

Part I

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(Hatfield Central)

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 20 JANUARY 2022  
REPORT OF THE HEAD OF PLANNING

6/2021/1987/VAR

1 AND 1A TOWN CENTRE AND 3-9 TOWN CENTRE, HATFIELD, AL10 0JZ

REMOVAL OF CONDITION 4 (CYCLE ONLY ROUTE) AND VARIATION OF  
CONDITIONS 6 (NOISE SCHEME), 7 (ELECTRIC CHARGING POINTS), 9  
(ASSESSIBLE HOUSING), 13 (INTEGRATION WITH EXISTING CYCLE FACILITIES),  
17 (PARKING), 19 (PLANTING), 28 (ARBORICULTURAL IMPACT ASSESSMENT  
REPORT), 29 (ENERGY STRATEGY) AND 30 (APPROVED PLANS) ON PLANNING  
PERMISSION 6/2019/2430/MAJ

APPLICANT: WELWYN HATFIELD BOROUGH COUNCIL

**1 Site Description**

1.1 The site (which is some 0.71 hectares in size) is located at the eastern end of Hatfield Town Centre, bounded to the east by Wellfield Road and Queensway. Much of the application site is currently vacant (following the demolition of the building at no. 1 Town Centre), although a two storey building currently exists at nos. 3 – 9 Town Centre. Pedestrian access runs through the site into the town centre from Wellfield Road, Queensway and the town beyond. The site is also occupied by an existing short stay public car park (the car park contains 74 spaces and is operated by the Borough Council) which is accessed from Kennelwood Lane.

**2 The Proposal**

2.1 Planning application reference number 6/2019/2430/MAJ for the Demolition of existing buildings and the erection 3 x buildings comprising of 71 x flats and 1,110 sqm of flexible commercial uses (use class: A1, A2, A3, A4, D1 & D2) (including a small office element (B1a)) and associated works to include car and bicycle parking, plant and refuse storage and public realm works had a resolution to grant planning permission subject to completion of a S106. This application was heard by Members on the 23/4/2020 and followed by completion of the S106 on the 3/2/2021.

2.2 This Section 73 application relates to the following variations:

- All affordable housing from Link Drive (planning application 6/2019/2430/MAJ) and from the previous application for One Town Centre (planning application 6/2019/2431/MAJ) (affordable housing was previously dispersed across the three separate blocks) will be located within Block 1 only;
- Change of landscape scheme;

- Change of materials including hardstanding;
- Changes in energy and ventilation scheme;
- Façade changes;
- Inclusion of demountable safety railings on roof;
- Rationalised commercial layouts;
- Internal layout changes to residential units;
- Removal of cycle path;
- Cycle and bin stores rationalised;
- Inclusion of Electric Charging Points;
- And slight reduction to the footprint of Block 3 to the north to enable a more efficient location and operation of the plant, refuse and cycle stores.

- 2.3 As the original permission was subject to a planning obligation and this scheme seeks to alter the housing mix, this application is subject to a deed of variation.
- 2.4 In addition to the above, since the granting of the extant permission several conditions have been satisfied. The relevant conditions will therefore be updated to reflect the information agreed under the following discharge of condition applications:
- 2.5 Condition 1 (Construction Management Plan) has been discharged under the discharge of condition application 6/2021/1278/COND; -
- 2.6 Condition 2 (Site Waste Management Plan) has been discharged under the discharge of conditions application 6/2021/1280/COND.-
- 2.7 Condition 3 (Air Quality Impact Assessment) has been discharged under the discharge of conditions application 6/2021/1279/COND.
- 2.8 Condition 5 (Drainage Strategy) has been discharged under the discharge of conditions application 6/2021/1281/COND.
- 2.9 The proposal also seeks to remove condition 4 (Cycle Route) as it has been agreed with Hertfordshire County Council that the cycle route around the building can be omitted; therefore this condition is no longer required.
- 2.10 The proposal also seeks to remove condition 7 (Electric Charging Points) and condition 9 (Accessible Housing) as new information has been submitted.
- 2.11 The proposal also seeks to vary the wording of conditions 6 (Noise) and condition 13 (Off site Highway Works) removing references that consultees agreed within pre-application discussions.
- 2.12 Finally the proposal seeks to update conditions 17 (Car Parking Layout), 19 (Planting Methods and Landscape Masterplan), 28 (Arboricultural Masterplan), 29 (Energy Strategy) and 30 (plans) as amended plans and documentation have been submitted as part of this application.
- 2.13 It is noted that within the Planning Statement, it also states that condition 11 (Surface Water Drainage) is to be amended.
- 2.14 Section 73 applications allow applicants to apply to vary or remove one of more conditions attached to a planning permission. This results in a new permission with one or more conditions from an extant permission varied or removed and it

would sit alongside the original permission, which remains intact and not amended. In determining an application under this section, regard has to be given to national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

- 2.15 A section 73 application cannot however be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.
- 2.16 Since the approval of the application on the 3rd March 2021, the National Planning Policy Framework (NPPF) has been updated. There have not been significant amendments within the NPPF that would require further material consideration. As such, all other aspects remain the same as assessed under application 6/2019/2431/MAJ.
- 2.17 For the above reasons, this assessment shall only consider the proposed key variation in the topic areas listed within the analysis section of this committee report. Further detailed consideration and consultation can be read on the previous planning application via the reference 6/2019/2431/MAJ.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because the Borough Council is the applicant.
- 3.2 As discussed under the committee report for Link Drive, Lovell have proposed to move all affordable housing units to this application site. Therefore as both application sites are now linked through the affordable housing provision, they must both be presented side by side to the Development Management Committee.

