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3 January 2024

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL DEVELOPMENT MANAGEMENT COMMITTEE to be held on Thursday 11 January 2024 at 7.30 pm in the Council Chamber, Council Offices, The Campus, Welwyn Garden City, Herts, AL8 6AE

A G E N D A P A R T 1

1. APOLOGIES & SUBSTITUTIONS

To note any apologies and substitution of Committee Members made in accordance with Council Procedure Rules.

2. MINUTES

To confirm as a correct record the Minutes of the meeting held on 4th December 2023 (previously circulated).

3. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 14 AND ANY ITEMS WITHDRAWN FROM THE AGENDA

4. DECLARATIONS OF INTEREST BY MEMBERS

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on the Agenda.

5. 6/2022/1355/MAJ FORMER BEALES HOTEL, COMET WAY (Pages 5 - 52)

Report of the Assistant Director (Planning).

6. 6/2023/0907/FULL 59 NEW ROAD, DIGSWELL (Pages 53 - 92)

Report of the Assistant Director (Planning).

7. 6/2023/0894/FULL UNIT 1 51 WELHAM MANOR, WELHAM GREEN (Pages 93 - 124)

Report of the Assistant Director (Planning).

8. 6/2023/0759/VAR CAR PARK HIGH VIEW (Pages 125 - 154)

Report of the Assistant Director (Planning).

9. 6/2023/1809/HOUSE 64 BISHOPS RISE, HATFIELD (Pages 155 - 166)

Report of the Assistant Director (Planning).

10. 6/2023/1090/HOUSE 18 PLOUGH HILL, CUFFLEY (Pages 167 - 176)

Report of the Assistant Director (Planning).

11. PERFORMANCE REPORT (OCTOBER TO DECEMBER 2023) (Pages 177 - 182)

Report of the Assistant Director (Planning).

12. APPEAL DECISIONS (Pages 183 - 186)

Report of the Assistant Director (Planning).

13. FUTURE APPLICATIONS (Pages 187 - 190)

Report of the Assistant Director (Planning).

14. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

15. EXCLUSION OF PRESS AND PUBLIC

The Committee is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 16 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraphs 2 (Information likely to reveal the identity of an individual), and 6 (Statutory notice or order) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART II

16. ANY OTHER BUSINESS OF AN EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

Circulation: Councillors J.Skoczylas (Chairman) F.Marsh
R.Grewal (Vice-Chairman) D.Panter
S.Boulton F.Thomson
J.Broach R.Trigg
H.Goldwater S.Tunstall
S.Kasumu C.Watson
R.Lass

Senior Leadership Team
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Democratic Services, Governance Service on or email – democracy@welhat.gov.uk

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Part I

Main author: David Elmore

Executive Member: Councillor Jane Quinton
(Hatfield Villages)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/1355/MAJ

FORMER BEALES HOTEL, COMET WAY, HATFIELD, AL10 9NG

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 142
RESIDENTIAL UNITS (USE CLASS C3) WITH PRIVATE AND COMMUNAL AMENITY
SPACE, LANDSCAPING, ACCESS, ASSOCIATED CAR AND CYCLE PARKING,
REFUSE AND RECYCLING STORAGE, AND SUPPORTING INFRASTRUCTURE

APPLICANT: HATFIELD PARK HOMES LTD

1 Site Description

- 1.1 The application site has an area of circa 0.64 hectares and is located to the north-west side of Comet Way, close to Comet Roundabout. The site is occupied by the former Beales Hotel; a two-storey building with areas of hardstanding providing associated car parking. There are trees along the boundaries – both inside and outside of the site. The hotel closed in 2020 and currently has temporary planning permission as a hostel (application ref: 6/2021/1164/FULL - expires on 18 June 2024).
- 1.2 Car parking associated with commercial premises at Hatfield Business Park borders the site to the north and west. To the east is a mixed-use development including flats, an Aldi, restaurants, a public house, hotel, and other commercial businesses. Adjacent to the site's north-eastern boundary are three storey residential flats which sit on top of double storey ground floor commercial units (Parkhouse Court). Comet Way (A1001) borders the site to the south and on the opposite side of the road is The Galleria Shopping Centre.
- 1.3 Pedestrian and vehicular access to the site is gained from Comet Way.
- 1.4 The site is outside of both the designated employment area in the Local Plan and the former Hatfield Aerodrome site. Therefore, neither the Hatfield Aerodrome Supplementary Planning Guidance 1999 nor employment land policies in the Local Plan apply to this site.

2 The Proposal

- 2.1 Planning permission is sought for the erection of a 5-7 storey building comprising 142 flats (90 x 1-beds; 50 x 2-beds; and 2 x 3-beds). The seventh floor would however be limited to a lift overrun. The application originally proposed 145 flats (63 x 1-beds; 52 x 2-beds; and 30 x 3-beds), however, following Officer feedback, the overall height and massing of the building was reduced. The quantity of flats were reduced and the size mix was varied as a result of the design changes.

- 2.2 All flats have been designed to comply with Part M4(2) 'accessible and adaptable dwellings' of the building regulations and 10.5% would be Part M4(3) 'wheelchair user' compliant.
- 2.3 Two landscaped courtyards for residents would be provided at ground floor level and roof gardens are included on the fifth floor. Tree planting is incorporated in the proposal, and a net-gain for biodiversity well beyond 10% is achievable on-site.
- 2.4 121 car parking spaces are proposed (105 standard; 15 disabled; and 1 car club). In terms of cycle provisions, 142 secure spaces would be provided for residents and there would be an additional 4 spaces for visitors.
- 2.5 The proposal includes the closure of the existing access to the site on Comet Way, and the provision of a new access 20 metres to the east on Comet Way. The footway / cycleway at the existing access would be reinstated. A 2-metre-wide footway is also proposed at the access to connect to the internal layout from shared footway / cycleway.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Hatfield Town Council have submitted a Major Objection.
- 3.2 This application was due to be presented to Development Management Committee in December 2023, although it was noticed that an amended plan had not been consulted on, and as such, the application was removed from the agenda to allow for a full reconsultation to take place. The only representation received was from Hertfordshire County Council's Highways Team who have raised no objection.

4 Relevant Planning History

- 4.1 Application Number: 6/2022/0424/EIA
Decision: Determined (Not EIA development)
Decision Date: 10 March 2022
Proposal: Request for screening opinion
- 4.2 Application Number: 6/2021/1164/FULL
Decision: Granted
Decision Date: 18 June 2021
Proposal: Change of use and conversion of existing vacant hotel into 53 room hostel and erection of further 40 units of accommodation in the car park for a temporary period of up to 3 years
- 4.3 Application Number: 6/2016/2251/MAJ
Decision: Granted
Decision Date: 04 April 2017
Proposal: Erection of second floor extension to existing hotel, including a further 19 bedrooms and gymnasium (renewal of S6/2013/2174/MA)
- 4.4 Application Number: S6/2013/2174/MAJ
Decision: Granted
Decision Date: 17 January 2014

Proposal: Erection of 2nd floor extension to existing hotel, including a further 19 bedrooms and gymnasium

4.5 Application Number: S6/2010/2070/S73B

Decision: Granted

Decision Date: 11 November 2010

Proposal: Variation of Condition 1 (time extension) to planning permission S6/2007/1492/MA for the erection of 2nd floor extension to existing hotel, including a further 19 bedrooms and gymnasium

4.6 Application Number: S6/2007/1492/MA

Decision: Granted

Decision Date: 18 December 2007

Proposal: Erection of 2nd floor extension to existing hotel, including a further 19 bedrooms and gymnasium

4.7 Application Number: S6/2003/1658/FP

Decision: Granted

Decision Date: 20 January 2004

Proposal: Part demolition of hotel and erection of 34 bedrooms, restaurant, lounge, bar, together with conference facilities (revision to previous planning permission S6/2003/1038)

4.8 Application Number: S6/2003/1038/FP

Decision: Granted

Decision Date: 06 October 2003

Proposal: Part demolition of existing hotel and erection of 34 new bedrooms, restaurant, lounge, bar, and conference rooms

5 Relevant Planning Policy

5.1 National Planning Policy Framework (NPPF)

5.2 National Design Guide 2021 (NDG)

5.3 Local Plan 2016-2036 (Local Plan)

5.4 Supplementary Design Guidance 2005 (SDG)

5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

6 Site Designation

6.1 The site lies within the town of Hatfield as designated in the Local Plan

7 Representations Received

7.1 The application was advertised by means of a press notice, neighbour notification letters and site notice. In total 3 representations have been received which are objections. All representations received are published in full on the Council's website and are summarised below:

Objections

- Loss of sunlight and daylight to flats at Parkhouse Court
- Overshadowing
- Overcrowding of flats
- Overlooking/loss of privacy
- Noise pollution, demolition, and environmental issues would be an issue with this build
- 145 flats up to 7/8 storeys high will cause a major eyesore within Hatfield
- Hatfield lacks adequate infrastructure to support all the new/proposed developments
- Insufficient car parking

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:

- WHBC Public Health & Protection
- WHBC Landscapes Department
- HCC Public Health
- HCC Minerals & Waste
- HCC Growth & Infrastructure
- HCC Historic Environment Advisor
- HCC Ecology
- HCC Highways
- HCC Lead Local Flood Authority (LLFA)
- NHS
- Affinity Water

8.2 The following have responded with comments:

- Thames Water

8.3 The following have responded advising no objection:

- WHBC Client Services
- Place Services (Conservation)
- National Highways

8.4 Historic England responded but stated that in this case they are not offering advice.

9 Town Council Representations

9.1 Hatfield Town Council have raised a major objection to the proposed development for the reasons set out below:

“Whilst noting the improvements to the design, the Committee did not believe they went far enough to allow Members to withdraw the Town Council’s Major Objection. The Committee therefore decided that it would retain the Town Council’s Major Objection to the development.

The Committee welcomed the reduced massing and height and there was much in the design which was positive. However Members felt the access point to the

site off Comet Way remained a major concern. It was acknowledged that changes had been made from the original design and that a Road Safety Audit had been completed and had satisfied officers at the Highway Authority. However Members remained unconvinced that the proposed access arrangements were ideal and would prefer that an alternative approach was taken to ensure the safety of motorist, cyclist and pedestrians. For this reason Members have decided to retain their Major Objection to the development.

Members also expressed their disappointment that there were no social housing included in the development. Whilst acknowledging that the inclusion of social housing was only mandated if certain economic viability criteria was met, Members would encouraged the developers to reconsider and reassess the case for their inclusion.

Although Members noted the efforts by the developers to create a sustainable development with their choice of materials, they believed more could still be done to encourage sustainable travel and low carbon energy, and ensure the expected increase use of EV vehicles is facilitated and supported in future years.”

