Thistle Grove and Holwell Hyde over 250m away. The proposed development would be a sufficient distance away to not result in an overbearing impact on or loss of sun or daylight or privacy to the nearest residential properties.
- 9.31 The potential for noise nuisance during construction is reduced by the distance from the nearby housing. However, some noise may travel and a condition can be imposed regarding limiting the noise from machinery used within the site and an informative can be added advising of the Environmental Health regulations over construction noise and hours.
- 9.32 There is potential for light nuisance from security lighting associated with the future use of the site. Further to Policy R20 a condition is recommended is imposed requiring details of any external lighting to be submitted and approved prior to their installation.
- 9.33 Having regard to the above, it is considered, that subject to conditions, the development would not detrimentally impact upon neighbouring amenity in terms living conditions and noise and light nuisance. The proposal would provide adequate amenity for future occupiers of the units. The proposal is, therefore, considered to comply with Policies D1, R19 and R20 of the Welwyn Hatfield District Plan 2005, the Supplementary Design Guidance (2005) and Section 7 of the NPPF.

4. Other Material Planning Considerations

(i) Highway Safety and Parking

- 9.34 The existing access to the site from Cole Green Lane would be used as an all-movement priority junction. The new access to be created at the south east corner of the site would allow egress only. The access arrangements have been subject to a Stage 1 Safety Audit and would provide adequate visibility splays (160m in each direction) and reserve capacity at the junctions during the morning peak and for HGV's during the day. Hertfordshire County Council Transport Programmes and Strategy (HCCTPS) has no objection to the amended access designs and would seek more detailed design and implementation of the new junctions via a Section 278 Agreement
- 9.35 The layout of the site has been revised with regard to HGV site access and circulation and could accommodate five HGV's at one time. Consequently, the site would provide adequate access for Refuse and Emergency Vehicles.

Site Accessibility

- 9.36 With regard to site access for non-car modes of travel, Policy D5 of the Welwyn Hatfield District Plan 2005 requires all new development to make provision for pedestrian, cyclist and passenger transport facilities.
- 9.37 The site is remote from the urban area of Welwyn Garden City with local footways and cycle-ways ceasing in the vicinity of the Cole Green Lane/Black Fan Road junction. The site is, therefore, currently inaccessible by non-car modes of transport, contrary to the NPPF and Policy D5 of the WHDP 2005.
- 9.38 The proposal now includes off-site works to provide a 2m wide foot and cycle way into the site's northern access from the junction with Black Fan Road. The off-site elements shall be secured by a Section 278 (under The Highway Act) and constructed to HCCTPS's requirements. Cycle parking facilities are proposed (see below). Bus stops on Black Fan Road and Little Gannet currently do not meet standards for accessible bus stops (shelters and kassell (raised) kerbing). Works to bring these bus stops up to standard shall be secured via a Section 278 agreement further to a Grampian-style planning condition (Condition No 4). The details are to be confirmed by the HCCTPS but shall include the following headings: ghosted right hand turn from south bound carriageway, speed limit transition, footway and cycleway improvements to south side of Cole Green Lane and Kassell kerbing to bus stops at Great Ganett/Little Ganett and Black Fan Road.
- 9.39 A Travel Plan Statement forms part of the Transport Statement submitted with the application. A travel plan is a requirement of the Highway Authority for developments of this type and scale and a Travel Plan Monitoring and Support contribution of £6,000 is sought. This shall be secured by a S106 planning obligation (see below). The applicant has indicated their agreement to make this contribution.

Parking

- 9.40 The Council's Local Plan Policy M14 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF and are, therefore, not afforded significant weight. In light of the above the Council has produced an Interim Policy for Car Parking Standards and Garage Sizes that states that parking provision will be assessed on a case by

case basis and the existing maximum standards within the SPG should be taken as guidance only.

- 9.41 The development proposes 2,600sqm B1(a) and 1,300sqm B8 and 1,300sqm of B2 General Industry. The demand based parking standard for B1 uses is 1 car space per 30-35sqm, for B8 is 1 space per 75 sqm and for B2 is 1 space per 50sqm. The parking requirement, therefore, would be:

B1(a) 74-87 spaces

B8 17 spaces

B2 26 spaces

Total 117- 130 spaces.

