

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 04 JANUARY 2017
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

6/2017/1152/FULL

UNIT 9-11 PEATREE FARM, WELWYN GARDEN CITY

CHANGE OF USE OF LAND TO A B2 USE FOR VEHICLE REPAIRS INVOLVING
ERECTION OF A WORKSHOP FOLLOWING PART DEMOLITION OF EXISTING
WORKSHOP

APPLICANT: Welham Travel

AGENT: DLA Town Planning Ltd

(Peartree)

1 Site Description

- 1.1 The application site comprises an area of uncultivated land adjoining the rear yard of the applicant's premises including units 9 – 11 Peartree Farm. On its northern and eastern sides the site adjoins the rear gardens of neighbouring houses, from which it is largely screened by hedges and bushes. To the north the site is bordered by a strip of wooded, open land beyond which are industrial premises. A high steel palisade fence forms the common boundary between tree belt and the applicant's land.
- 1.2 The applicants run Welham Travel, a commercial coach and minibus hire business from the units at 9 – 11 Peartree Farm. The forecourt area is used for the storage and maintenance of coaches and minibus.
- 1.3 The main area of Peartree Farm is located within a designated Employment Areas, but the uncultivated land the subject of the planning application is outside the boundary of the Employment Area in both the adopted District Plan and the emerging Local Plan. The site is bordered to the east by the Broadwater Road West Employment Area. This is a mixed use employment zone which supports a range of commercial uses. To the north and east the site abuts the rear gardens of properties in Hyde Way and Peartree Lane.

2 The Proposal

- 2.1 The application seeks full planning permission for the change of use of the land for purpose involving the erection of a vehicle maintenance workshop and part demolition of existing workshop (B2 Use Class).

- 2.2 The proposed building would have a shallow curved roof and a ridge height of approximately 5.15m. It would have a width of 11.5m and a length of 20m. The materials would comprise powder coated cladding and roof, a steel roller door and aluminium pedestrian doors.
- 2.3 The building would be located approximately 2.5m from its eastern and northern boundary and some 28m from the nearest properties in Peartree Lane. It would be set relatively along its western boundary next to a landscaped buffer adjoining an industrial building. An existing workshop (unit 10) would be part demolished, with the width reduced by 1.5m, to provide a wider access.
- 2.4 The applicants have indicated that the proposed structure would be used to maintain and repair the applicant's coaches and minibuses. And although the applicants consider the proposal to be sui-generis, the Land Use Gazetteer classified Maintenance and Repairs of Motor Vehicles as B2 (Industrial) Use. The application is assessed on this basis.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee as Cllr Cowan has called the application in stating the following:

"The fact these industrial units back onto residential homes means there has been some history of a difficult interface and it is important the application is given the fullest examination."

"My comment about difficult interface was that the previous company running a bus operation there were the subject of many complaints over a long period."

4 Relevant Planning History

- 4.1 Application Number: N6/2002/0704/FP Decision: Refused Decision Date: 17 July 2002

Proposal: Change of use of land to hard surfacing for storage. This was refused for the following reasons:

1. The proposal would represent inappropriate development outside the designated Employment Area and more over ample Employment Land is available within the District, the proposal would therefore be contrary to Policy EMP 6 of the adopted Welwyn Hatfield District Plan Alterations No 1, 1998 and also to Policy EMP 8 of the Welwyn Hatfield District Plan Review Revised Deposit Version June 2002.
2. The proposed use of the site for storage of commercial vehicles would, because of the proximity of the site to residential property, be likely to have a harmful impact upon the amenities of the occupiers of those properties by virtue of noise and increased disturbance resulting from the manoeuvring of vehicles on site and consequently the proposal would represent development contrary to EMP 8 of the Welwyn Hatfield District Plan Review Revised Deposit Version June 2002.

This application was subsequently dismissed on appeal by the Planning Inspectorate in 2003. The Inspector found that the need for additional parking did not outweigh the presumption against such development outside of the Employment Areas. He also found that the revving of engines and the manoeuvring of vehicles would cause undue noise and disturbance to neighbouring residents.