10 Analysis

10.1 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) Housing mix**
 - ii) Flood risk and sustainable drainage**
 - iii) Ecology**
 - iv) Archaeology**
 - v) Contaminated land**
 - vi) Sustainability requirements**
 - vii) Waste management**
 - viii) Environmental Impact Assessment**
 - ix) Town Council and neighbour representations**
- 6. Planning obligations**
- 7. Planning balance and conclusion**

1. Principle of the development

- 10.2 The site lies within the town of Hatfield as defined in the Local Plan. Policy SP 3 of the Local Plan states that, consistent with the settlement hierarchy, the primary focus for new development will be in and around the two towns of Welwyn Garden City and Hatfield where accessibility to strategic transport networks and public transport is good and the greatest potential exists to maximise accessibility to job opportunities, shops, services, and other facilities, and to create new neighbourhoods with supporting infrastructure.
- 10.3 The application site is not allocated for housing in the Local Plan and therefore comes forward as windfall development. Policy SADM 1 states that planning permission for residential development on unallocated sites will be granted provided:
- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply;
 - ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
 - iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
 - iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
 - v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.4 The site is previously developed and would not undermine the delivery of allocated sites or the overall strategy of the Plan, and nor would in result in disproportionate growth taking into account the position of Hatfield within the settlement hierarchy.
- 10.5 The development will be accessible to a range of services and facilities by transport modes other than the car. The site is located within close walking distance to The Galleria Shopping Centre and a supermarket (Aldi). There are a number of bus stops within convenient walking distance which provide frequent services to the town centre of Hatfield, its rail/bus station, Welwyn Garden City and St Albans. A cycle path also links Comet Way to the town centre of Hatfield. Future occupiers would be able to access a diverse range of services and facilities without reliance on the private car as a means of transport. The site is sustainable from a movement perspective.
- 10.6 Subject to an effective S106 to secure sufficient infrastructure capacity, it is considered that the proposal would represent an appropriate windfall development in accordance with Policy SADM 1.

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

- 10.7 Policy SP 9 of the Local Plan states that proposals will be required to deliver a high-quality design that fosters a positive sense of place by responding to the following principles (where applicable) in an integrated and coherent way:
- Respond to character and context.
 - Legible, permeable, and well connected.
 - High quality public space and landscaping
 - Space for nature
 - Safe and secure
 - Healthy and active
 - Building function and form
- 10.8 Additional principles regarding ‘vibrant and diverse’, ‘taller buildings’ and ‘masterplanning’ are included in Policy SP 9 but are not considered applicable in this case. Policy SP 9 is broadly consistent with the NPPF.
- 10.9 The supporting text to Policy SP 9 outlines that development proposals should be informed by the Council’s SDG and Supplementary Planning Documents, amongst others.
- 10.10 The Council’s SDG includes information about the character and context of areas in the borough. The National Design Guide 2021 (NDG) is also a material consideration. The NDG outlines that good design involves careful attention to the context for places and buildings and hard and soft landscape (amongst others), and a well-designed place is made up of the following components: layout, form, scale, appearance, landscape, materials, and the details of the building.
- 10.11 The NPPF is broadly consistent with the above.

Respond to character and context/building form and function

- 10.12 The immediate locality is mainly characterised by large commercial and flatted development of varying design, set back from Comet Way. The flatted development to the immediate north-east/east of the site (Parkhouse Court) is a four-storey building faced in buff brick and white render with elements of green and light grey cladding. The commercial units at ground level are glazed in dark grey aluminium, while the flats above have white aluminium frames. The Parkhouse Court building is approximately 18 metres in height. Within the same mixed-use development is a Travel Lodge hotel of similar height, design, and appearance. On the other side of Comet Way is The Galleria shopping centre. This building is faced in light grey cladding below a flat and curved roof. The part

of The Galleria facing the site is up to approximately 20 metres in height. To the immediate west/south-west of the site are four, four-storey commercial buildings associated with Hatfield Business Park which are faced in light grey cladding and glazing. Each of these buildings are approximately 19.8 metres in height (inclusive of enclosed plant).

- 10.13 Immediately beyond the Travel Lodge hotel to the north-east of the site, planning permission has been granted for a building up to 7 storeys (21.5 metres) for 118 flats (application ref: 6/2020/3222/MAJ) and is currently under construction.
- 10.14 The proposed building would be between 5-6 storeys in height (excluding staircase overruns to provide access to the roof and roof gardens), and the six storey elements would be set well back from Comet Way – located centrally and to the rear portions of the block. The sixth story would also be set in/back from the lower levels to provide visual relief. The five storey elements of the building would be approximately 18 metres in height and the 6 storey elements would be approximately 21.8 metres in height.
- 10.15 The development proposal would integrate well with the existing built environment. The careful siting and design of the building will also ensure that it does not appear unduly dominant in the street scene. The proposed layout also achieves an acceptable balance between built form and open space in this large built-up urban location and would not result in overdevelopment of the plot.
- 10.16 In terms of appearance, the building would be faced in a blend of yellow and cream bricks, and a green glazed brick would be used to highlight the main entrance. Window frames would be aluminium in a dark grey colour. Fenestration and balconies would be framed in a dark grey tone to provide contrast to the lighter selection of brick tones. The subtle variation in brick tones, recessed brick panels, deep reveals to openings, and combination of recessed and simple steel balustrades to projecting balconies provide articulation to the building.
- 10.17 It is considered that the height, mass, scale, and appearance of the development proposal would respect neighbouring buildings and the surrounding context. High quality materials are proposed, and details of all external materials/external decoration can be secured by planning condition to ensure such quality is followed through. The proposed architectural design would create a coherent and attractive building of high quality.
- 10.18 The approach to the proposed development is accessible by foot and bicycle, and adequate internal amenity and functionality would be provided for occupiers and users.

Legible, permeable and well connected

- 10.19 There are four separate entrances leading to main cores, connecting the ground floor car parking level with upper courtyard and flats above. All external entrances would be highlighted by a green glazed brick frame, and signage in a light metal finish would be included to reference the cores name.
- 10.20 The double height main entrance is situated at the south-east corner - close to and orientated toward the single access to the site. The main entrance and leads to the first-floor courtyards and all cores.

- 10.21 Pedestrian access would be provided to each core entrance and the internal layout is not complicated.
- 10.22 Permeability at the site is restricted due to two of the four boundaries facing car parks and another boundary facing a service area associated with commercial premises at Parkhouse Court. Notwithstanding this, the internal layout has been designed to be safe and suitable for pedestrians, cyclists, and mobility users to move through and a 2-metre-wide footway/cycleway is also proposed at the access to connect into the existing route network.

High quality public space and landscaping

- 10.23 The proposal does not include any public open space. However, this is not unexpected considering the location and size of the site, as well as constraints from adjoining uses. The absence of public open space needs to be balanced against the national policy requirement for decisions to promote an effective use of land in meeting the need for new homes. It is not considered in this case that the lack of public space would result in the scheme representing a poor standard of design.
- 10.24 It is also a salient point that there are public open spaces in proximity to the site, including Ellenbrook Fields, Ellenbrook Recreation Ground and playgrounds at Tiger Moth Way and Barlow, which are accessible on foot and bicycle from the site. Communal amenity spaces totalling almost 1490sqm are also designed into the proposal development which will promote the health and wellbeing of residents. These spaces will include outdoor furniture and the first-floor courtyards will include child play equipment.
- 10.25 In terms of landscaping, the proposal has been supported by a Landscape Design Strategy which will improve the landscaping of the site. The Council's Landscapes Department have reviewed the submission and consider the landscape proposal to be appropriate and sufficient in this case.

Space for nature

- 10.26 Landscaping is proposed for the courtyards and pocket gardens on various floors and roof terraces. This will include native species, plants good for pollinators, and green roofs. Existing trees will be retained where possible, and replacement trees are proposed for trees being removed. 28 new trees will be planted in total including English oak. This has been welcomed by Hertfordshire Ecology in their consultation response.
- 10.27 Several appropriate biodiversity enhancements have been made including appropriately located native-species and nectar rich planting, integrated bat, and bird boxes (including for swifts) within the fabric of the new building, and invertebrate boxes.
- 10.28 The application has also been supported by a Biodiversity Net Gain Report demonstrating that the proposal will enhance the site for biodiversity. A significant net gain biodiversity would be achieved (479% net gain).
- 10.29 Reasonable precautionary measures are set out in the submitted Ecological Impact Assessment to ensure that legally protected species (such as nesting birds) are not harmed.

10.30 Hertfordshire Ecology have been consulted for this application and have recommended conditions to secure the precautionary measures, biodiversity enhancements, and net gains for biodiversity.

Safe and secure

10.31 Building entrances and public spaces are appropriately sited and designed to help maximise natural surveillance and a sense of safety. An external lighting scheme to support safety and security will also be secured by condition.

10.32 All routes are clearly defined and overlooked by units located on ground and first floor and also floors above. The internal courtyard located on the first floor is overlooked by first floor units as well as by dwellings above and the same principle applies to the fifth-floor communal terraces. This will provide natural passive surveillance to all communal amenity areas.

10.33 All entrance lobbies will be equipped with video and fob controlled access. Access to the communal areas, cycle and bin stores, and delivery room will also be further restricted by the fob access.

10.34 All external entrance doors and windows at ground floor and facing communal amenity on first and fifth floors will be Secure by Design accredited. The proposal will comply with the approved Building Regulation document Q, Security-Dwellings.

10.35 Hertfordshire Constabulary have been consulted for this application and are fully supportive of the proposal from a crime prevention perspective.

Healthy and active

10.36 The proposed design incorporates functional communal amenity areas for residents which are accessible from all cores. The main communal area located on the first-floor deck promote play and physical activity, while the roof gardens would be more relaxation and social spaces.

Conclusion

10.37 Having regard to all the above and, subject to the suggested conditions, it is considered that the proposed development would respect the character and context of the area and accords with the thrust of Policy SP9 of the Local Plan, the Council's SDG, national design guidance and the NPPF.

3. Residential amenity

10.38 Policy SADM 11 of the Local Plan concerns amenity and layout and states (where relevant) that:

- i. All development will be required to create and protect a good standard of amenity for buildings and external open space in line with the SDG, and in particular should ensure:
 - a. The levels of sunlight and daylight within buildings and open spaces, and garden areas in particular, are satisfactory.
 - b. Dwellings are dual aspect, wherever feasible, in order to enable passive ventilation and avoid the need for mechanical ventilation, subject to any noise and air pollution mitigation measures that are required to make the proposal acceptable.
 - c. External private or communal garden space, in its extent and design, meets the reasonable needs of its users
 - d. A reasonable degree of privacy to new and existing private living space and the main private garden area, with overlooking limited to an acceptable degree. The design of new communal garden areas should seek to create spaces that provide opportunities for privacy or seclusion for residents, particularly where residents do not have access to private balconies or other private external space.
 - e. New development is not overbearing upon existing buildings and open spaces.
 - f. The outlook and visual amenity afforded from within buildings and private/communal garden areas should be satisfactory, taking account of the relationship with neighbouring buildings and the wider street scene, including the design of parking, boundary treatments and landscaping.
 - g. Shared circulation space and routes to private entrances within flatted development should be of sufficient width, be welcoming, and be naturally lit wherever possible.
- ii. As a minimum, all proposals for C3 dwellings will be required to meet the Nationally Described Space Standard, unless it can be robustly demonstrated that this would not be feasible or viable.