### **4 Relevant Planning History**

- 4.1 Application Number: 6/2019/2378/FULL  
Decision: Granted with conditions  
Decision Date: 10 January 2020  
Proposal: Formation of temporary car park to accommodate for 48 spaces, for a duration of two years with associated physical works
- 4.2 Application Number: 6/2019/1312/PN14  
Decision: Prior Approval Not Required  
Decision Date: 28 June 2019  
Proposal: Prior approval for the demolition of existing building
- 4.3 Application Number: 6/2017/0606/MAJ  
Decision: Withdrawn  
Decision Date: 20 September 2019  
Proposal: Erection of 2 buildings to provide 1,194m<sup>2</sup> (GEA) commercial floor space (A1 & A3), 70 flats (15 x 1 bedroom, 7 x 2 bedroom, three person and 48 x 2 bedroom, four person) with associated car/bicycle parking, plant and refuse storage and including the improvement of public realm, following the demolition of existing buildings.

- 4.4 Application Number: S6/2004/0001  
Decision: Granted subject to S106 agreement and conditions  
Decision Date: 15 March 2007  
Proposal: Redevelopment of eastern end of Hatfield Town centre, comprising demolition of existing buildings and provision of new mixed use development including new retail (A1, A2, A3, A4, A5), non-residential institution uses (D1), 275 residential units, new 'market hall', public realm and bus interchange, together with associated provision for access, servicing, parking (including multi-storey car park) and landscaping. Partial retention of White Lion House and retention, alteration and change of use of Kennelwood House. Temporary uses of site including; contractors compound, public car park, site accesses and associated security fencing.
- 4.5 Application Number: 6/2020/3030/PN14  
Decision: Prior Approval Not Required  
Decision Date: 15 December 2020  
Proposal: Prior approval for demolition of 3-9 Town Centre
- 4.6 Application Number: 6/2019/2430/MAJ  
Decision: Granted  
Decision Date: 03 February 2021  
Proposal: Demolition of existing buildings and the erection 3 x buildings comprising of 71 x flats and 1,110 sqm of flexible commercial uses (use class: A1, A2, A3, A4, D1 & D2) (including a small office element (B1a)) and associated works to include car and bicycle parking, plant and refuse storage and public realm works
- 4.7 Application Number: 6/2021/1279/COND  
Decision: Granted  
Decision Date: 17 June 2021  
Proposal: Submission of details pursuant to condition number 3 (air quality impact assessment) on planning permission 6/2019/2430/MAJ
- 4.8 Application Number: 6/2021/1280/COND  
Decision: Granted  
Decision Date: 15 July 2021  
Proposal: Submission of details pursuant to condition number 2 (Site Waste Management Plan) on planning permission 6/2019/2430/MAJ.
- 4.9 Application Number: 6/2021/1978/COND  
Decision: Part Discharged  
Decision Date: 29 July 2021  
Proposal: Submission of details pursuant to condition number 9 (accessible housing) on planning permission 6/2019/2430/MAJ
- 4.10 Application Number: 6/2021/1278/COND  
Decision: Granted  
Decision Date: 04 August 2021  
Proposal: Submission of details pursuant to condition number 1 (Construction Management Plan) on planning permission 6/2019/2430/MAJ.
- 4.11 Application Number: 6/2021/1281/COND  
Decision: Granted  
Decision Date: 08 October 2021

Proposal: Submission of details pursuant to condition number 5 (drainage scheme) on planning permission 6/2019/2430/MAJ.

- 4.12 Application Number: 6/2021/2868/COND Decision: Granted Decision Date: 21 October 2021  
Proposal: Submission of details pursuant to condition 8 (external materials) on planning application 6/2019/2430/MAJ

## **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)

## **6 Site Designation**

- 6.1 The site lies within the settlement boundary of Hatfield, in the Hatfield Town Centre, primary retail core and mixed use frontage as designated in the Welwyn Hatfield District Plan 2005. The site also forms part of a larger site at the eastern end of Hatfield town centre which is identified in the District Plan for comprehensive redevelopment for a mixed-use retail-led scheme.

## **7 Representations Received**

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices.
- 7.2 No representations have been received.

## **8 Consultations Received**

- 8.1 The following have responded advising that they have no objections to the proposal in principle, subject to conditions or obligations being applied (N/CI=No conditions or informatives):
  - Herts Constabulary (N/CI)
  - Historic England (N/CI)
  - WHBC Public Health and Protection
  - Gardens Trust (N/CI)
  - Place Services
  - WHBC Landscape (N/CI)
- 8.2 No response was received from the following consultees:
  - WHBC Client Services
  - Herts & Middlesex Wildlife Trust
  - Environment Agency

- Affinity Water
- Herts Ecology
- HCC Spatial Planning
- HCC Rights of Way
- HCC Historic Environment Advisor
- Thames Water
- HCC Transport Programmes and Strategy
- Cadent Gas
- WHBC Parking
- NHS
- HCC Growth Team
- Ramblers Association
- Lead Local Flood Authority
- Hatfield Town Council
- WHBC Community Partnerships
- Hertfordshire Building Control Limited.