The proposed scheme would provide 122 parking spaces in the forecourt. This would be sufficient to meet the guidelines set out in the SPG. The SPG Parking Standards require spaces to be designed for people with mobility disabilities (wider spaces). The level of provision for a development of this size is 2 spaces plus 5% of total capacity, which totals eight spaces. These would need to be accommodated near to the building entrances. Revisions to the parking plan to include these spaces can be secured by condition.

- 9.42 Cycle parking requirements are for one long term space per 500sqm and 1 long term space per 10 staff. The floor-space of 5,400sqm would generate a demand for 10-11 spaces. As the development is not occupied, staffing levels are not established. However, using average floor-space requirements for the different uses based on the floor-space, the site could accommodate up to 130 employees with cycle parking demand for 13 spaces. A total of 23 spaces would need to be provided on the site. A cycle store for 16 bicycles in the car park is shown on the site layout. There is space around it for further provision to be made without affecting car parking levels or planting. Drawings show it would be weatherproof and sufficiently secure during normal work hours. The number of spaces to be provided for shall be increased to 23 and the installation and maintenance of this parking shall be secured by a condition.

- 9.43 The proposal would provide adequate parking for the future users of the site. It is considered, therefore, that the proposal is acceptable in term of parking provision and in accord with Saved Policy M14 of Welwyn Hatfield District Plan 2005, the Supplementary Planning Guidance Parking Standards (2004), Interim Policy for Car Parking Standards and Garage Sizes 2014 and Paragraph 39 of the NPPF.

(ii) Landscaping

- 9.44 Policy D8 of the Welwyn Hatfield District Plan 2005 requires all developments to include landscaping as an integral part of the overall design and existing landscape features, such as trees, to be retained and enhanced.
- 9.45 The site has perimeter trees and undergrowth on the adjacent highway land. The existing trees around and within the site are very important as a whole and in their role as screening. The Landscape Department has commented that the perimeter planting should be supplemented with new native, mixed broad leaved and conifer trees. Internal amenity planting around the building and car park is indicated on the layout plans. The Landscape Department has commented that this should be shrubs rather than grass, may be non-native and should include a range of plants. Trees in the car parking areas would require structural soil pits.

9.46 Given the important role of landscaping to the character and appearance of the site, a Tree Survey and Tree Protection Plan shall be required by condition. A Landscaping Plan (including removal of the bunding) and planting schedule (using structural soils in areas of hardstanding) will also be required.

(iii) Biodiversity

9.47 The existing site and development is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

9.48 The presence of protected species is a material consideration, in accordance with the above legislation and guidance. The site is not a Local Wildlife Site. It is nearby to Rolls and Blackthorn Woods and Local Wildlife sites (the Land SW of Birchall Lane/Cole Green Lane Tip and NE Area Pond). Herts Ecology has been consulted and they have responded that no protected sites or features are likely to be harmed by the proposals. However, the protection of nearby habitats is required during construction and there are opportunities for ecological gain on the site. These measures can be secured by a condition requiring a Risk Avoidance Measures Method Statement as described in Section 6 of the submitted Ecological Report by Seasons Ecology (January 2016).

9.50 Herts Ecology has also commented that the bare ground on the site may become a site for nesting of wild birds. A precautionary approach is recommended and an informative advising the site owner of their responsibilities towards wild birds can be added to any planning approval.

(iv) Land Contamination

9.51 Saved Policies R1 and R2 of the WHDP 2005 encourage the re-use of developed land but where this may be contaminated the Council will need to be satisfied that there would be no unacceptable risk to health or the environment from the proposed use or remediation works.

9.52 Given the site's previous use as a landfill site and the recent unlawful tipping and storage there is potential for contamination on the land, including the bunds. Both the Environment Agency (with regard to groundwater) and Environmental Health Department (with regard to human living conditions) require contamination on the site to be investigated and mitigated. This can be secured by a condition further to Policies R2 and R7 of the WHDP2005.

(v) Flood Risk and Drainage

9.53 The submitted Flood Risk Assessment (FRA) was found acceptable by the Lead Local Flood Authority subject to final details. They have requested a condition requiring implementation of the measures outlined in the FRA and that further details be submitted prior to commencement of development. These can be imposed on any planning decision.