10.39 Policy SADM18 states that proposals that would result in or be subject to noise pollution and/or vibration that is:

- i. Very disruptive and would have an unacceptable adverse effect on human health or the natural environment will not be permitted.
- ii. Disruptive and would have a significant adverse effect on human health or the natural environment will be refused unless the need for, and benefits of, the development significantly outweigh the harm and all feasible solutions to avoid and mitigate that harm have been fully implemented.

- iii. Intrusive and would have an adverse effect on the quality of life or the natural environment will be resisted unless all feasible solutions to reduce to a minimum and mitigate that harm have been fully implemented, including the use of planning conditions.

10.40 Paragraph 130(f) of the NPPF outlines, amongst other things, that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Sunlight and daylight

10.41 The originally submitted proposal was supported by daylight and sunlight reports (by Anstey Horne, June 2022) covering within the proposed dwellings and proposed amenity spaces, and neighbouring properties facing the development at Parkhouse Court where daylight and sunlight considerations would be most relevant. These reports were reviewed by external consultants (Rapleys) instructed by the Council.

10.42 The Building Research Establishment (BRE) provides guidance on site layout planning to achieve good sunlighting and daylighting (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011 & 2022). As stated in the introduction "*The advice given...is not mandatory...*" and the guidelines "*...should be interpreted flexibly...*".

10.43 For within the proposed dwelling and proposed amenity spaces, Target Illuminance (TI) and Daylight Factor (DF) methodology information have been submitted in line with the BRE guidance. For neighbouring properties, Vertical Sky Component (VSC), Daylight Distribution (DD) and resulting Contour Plans, and Annual Probable Sunlight Hours (APSH) methodology information have been submitted in line with the BRE guidance.

10.44 In terms of TI, minimum illuminance recommendations for daylight provision within UK dwellings are as follows: Bedrooms: 100 lux; Living rooms: 150 lux; Kitchens: 200 lux.

10.45 In terms of DF, this is primarily used for calculating daylight provision in new rooms.

10.46 In respect of VSC, if with the new development in place it would be less than 27% and less than 0.8 times its former value then occupants of the existing buildings will notice the reduction in the amount of skylight. It may however be appropriate to use less than 27% in certain circumstances.

10.47 The DD test calculates the area of the working plane inside a room that will have a direct view of the sky. If the area of an existing room which does not receive direct sunlight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants and more of the room will be poorly lit. Contour Plans show where light falls within a room, both in the existing and proposed conditions.

10.48 APSH seeks to identify if a dwelling will appear reasonably sunlit.

10.49 In terms of internal daylight to proposed rooms, a total of 195 rooms on various floors were assessed and this sample selection was considered reasonable by the Council's consultants. Rapleys considered that overall, the development

performs reasonably well in terms of daylight and the accommodation for the proposed flats as a whole should allow sufficient occupier use.

- 10.50 Regarding sunlight to proposed rooms, this is dependent on orientation which will result in numerous rooms having inherently restricted access. The review by Rapleys suggested that a majority of the proposed accommodation will meet the minimum standard and considered that the sunlight levels to the development to be in line with BRE guidance.
- 10.51 For communal gardens and open spaces within the development, all met the recommendations set out in BRE guidance.
- 10.52 In terms of the impact of the original proposal on neighbouring properties at Parkhouse Court, Rapley's review advised that there would be numerous and large transgressions below BRE guidance for both daylight and sunlight, which will be noticeable and make parts of the rooms assessed feel gloomy, especially on lower floors.
- 10.53 Considering the feedback from the Council's consultants regarding the negative impact of the development on neighbouring properties at Parkhouse Court, the proposal was reduced in height and massing. The sixth-floor residential accommodation was removed in its entirety and large sections of the fifth floor located nearest to Parkhouse Court were also removed.
- 10.54 Updated results on the revised scheme were submitted which showed marked improvements for both daylight and sunlight to affected properties in Parkhouse Court in terms of VSC, DD and ASPH. Although with the VSC assessment, there is not as dramatic an increase as the overall adherence percentage as the other assessments, more windows would sit only marginally outside the 0.8 guideline and retain higher absolute VSC values than the original scheme.
- 10.55 It is noted (and accepted in the Rapleys review) that the existing windows and rooms assessed at Parkhouse Court benefit from unusually high levels of daylight amenity and, consequently, this can create an overly high expectation on a neighbouring development to adhere with BRE guidelines. Moreover, appeal decisions have said that maintaining satisfactory levels of daylight in neighbouring properties and preventing unacceptable harm must take into account the context of the surroundings of a site, and that retaining a VSC of 27% in neighbouring properties is unrealistic in dense urban environments.
- 10.56 The greatest loss of daylight would be felt within the living/kitchen/diners (LKDs) of three flats at first floor level and three flats at second floor level of Parkhouse Court facing the development. These LKDs have a deep open plan layout and open out onto balconies. The kitchens are positioned toward the back of the room and this is where the loss of daylight would be mainly experienced.
- 10.57 Regarding deep rooms, the BRE guide advises that light penetration into deep rooms lit from one side only may be unavoidably affected. It states:
- "The guidelines ... need to be applied sensibly and flexibly. There is little point in designing tiny gaps in the roof lines of new development in order to safeguard no sky lines in existing buildings. If an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable."*

- 10.58 In this case, the LKDs affected within Parkhouse Court are greater than 5 metres deep. While the flats would undoubtedly experience a loss of daylight to the LKDs, it is considered that the reduction in daylight would not be so significant to result in harm to the living conditions of the occupiers of these properties.
- 10.59 Having regard to all the above, it is considered that the levels of sunlight and daylight received to the proposed flats, communal areas and open spaces would be satisfactory. The resultant levels of sunlight and daylight received to neighbouring properties would also be satisfactory.

Dual aspect and ventilation

- 10.60 A significant majority of the proposed flats would be dual aspect/orientation. In flats where this is not feasible, each would have a functional balcony. Acceptable internal noise levels (with windows closed) can be achieved through the selection of suitable glazing and acoustic and non-acoustic treated trickle ventilation where necessary. Opening of windows will likely exceed relevant noise level standards, however there is no evidence to indicate that windows will be required to be closed most of the time because of noise.
- 10.61 The Council's Public Health & Protection Team have been consulted for this application and recommend pre-occupation noise testing to ensure that the predicted noise levels indicated in the submitted Noise Assessment (with proposed façade specifications installed) are met.
- 10.62 Mechanical ventilation will be required under Part F of the Building Regulations but, importantly, is not identified as a measure to mitigate against external noise, and so would not conflict with Policy SADM11. Mechanical ventilation can be noisy and, therefore, a condition can ensure that internal noise levels within flats, with mechanical ventilation installed, does not exceed relevant standards.
- 10.63 New plant and equipment are another potential source of noise for future occupiers. A condition is required to ensure that their installation would not be unacceptable in this respect.
- 10.64 Many of the proposed apartments will have access to balconies and to the communal amenity space in the courtyard areas and at roof level. The external noise levels at balconies overlooking the north and south of development will exceed relevant standards. The same standards however state that:
- "In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited".*
- 10.65 Therefore, exceeding recommended standards/guidance does not necessarily mean that the balconies would be unacceptable to future occupiers.
- 10.66 It is appreciated that there will be a greater tolerance and acceptance for balconies in this urban area of Hatfield adjoining the A1000, and the preference for occupiers of flats would be to have a balcony. Many of the balconies proposed would be recessed which will provide more noise screening. It is also

noted that the development also provides alternative communal amenity space where predicted noise levels are indicated to be lower than desirable levels. Having regard to these factors, it is considered that the balconies would not be unacceptable in terms of their impact on the living conditions of future occupiers.

- 10.67 Subject to the suggested conditions, it is considered that the proposal would comply with criteria (b) of Policy SADM11 and would not give rise to unacceptable noise levels for future occupiers.

External private or communal garden space

- 10.68 External private space (via external/recessed balconies) and communal garden spaces are incorporated into the design. There is scope for the rooftop gardens to provide more hard landscaping (picnic tables and benches) than what is shown on the outline hardworks plan, as well as areas for privacy and seclusion. Such additional features will promote their use as amenity spaces and can be secured through a planning condition. Overall, the extent and design of these areas would meet the reasonable needs of users.

Privacy, overbearing impact, and outlook

- 10.69 Within the internal courtyard, there would be an approximate 20 metre separation distance between living spaces and hedges would be planted in front the windows at surface level. This separation distance and planting measures will ensure that there are no privacy/overlooking issues arising from within the development. The separation distance will also ensure that the facing flats would not appear overbearing in relation to one another, and outlook would be satisfactory.
- 10.70 The only neighbouring properties which may be affected by the development are the flats sited nearest within Parkhouse Court. The separation distance between windows at the development facing directly toward windows at Parkhouse Court would be approximately 22 metres and the would be existing (retained) and proposed tree screening along the shared boundary. A planning condition can also ensure that the proposed landscape planting is implemented and retained long term. Such measures would prevent any adverse impact in terms of privacy/overlooking. There are other windows at the development which would face toward Parkhouse Court (and vice-versa), but views would be oblique, and the separation distances would be sufficient.
- 10.71 Furthermore, the proposed development would not appear overbearing upon existing buildings having regard to its siting, layout, height, proximity, and intervening landscaping. For the same reasons, the resultant outlook from neighbouring flats at Parkhouse Court and other neighbouring buildings would not be harmed.
- 10.72 The location and luminance of external lighting on-site can also have the potential to have an adverse impact on the living conditions of future occupiers and existing residents. Details of external lighting on-site is to be secured by planning condition.

Circulation space

- 10.73 The shared circulation space and routes to private entrances within the flatted development are sufficient width and be naturally lit wherever possible.

National Described Space Standards (NDSS)

- 10.74 All apartments have been designed to meet the NDSS and will enjoy generous floor to ceiling heights of 2.5m.
- 10.75 Concluding on the above, it is considered that the proposed development would provide acceptably living conditions for future occupiers and the living conditions of neighbouring properties would not be harmed.

4. Highways and parking considerations

Highways

- 10.76 Paragraph 110 of the NPPF states that developments should ensure *“safe and suitable access to the site can be achieved for *all* users”*, and that *“appropriate opportunities to promote sustainable transport modes can be – or have been – taken up”*. It references the new National Model Design Code, of which key quotes include: *“New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes”* and *“all streets should be accessible to all members of the community”* (paragraph 59 part 1); plus *“walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less”* (paragraph 33 part 2).
- 10.77 Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 10.78 Paragraph 112 goes on to states that *“Within this context, applications for development should:*
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”*.
- 10.79 Policy SADM2 of the Local Plan concerns the highway network and safety and is consistent with the NPPF.