## **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) Flood risk and sustainable drainage**
  - ii) Energy Efficiency**
  - iii) Landscaping**
  - iv) Contaminated Land**
  - v) Archaeology**
  - vi) Refuse facilities**
  - vii) Electric car charging points**
  - viii) Other matters**
- 6. Environmental Impact Assessment**
- 7. Planning obligations**

### **1. Principle of the development**

9.2 The principle of development was considered acceptable under planning application reference 6/2019/2430/MAJ. This S73 application does not alter the description of the development. Since that permission was granted local and national policies have not undergone significant changes such that the principle of development would be objected to. Further to this demolition and ground works have begun on site in conjunction with the extant permission, thus establishing the change of use to residential and commercial. For these reasons, the principle of development would therefore accord with Policies TCR14, TCR16, TCR17, H6, and GBSP2 of the District Plan, Policies SP5, SADM 4, SP9, SP20, SADM22 of the Emerging Local Plan and the National Planning Policy Framework.

## Affordable housing

- 9.3 This application continues to provide the quantum and mix of affordable housing as proposed by the consented scheme, comprising 7 x 1 beds and 11 x 2 beds. However, the location of these units has been amended so that they are all located within Block 1, rather than being split across all three blocks. The overall affordable housing mix has also been amended slightly so that the number of 2 bed 4 person units have increased reducing the number of 2 bed 3 person units.
- 9.4 The Council are also bringing forward the scheme for the redevelopment Link Drive Car Park in Hatfield (6/2019/2431/MAJ) which will deliver 80 new homes, 20 of which are affordable. It is proposed to provide all the affordable housing for the Link Drive Car Park scheme within Block 1 of One Town Centre, which is located approximately 150m to the south of the site.
- 9.5 This proposal has arisen as result of discussions with Council's Housing team who have expressed a preference for all of the affordable units for both schemes to be located within a single block as they will be managing the affordable homes. This means that a further 20 affordable units are proposed within Block 1, taking the total number of affordable homes at One Town Centre to 38. This is considered acceptable as the number of affordable housing for both application sites meets Policy SP7 of the emerging Local Plan and Policy H7 of the adopted District Plan.
- 9.6 Whilst the provision of affordable housing is not distributed throughout the residential blocks this will nevertheless to some degree result in a mixed and balanced community at One Town Centre due to the communal use of outdoor amenity space and car parking provision. Furthermore, the Council's Housing Team have no objection to the relocation of all the affordable housing to One Town Centre under the Link Drive committee report and the reasons are considered acceptable. Therefore on balance, taking in consideration the need to provide affordable housing within Hatfield, it is considered that this approach is acceptable in this unique arrangement of having two planning applications located nearby to each other.
- 9.7 It is considered that the affordable housing provision will be dealt with via a Deed of Variation to amend the One Town Centre s106 agreement, as well as making amendments to the drafting of the Link Drive s106 agreement.
- 9.8 Policy H10 of the adopted 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. A new report has been submitted to remove this condition. However it is considered more appropriate to amend to a compliance condition.

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

- 9.9 Policies D1 and D2 of the adopted District Plan aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's

Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and area. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

- 9.10 The overall number, density, siting, scale, height and massing of the proposed buildings is largely consistent with the approved scheme.
- 9.11 The main variations are in relation to the external facades of the proposed buildings taking into consideration both revised Building and Fire Regulations. The key amendments are:
- Removal of acoustic louvres;
  - Increased window sizes;
  - Replacement of aluminium cladding with dark engineered brick;
  - Replacement of glazed balustrades with steel railings;
  - And inclusion of roof barriers.
- 9.12 The minor changes to the materials and detailing are necessary to meet both Building and Fire Regulations but also ensure high quality design. No specific details have been provided of the roof barriers and therefore a condition will be included as part of this application.
- 9.13 Amendments have also been made to the overall car parking layout and landscape proposals. However the overall number of trees and car parking spaces remain consistent with the approval. Both the Highways Department and the Tree Officer have raised no objection to these amendments.
- 9.14 The amendments also affect the internal layout of the residential and commercial floorspace allowing improvements to the functionality and layout of the proposed buildings; for example the amendments to the ventilation and energy strategy have allowed for larger residential accommodation.
- 9.15 A revised Heritage Statement has been provided and both Historic England and Place Services have raised no objection to the external amendments to the facades of the proposed buildings. The changes proposed are not considered to have a greater impact on the settings of the heritage assets previously identified (in advice concerning 6/2019/2430/MAJ) and there is agreement with the conclusion reached in the Note on Potential Heritage Effects by Bridges Associates.
- 9.16 To ensure however that the proposed development respects its setting and the nearby heritage assets, it is recommended that a condition is attached to any permission granted requiring details of materials, windows and doors to be agreed.
- 9.17 The proposed amendments, subject to the imposition of relevant conditions, are considered acceptable in regards to National and Local Planning Policy.