(vi) Waste Management, Refuse and Recycling, Fire Hydrant

9.54 Hertfordshire County Council Waste Authority has required that the development is accompanied by a Site Waste Management Plan. This is enforced by HCC and an informative can be added to any planning decision. The County

Council's Fire and Rescue service have requested the provision of fire hydrants at the site. These can be secured by S106 (see below).

(vii) Security

- 9.55 Policy D7 of the WHDP2005 requires new developments to be designed so as to contribute to safer communities and help reduce the fear of crime. Given the site's recent history, Hertfordshire Constabulary have requested that the site and buildings be made secure. The requested condition over the standard of doors, shutters and gates to be installed can be imposed on any planning decision.

(viii) Planning Obligations

- 9.56 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. In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and, therefore, it is appropriate to seek contributions through a S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005 and the Planning Obligations Supplementary Planning Document 2012.

- 9.57 The proposed development would give rise to the necessity for the following obligations:

1. Sustainable Transport: Green Travel Plan

2. Monitoring of the Green Travel Plan £6,000

3. Fire hydrants

Conditions

- 9.58 The National Planning Practice Guidance (NPPG) governs the use of conditions in planning and the power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The objectives of planning, however, are best served when that power is exercised in such a way that conditions are clearly seen to be fair, reasonable and practicable. Conditions should only be imposed where they are necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. In considering whether a particular condition is necessary, both officers and members should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification.

10. Conclusion

- 10.1 The proposed development is not considered to be in accordance with policies of the NPPF in relation to the Green Belt, and Saved Policies GBSP1, GBSP2 of the Welwyn Hatfield District Plan 2005. However, the scale and size of the proposed building would reflect the previously approved development scheme (N6/1993/0244/OP) sufficiently for that scheme to be considered a reasonable fall-back position reflective of the scale of building likely to result on the site. The proposed buildings would not be materially larger than the permitted scheme and the openness of the Green Belt would not be significantly affected by them. This combined with the more recent history and vulnerability of the site to unlawful waste tipping constitute very special circumstances. The proposed use would be of a nature that would be likely to prevent further unlawful activity on the site and the significant wider environmental benefits of the scheme are, therefore considered to outweigh the inappropriateness of the development in the Green Belt.
- 10.2 In terms of the character and context of the area, subject to mitigation of the building's appearance by use of materials and screening, the proposed scheme is considered to be in accordance with Saved Policies D1, and D2 of the Welwyn Hatfield District Plan 2005 and Section 7 of the NPPF. Subject to conditions, the development would not detrimentally impact upon neighbouring amenity in terms living conditions and noise and light nuisance. The proposal would provide adequate amenity for future occupiers of the units. For these reasons the application is recommended for approval subject to conditions.
- 10.3 The impacts of the proposal have also been considered in relation to the impacts on the character of the area, the amenity of future occupants and the amenity of neighbouring dwellings and other relevant material considerations. It is concluded that the proposal is on balance acceptable and, as such, is in accordance with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, adopted Supplementary Planning and Design Guidance and with the NPPF.

11 Recommendation

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

Referral to the Secretary of State and

1. Completion of a S106 planning obligation for

- (a) Fire hydrants
- (b) Sustainable Transport Green Travel Plan
- (c) Travel Plan Monitoring £6,000

On or before 26th August 2016 unless the application is called in

And the following conditions:

1. C.30.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details:

Site Location Plan @ scale 1:1250 & 15/355/P10 & 15/355/P11 & 15/355/P12 & 15/355/P14/RevB & 15/355/P15RevA & 15/355/P17 & 15/355/P18

received and dated 4.12.2015 and 15/355/P13/RevB received and dated 14.4.2016.

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

Pre-development

2. C.6.1 – Samples of materials. No development shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials.

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

3. Prior to the commencement of development hereby permitted any existing building on the site shall be demolished. All the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the development hereby permitted.

REASON: To secure a high standard of development as the site lies outside of established settlement limits and within an area where permission for new buildings is not normally granted and in the interests of preserving the character and appearance of the area in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005.