- 10.80 The application has been supported by a Transport Statement (by RSP Group, May 2022) which has been assessed against the transport elements of the following national/local policies and technical guidance documents:
- NPPF;
 - Planning Practice Guidance (NPPG) 'Travel Plans, Transport Assessments and Statements in Decision-Taking' (March 2014);
 - Hertfordshire Local Transport Plan (2018); and
 - WHBC Local Plan

10.81 HCC Highways have been consulted for the application and do not wish to restrict the grant of planning permission subject to conditions and planning obligations. Planning conditions have been recommended to secure: the new access and measures identified through the Road Safety Audit review; electric vehicle (EV) charging provision for each parking space; and a construction management plan.

Trip generation

10.82 The Transport Statement includes a net trip generation assessment based on calculating number of trips generated by the existing permitted land use (hotel) and the proposed land use (residential). The Highway Authority are satisfied the net vehicle trip increase of +20 in the AM Peak, + 12 in the PM Peak and +103 Daily can be suitably mitigated via the S106 contributions. The S106 contributions will focus on enhancing the active travel and public transport networks and reducing the reliance of private vehicles.

Vehicular access

10.83 The proposals include the closure of the existing access to the site on Comet Way, and the provision of a new access 20 metres to the east on Comet Way. The footway/cycleway at the existing access would be reinstated.

10.84 The proposed access arrangement includes the setting back of the footway / cycleway on Comet Way. The Highway Authority are satisfied with this arrangement as the setback enhances pedestrian and cycle safety. Acceptable vehicular and cycle visibility splays have been demonstrated.

10.85 The proposed arrangement has been subject to a Stage 1 Road Safety Audit undertaken by the applicant. The County Council's Road Safety Audit Team have reviewed the arrangement and, with revisions which have been demonstrated through drawing number JNY11241-RPS-0100-SK04 Rev A, is acceptable.

10.86 All offsite works will need to be delivered via an S278 agreement between the applicant and the Highway Authority. As part of the S278, a Stage 2 Road Safety Audit will be required. The RSA S2 must address the following issues as part of the S278:

- Signs and bollards located within existing verge areas in the vicinity of the proposed access junction.
- Junction radii's are to be reviewed to allow two large vehicles to pass, however, not enter the site at high speed.

10.87 It is noted that the Highway Authority will not seek to adopt the on-site highways and therefore a private maintenance and management strategy must be provided. This will be secured through the S106 Agreement. The Transport Statement notes the internal access highway will be 6 metres wide as it enters the site and, therefore, will be sufficient to allow two large vehicles to pass.

Pedestrian access

10.88 The proposals include a 2-metre-wide footway at the access to connect to the internal layout from shared footway / cycle on the northern side of Comet Way. The Highway Authority are satisfied with this arrangement, and this measure will give priority to pedestrian and cycle movements and promote safe sustainable travel.

Refuse, servicing, and emergency access

10.89 The proposals include the provision of three servicing and delivery bays on the internal access road. The Highway Authority are satisfied with this provision and a planning condition and car parking management plan (to be secured through the S106 Agreement) can ensure that private car/resident parking is prevented in the bays.

10.90 Bin Stores and the drag distances to the highway have been provided. The Highway Authority are satisfied the bin stores can be accessed within acceptable drag distances. A turning area has been shown on Drawing No. JNY11241-RPS-0100-001 Rev D which demonstrates an 11.3 metre length refuse collection vehicle can position itself within an acceptable drag distance to bin stores, turn on site, and exit in a forward gear. The Council's Client Services Team have also been consulted for this application and raise no objection. The proposal would accord with Policy SADM12 of the Local Plan in this regard.

10.91 Drawing No. JNY11241-RPS-0100-006 REV A demonstrates a fire appliance can safely access the site.

Construction Traffic Management Plan (CTMP)

10.92 Due to the sensitive location of the development site, a CTMP is needed to mitigate any adverse impact from the development on the operation and safety of the local highway network. This can be secured as a pre-commencement planning condition.

Parking

Car parking

10.93 Paragraph 107 of the NPPF states that if setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and

- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 10.94 Policy SADM12 states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:
- a) The site's location and accessibility to public transport, services and facilities;
 - b) The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
 - c) The need to promote more sustainable forms of travel within the borough.
- 10.95 The Council's Parking Standards (SPG) use maximum standards which are not consistent with the above criteria in the NPPF and Local Plan and are therefore afforded less weight.
- 10.96 The Council's Parking Standards SPG classifies the area within which the site is located as Zone 3. In this Zone, the maximum car parking standards for the proposed development would equate to 192 spaces.
- 10.97 The proposal would provide a total of 121 car parking spaces, including 15 disabled parking spaces, and 1 car club space. This represents a ratio of 0.85 spaces per apartment which is an identical ratio to the development in the immediate locality along Comet Way for 118 flats (application ref: 6/2020/3222/MAJ).
- 10.98 As previously noted, the Council's Parking Standards SPG is only a guidance and parking provision will be assessed on a case-by-case basis. It is also important to note that the SPG only sets maximum standards. Therefore, whilst the car parking provision proposed for residents is lower than those set out in the SPG, this is not the determining factor.
- 10.99 It is acknowledged that the Parking Standards SPG was adopted in 2004 (19 years ago), and the zonal maps within it clearly show that it was produced before much of the development surrounding the site was built. It is considered that the site is now in one of the most sustainable and well-connected locations in the Borough and, accordingly, a Zone 1 or 2 classification for the site is more reasonable. Applying a Zone 1 or 2 classification would equate to 121 car parking spaces for the proposed development which equals the proposed provision.
- 10.100 The site is an approximate 15-minute walk from Hatfield Town Centre to the site via footways and lit streets and Census data indicates that 18% of residents in this location travel to work on foot. The whole built-up area of Hatfield is also identified to be within a 2km cycle ride from the site. Furthermore, it is noted that there is a cycle way linking the site to the heart of the town centre with an approximate 7-minute journey time and a shorter informal route via The Galleria, St Albans Road West and Lemsford Road. The Alban Way also provides convenient access to Hatfield Train station for both pedestrians and cyclist. Sustainable transport measures, to be secured through the S106 Agreement will also improve conditions for both pedestrians and cyclists and further promote such sustainable modes of transport. Furthermore, a Travel Plan has been submitted with the application and will further encourage mode shifts in travel.

- 10.101 There are a number bus stops within reasonable walking distance from the site which provide frequent transport to train stations and towns inside and outside of Hertfordshire. Hatfield Bus and Train Station itself provides frequent services to Welwyn Garden City, London (Kings Cross and St Pancras), Moorgate, Royston, and Cambridge.
- 10.102 On-street car parking in the locality is heavily restricted and the Council's Parking Services Team have made clear under application 6/2020/3222/MAJ that any such approval of housing on this site would not come with a provision from Parking Services to allow parking permits to be brought to park in nearby (soon to be adopted) roads such as Aviation Avenue, or even further afield such as Comet Road. A similar approach is expected for this development. As such, it is unlikely that any overspill car parking would have a material impact on nearby roads and streets.
- 10.103 Having regard to all the above, it is considered that an acceptable level of car parking provision would be provided, and a planning condition is required to ensure that car parking provision is allocated appropriately to residents.
- 10.104 In terms of EV charging, HCC Highways include a condition requiring each car parking space to be provided with an active (ready to use) EV charging point. Such provision however is not a requirement under the Local Plan, NPPF or building regulations. While the Local Plan and NPPF support EV charging, the level of provision is not quantified. In terms of the Building Regulations, Approved Document S (Infrastructure for charging electric vehicles) requires EV charging points for external parking spaces but not for covered car parks. For covered car parks only cable routes need to be provided for all those spaces. 2 of the 142 spaces are external and will require EV charging points to be provided under the Building Regulations. 13 EV charging parking spaces are proposed which is considered appropriate. A planning condition can secure this provision and for the avoidance of doubt require such spaces to be fitted with charging points.
- 10.105 In terms of and, for covered car parks, building regulations (Infrastructure for charging electric vehicles: Approved Document S) only require cable routes to be provided for all car parking spaces. It is therefore considered that the proposed provision of 10% EV charging parking spaces in this case is appropriate. A planning condition can secure this and for the avoidance of doubt will ensure that they are provided with an active (ready to use) EV charging point.

Cycle parking

- 10.106 It is proposed to provide a total of 146 secure and covered spaces within the building, which exceeds the SPD requirement and is therefore acceptable. A planning condition can ensure that the parking spaces are provided and retained in perpetuity.

5. Other considerations

i) Housing mix

10.107 Policy SP7 seeks to deliver a choice of homes and to help create sustainable, inclusive, and mixed communities. Proposals should demonstrate how the mix of tenure, type and size of housing proposed has had regard to the Council's latest evidence of housing need and market demand with the aim of meeting the various needs of different households.

10.108 The most up to date evidence is found in the Technical OAN paper (June 2019) which was produced in connection with the Local Plan examination. This states that the implied size of housing required (2013 – 2032) is as follows:

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

10.109 This paper also sets out that the implied type of housing required (2013 – 2032) is 77% houses and 23% flats.

10.110 With all but two of the proposed 142 dwellings being either 1-bed or 2-bed flats, the proposed housing mix would not accord with the Council's latest evidence. It is however clear from the Council's Strategic Housing Market Assessment Update (2017) that the implied housing mix requirement in the Local Plan should not be applied as an absolute requirement for individual schemes. It is a Borough-wide requirement to be achieved over the plan period and there will inevitably be sites that lend themselves to higher density schemes with a high proportion of smaller units and other sites where the opposite is true.

10.111 The proposed mix is supported by the applicant's market evidence (Letter by Walter Cooper Land Agency, 21 March 2023) which outlines that based upon the demographic profile of the area being younger workers; average household size at 2.6; the average household income indicating a new homes purchase at around £250k is achievable, and a current under supply of 2-bedroom stock when compared to demand, a greater proportion of 1 and 2-bedroom apartments would be the most suitable stock.

10.112 It is also acknowledged that the proposed flats would also be suitable for a range of people, being accessible and adaptable dwellings able to meet a range of needs, including a proportion of wheelchair user dwellings in accordance with local policy (Policy SP7 – Accessible and Adaptable and Wheelchair User dwellings).

10.113 There are many small flats in the immediate locality and an additional 118 flats (comprising 1-bed and 2-bed affordable housing units) is currently being developed. It is however appreciated that the wider area does include large residential areas mainly comprising houses and larger units. It is considered that the proposed development would not result in an over proliferation of small flats in the wider area, and there is no reason why residents of the scheme would not become part of that wider community, using the various services and facilities open to all local residents, including schools, shops, cafes and gyms.

10.114 There is a shortcoming in the submitted market evidence, in that supply and demand of 1-bed apartments has not been fully considered. It cannot therefore be said that the proposal has had full regard to the Council's latest evidence of housing need and market demand. Additionally, the absence of affordable housing does not assist toward inclusive and mixed communities. To this end, the proposal would result in a degree of conflict with Policy SP7 of the Local Plan in terms of housing mix which needs to be weighed in the balance.

ii) Flood risk and sustainable drainage

10.115 Paragraph 167 of the NPPF outlines that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.

10.116 Paragraph 169 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

10.117 Policy SP10 and SADM14 of the Local Plan relate to flood risk and surface water management is broadly consistent with the NPPF.