4.2 Application Number: N6/1992/0243/FP Decision: Granted Decision Date: 06 August 1992

Proposal: Erection of light industrial (use class B1) units

4.3 Application Number: C6/1986/0701 Decision: Refused Decision Date: 20 November 2002

Proposal: Use of land as hardstanding for storage purpose

4.4 Application Number: N6/1976/0193/ Decision: Granted Decision Date: 29 April 1976

Proposal: Change of use from store to tailors workshop

5 Relevant Planning Policy

5.1 National Planning Policy Framework 2012

5.2 Welwyn Hatfield District Plan 2005

5.3 Draft Local Plan Proposed Submission 2016 (emerging Local Plan 2016)

5.4 Supplementary Design Guidance, February 2005 (Statement of Council Policy)

5.5 Supplementary Planning Guidance, Parking Standards, January 2004

5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014

6 Site Designation

6.1 The site lies within Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005. Its Proposal Map shows the site to be part within an Employment Area and part outside.

7 Representations Received

7.1 The application have been advertised by neighbour notification letters and 12 representations (10 letters of objection from Nos. 34 and 38 Hyde Way, Nos. 60, 68, 70, 72 74, and 76 Peartree Lane and general comment from No. 55 Peartree Lane) have been received. The issues raised are similar to those of previous applications. A summary of the issues raised by surrounding property owners are below and shall be discussed within the body of this report.

a) It says Monday to Friday 7.00-19.00 and Saturday 08.00-13.00 if they are expanding why are they asking for a licence for these hours when they go over these times now? What they tell you and what they really do are two different things;

- b) My house vibrates every morning when the coaches starts and finish;
- c) In this hot summer when I have got home from work I cannot sit in my garden backing on the Welham travel because of the constant noise way after 7pm and at weekends in the summer;
- d) The business operates throughout the night sometime disturbing local residents;
- e) My garden wall is their workshop wall; if they knock that down to expand what about the security to me? Not to mention more noise;
- f) The proposal will increase the noise pollution currently experienced by the adjoining residents;
- g) All of the objections raised to the 'change of use' application (N6/2002/0704) still apply to the current one and, of course, permission was refused then and the refusal upheld on appeal;
- h) The application site includes a belt of trees and part of a green buffer designed to separate the industrial site form adjoining residential properties, and as such should be preserved;
- i) There is doubt about the legal ownership pf the application site. It is essential that proper legal ownership (incl leasing) of the land comprising the full 1936 'Belt of Trees' be established before any permission;
- j) If the proposal is allowed to go ahead not only will it violate the tree belt, it will also go against the very principal of the Garden City;
- k) The proposals would have a very negative impact on our quality of life as well as effecting the value of our property;
- l) We currently look out onto a beautiful tree lined garden and do not want that view to change;
- m)A work shop on the scale proposed would not only be overbearing and ugly but would be noisy as prevailing winds from the west would carry the noise and fumes towards our home;
- n) The proposal will have a detrimental impact on our quality of life and right to enjoying one's home;
- o) There will pollution from exhaust fume and diesel engines;
- p) The stated hours of operation are to be 0700-1900 on a weekday and 0800-1300 on Saturdays. This is excessive. I would like to know what hours Welham Travel are are allowed to repair vehicles at the moment. They should be restricted to 0900-1800 weekdays only;

- q) The proposed ridge height is 5.6m which is far too high, nearly as high as our houses and will be overbearing more so as the application is 2m above the level of the land of the rear gardens in Peartree Lane;
- r) Inserting an oversized metal-clad building with shallow curved roof is wholly inappropriate with its residential surroundings;
- s) I cannot see why the company cannot erect some kind of cover over the existing hydraulic lift in order to shelter the work on brakes etc in rainy weather;
- t) The rejection of the appeal to the 2003 application (APP/C1950/A/02/1104720) paragraph 11 states that the land for the proposed building “acts as a valuable buffer between the rear gardens of the neighbouring houses and the employment uses in the Peartree Farm units”. We can see nothing that has changed that conclusion;
- u) Residents in Hyde Way and Peartree Lane have reluctantly tolerated Welham Travel’s (previously Master Travel) activities in Peartree Farm for many years but it has to be noted that this business is entirely inappropriate for this site;
- v) The proposal is contrary to policy as it is outside employment designated area.