4. No development shall commence until the following works have been completed in Cole Green Lane:

(a) provision of ghosted right hand turn lane,

(b) speed limit transition (40mph to 50mph) relocated in accordance with a plan that has been submitted to and approved in writing by the Local Planning Authority inclusion of a central island within the approach to the right hand turn lane) and the associated Traffic Regulation Order sealed,

(c) footway/cycleway improvements to Cole Green Lane (southside), and

(d) Kassell kerbing to bus stops at Great Ganett/Little Ganett and Black Fan Road provided to the satisfaction of the Local Planning Authority.

REASON: To ensure that the access is appropriate to the development and in the interests of safety and ensuring that the development is sustainable and accessible by all modes of travel and to ensure the development complies with paragraphs 32 and 35 of the National Planning Policy Framework 2012, enabling access to the site for all people by modes other than the private motor car.

2. The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a) construction vehicle numbers, type and routing;
- b) traffic management requirements;
- c) construction and storage compounds (including areas designated for car parking);
- d) siting and details of wheel washing facilities;
- e) cleaning of site entrances, site tracks and the adjacent public highway;
- f) timing of construction activities to avoid school pick up/drop off times;
- g) provision of sufficient on-site parking prior to commencement of construction activities;
- h) post construction restoration/reinstatement of the working areas and temporary access to the public highway.

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way.

3. Notwithstanding the approved site layout plan no development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) original levels and proposed finished levels of any earthworks to be carried out including removal of bunding
- (b) means of enclosure and boundary treatments including boundary fences and enhanced planting
- (c) car parking layout and markings
- (d) vehicle and pedestrian access and circulation areas
- (e) hard surfacing, other hard landscape features and materials
- (f) existing trees, hedges or other soft features to be retained
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- h) details of cellular confinement systems or structural soil tree planting pits for trees in car park areas
- (i) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (j) location of service runs
- (k) management and maintenance details

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

4. The plans and particulars submitted in accordance with condition 6 above shall include:
 - (a) a plan showing (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree and (ii) the location of hedges to be retained and details of species in each hedge.
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply.
 - (c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site.
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site/within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development.

In this condition, retained tree or hedge, means an existing tree or hedge which is to be retained in accordance with the plans referred to in paragraph (a) above.

REASON: The landscaping of the site is required in order to reduce the visual impact of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

5. No development shall take place (including any demolition, ground works, site clearance) until a method statement describing Risk Avoidance and Ecological Enhancement Measures (described in S6 of the Ecological Report (Seasons Ecology, January 2016) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include the following:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working methods necessary to achieve stated objectives (including where relevant, type and source of materials to be used);

- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation;
- e) means of disposal of any waste arising from the works.

The works shall be carried out strictly in accordance with the approved details and shall be maintained in that manner thereafter.

REASON: To ensure that adjacent habitats are not adversely affected by the proposed development and to provide ecological gain.

6. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year +30% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) Infiltration tests conducted to BRE Digest 365 Standards if infiltration is proposed;
- b) Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of Sustainable Urban Drainage Systems features and supporting calculations;
- c) Detailed surface water run-off and volume calculations for 1:100 year (+20%CC) are required within the surface water drainage assessment, which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (=20%CC);
- d) A timetable for its implementation;
- e) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

REASON: To protect the surrounding environment from pollution in accordance with Policies R7 and R8 of the Welwyn Hatfield District Plan 2005.

7. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions (a) to (d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

(a) Site Characterisation

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

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

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

(e) Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To 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 others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

8. Details of any external lighting proposed in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out other than in accordance with the approved details. All fixed lights shall be fitted with fully adjustable hoods to minimise glare and light pollution.

REASON: In the interests of the visual amenities of the area and the protection of residential amenity of neighbouring properties in accordance with Policies D1 and R20 of the Welwyn Hatfield District Plan 2005.

Prior to occupation

9. Prior to the first use of the development hereby permitted the HGV egress shall be provided and thereafter retained at the position shown on the approved plan (in principle plan 15/355/P13/RevB) and constructed in accordance with details agreed under Condition 3 above. Arrangement shall be made for surface water drainage to be intercepted and disposed of

separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

10. Prior to the first use of the development hereby permitted the vehicle access shall be provided and thereafter retained at the position shown on the approved plan (in principle plan SK06 26-4-16) and constructed in accordance with details agreed under Condition 3 above. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

11. Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON: In the interests of highway safety and traffic movement.