### 3. Residential amenity

- 9.18 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.
- 9.19 Policies D1 and R19 of the adopted 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.
- 9.20 The proposed variations to the approved scheme by reason of its siting and relationship to nearby buildings, is not considered to result in any significant harm in terms of loss of light, overbearing impact or impact on outlook to the occupiers/users of those buildings. The surrounding buildings are predominantly in commercial use, with some residential above.
- 9.21 Turning now to the future occupiers of the proposed development, the variations have improved living conditions through improved daylight and larger room layouts. Therefore these variations are considered acceptable.
- 9.22 The application site is in close proximity to an existing road junction and commercial businesses, and the application proposes a mix of commercial and residential units.
- 9.23 The approved scheme involved a number of mitigation measures including suitable glazing and a ventilation scheme in order to mitigate the impact from the noise of the road and neighbouring commercial uses. As a result of the necessary variations to the scheme a revised Noise Impact Assessment has been submitted which assesses the current scheme which utilises mechanical ventilation.
- 9.24 With regards to the balconies, the previous scheme included glazed balustrades. A condition was attached to the planning permission, which requires a noise protection scheme to ensure that the outdoor amenity areas do not exceed a noise level of 55dB, however this is not achievable due to the site's location with balconies facing onto the busy road. The need for the balustrades to comply with Building Regulations means that steel balustrades are used on the balconies instead of glass. Despite the change in materials for the balconies, compliance with the condition will still be unachievable.
- 9.25 Significant pre-application discussions have taken place with the Council's Public Health and Protection Team. It is considered that as the balconies are small and just provide some external space for the residents and not amenity space and as the site is well served by public open spaces, with St Albans Road East Recreation Ground, a large public amenity space, being a 4 minute walk from the site this will compensate for the lack of amenity space at the application site. The Recreation Ground will provide an alternative quiet place for residents to use as amenity space which is demonstrated as meeting the 55dB requirement. It is therefore considered that the noise impacts are acceptable and have been agreed with the Public Health and Protection team. Overall, the amendments will continue to deliver a good standard of accommodation and are therefore in accordance with Policy R19 and emerging Policies SADM 11 and SADM 18.

- 9.26 Other conditions in regards to the control of hours allowed for deliveries to the commercial premises proposed at ground floor and in relation to odour will remain.
- 9.27 Policy R18 of the adopted District Plan requires the potential effects of a development on air quality to be considered. Public Health and Protection have commented that a baseline air quality impact assessment should be carried out prior to the commencement of the development and monitoring should be undertaken during the construction phase of the development, to assess and monitor the potential impact the development will have on the surrounding area and the potential effect on future occupiers of the development. Any mitigation measures required should then be identified and undertaken. This condition has been discharged under reference 6/2021/1279/COND to become a compliance condition.

#### **4. Highways and parking considerations**

- 9.28 The Highway Authority have been consulted on the application. No comments have been received to date.
- 9.29 There are no change to the number of residential units and the change in tenure from market to affordable housing is not considered to impact on trip generation. The commercial floor area is also similar to the approved scheme and is also not considered to impact on trip generation. Therefore it is not considered that there would be any additional harm caused to local highway conditions.
- 9.30 The car parking strategy remains in accordance with the approved scheme, with residential parking provided in the existing Kennelwood Lane Car Park, as well as a 12 space car park on the site accessed from Wellfield Road. The Kennelwood Lane car park would be shared during the day between residents and visitors to the town centre, with the car park becoming solely for the use of residents at night time. The Highways Authority were content with this arrangement including the dual use of the car park. Given that the amendments to the scheme do not deviate from this strategy, the car parking arrangement is therefore acceptable.
- 9.31 The proposed plans demonstrate the revised location of a loading bay. This is considered acceptable.
- 9.32 Other highway considerations such as access, impact on a right of way, number of car parking spaces and service arrangements will remain as per the approved scheme.
- 9.33 The principle of a new cycle route through the site was established through the approved scheme, as this was requested by the Highways Authority. Detailed discussions have taken place between the applicant and Hertfordshire County Council. Following a safety audit it has been decided that the cycle route around the building should be omitted. Condition 4 therefore needs to be removed as it is no longer necessary.
- 9.34 There are no changes to the general siting and quantum of the bike stores across the development. However due to the internal reconfigurations at ground floor level some of the bike stores will be increased in size which will provide more space for manoeuvring bikes. Overall the changes to the cycling aspect of

the scheme will ensure that there are adequate facilities on site for cyclists in accordance with the aims of Policies M1 and M6.

## **5. Other considerations**

### *i) Flood risk and sustainable drainage*

- 9.35 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is located within Flood zone 1 i.e. a low probability of flooding.
- 9.36 Policy R10 of the adopted District Plan requires new development to incorporate water conservation measures wherever applicable, and para. 169 of the NPPF states that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 9.37 The proposed drainage strategy (which includes blue roofs, attenuation tanks and areas of permeable paving) is now considered to be acceptable subject to conditions requiring the development to be undertaken in accordance with the principles of the submitted drainage strategy, the submission of a detailed surface water drainage scheme, the submission of verification details that the drainage scheme has been constructed in accordance with the approved details, a management and maintenance plan for the SuDS features and drainage network and measures to secure the operation of the scheme throughout its lifetime. The detailed surface water scheme required to be submitted before development commenced was discharged under reference 6/2021/1281/COND. Therefore the wording of this condition has been amended to a compliance condition. All other conditions remain reasonable and necessary in this case.

### *ii) Energy Efficiency*

- 9.38 District Plan Policy R3 expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping.
- 9.39 Amendments to the energy strategy are proposed as a result of updates to Approved Documents F and L and the emerging Future Homes requirement which introduces a ban on fossil fuels in new homes by 2025. The approved energy strategy (September 2019) proposed a communal gas heating and hot water system. However, given the emerging Future Homes guidance increasingly looking towards strategies that have a greater reliance on electricity from clean generating sources, unlike the gas based communal heating proposed, an electric system, e.g. air source heat pump (ASHP), is therefore essential in order to comply with the new standards.
- 9.40 As communal systems rely on roof mounted plant, these systems would not be appropriate as height, impact on heritage and roof appearance were extremely sensitive planning considerations during the determination of the planning application. Therefore, individual air source heat pumps (ASHP) located within flats are a means of achieving this aim whilst ensuring no rooftop plant is required.