8 Consultations Received

8.1 Hertfordshire County Council Transport Programmes and Strategy

(HCCTPS) – The proposal suggests that the site is an extensions of the existing use. Whilst the existing occupant is commented on, the site is viewed in terms of its proposed use class. This would represent an intensification of use at the site, this would be unlikely to warrant as severe and as such an objection on intensification would not be terms for a refusal on highway grounds. Due to the internal access arrangement widths, a review by the appropriate fire safety officer is recommended. I do not consider that the development would represent a severe impact to highway capacity and is unlikely to represent a material impact to highway safety, I therefore present no objections

8.1 Welwyn Hatfield Borough Council Environmental Health Department (EH)

– There is some concern as this is bringing the industrial area closer to the residential properties. However, the acoustic report mentions some points which will provide a potentially better level of amenity (in acoustic terms only) from ensuring that the works take place inside and that the proposed building will act as a barrier to noise on the existing site and from other industrial units nearby. If permission is to be granted, whilst any works are taking place, all doors and windows must be kept closed when activities are taking place within the building, as such during summer months, an air conditioning system will be required to maintain suitable temperatures within the building. Recommend planning application is permitted but with conditions

8.2 **Welwyn Hatfield Borough Council Landscaping and Ecology Department** – There is no objection to the application on landscape grounds. If approved further details of the landscaping will be required as a condition. This should include: species, sizes, planting locations/densities, planting methods and aftercare

8.3 **Planning Policy** – In terms of the current position on employment land supply, the Council now expects there to be a small shortfall by the end of the plan period (2032). This has been brought about by losses of offices to residential through permitted development rights, as well as the need to grant planning permission for other changes of use on employment land where applicants are able to demonstrate a lack of short-term demand for their premises. In response to questions from the Inspector for the Council's current Local Plan Examination (Document EX11), the Council has had to accept that the shortfall in land supply means that the borough's long term need for new jobs may not now be met in full.

This differs from the position as recently as 2014, when the Council's Economy Study indicated that there would be a small oversupply of employment land in the borough by the end of the plan period. It is therefore important that the Council takes advantage of opportunities to boost the supply of employment floorspace around the borough whenever possible. This will clearly need to be balanced against amenity (and other) issues that this proposal raises, but I would suggest that the benefits of this proposal for employment floorspace supply should be given quite a high degree of weight.

9 Analysis

9.1 The main planning issues to be considered are:

1. **The principle of the development (National Planning Policy Framework 2012; Policies SD1, EMP1, EMP8 of the Welwyn Hatfield District Plan 2005 and Policies SP1, SP2 SP8 of the emerging Local Plan 2016).**
2. **Whether or not the scheme incorporates high quality design in accordance with the principles of the Welwyn Hatfield District Plan (2005) and relates to the character and context of the area (D1, D2, D8, EMP13, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))**
3. **Impact on living conditions and residential amenity of neighbouring properties (D1, R19, R20, SPD)**
4. **Access, Impact on the Highway and Parking (M14 and SPG)**
5. **Other Considerations**

1. The principle of the development

9.2 The main issues in this case relate to the acceptability of the proposal in the light of the policies contained in the adopted District Plan and the emerging Local Plan.

- 9.3 Policy EMP1 identifies those geographical areas of the Borough within which favourable consideration will be given to proposal for employment generating development. This is also amplified in Policy SP8 of the emerging Local Plan. The application site lies outside of those areas.
- 9.4 Policy EMP8 indicates that proposals for new employment development or redevelopment outside of Employment Areas will only be permitted where all of the following criteria are met:
- (i) *The development would be of a similar scale to the existing activities on the site;*
 - (ii) *The development would not have any adverse effects on the residential amenities of any nearby properties;*
 - (iii) *The development would provide adequate parking, servicing and access arrangements and would not have an adverse impact on the highway network, including highway safety.*

Criteria (i)