12. Prior to the first use of the development hereby permitted, a scheme for signs at the means of ingress and egress of the site, in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations), shall be submitted to and approved by the Local Planning Authority. The approved scheme of signs shall be installed prior to the first occupation of the development and thereafter retained.

REASON: In the interests of highway safety and traffic movement.

13. Prior to the first use of the development hereby permitted the areas set aside for car parking for 122 cars (including 8 disabled spaces), cycle parking for 23 bicycles, servicing, loading, unloading, turning and waiting shall be laid out, levelled, surfaced, marked out and drained in accordance with the approved plans (and for the cycle parking in accordance with a plan to be submitted to and agreed in writing by the Local Planning Authority) and shall be retained permanently thereafter for the free parking of vehicles for occupiers of the development permitted and shall not be used for any other purpose.

REASON: To ensure that the parking/manoeuvring areas are provided prior to the occupation of the units in the interests of highway safety in accordance with the National Planning Policy Framework.

14. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried

out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

15. Before the first occupation of the development hereby permitted the following security features shall be installed at the site:
 - a) all doors to be of a minimum security standard such as LPS1175sr2;
 - b) all ground floor glazing to be of a minimum security standard such as PAS24 and fitted with laminated glass to all panels;
 - c) shutters to be installed should be to a minimum security standard such as LPS1175sr2;
 - d) gates to the site accesses to prevent vehicles entering the site when it is not occupied/outside of operational hours.

These features shall be maintained thereafter.

REASON: To ensure adequate security of the site and development further to Policies of the National Planning Policy Framework 2012 and Policy D7 of the Welwyn Hatfield District Plan 2005.

Post Development

16. Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured according to BS4142:2014, at a point one metre external to the nearest noise sensitive building.

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

Positive and Proactive Statement

The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development.

Informatives

1. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

2. The applicant is advised that all new roads associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the site 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.
3. The applicant is advised that the storage of materials associated with the construction of 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.
4. 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.
5. 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, the 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.
6. In order to protect breeding birds, their nests, eggs and young, site clearance should only be carried out during the period October to February. If this is not possible then a pre-development (same-day) search of the area should be made by a suitably experienced ecologist. If active nests are found, then clearance work must be delayed until any juvenile birds have left the nest and have become fully independent, or professional ecological advice has been taken on how best to proceed.
7. 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. Hertfordshire County Council for works to kerbs, 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.
8. 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 35700.

9. You are advised that connections to a public sewer require prior approval from Thames Water Development Services who can be contacted on 0800 009 3921.
10. You are advised that, because of the scale of the development, you will be required to submit a Sustainable Waste Management Plan for approval by the Local Waste and Minerals Authority. The sustainable Waste Management Plan shall include details of waste arising from demolition and construction, the volumes of waste and identify methods to re-use, recycle or recover materials to minimise waste and the volume of waste to be disposed of off-site. Further information is available from spatialplanning@hertfordshire.gov.uk.
11. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Transportation (Patrycja Kowalczyk 01707 357546 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
12. Construction Noise and Dust Control

Noise

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of : 8.00am and 6.00pm on Mondays to Fridays 8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays.
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
4. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
5. All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.
6. Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.
7. All pile driving shall be carried out by a recognised noise reducing system.

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

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

10. 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

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

12. Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

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

Dust control

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

2. Stock piles of materials for use on the site or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

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

OR

11.2 It is recommended that planning permission be refused for the following reason if a S106 legal agreement is not completed on or before 26th August 2016 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.

2. REFUSED DRAWING NUMBERS:

Site Location Plan @ scale 1:1250 & 15/355/P10 & 15/355/P11 & 15/355/P12 & 15/355/P14/RevB & 15/355/P15RevA & 15/355/P17 & 15/355/P18 received and dated 4.12.2015 and 15/355/P13/RevB received and dated 14.4.2016.