10.118 The application has been supported by Flood Risk Assessment and SuDS Strategy. The LLFA have been consulted and present no objection subject to planning conditions. The conditions will secure: avoidance of surface water discharge to the foul sewer; require details construction drawings of the surface water drainage network, sustainable drainage components, flow control mechanisms and method statement; details of all flood resilient and resistant measures; a maintenance and management plan; and compliance with the submitted and approved details.

iii) Ecology

10.119 Paragraph 174 of the NPPF states, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

10.120 Paragraph 180 of the NPPF sets out the principles local planning authorities should apply when determining planning applications. This includes refusing

planning permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

- 10.121 Policy SADM16 of the Local Plan concerns ecology and landscape and is broadly consistent with the NPPF. Unlike the NPPF which does not quantify net gain, Policy SADM16 requires development of this kind to deliver a measurable net gain of at least 10%.
- 10.122 The application has been supported by an Ecological Impact Assessment (May 2022), and Biodiversity Net Gain Report (May 2022), and Hertfordshire Ecology have been consulted accordingly.
- 10.123 Hertfordshire Ecology state that the report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the report suggests reasonable precautionary measures to ensure that legally protected species (such as nesting birds) are not harmed. Several appropriate biodiversity enhancements have been made including appropriately located native-species and nectar rich planting, integrated bat and bird boxes (including for swifts) within the fabric of the new building, and invertebrate boxes. The ecological enhancements should avoid potential conflict with any external lighting schemes.
- 10.124 The landscaping scheme has also been assessed by Hertfordshire Ecology and welcome the landscaping improvements proposed in terms of biodiversity benefit.
- 10.125 The submitted Biodiversity Net Gain Report demonstrates to the satisfaction of Hertfordshire Ecology that the development will enhance the site for biodiversity. A substantial net gain for biodiversity of almost 479% will be achieved on-site.
- 10.126 To bring all the biodiversity proposals together, a Landscape and Ecological Management Plan (LEMP) is required by planning condition.

iv) Archaeology

- 10.127 Policy SADM15 of the Local Plan concerns heritage and states that an Archaeological Assessment will be required if the scale and/or nature of the proposal are likely to have an impact on the significance of all or part of the asset. An assessment may be required in locations which are not designated but where the potential to contain heritage assets exists or further understanding of the significance of known heritage assets is needed. This approach is consistent with the NPPF.
- 10.128 HCC's Historic Environment Team have been consulted for this application and state that the Historic Environment Record notes that archaeological investigations to the north and west of the proposed development site have uncovered evidence of an extensive Bronze Age landscape as well as finds from the Palaeolithic, Iron Age and Romano-British periods. Also found were post medieval boundary ditches which may relate to Harpsfield Hall which stood nearby until it was demolished to make way for Hatfield aerodrome.
- 10.129 Based on the above, the Historic Environment Advisor considers that the proposed development is such that it should be regarded as likely to have an

impact on heritage assets of archaeological interest. A planning condition is required to secure an Archaeological Written Scheme of Investigation prior to commencement of the development, and compliance.

v) Contaminated land

- 10.130 Policy SADM18 of the Local Plan concerns environmental pollution and states, amongst other things, that planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a preliminary Contaminated Land Risk Assessment. Also, proposals which, by their nature, risk contributing to soil and water pollution will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level.
- 10.131 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to an Affinity Water Pumping Station (HATF). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The proposed development site is located within an area that is impacted by Bromate contamination.
- 10.132 The application has been supported by a Phase I Geoenvironmental Assessment Report which states that confirmation of the expected ground and contamination conditions should be determined by a site investigation. The report has been reviewed by the Council's Public Health & Protection Officer who considers that this can be suitably secured through a pre-commencement planning condition. Affinity Water have also been consulted for the application and recommend a similar condition.
- 10.133 Affinity Water also recommend that a Piling Method Statement and Foundation Works Risk Assessment, as well as details of a Surface Water Drainage Scheme are submitted and approved prior to commencement, to ensure that any risks in terms of bromate contamination and impact on public water supply are prevented.
- 10.134 All the above conditions are necessary and reasonable.
- 10.135 Thames Water have also been consulted for the application and do not object having regard to both foul and surface water.

vi) Sustainability requirements

- 10.136 Policy SP10 and SADM13 require renewable and low carbon sources of energy supply to be maximised, particularly for major developments. This is consistent with the environmental objective of sustainable development as outlined in Policy SP1 of the Local Plan and similarly in the NPPF.
- 10.137 The application has been supported by an Energy and Sustainability Statement. The proposed strategy capitalises on passive design measures to maximise the fabric energy efficiency and energy demand. A hybrid system comprised of air source heat pump solutions for hot water and direct electric radiators for space heating. Photovoltaic solar panels are also proposed on the roof of the building. Overall, the proposed scheme meets an on-site cumulative carbon dioxide reduction of 37%. Officers are satisfied that renewable and low carbon sources

of energy have been maximised for the proposed development, and implementation can be secured by planning condition.

- 10.138 Policy SADM13 of the Local Plan all requires all newly constructed dwellings to achieve an estimated water consumption of no more than 110 litres/person/day. This is to ensure that the higher standard within Building Regulations Part G is met. This can be secured through planning condition.

vii) Waste Management

- 10.139 Hertfordshire County Council's Minerals and Waste Team have also been consulted for this application and recommend that the development is subject to a Site Waste Management Plan (SWMP) with the aim to reduce the amount of waste being produced on site, as well as the type and amount of waste removed and location where the waste is being taken to. This is in the interest of sustainable development by virtue of minimising waste generation and maximising on and off-site reuse and recycling of waste material.
- 10.140 The justification is in accordance with Policy 12 of the Hertfordshire Waste Core Strategy, the Development Management Policies Development Plan Document (2012), and the National Planning Policy Framework. All are material planning considerations, and a condition would, therefore, be reasonable in this scale given the nature and scale of the development proposed.

viii) Environmental Impact Assessment (EIA)

- 10.141 An EIA screening opinion has been sought for the development (application ref: 6/2022/0424/EIA) and it was concluded that it would not be EIA development and does not require a full environmental assessment.

ix) Town Council and neighbour representations

- 10.142 The Town Council and neighbour representations received have been considered and discussed within this report. It is considered that none of the concerns raised would result in planning harm and a refusal of planning permission on any of the grounds would be justified.

7. Planning obligations

- 10.143 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 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.
- 10.144 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.
- 10.145 Policy SP13 of the Local Plan relates to infrastructure delivery and its purpose is to ensure that settlements within the borough are supported by infrastructure that is accessible, affordable, and appropriate to the needs of the community it serves. This policy states, amongst other things, that developers will be required to contribute to the reasonable costs of enhancing existing infrastructure or providing new physical, social, and green infrastructure, required as a result of their proposals, through financial contributions.
- 10.146 The application has been supported by a Viability Appraisal & Report (by Kempton Carr Croft Property Consultants) which concludes that that the scheme cannot viably provide any affordable housing. For a 100% private scheme, there would be a deficit of -£3,792,961 based on a fixed profit allowance of 17.5%.
- 10.147 The submitted Appraisal & Report has been reviewed by the Council's Viability Consultants (Aspinall Verdi) who agreed that the scheme was unviable on the above basis, albeit with a reduced deficit of circa -£3.22 million due to varying costs, values, and tenures being applied. A scenario whereby a policy-compliant level of affordable housing would be provided was also tested and resulted in a deficit of circa -£7.22 million. Both scenarios incorporated the full S106 growth and infrastructure contributions calculated from a development of this scale and kind – amounting to over £2 million (£2,265,384).
- 10.148 Considering the conclusions of the viability appraisal and review, the applicant has confirmed that they are willing to offer a reduced sum for growth and infrastructure contributions of £250,000.00 which would equate to a reduced actual developer return of 15.35% on gross development value (GDV). This has been checked and confirmed by Aspinall Verdi. The developer return is at the lower end of the range (15-20%) of developer returns considered suitable in the National Planning Practice Guidance on Viability and the applicant is willing to take the scheme forward on this basis.
- 10.149 Aspinall Verdi have advised that review mechanisms are included in a S106 Agreement which will allow the Council to benefit from any favourable uplifts. Uplifts can be used for the provision of affordable housing or other infrastructure directly related to the development. This is wholly supported by Officers.

- 10.150 The reduced contribution offer has been reviewed by all relevant infrastructure providers (Borough Council, County Council, and NHS) and, taking into consideration the viability challenges, no objections have been raised. The sum of £250,000.00 will be apportioned between the infrastructure providers for contributions/projects where needs are most pressing. All contributions are subject to indexation. On this basis, the proposal would not conflict with Policy SP13 of the Local Plan.
- 10.151 The Council's Viability Consultants recommend that both early and late-stage viability reviews are included within the Section 106 agreement to ensure benefits from any potential uplifts. This is supported.
- 10.152 The County Council have requested that any additional funds that are forthcoming following the early and late-stage viability reviews are apportioned between the NHS, County Council and Borough Council, following discussions among all aforementioned parties. Officers are of the view that any such monies should be allocated to affordable housing given that no funds are secured to this end at present.
- 10.153 The applicant and Council have entered into negotiations to address the points outlined above and a draft Section 106 Agreement has been agreed in principle. If the Development Management Committee resolve to grant planning permission subject of the completion of the Section 106 Agreement, this document will be completed.
- 10.154 Policy SP7 of the Local Plan outlines that, subject to viability, affordable housing will be sought. It has been evidenced to the satisfaction of Officers that the proposal cannot viability provide affordable housing and, as such, the proposal would not conflict with this policy. Review mechanisms will be included in a S106 Agreement and will allow the Council to benefit from any favourable uplifts which can be used for the provision of affordable housing or other infrastructure directly related to the development.

8. Planning balance and conclusion

10.155 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development, and, for decision-taking, this means:

“(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

10.156 Footnote 8 states:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years”.

10.157 The Council cannot demonstrate a 5 year supply of deliverable housing sites and the latest Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous 3 years (currently 66%). Accordingly, the ‘titled balance’ applies and, in this case planning permission should be granted unless:

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

In terms of adverse impacts, conflict with Policy SP7 of the Local Plan has been identified in terms of housing mix as it is considered that the submitted evidence has not had sufficient regard to the Council's latest evidence of housing need and market demand. The weight attached to the conflict with Policy SP7 of the Local Plan is however considered **limited** as it is acknowledged that the proposal would contribute, in part, toward meeting the varied needs of different households and the site lends itself to higher density scheme.