- 9.5 In dismissing the 2002 change of use of land to hard surfacing for storage, to provide additional parking for the applicant's coaches application, the Inspector agreed with officer assessment, noting that both adopted and emerging local plan policy indicated that there was an ample supply of existing employment land. See paragraph 4.1.
- 9.6 However, there has been changes to planning legislation after the 2002 refused scheme. There is now the National Planning Policy Framework 2012 (NPPF) and the District Plan has been reviewed and in its submission stage and undergoing Examination in Public. Evidence presented at the Examination indicate that the situation has altered considerably since the 2002 decision and there is now an identified need for more employment land.
- 9.7 The supporting text for Policy SP8 of the emerging Local Plan recognises this changing situation. Paragraph 10.7 states that..."It is clear that the Council cannot meet its full requirement for employment floorspace without having to designate further sites in the Green Belt."
- 9.8 In terms of the current position on employment land supply, the Council now expects there to be a small shortfall by the end of the plan period (2032). This has been brought about by losses of offices to residential through permitted development rights, as well as the need to grant planning permission for other changes of use on employment land where applicants are able to demonstrate a lack of short-term demand for their premises.
- 9.9 The Council Planning Policy Team has advised that in response to questions from the Inspector for the Council's current Local Plan Examination, the Council has had to accept that the shortfall in land supply means that the borough's long term need for new jobs may not now be met in full; that this differs from the position as recently as 2014, when the Council's Economy Study indicated that there would be a small oversupply of employment land in the borough by the end of the plan period. It is therefore important that the Council takes advantage of opportunities to boost the supply of employment floorspace around the borough whenever possible. On this basis therefore, subject to an

assessment of the impact on adjoining occupiers, it is considered that the principle of the use of site for business purposes is, in this instance, acceptable. The land is directly adjacent to an existing Employment Area, not accessible to local residents and provides no public amenity value.

2. Whether or not the scheme incorporates high quality design and relates to the character and context of the area (D1, D2, D8, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))

- 9.10 In the submitted Planning Statement, the applicant stated that the proposed workshop is required to support the repair and maintenance of the applicant's coaches; that the existing workshop is not large enough for vehicles to drive inside and so work needs to be carried out in the open. Certain activities, such as the repair of brakes, cannot be done when it is raining and this can cause operational problems when there are spells of bad weather. As such, it is considered that the proposed development meets criteria (i) of Policy EMP8 of the District Plan as it is of *similar scale to the existing activities on the site* and would support the functioning of an established local business. This improvement is supported by the NPPF, which at paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.
- 9.11 The appearance of the proposed building would reflect its functional requirements. Nonetheless it would incorporate a good design which would compare favourably to other buildings within the Employment Area. The proposal would therefore preserve the character and appearance of the locality.

3. Impact on living conditions and residential amenity of neighbouring properties (D1, R19, R20, Supplementary Design Guidance (SDG) and National Planning Policy Framework (NPPF))

Criteria (ii)

- 9.12 With regard to criteria (ii) which *requires development not have any adverse effects on the residential amenities of any nearby properties*, the current use of the application site and its impact on neighbouring residential properties by way of noise pollution is a material consideration in this context.
- 9.13 The height of the proposed building has been reduced from 5.6m to 5.15m following negotiation with Officers. The new building would have a shallow curved roof, a width of 11.5m and a length of 20m. The materials would comprise powder coated cladding and roof. It would be set a minimum 2.5m from the shared boundary with adjoining residential properties and at least 28m from the rear wall of the nearest residential dwelling. It would be set approximately 450mm below the existing ground level and due to the changes in ground level east of the site, its ridge height would be at least 750mm lower than those of the adjoining dwellings. Although the proposed building would be readily visible from the rear gardens of these properties, given its low height, distance from their rear wall, private garden area and rear habitable windows, it is considered that this distance (28m) would be sufficient to ensure that the building would not be visually obtrusive or overbearing to any neighbouring occupiers, and as such not warrant a refusal on this ground.