9.41 The relevant condition has been updated. It is therefore considered that the proposal would, as best it can, accord with Policy R3 of the adopted District Plan.

*iii) Landscaping*

9.42 Policy R17 of the adopted District Plan 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.

9.43 The landscape strategy is largely consistent with the approved plans. The overall number of proposed trees remains the same. Key changes are the relocation of trees and revised hard landscaping details. The Landscape Officer has raised no objection. Under the approved plans, the Landscape Officer recommended that any permission granted should be subject to conditions relating to adherence to the Tree Protection Plan and Arboricultural Method Statement and submission of details relating to planting methods and aftercare of the proposed landscaping scheme. These conditions have been updated to take into consideration the revised plans and documents. Such conditions are considered to be reasonable and necessary in this case.

*iv) Contaminated Land*

9.44 Policy R2 of the adopted District Plan 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.

9.45 The Phase I and II Geo-Environmental Assessment submitted with the approved application states that there will be no risk to health for future occupiers of the site, and Public Health and Protection have not raised any concerns in respect of contaminated land. As contamination has been found in one area of the site, it is recommended that any permission granted is subject to a condition requiring the Local Planning Authority to be notified of any contamination found during the construction of the development and a remediation scheme submitted. It is not considered that the slight variation to the siting of the buildings would impact on the wording of this condition. Furthermore, the Council's Public Health and Protection Team have not raised objection. The same condition will remain. Such a condition is considered to be reasonable and necessary.

*v) Archaeology*

9.46 Policy R29 of the adopted District Plan 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.

9.47 The Historic Environment Advisor commented under the approved scheme that the proposed development, while large in scale, will be on land much of which has been built on since the mid 19<sup>th</sup> century and the proposed buildings would be largely situated on the footprints of existing buildings, which are to be or have been demolished. Details of ground investigations submitted with the application

demonstrate that the site has been disturbed by modern development. Such circumstances have therefore lessened the likelihood of the survival of archaeological layers, and in this instance it is considered that the development is unlikely to have an impact on heritage assets of archaeological interest. The Historic Environment Advisor has not provided a consultation response. However it is not considered that the slight variation to the siting of the buildings would impact on the previous consultation response made.

*vi) Refuse facilities*

- 9.48 The proposed variations have made amendments to the bin storage and access. The proposed bin stores are sufficient to provide for the required number and size of bins. Access to the proposed bin stores is also considered to be acceptable.

*vii) Electric car charging points*

- 9.49 Under the approved application, it was recommended that a condition be included that required details of electric charging points. The electric charging points are demonstrated on the proposed plans. In order to ensure the electric charging points are implemented it is recommended that this condition is not removed but amended to a compliance condition instead. This is reasonable and necessary.

*viii) Fire safety*

- 9.50 The approved scheme has been amended to take into account new building and fire regulations. Key variations have included the change of the glazed balustrades to metal balustrades on the balconies and the removal of aluminium cladding to be changed to dark engineering brick. These are replaced to remove fire risk. Hertfordshire Fire and Rescue were consulted but have not commented. However, as these variations are identical to the amendments made to the Link Drive application which Hertfordshire Fire and Rescue did provide comment, it is not considered that it is necessary to comment under this variation of condition application.

*ix) Other matters*

- 9.51 Policy D7 of the adopted District Plan requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime. The Architectural Liaison Officer of Hertfordshire Constabulary has commented that crime prevention measures have been incorporated into the design of the proposed development, and they therefore fully support the application. In light of these comments it is considered that the proposal would not result in any conflict with the requirements of Policy D7.
- 9.52 Policy 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 (Waste Local Plan) requires the submission of a Site Waste Management Plan (SWMP) to assist in reducing the amount of waste produced on site. Having regard to the requirements of Policy 12 of the Waste Local Plan a SWMP should be required as a condition of any permission granted. This condition has been discharged under (ref: 6/2021/1280/COND) therefore this condition can be amended to a compliance condition.

## 6. Environmental Impact Assessment

9.53 The variations do not impact on the Environmental Impact Assessment.

## 7. Planning obligations

9.54 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.

9.55 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, have introduced regulation 122 which provides limitations on the use of planning obligations.

9.56 Below are the S106 heads of terms sought by the Council and other relevant bodies. The applicant has been made aware of required contributions.

<b>Contributions/Matter</b>	<b>Contribution</b>
Affordable Housing	38 units
Open space/Green space	£7,211.42
Play space	£18,915.20
Waste and recycling	£5,416.00
Indoor and outdoor sports facilities	£4,552 Artificial Grass pitch £2,814 Indoor Bowls £23,137 Sports Hall £23,855 Swimming Pool
Childcare Service	£2,796.00
Nursery Education	£9,558.00
Primary Education	£42,333.00
Secondary Education	£18,411.00
Youth Service	£557.00
Library Service	£6,957.00
Highways	£38,625.00
Travel Plan	Submission of Travel Plan document
Green Travel Plan Evaluation and Monitoring fee	£6,000
GP Provision	£50,254.03
Mental health	£14,963.00
Community Healthcare	£14,380.00
Monitoring fee	£5,000

9.57 These requested contributions are considered to be reasonable and 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.