10.158 There are no other unacceptable adverse impacts from the development.

10.159 Now turning to the benefits. Paragraph 8.9 of the submitted Planning Statement states that the proposal would deliver the following key benefits:

- Delivery of housing on a previously developed brownfield site which is underutilised and available for development in the short term;
- Use of an accessibly and sustainably located site to provide 145 (now 142) residential units including a high proportion of family sized units and wheelchair adapted dwellings to contribute towards boosting housing supply in the district;
- Improvements to the aesthetic quality and visual appearance of the Site, with the new building taking design cues from the area's past and architectural language, thereby contributing to a greater sense of identity for the area;
- New jobs during the construction phase and additional economic benefits through future residents' expenditures. The increased activity and spending would encourage economic growth and enhance the vitality and viability of Hatfield;
- Provision of high standard accommodation with private and communal amenity space for future residents to promote a high quality of living;
- Protection of neighbouring amenity at Parkhouse Court;
- Visual and amenity enhancements through a site-wide bespoke landscaping proposal, introducing new native planting (including tree planting) and creating inviting outdoor spaces for future residents to enjoy;
- An exceptionally high biodiversity net gain of almost 500%, representing a significant improvement to the current site conditions;
- Integration of fabric-first measures and renewable energy technologies such as photovoltaic panels to achieve a significant 37% reduction in carbon emissions; and
- Encouragement of sustainable modes of travel through the provision of Electric Vehicle Charging Points, car club bay, cycle parking and Framework Travel Plan.

10.160 The delivery of housing represents a benefit, and this development would boost the supply within the Borough where there is a shortfall. The number of market dwellings proposed, value of using this suitable brownfield site in a settlement for homes, and the fact that the application is submitted in full (not outline), are factors which afford such a benefit **very significant weight** in favour of the grant of planning permission. The weighting has taken into account the fact the Council are actively working toward achieving a five-year supply through the new Local Plan and early review.

10.161 In terms of design, paragraph 134 of the NPPF states that significant weight should be given to:

“a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

- 10.162 The proposal is considered to represent high-quality design and meets the above requirement. As such, **significant weight** is attached to proposed development from a design perspective.
- 10.163 All flats are designed to meet comply with Part M4(2) ‘accessible and adaptable dwellings’ of the Buildings Regulations and 10.5% would be Part M4(3) ‘wheelchair user’ compliant. This exceeds the minimum requirement under Policy SP7 of the Local Plan by some margin and attracts **moderate weight**.
- 10.164 There would be economic benefits associated with the construction of the scheme and spending locally by new residents. These benefits would in part be applicable only whilst the development was being constructed. In addition, the future spending of new residents cannot be predicted or quantified. **Limited weight** is attached to these matters.
- 10.165 There would also be environmental benefits arising from the development, namely the provision of an on-site net gain for biodiversity exceeding the minimum requirement in local policy, fabric first and renewable technologies incorporated into the building, 10% EV charging points, and a car club bay. Collectively, the environmental benefits attract **moderate weight**.
- 10.166 Having regard to all the above, it is considered that the adverse impacts identified would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole. Planning permission should therefore be granted.

11 Recommendation

- 11.1 It is recommended that planning permission be approved subject to:
- a) Completion of a satisfactory S106 planning agreement and the agreement of any necessary extensions to the statutory determination period to complete this agreement; and
 - b) the following conditions:

PRE-COMMENCEMENT CONDITIONS

1. Development must not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development must be carried out in accordance with the approved CMP: The CMP must include the following details:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements
 - d) Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);

- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: 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 2018; Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

2. Should the approved development require piled foundations, no piling shall take place in connection with the development until a Piling Method Statement and Foundation Works Risk Assessment (FWRA) have been submitted to and approved in writing by the Local Planning Authority.

The Piling Method Statement must include:

- The total depth and type of piling to be undertaken;
- The piling methodology;
- Measures to prevent and minimise the potential for mobilising contaminants; and
- The programme for works.

The FWRA should include:

Risk based analysis of the following pollution scenarios:

- Creation of preferential pathways, through the low permeability layer (aquitard), to allow potential contamination of the underlying aquifer;
- Creation of preferential pathways, through the low permeability layer (aquitard), to allow upward migration of contamination to the overlying aquifer;
- The driving of solid contaminants into an aquifer during pile driving; and
- Contamination of groundwater by concrete, cement paste or grout

(The risk assessment will cover the site-specific scenario/condition (mentioned above), potential pollution considerations, risk assessment, potential risk, mitigation measures and residual risk level)

In the event the FWRA indicates an unacceptable risk of the creation of a bromate pathway through the clay aquitard layer to the upper gravels, details of an alternative solution that does not require piling through the clay aquitard layer must be submitted and approved by the local planning authority prior to foundation works.

The development must be carried out in accordance with the approved details.

REASON: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. In accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. Development must not commence until a Site Waste Management Plan (SWMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to.

The development must be carried out in accordance with the approved SWMP.

REASON: To promote sustainable development and 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 Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012), and the National Planning Policy Framework.

PRIOR TO COMMENCEMENT (EXCLUDING DEMOLITION WORKS)

4. Development must not commence (excluding demolition works) until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

- ii. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. Should the approved development require piled foundations, the results of the site investigation will inform the pile design and Foundation Works Risk Assessment, subject of condition 2.
- iii. A verification plan providing details of the data that will be collected to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Following completion of measures identified in the approved remediation scheme and prior to the first use of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. (A) Development must not commence (excluding demolition works) until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of archaeological significance and research questions; and:
 - i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

(B) The development must not take place other than in accordance with the approved programme of archaeological works set out in the Written Scheme of Investigation.

The development must not be first occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis and publication where appropriate.

REASON: To ensure adequate opportunity is provided for archaeological research on this historically important site; to enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation; and to ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development, in accordance with Policy SADM15 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. Development must not commence (excluding demolition works), until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP must include the following:
 - i. A Habitat Management and Monitoring Plan detailing the specific prescriptions as to how the target habitats and condition will be achieved and maintained for a period of 30 years;
 - ii. The body or organisation responsible for implementation of the Plan and monitoring and remedial measures of the Plan; and

The LEMP must be implemented in accordance with the approved details and the programme as approved and the measures must be maintained and retained thereafter.

REASON: To ensure that the proposed biodiversity gains (as set out in the Biodiversity Net Gain report) and other enhancements proposed are delivered and maintained, in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

7. Development must not commence (excluding demolition works) until details of a Surface Water Drainage Scheme have been provided demonstrating that contamination of any public water supply abstractions present will be prevented. This shall be submitted to and approved in writing by the Local Planning Authority.

The development must be carried out in accordance with the approved details.

REASON: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply. In accordance with Policy

SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Development must not commence (excluding demolition works) until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement have been submitted to and approved in writing by the Local Planning Authority.

The scheme must be constructed in accordance with the approved details, and Flood Risk Assessment and SuDS Report (prepared by EAS, Ref: 3657/2022, Rev Final D, dated 21 June 2023) and remain in perpetuity for the lifetime of the development.

REASON: To ensure that the development achieves a high standard of sustainability, does not increase flood risk, and remains safe, in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. Development must not commence (excluding demolition works) until details of all flood resilient and resistant measures have been submitted to and approved in writing by the local Planning Authority. The agreed measures must then be installed and maintained in perpetuity.

REASON: To ensure the flood risk is adequately addressed and not increased in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

NO DEVELOPMENT ABOVE GROUND LEVEL (EXCLUDING DEMOLITION WORKS)

10. (A) Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level (excluding demolition works) shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number JNY11241-RPS-0100-SK04 Rev A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The detailed scheme must include:

- i. Resolving all issues identified within the Stage 1 Road Safety Audit;
- ii. The reinstatement of the footway / cycleway at the existing access; and
- iii. Arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

(B) Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan 2018; Policy SADM2 of the

Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

11. Notwithstanding the submitted Fifth Floor Outline Softworks Plan (drawing no: GUA-DR-L-009 Revision 2) and Fifth Floor Outline Hardworks Plan (drawing no: GUA-DR-L-014 Revision 2), no development above ground level (excluding demolition works) shall take place until revised details have been submitted to and approved in writing by the Local Planning Authority. The details must include:

- i. The provision of additional picnic tables and benches; and
- ii. Additional hard and soft landscaping to create areas of privacy and seclusion for residents.

The approved details must be implemented prior to first occupation of the development and be retained permanently thereafter.

REASON: In the interest of high-quality design, in accordance with Policies SP 9 of the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

12. No development above ground level (excluding demolition works) shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO FIRST OCCUPATION

13. Prior to first occupation of the development, a scheme showing the parking allocation for flats must be submitted to and approved in writing by the local planning authority. The car parking allocation must be provided in accordance with the approved details and be permanently retained thereafter.

REASON: To ensure that satisfactory and suitable levels of parking are provided for residents, in accordance with Policies SADM2 and SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. Prior to first occupation of the development, details of a scheme to mitigate the noise from nearby commercial activities, deliveries, plant and equipment, and operations must be submitted to and approved in writing by the local planning authority. The scheme must include:

- i. Assessment for noise from commercial operations must be in accordance with BS4142: 2014+A1:2019;
- ii. Indoor ambient noise levels in living rooms and bedrooms from commercial noise sources must be 5dB below the standards within BS

8233:2014 (Living rooms daytime – 25dB and bedrooms at night – 20dB) and LAmax levels must not to exceed 40dB internally with windows closed. Internal noise levels with habitable windows open must also be considered;

- iii. A noise modelling plan showing façade noise levels at habitable rooms (living rooms and bedrooms) from commercial operations; and
- iv. Consideration to ‘agent of change’ in the National Planning Policy Framework.

The development must be carried out in accordance with the approved scheme.

REASON: To protect the occupants of the new development from noise disturbance, in accordance with Policies SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

15. Prior to the first occupation of the development, pre-completion testing must take place which shows compliance with the following:

- i. Noise tests must show that indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Internal LAmax levels should not exceed 45dB more than ten times a night in bedrooms (with any mechanical ventilation system off, on and on maximum boost setting); and
- ii. Noise testing must show that the outdoor communal amenity space complies with the 55dB WHO Community Noise Guideline Level, if outdoor amenity areas cannot comply, then it must be shown through testing that a suitable place is available within a 5-minute walk from the development that complies with the amenity noise level.

A pre-occupation testing report must be submitted to and approved in writing by the Local Planning Authority. Non-compliance with these levels will require additional mitigation measures to be incorporated into the development prior to the occupation of the development and that additional work shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

The development must be carried out in accordance with the approved details and mitigation measures.

REASON: To protect the occupants of the new development from noise disturbance, in accordance with Policies SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

16. Prior to first occupation of the development, a scheme to mitigate the noise from new plant and equipment must be submitted to and approved in writing by the local planning authority. The scheme must include:

- The impact of new plant and equipment should be assessed in accordance with BS4142: 2014+A1:2019. When noise sources show signs of tonality we require noise levels to be 10dB below background noise level at the nearest receptor location. In instances where the noise source presents no tonality we require the noise level to be 5dB below the background noise level at the nearest receptor location.

REASON: To protect neighbours from noise disturbance, in accordance with Policies SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. The bin cores, as shown on the approved Ground Floor Plan (drawing number: GA-P-L00 Rev P PL07) and approved Refuse and Recycling Plan (drawing number: GA-P-03 Rev PL02) must be provided prior to first occupation of the development and be retained permanently thereafter for no other use.

REASON: To ensure appropriate provision of refuse storage area is made, in accordance with Policy SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. Prior to first occupation of the development, the cycle cores must be provided in accordance with the approved Ground Floor Plan (drawing number: GA-P-L00 Rev P PL07) and be retained permanently thereafter for no other use.