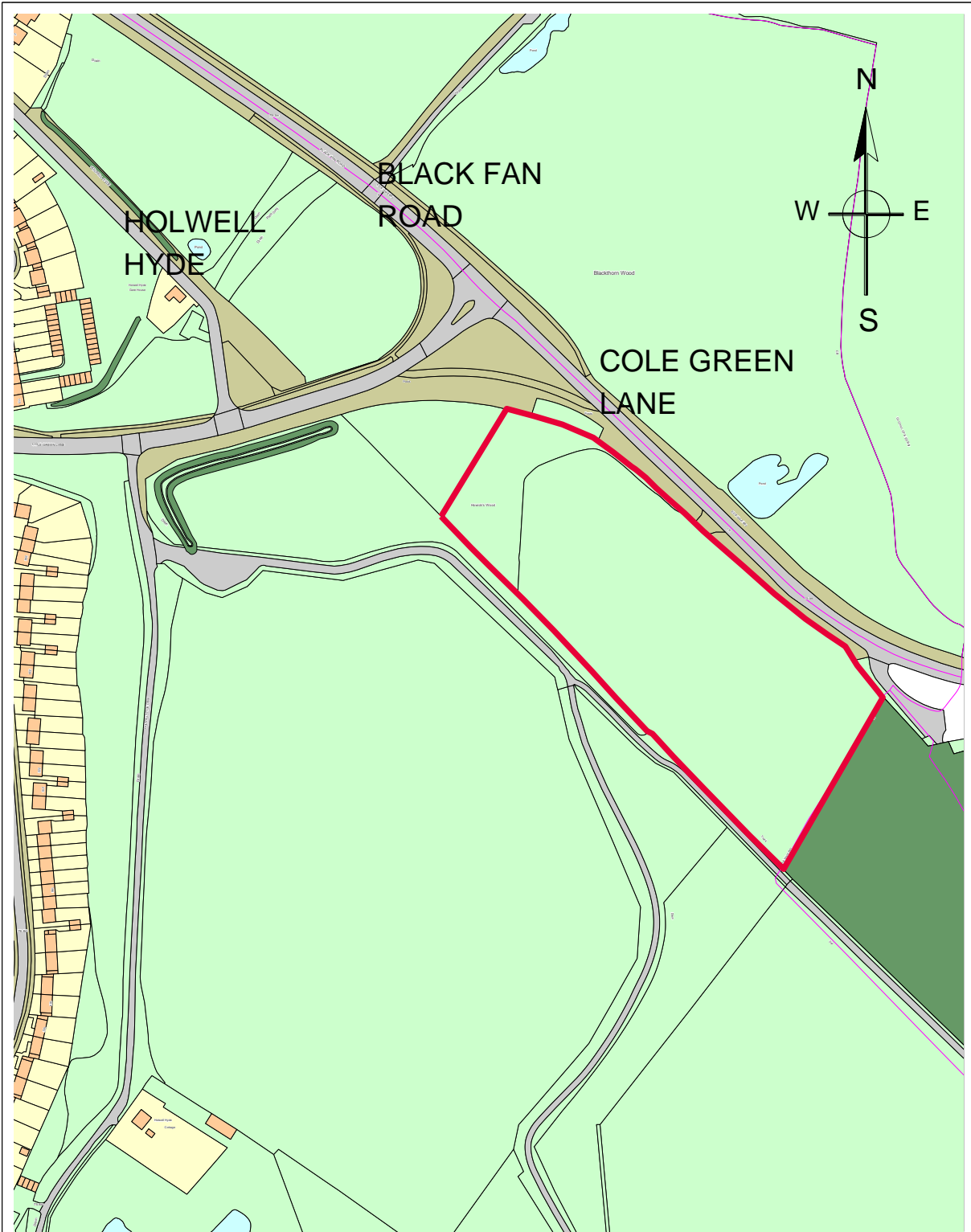
Positive and Proactive Statement

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices)

June Pagdin, (Strategy and Development)

Date 12.5.2016

Expiry Date: TBC



Council Offices, The Campus,
Welwyn Garden City, Herts. AL8 6AE

Title:

The Holdings, Cole Green Lane, Welwyn Garden City

Scale: DNS

Date: 2016

Project:

DMC Meeting

Drawing Number:

6/2015/2416/MAJ

Drawn:

Andrew Windscheffel

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