- 9.58 The applicant has started below ground works and on the start of above ground works, the above contributions will be paid.
- 9.59 If the Development Management Committee resolve to grant planning permission, it will be subject to the completion of a deed of variation to the original S106 agreement to bind the two application sites (Link Drive and One Town Centre) together through the affordable housing provision. Subject to the completion of a deed of variation, it is considered that the proposal would comply with Policy IM2; the Planning Obligations SPD; the NPPF and CIL Regulations 2010 (as amended).

## **10 Conclusion**

- 10.1 Taking the above into account, this development is considered to present an efficient use of previously developed land within the borough. The variations proposed would not result in a poor design, nor would they have a detrimental impact upon the character of the wider area, the historic environment and neighbour amenity. The impacts of the proposal have also been considered in relation to the provision of affordable housing, visual impact on the area, amenity of future occupants, amenity of neighbouring uses, and other key material considerations (highways, car and cycle parking, energy efficiency, refuse and recycling, landscaping and drainage).
- 10.2 This section 73 application is therefore acceptable and accords with the relevant policies of the Framework, District Plan, eLP, and SPD. It would also secure and facilitate a much needed boost to the borough's housing supply. This has become vitally more important given recent national policy developments and the Council's position in relation to the 5 year land supply. For these reasons the scheme is recommended for an approval.

## **11 Recommendation**

- 11.1 It is recommended that planning permission be approved subject to the completion of a satisfactory deed of variation and the agreement of any necessary extensions to the statutory determination period to complete this agreement for:

1.	Affordable Housing	38 units
2.	Open space/Green space	£7,211.42
3.	Play space	£18,915.20
4.	Waste and recycling	£5,416.00
5.	Indoor and outdoor sports facilities	£4,552 Artificial Grass pitch £2,814 Indoor Bowls £23,137 Sports Hall £23,855 Swimming Pool
6.	Childcare Service	£2,796.00
7.	Nursery Education	£9,558.00
8.	Primary Education	£42,333.00
9.	Secondary Education	£18,411.00
10.	Youth Service	£557.00
11.	Library Service	£6,957.00

12.	Highways	£38,625.00
13.	Travel Plan	
14.	Green Travel Plan Evaluation and Monitoring fee	£6,000
15.	GP Provision	£50,254.03
16.	Mental health	£14,963.00
17.	Community Healthcare	£14,380.00
18.	Monitoring fee	£5,000

and the following conditions:

#### PRE-COMMENCEMENT CONDITIONS

1. The Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority under planning reference 6/2021/1278/COND. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan/Statement.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and the National Planning Policy Framework.

2. The Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority under planning reference 6/2021/1280/COND. The Management Plan as approved shall be implemented throughout the construction period.

REASON: To ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Hertfordshire Waste Core Strategy and Development management Policies DPD 2012 and Policy R5 of the Welwyn Hatfield District Plan 2005.

3. The air quality impact assessment has been submitted to and approved in writing by the Local Planning Authority under planning reference 6/2021/1279/COND. Thereafter the development shall accord with the approved details.

REASON: To mitigate the impact of the development on air quality in accordance with Policy R18 of the Welwyn Hatfield District Plan 2005.

4. A detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority under planning reference 6/2021/1281/COND. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.



## PRIOR TO ABOVE GROUND DEVELOPMENT

5. Prior to commencement of above ground levels, full details of the demountable barrier on the roofs, including elevations of the barrier in situ, and details of how it is to be utilised shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

REASON: In the interest of the appearance of the development in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. Prior to any above ground development, a scheme to protect the proposed development from noise due to traffic and the existing and proposed commercial businesses, shall be submitted to and approved in writing by the Local Planning Authority. 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 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 L<sub>Amax</sub> 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. Thereafter, the development shall be constructed in accordance with the approved details.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the requirements of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005.

7. Prior to commencement of above ground works, details of the external materials of construction of the development hereby approved, including details of windows, doors and balconies, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

REASON: In the interest of the appearance of the development in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

8. Upon completion of the drainage works for the site in accordance with the timing/ phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:
  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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

#### PRIOR TO OCCUPATION

9. Prior to the first occupation of the development hereby permitted, full details of a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall then be implemented and maintained on site.
10. REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with the National Planning Policy Framework and Policies M14 and D1 of the Welwyn Hatfield District Plan 2005.
11. Prior to first occupation, the electric car charging points shall be installed as approved prior to first occupation of the development and thereafter retained as part of the development.
12. REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policy SADM 12 of the Draft Local Plan Proposed Submission August 2012.
13. Prior to first occupation, all accessibility units specified as M4(2) in the agreed schedule and plans within the accessibility housing document shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard.

Written verification of implementation of accessibility housing units will be supplied to the local planning authority within 30 days of the practical completion of the block it forms part of.

REASON: To ensure that suitable housing is provided to households in need of accessible or wheelchair housing in accordance with Policies D1 and H10 of the Welwyn Hatfield District Plan 2005.

14. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved surface water drainage assessment carried out by Conisbee, drawing number 190222-CON-X-00-DR-C-1000, revision P5, dated 26.02.2020 and the following mitigation measures detailed within the Flood Risk Assessment and Surface Water Drainage Strategy report:
  1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water runoff rate of 3.5 l/s from Catchment

- 1 and 2 l/s from Catchment 2 during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year plus climate change event providing a minimum of 468 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume.
3. Discharge of surface water from the private drainage network into the Thames Water sewer network via two discharge connections.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants, in accordance with Policy R7 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

15. Prior to use/occupation of any individual commercial unit(s) within Use Classes A3 or A5, details of any air ventilation, extraction and odour control systems shall be 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. The individual unit shall not be occupied until the facilities have been provided in accordance with the approved details.