REASON: To secure the type and quantum of cycle parking, in accordance with Policy SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

19. Prior to first occupation of the development, details showing the location of the 13 parking spaces that will be fitted with active (ready to use) electric vehicle charging points must be submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging points must be installed as approved prior to first occupation of the development and be permanently retained thereafter.

REASON: To ensure that the proposed provision of electric vehicle charging parking spaces are secured, and to ensure that appropriate provision is made for such electric vehicle charging within the development, in accordance with Policy SADM12 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

20. Prior to first occupation of the development, a detailed maintenance and management plan of the whole sustainable drainage scheme must be submitted to and approved in writing by the Local Planning Authority.

The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval must include:

- i. a timetable for its implementation; and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to

secure the operation of the sustainable drainage scheme throughout its lifetime. Specifically, the maintenance measures should be identified for all surface water drainage element as proposed within the scheme.

The drainage scheme must be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity.

REASON: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling, in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

21. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development, a survey and report from an independent surveyor must be submitted to and approved in writing by the Local Planning Authority. The survey and report must demonstrate the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 8 and Condition 24.

Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required must be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

22. Prior to first occupation of each block, the PV cells for that block, as shown on the approved Proposed Sixth Floor Plan (drawing number: GA-P-L06 Rev P PL03) must be installed and be permanently retained in operational use.

REASON: In the interest of environmental sustainability, in accordance with Policy SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

23. The ground, first floor and rooftop communal amenity spaces hereby approved (and in accordance with the details approved under condition 28) must be made available for use upon first occupation of the development and be retained permanently thereafter for no other purpose.

REASON: To ensure that the communal amenity space is implemented for use by future occupiers in the interest of high-quality design, in accordance with Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

OTHER

24. There shall be no surface water discharge to the foul sewer from the development, unless it can be demonstrated it is the only feasible option – details of which must be submitted to an approved in writing by the local planning authority and implemented as approved.

REASON: There is a risk of hydraulic overloading of the foul sewer system. To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

25. The flats marked 'WCH' in the Dwelling Schedule on the approved Proposed Floor Plans must comply with Part M4(3) 'wheelchair user dwellings' of the Building Regulations. All flats must comply with Part M4(2) 'accessible and adaptable dwellings' of the Buildings Regulations.

Written verification of compliance must be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

REASON: To comply with the level of accessible and adaptable and wheelchair user dwellings which was applied for, in accordance with Policy SP7 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

27. The development must be carried out in accordance with the approved Arboricultural Report (by David Clarke Chartered Landscape Architect and Consultant Arboriculturist Limited, April 2022) and Tree Protection Plan (drawing number: TPP/FBHCWHH/010 A).

REASON: To ensure that the health and longevity of retained trees are not harmed from the development and in the interest of high-quality design, in

accordance with Policies SP9 and SADM16 of the of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

28. The development must not be carried out other than in accordance with the approved landscaping details (including those under Condition 23) and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

29. The development must be constructed in accordance with the submitted and approved Flood Risk Assessment (Flood Risk Assessment and SuDS Report prepared by EAS, Ref: 3657/2022, Rev Final D, dated 21 June 2023). This includes all relevant dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level.

REASON: To ensure the flood risk is adequately addressed and not increased in accordance with Policies SP10 and SADM14 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

30. The development must be carried out in accordance with the approved Energy and Sustainability Statement (by Love Design Studio, May 2022).

REASON: In the interest of environmental sustainability, in accordance with Policy SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

31. The development hereby permitted shall be constructed with water saving and efficiency measures to restrict estimated water consumption to no more than 110 litres/persons/day.

REASON: In the interest of environmental sustainability and to ensure the higher standard within Building Regulations Part G is met, in accordance with Policy SADM13 of the Welwyn Hatfield Borough Council Local Plan.

32. Prior to installation of external lighting, details of the external lighting scheme must be submitted to and approved in writing by the Local Planning Authority. The details must include:

- i. A site plan showing the location of the external lighting;
- ii. Metrically scaled elevations of the types of external lighting; and

- iii. Vertical lux diagrams showing potential light trespass into windows of the approved residential units and neighbouring residential properties outside of the site, vegetation, and other ecological enhancements

The external lighting scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

The approved details must be implemented prior to first occupation of the development and be retained permanently thereafter in operational use.

REASON: In the interest of safety and security, to protect the living conditions of future occupiers and neighbouring properties in terms of light spill, and to protect biodiversity, in accordance with Policies SP9, SADM11, SADM16 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

33. 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
GA-SL-00	PPL01	Site Location Plan	13 June 2022
GA-SP-L00	PL02	Proposed Site Plan	16 November 2023
GUA-DR-L-007	4	Outline Softworks Plan - Ground Floor	13 June 2022
GUA-DR-L-009	2	Outline Softworks Plan - Fifth Floor	16 November 2023
GUA-DR-L-011	2	Outline Softworks Schedule & Specifications Part 2	13 June 2022
GUA-DR-L-013	2	Outline Hardworks Plan - First Floor	13 June 2022
GUA-DR-L-015	P03	Landscape Masterplan	16 November 2023
EX_EL_01	PL01	Existing Elevations	13 June 2022
EX_EL_03	PL01	Existing Elevations	13 June 2022
AS21.13 L.09.02	01	Existing Ground Floor Plan	13 June 2022
GUA-DR-L-008	2	Outline Softworks Plan - First Floor	13 June 2022
GUA-DR-L-010	4	Outline Softworks Schedule & Specifications Part 1	13 June 2022
GUA-DR-L-012	4	Outline Hardworks Plan - Ground Floor	13 June 2022
GUA-DR-L-014	2	Outline Hardworks Plan - Fifth Floor	16 November 2023

GA-P-B00	PPL01	Proposed Basement Plan	13 June 2022
GA-S-S01	PL03	Proposed Section A-A	16 November 2023
EX_EL_00	PL01	Existing Elevations	13 June 2022
EX_EL_02	PL01	Existing Elevations	13 June 2022
EX-SP-L00	P1	Existing Site Plan	13 June 2022
AS21.13 L.09.03	01	Existing First Floor Plan	13 June 2022
GA-E-E01	PPL03	Proposed Elevations	28 April 2023
GA-E-E02	PPL03	Proposed Elevations	28 April 2023
GA-E-E03	PPL03	Proposed Elevations	28 April 2023
GA-E-E04	PPL03	Proposed Elevations	28 April 2023
GA-P-L00	P PL07	Proposed Ground Floor Plan	28 April 2023
GA-P-L01	P PL05	Proposed First Floor Plan	28 April 2023
GA-P-L02	P PL05	Proposed Second Floor Plan	28 April 2023
GA-P-L03	P PL05	Proposed Third Floor Plan	28 April 2023
GA-P-L04	P PL05	Proposed Fourth Floor Plan	28 April 2023
GA-P-L05	P PL05	Proposed Fifth Floor Plan	28 April 2023
GA-P-L06	P PL03	Proposed Sixth Floor Plan	28 April 2023
GA-P-L07	P PL03	Proposed Seventh Floor Plan	28 April 2023
GA-P-03	PL02	Refuse and Recycling Allocation	22 May 2023

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

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.

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 or legal interest (easements or wayleaves) which may affect the land.

2. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

3. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
4. "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer will need to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk.
5. 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

6. Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
7. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
8. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
9. Roads to remain private: The applicant is advised that all new on-site roads / the access routes associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.
10. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with Affinity Water's Developer Services Team to discuss asset protection or diversionary measures. This can be done through

the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

11. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact Affinity Water's Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

OR

It is recommended that in the event that the applicant fails to agree any necessary extensions to the Statutory determination period, that powers are delegated to the Head of Planning to refuse planning permission on the basis of the absence of a completed S106 agreement for the following reason and subject to the application not being called in by the Secretary of State:

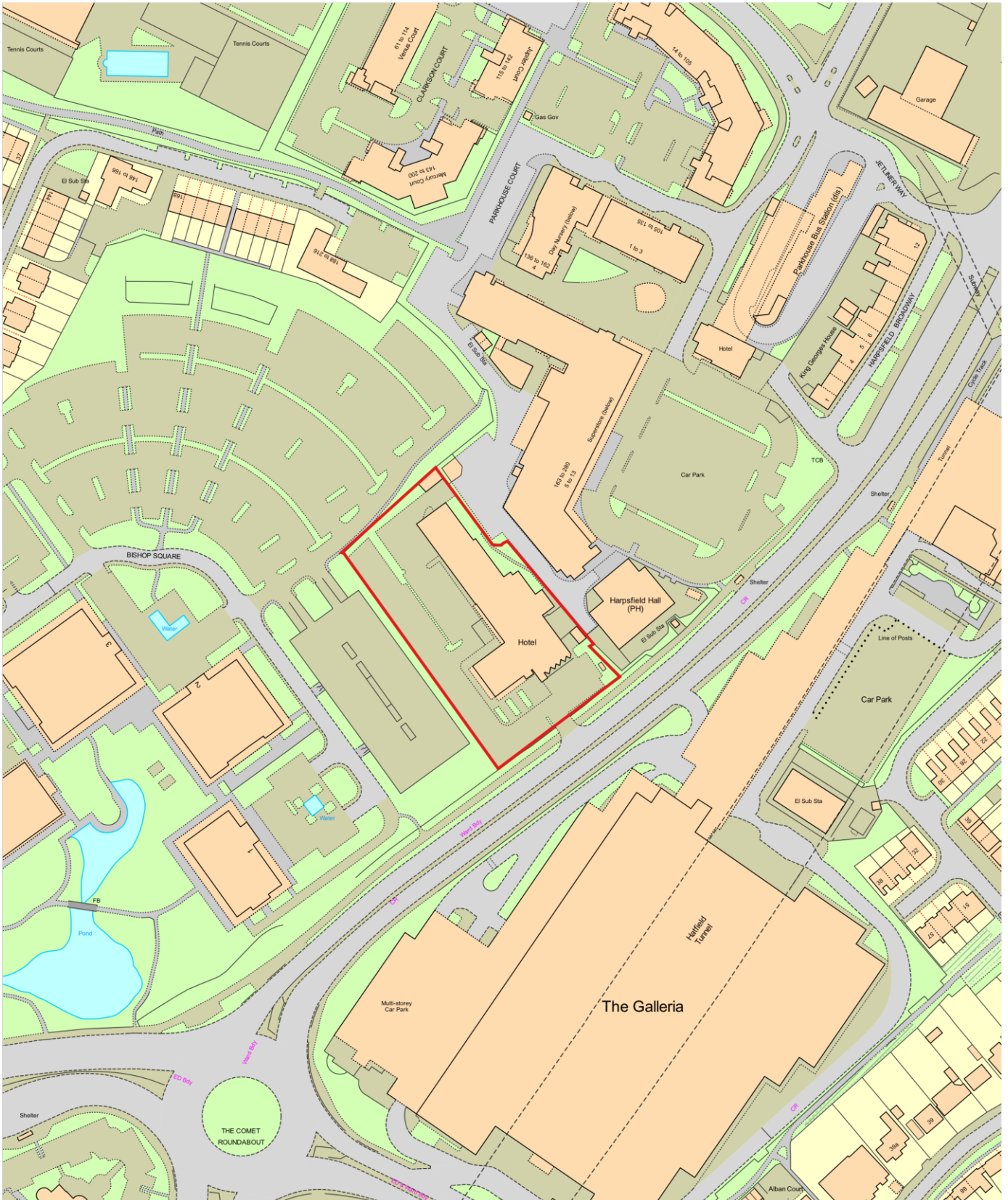
1. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal, and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions by any method other than a legal agreement and the proposal is, therefore, contrary to Policies SADM1, SP4, SADM3 and SP13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.