- 9.14 A coach and Mini-bus hire business have been operating from this premises for over 20 years. Notwithstanding its proximity to residential properties, its operating hours and mode of operation are not controlled by planning condition aside those controlled under the Environmental Health Act. There is currently no restriction on operating hours. The main issue raised in the representations by local residents has to do with noise and air pollution from the current use of the site/premises. Although, the Council cannot impose any restriction on the operation mode of the business being an established and authorised use within a designated industrial area, the applicants have agreed to the imposition of conditions to control the current activities within the application site as a quid pro quo. The agreed control would restrict the time repairs, servicing or cleaning of vehicles can take place outside of the proposed building to the hours of 10am – 5pm Monday to Friday only and at no other time weekends, Bank or Public Holidays This application therefore provides the opportunity to control once and for all aspects of the business operation to mitigate against the pollution currently experienced by occupiers of neighbouring residential properties.
- 9.15 Regarding the current use of the site, repairs and maintenance of the coaches are carried out in the open on a strip of hardsurfacing between the offices and the workshop. Whilst it is proposed to maintain this strip of hardstanding, it would also serve as access to the new workshop following part demolition of the existing single-storey workshop to increase the width of the existing access for the coaches.
- 9.16 It is noted that the new building would be only 28m from the rear wall of the closest residential property and adjacent to the gardens of those properties where it is reasonable to expect residents to have the ability to sit out and enjoy their gardens. This is a material consideration.
- 9.17 There is some concern as the proposal would bring the industrial area closer to the residential properties. However, the proposal would reduce the level of open maintenance works from this site as maintenance and repair of coaches and buses would mostly take place indoors allowing for conditions to be imposed on manner of use of the site including the current operations. In addition, the submitted acoustic report mentions some points which will provide a potentially better level of amenity (in acoustic terms only) from ensuring that the works take place inside and that the proposed building will act as a barrier to noise on the existing site and from other industrial units nearby. The proposed building would have sound insulation and air-conditioning. This noise attenuation measure is considered acceptable by the Council's Environmental Health Officer provided all doors and windows are kept closed when activities are taking place within the building and air conditioning system installed so as to maintain suitable temperatures within the building during the summer months.
- 9.18 Under certain circumstances and if managed correctly, also taking into account the industrial nature of the area, albeit this being on the boundary, makes the proposed hours not wholly unreasonable considering the noise attenuation measures proposed. Whilst there is some concern raised in this respect, it is considered not sufficient to warrant a refusal of the scheme when the environmental benefits brought about by the opportunity to control aspect of the

current operational use of the site as a result of this proposal is taken into account.

- 9.19 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 and imposed requiring details of any external lighting to be submitted and approved prior to their installation.
- 9.20 Having regard to the above, it is considered, that subject to conditions such as ensuring the construction of the building is carried out to the necessary specification, the development would not detrimentally impact upon neighbouring amenity in terms living conditions and noise and light nuisance. As such, the proposal complies Criteria (ii) of Policy EMP8 and the above stated local and national policies.

4. Access, Impact on the Highway and Parking (M14 and SPG)

Criteria (iii)

Unlike the refused 2002 application the proposal does not seek to provide additional parking for the coach hire business. The internal vehicular arrangements would be removed/amended by the part demolition of the existing workshop. There is currently a very narrow access to the yard at the rear, which according to the applicant, barely accommodates the largest coaches and this would be increased by approximately 1.5m in width. The proposal would therefore result in a small benefit to internal vehicular safety. The Highways Authority have not raised any fundamental concern about the proposal and advised that the proposal is acceptable on highways ground. It is considered that the proposed scheme complies with relevant Council policy.

5. Other Considerations

- 9.21 Landscaping – 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.’
- 9.22 The site has perimeter trees, shrubs and undergrowth around its boundary. There are no trees within the application site but outside its boundary. These trees are very important as a whole and in their role as screening and buffer between residential and industrial land uses. There are some 11 trees in the strip of land to the west of the application site. The proposed layout shows the trees will be retained. However, given the close proximity of the new building to the trees and 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. Also, the layout of the building gives rise to improved screening along its western and northern boundary. A Landscaping Plan and planting schedule will also be required.
- 9.23 Flood Risk / Surface Water Drainage – The application site is not located within flood zone 2 or 3 and the area is not known to have critical drainage problems.
- 9.24 Land Ownership – Representations have been received regarding ownership of the site. The applicant has signed ‘Certificate A’ section of the application form implying the entire application site is under their ownership. Officers have no

evidence to doubt this more so, as the grant of planning permission does not override any covenant and property rights on the land. In addition, issue of land ownership forms no basis in the consideration of this application.