REASON: To protect the amenities of the occupiers of residential accommodation in the vicinity from fumes and odours and in accordance with the objectives of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan.

16. Prior to use/occupation of any part of the development off-site highway works, being the necessary works to link the proposed cycle route with existing cycle facilities shall be delivered to the Highway Authority's specification. For the avoidance of doubt, the Offsite highway works shall include:
  - kerb alterations at Wellfield Road service road north access including tactile paving provision and new centre splitter island and associated signage changes;
  - kerb alterations at Wellfield Road service road south access including tactile paving provision and new centre splitter island and associated signage changes
  - Extension of cycle route to Queensway Toucan Crossing including alterations to Kennelwood Lane junction including tactile paving, relocation of existing ADS sign, relocation of lamp columns and associated works.

REASON: To ensure that the site is integrated with local cycle facilities in the interest of sustainable development and in accordance with Policy 1, Policy 5 and Policy 8 of Hertfordshire County Council Local Transport Plan 4 (May 2018).

17. Prior to the first use/occupation of the development hereby permitted the proposed on-site car and cycle parking/servicing/loading areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with Policy D1 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

18. Prior to the first use/occupation of the development hereby approved, a car parking plan showing the position of disabled car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

REASON: To provide accessible parking bays and a high standard of design of the development in line with Policy D1 of the Welwyn Hatfield District Plan and the National Planning Policy Framework.

19. Prior to the first use/occupation of the development hereby approved, a scheme for the signing of the car park access and egress shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved details.

REASON: To ensure clear and safe access and egress of the car park, in the interests of highway safety in accordance with the National Planning Policy Framework.

20. Prior to the first use/occupation of the development hereby approved, details of the use of the car parking spaces as shown on drawing ref.: L486320-HUN-00-00-GA-A-03-0001 by both the residential occupiers of the development and members of the public visiting the town centre shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the use of the car park shall accord with the approved details.

REASON: To ensure that sufficient parking is available to both occupiers of the development and users of the town centre, in accordance with policy M15 of the Welwyn Hatfield District Plan 2005.

21. Prior to the first use/occupation of the development hereby approved, waste bins/bin storage facilities shall be provided as shown on the approved application plans, including the provision of a coded lock on the doors of the storage facility, and thereafter retained in accordance with the approved details.

REASON: To ensure that each block is adequately serviced and the area does not suffer any detriment from the storage arrangements for waste and to achieve a high standard of development in accordance with the requirements of Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

22. Prior to the first use/occupation of the development hereby approved, details of the planting methods (to include the design of tree planting pits) and aftercare shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall accord with the approved details

and the submitted Landscape Masterplans (drawing no. L486320-ACD-XX-GF-DR-L-2511-P03 (soft landscape) & L486320-ACD-XX-GF-DR-L-2512-P03 (hard landscape))) unless otherwise agreed in writing by the Local Planning Authority. 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 D1 and D8 of the Welwyn Hatfield District Plan 2005.

23. Prior to first use/occupation of the development hereby approved, secure cycle parking for the residential element of the development shall be undertaken in accordance with the submitted application plans, and thereafter retained in accordance with the approved plans.

REASON: To ensure the provision of secure long term cycle storage for each residential unit, in accordance with Policy M6 of the Welwyn Hatfield District Plan 2005.

24. Prior to the first use of the commercial element of the development hereby approved, a plan showing the proposed first use/users of the ground floor commercial units with at least 50% of the retail frontage (by length) within A1 use shall be submitted to and approved in writing by the Local Planning Authority. Thereafter those unit(s) initially identified for use in the A1 Retail Use Class shall not benefit from the flexible uses applied for, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) neither shall those units initially occupied in A1 retail use be changed to other uses under Schedule 2, Part 3 Classes D, G, J and M Class of the Order without the express planning permission of the Local Planning Authority.

REASON: In order to ensure the A1 retail function of Hatfield town centre remains and is not lost/diluted by flexible changes of use in accordance with Policy TCR16 of the Welwyn Hatfield District Plan 2005.

#### OTHER

25. Premises falling within Use Classes A3, A4, A5, D1 and D2 hereby approved shall only be open to the public between 07:00 hrs and 23:00 hrs. Any members of public remaining in the buildings must have left the premises by 23:30 hours.

REASON: In order to protect the living conditions of local residents, in accordance with Policy R19 of the Welwyn Hatfield District Plan 2005.

26. There shall be no deliveries to or from the business 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 individual business 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: To protect the occupants of nearby residential properties from noise disturbance in accordance with the requirements of Policies D1, D2 and R19 of the Welwyn Hatfield District Plan 2005.

27. Noise from plant and equipment associated with the development shall 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).

REASON: To protect the amenity of residents in the locality, in accordance with the Supplementary Design Guidance 2005.

28. 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 the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account, in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005.

29. Prior to the installation of any external lighting, a scheme of external lighting installations (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. Thereafter the development shall accord with the approved details.

REASON: To protect the amenity of residential occupiers in the near vicinity of the development in accordance with the objectives of Policies D1, D2 and R20 of the Welwyn Hatfield District Plan.