Conditions

- 9.25 The National Planning Policy Guidance 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 both 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 principle of an industrial development outside designated Employment Area has been considered and found the reduction in the availability of employment land in the District would justify the change of use on a site adjacent to, but outside, the designated Employment Areas.
- 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. The environmental noise assessment demonstrates that the proposal would cause no undue noise and disturbance to neighbouring occupiers. Subject to conditions, the development would not detrimentally impact upon neighbouring amenity in terms living conditions and noise and light nuisance.
- 10.3 The proposal affords the opportunity to impose a condition on the overall use of the site to mitigate the level of nuisance currently experienced by neighbouring occupiers. The proposal is considered would improve immensely the quality of living condition of local residents than currently experienced. 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 granted subject to the following conditions:
1. Prior to the commencement of the development the applicant shall submit to, for approval in writing by the Local Planning Authority, details relating to the external

lighting scheme (including vertical lux diagrams). This scheme must meet the requirements within the Institution of Lighting Engineers guidance notes for the reduction of obtrusive lighting. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area and to protect the amenity of the existing residential properties in the near vicinity to the development in accordance with Policies D1 and R20 of the Welwyn Hatfield District Plan 2005.

2. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority, details relating to noise from plant and equipment to be installed at the premises with evidence in the form of an acoustic report showing that noise emissions from plant and equipment will be 10dB (LAeq) below the background noise level (LA90) at the nearest residential property.

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

3. Prior to the commencement of the development the applicant shall submit to, for approval by the Local Planning Authority, details relating to scheme for sound insulation for the building. This scheme must take into account all potential noise sources both from vehicle engines, impact noises and other equipment or tools which will be used. The development shall not be carried out other than in accordance with the approved details.

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

4. (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be pruned other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 (Tree Work).

(b) If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details to be approved in writing by the Local Planning Authority to comply with the recommendation of British Standard 5837:2012 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition, retained tree or shrub, means an existing tree or shrub, as the case may be, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of [five years] from [the date of the occupation of the building for its permitted use].

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

5. 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 [earthworks to be carried out]
- (b) means of enclosure and boundary treatments
- (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 and a method statement showing tree protection measures to be implemented for the duration of the construction
- (g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing
- (h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- (i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- (j) location of service runs

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.

6. A landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing prior to the occupation [of the development] [of any phase of the development].

The landscape management and maintenance plan shall not be carried out other than in accordance with the approved details.

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies R11 and D8 of the Welwyn Hatfield District Plan 2005.

7. Doors and windows are to be kept closed at all times that any fabrication, cutting, grinding or similar works associated with business are taking place, such as during the use of power tools, hammering, pneumatic or electrical work equipment and the revving of engines

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

8. No machinery shall be operated (including vehicle movements), no process shall be carried out (except for office work) outside the hours of 07:00 – 19:00 Mondays to Fridays, 08:00 – 13:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

9. Notwithstanding the established use of the application site there shall be no repairs, servicing or cleaning of vehicles outside of the proposed building including area marked Zone 3 on approved drawing no. 458-15-B outside the hours of 10am – 5pm Monday to Friday. In addition no repairs, servicing or cleaning shall occur at weekends, Bank or Public Holidays.

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

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the units as motor vehicle/coach maintenance workshop and for no other use or purpose.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these Orders in the interest of protecting the residential amenity of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no extensions or external alterations shall be carried out (other than those expressly authorised by this or any other express permission) in/on the application site marked out in red on Location Plan drawing no. 458-01.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of residential and visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS

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

Plan Number	Revision Number	Details	Received Date
458-02-B		Existing Block Plan	26 October 2017
458-10-C		Proposed Block Plan	26 October 2017
458-11-A		Proposed Floor Plan & Elevations	6 September 2017
458-01		Location Plan	26 May 2017
458-12		Indicative Cross Sections	26 October 2017
24489		Level Survey	26 October 2017
458-15-B		Block plan Outline Landscaping	8 December 2017

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of 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).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
3. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this

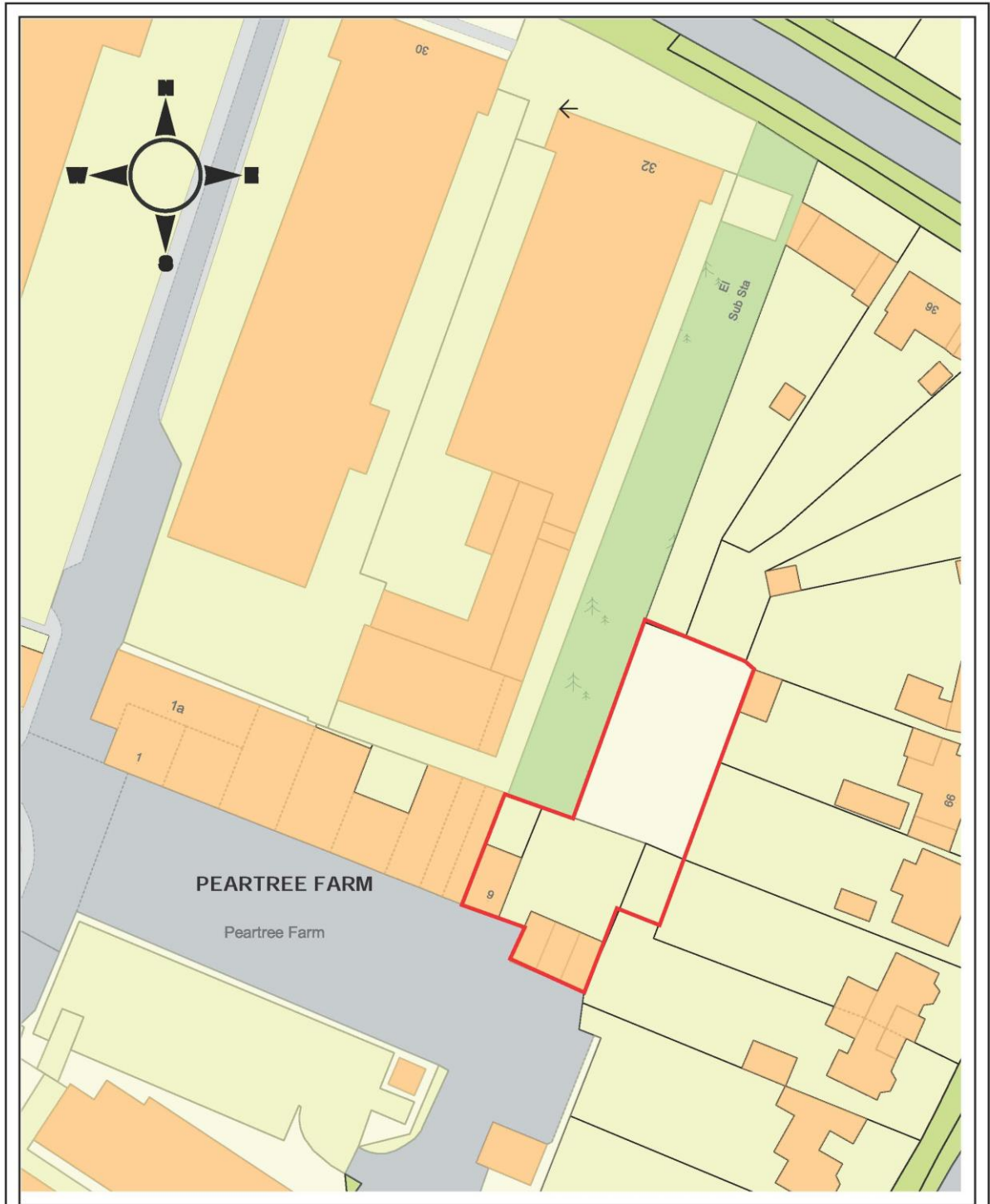
type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.

4. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047. Obstruction of the highway
5. Obstruction of public highway land: 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.
6. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 03001234047.

Raphael Adenegan (Public Protection, Planning and Governance)

Date 4th January 2018

Expiry date 5th January 2018



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

Title: Units 9-11 Peartree Farm Welwyn Garden City		Scale: DNS
		Date: 2018
Project: DMC Committee	Drawing Number: 6/2017/1152/FULL	Drawn: Ida Moesner

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