30. No gate/door/ground floor window if installed shall open outwards over the highway.

REASON: In the interests of highway safety and in accordance with Policy 5 of Hertfordshire County Council Local Transport Plan 4 (May 2018).

31. The development hereby approved shall accord with the submitted Arboricultural Impact Assessment Report (November 2020), including the Tree Protection Plan and the Arboricultural Method Statement contained within the report, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the existing trees in the interest of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

32. The development hereby approved shall accord with the details within the submitted Energy Strategy (December 2020), unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure a high level of sustainable performance within the buildings and development hereby permitted and in accordance with Policy SD1 of the Welwyn Hatfield District Plan.

#### DRAWING NUMBERS

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

Design and Access Statement (Drawing No. L486320-HUN-XX-XX-RP-A-02-0001-PO8)

Site Plan (Drawing No. L486320-HUN-00-00-GA A-03-0001 Rev P06)

Site Location Plan Existing (Drawing No. L486320-HUN-00-00-GA-A-03-0003)

Site Location Plan (Drawing No. L486320-HUN-00-00-GA-A-03-0004 Rev P02)

Block 1:

General Arrangement – First (Drawing No. L486320-HUN-A-01-GA-A-05-0002)

General Arrangement – Second (Drawing No. L486320-HUN-A-02-GA-A-05-0003)

General Arrangement – Third (Drawing No. L486320-HUN-A-03-GA-A-05-0004)

General Arrangement – Fourth (Drawing No. L486320-HUN-A-04-GA-A-05-0005)

General Arrangement – Fifth (Drawing No. L486320-HUN-A-05-GA-A-05-0006)

General Arrangement – Ground (Drawing No. L486320-HUN-A-GF-GA-A-05-0001 Rev P07)

General Arrangement – Roof Plan (Drawing No. L486320-HUN-A-RL-GA-A-05-0007)

Block 2: General Arrangement – First (Drawing No. L486320-HUN-B-01-GA-A-05-0002)

General Arrangement – Second (Drawing No. L486320-HUN-B-02-GA-A-05-0003)

General Arrangement – Third (Drawing No. L486320-HUN-B-03-GA-A-05-0004)

General Arrangement – Fourth (Drawing No. L486320-HUN-B-04-GA-A-05-0005)

General Arrangement – Ground (Drawing No. L486320-HUN-B-GF-GA-A-05-0001)

General Arrangement – Roof (Drawing No. L486320-HUN-B-RL-GA-A-05-0006)

Block 3:

General Arrangement – First (Drawing No. L486320-HUN-C-01-GA-A-05-0002)

General Arrangement – Second (Drawing No. L486320-HUN-C-02-GA-A-05-0003)

General Arrangement – Ground (Drawing No. L486320-HUN-C-GF-GA-A-05-0001)

General Arrangement – Roof (Drawing No. L486320-HUN-C-RL-GA-A-05-0004)

Elevations:

Proposed Elevations – Sheet 1 (Drawing No. L486320-HUN-XX-EL-EL-A-07-0001)

Proposed Elevations – Sheet 2 (Drawing No. L486320-HUN-XX-EL-EL-A-07-0002)

Proposed Elevations – Sheet 3 (Drawing No. L486320-HUN-XX-EL-EL-A-07-0003)

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

## INFORMATIVES

1. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Further information can be found on Thames Water's website using the following link:  
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
2. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
3. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.



4. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

5. The footpaths, where they adjoin or run across the proposed works, should not be affected as a result of the works. Furthermore, during the works, and beyond, full continuous safe access to, and use of, the footpaths should be maintained, with safety signage when appropriate during the works. If one or more temporary closures become unavoidable during the works, any such temporary changes should be kept to the minimum and be carried out in full compliance with the law, through Hertfordshire County Council's CROW Service.

Where the footpaths coincide with access roads or car parks, following the works there should be permanent appropriate safety and directional signage to ensure the safety of footpath users.

6. 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

7. 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.
8. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
9. 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.
10. 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.

11. 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.
12. All pile driving shall be carried out by a recognised noise reducing system.
13. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
14. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
15. '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.
16. Any emergency deviation from these conditions shall be notified to the Council without delay.
17. 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.
18. Permissible noise levels are not specified at this stage.
19. All efforts shall be made to reduce dust generation to a minimum.
20. 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.
21. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
22. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> by telephoning 0300 1234047.
23. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction

works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.


24. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
25. The applicant is encouraged to contact the Highway Authority in respect of removing highway rights over any areas of land affected. No works may occur on areas presently within the extent of highway boundaries without authority of the Highway Authority. It is recommended that a stopping up order application under S247 of the TCPA 1990 is made to have highway rights extinguished across any part of the development, is made to the Secretary of State for Transport.
26. The planning authority has determined the application as very low risk from chalk mining, on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is structurally stable. The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take a watching brief during construction for any chalk mines. Should evidence be found, expert advice from properly qualified experts should be sought, to ensure that the historic chalk mining activities in the area will not adversely affect the development. Details should be submitted to the Local Planning Authority for approval.

#### 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.

Louise Sahlke (Development Management)  
Date: 30 December 2021



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL9 6AE</p>	<p>1 AND 1A TOWN CENTRE AND 3-9 TOWN CENTRE, HATFIELD, AL10 0JZ</p>		<p>Scale: DNS</p>
	<p>Development Management Committee</p>	<p>6/2021/1987/VAR</p>	<p>Date: 06-01-2022</p>
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