Together with the above drawing numbers to also be included.

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.

David Elmore (Development Management)
Date: 23/11/2024



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: Former Beales Hotel, Comet Way, Hatfield, AL10 9NG		Scale: 1:5000
	Development Management Committee		Date: 16-11-2023
Drawing Number: 6/2022/1355/MAJ		Drawn: C.Brady	
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Part I

Main author: Louise Sahlke

Executive Member: Councillor Jane Quinton
(Welwyn East)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE –11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/0907/FULL

59 NEW ROAD DIGSWELL WELWYN AL6 0AL

ERECTION OF A DETACHED TWO STOREY BUILDING WITH
ACCOMMODATION AT LOWER GROUND LEVEL COMPRISING 9 APARTMENTS
FOLLOWING DEMOLITION OF EXISTING PROPERTY WITH ASSOCIATED BIN
AND CYCLE STORAGE AND CAR PARKING PROVISION

APPLICANT: ACRE DIGSWELL 3 LTD

1 Site Description

- 1.1 The application site lies within the specified settlement of Digswell. Digswell sits to the north of Welwyn Garden City.
- 1.2 The application site, known as 59 New Road, is located on a substantial plot and has a steep incline of approximately 3.8 metres from the southern corner to the northern corner over a distance of 100 metres in topographical levels.
- 1.3 The application site fronts onto New Road, which is the main through road linking it to other settlements such as Welwyn Garden City, and major infrastructure links such as the A1(M) motorway.
- 1.4 Although it is located on the main through road, the application site is well screened within a landscaped setting and sits behind a band of trees protected by a Tree Preservation Order (TPO 260 WI).
- 1.5 Located to the north eastern part of the site sits the existing two storey detached chalet bungalow and a separate single storey detached garage. The bungalow was constructed in the 1950's and has been extended, in the 1970's.
- 1.6 The bungalow is set within a large, landscaped plot which includes a number of mature trees and planting.
- 1.7 Both vehicular and pedestrian access is to the front of the New Road, which leads to a long access road and driveway.
- 1.8 In terms of the boundary treatments, the application site is bound by various types of vegetation.

1.9 New Road is predominantly residential in character. The application site is enclosed by adjacent residential properties on its eastern and western boundaries, ranging in age. 61 New Road to the east is currently being built out as part of a new residential development. The dwellings are varied in their setting, mainly linear development, in size and architectural appearance.

2 The Proposal

2.1 This application seeks full planning permission for the erection of a two-storey block of flats with a lower ground level (8 x 2 bedroom and 1 x 3 bedroom). The proposed building would be positioned further back into the application site than the original dwelling, in a more central location. The proposed layout plan demonstrates a linear style of development which would front onto New Road. The proposed design approach is modern, with a mixed pallet of materials.

2.2 Each dwelling would have circa 1.5 car parking spaces, accessed from a widened vehicular access from New Road. Each dwelling would have an electronic vehicle (EV) charging point.

2.3 Each dwelling would also benefit from private and communal amenity space. A shed would be provided for bicycle storage and bin storage would be located to the front of the site.

2.4 The proposal seeks to incorporate a landscaping scheme.

2.5 The proposed dwellings are intended to be sold on the open market.

2.6 Amendments have been made during the course of the planning application. These relate to the widening of the vehicular access point. These amendments will be discussed throughout this report.

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Mitchinson.

3.2 The reasons for the Call In are:

- 1) The proposal represents over-development of the site.
- 2) (The development) is too dense, (and) it is out of character with the area.
- 3) Insufficient parking, (and) increased traffic will have an adverse impact on New Road.
- 4) New Road is an iconic landmark area of Digswell and the entire borough. Its character has been irreversibly damaged by ongoing and previously allowed developments. From my understanding there are applications for around 43 dwellings on sites which currently contain just 6 units. The cumulative impact on this part of Digswell is clearly unacceptable.

3.3 A major objection has also been received from Welwyn Parish Council. This is summarised in the section below.

4 Relevant Planning History

- 4.1 Application Number: N6/1974/0334
Decision: Granted
Decision Date: 1/8/1973
Proposal: Ground floor extension and alterations

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036 (October 2023) (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.6 Digswell Character Appraisal (2004)

6 Site Designation

- 6.1 The site lies within the settlement boundary of Digswell as designated in the Welwyn Hatfield Borough Council Local Plan 2016-2023.

7 Representations Received

- 7.1 The application was advertised by means of a press notice, neighbour notification letters and a site notice. In total, 25 representations have been received, comprising 20 objections and 5 letters of support. Two additional letters have been discounted, one anonymous and one from the applicant, both in support. All representations received are published in full on the Council's website and are summarised below:

Objections

- Accumulation of dwellings/overdevelopment;
- Noise and disturbance;
- Size of plot too small;
- Insufficient space for large vehicles;
- Lack of car parking;
- Impact on safety and operation of public highway;
- Impact of access and its location opposite Mornington;
- Out of character;
- Bulk, size, design of proposal;

- Impact on Digswell Character Appraisal;
- Neighbour consultation/site notice;
- Impact of flooding;
- Impact on local wildlife, the trees and landscape;
- Impact on (lack of) local amenities;
- Impact on existing residents;
- Car dependent;
- New Road is not conducive to cycling;
- TRIC's survey/ CGI's are not misleading/inaccurate;
- Support letters not from local area;
- Applications are not assessed on own merits;
- Air pollution;
- No pedestrian access;
- Impact on infrastructure;
- No requirements for flats;
- Impact on Soper Wildlife Sanctuary.

Support

- Compliments area;
- Modern design;
- Lack of property to buy;
- Not overdevelopment;
- Considered Ecology;
- Considered neighbours.

8 Consultations Received

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

- HCC Transport Programmes and Strategy
- Hertfordshire Ecology
- WHBC Public Health and Protection
- WHBC Landscape and Ecology

8.2 The following consultees have responded that they have no objections to the proposal but have not recommended conditions or obligations:

- WHBC Client Services
- Thames Water

8.3 No response was received from the following consultees:

- Affinity Water
- HCC Water Officer
- WHBC Parking Services

- HCC Lead Local Flood Authority (LLFA)
- HCC Growth Team
- Herts and Middlesex Wildlife Trust
- Herts and Middlesex Badger Group
- RSPB

9 Town/Parish Council Representation

9.1 Welwyn Parish Council have submitted a major objection which states that:

“We believe that it’s a very development of the site – Overdominated design completely out of street scene - The provision parking is inefficient for the large apartment - Safety concerns with the proposed site access with the Mornington Road which is directly opposite. We note this design for 3 storeys out of the scene keeping. Concerns with the number of trees removed we would require good tree protection orders to be placed.”

10 Analysis

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area.**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Flood risk and sustainable drainage**
 - iii) Renewable energy**
 - iv) Landscaping**
 - v) Contaminated land**
 - vi) Refuse and recycling**
 - vii) Other matters**
- 6. The planning balance**

1. Principle of the development

10.2 The National Planning Policy Framework (NPPF) states planning policies ‘should promote and support the development of under-utilised land and buildings’ (Para.124 (d)) and ‘support development that makes efficient use of land’ (Para.128).

10.3 Policy SP1 of the Local Plan seeks to bring about sustainable development in the borough by applying the following principles:

- The need to plan positively for growth in a way which supports economic growth, increases the supply of housing and helps to reduce social and

health inequalities in the borough - whilst recognising environmental and infrastructure constraints.

- That new development should contribute to the creation of mixed and sustainable communities which are well planned, promote healthy and active lifestyles, are inclusive and safe, environmentally sensitive, accessible, culturally rich, vibrant and vital, well served, and built to high design standards reflecting local character.
- That the location of new development should deliver a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk.
- That the natural and heritage assets of the borough should be protected and enhanced and its natural resources used prudently.
- That adaptation and mitigation principles relating to climate change are incorporated into the design and construction of new development which include energy and water efficiency measures, the use of low carbon and renewable energy, the provision of green infrastructure and sustainable drainage systems (SUDs).

10.4 The definition of previously developed land in the NPPF includes: *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”*

10.5 From the planning history, it is understood that the site has an established use as residential land. Therefore, the land use would not appear to conflict with the definition of previously developed land in the NPPF.

10.6 The application site is not allocated in the Local Plan for housing and therefore has come forward as a windfall residential site.

10.7 Policy SADM1 of the Local Plan states:

Planning permission for residential development on unallocated sites will be granted provided:

- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM34 will apply;
- ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
- iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;

iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and

v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.

Windfall sites will also be supported where the proposed development would support communities through the provision of community facilities to meet the demand for new or enhanced community services’.

- 10.8 Criterion (i) of Policy SADM1 is discussed above. In terms of criterion (ii), the site is located within the village of Digswell, which is situated to the north of Welwyn Garden City. With regards to the sustainability of the development, it is noted that Digswell is classified in Local Plan Policy SP3: Settlement Hierarchy, as a ‘small excluded village or settlement’ that is ‘not washed-over’ by the Green Belt designation with more limited range of employment opportunities and services than large excluded villages. Digswell is directly served by rail services and accessibility to the main road network is good. As such, these areas are considered suitable for a limited amount of new development where this is compatible with the scale and character of the village.
- 10.9 The village of Digswell contains a very limited range of local facilities, which are all within reasonable walking distance from the application site and are accessible via a footway. The facilities are identified in Policy SP5 of the Local Plan as small neighbourhood/village centres, which generally only provide for day-to-day needs. The closest large neighbourhood/village centres are in Haldens and Knightsfield in Welwyn Garden City to the south of the Hertford Road, approximately 2 miles away, which can be accessed on foot.
- 10.10 The application site is also around 2.9 miles from Welwyn Garden City town centre and approximately 0.5 miles to Welwyn North Railway station. The site is around a 5-minute walk from two bus stops on a route providing a limited bus service to Welwyn Garden City and Watton on Stone which can be accessed by footways. The distances between the application site and Welwyn Garden City Town Centre would also be suitable for cycling. As such, access to services and facilities from the application site would not be entirely restricted to the use of the private car. The site is therefore considered to be reasonably accessible to services and facilities by transport modes other than the private motor vehicle. The location and accessibility of the site is therefore considered to be acceptable.
- 10.11 The application site is located within an existing residential area and due to the size of the proposal, there is no evidence that existing infrastructure does not have the capacity to absorb the development. The proposed development also has the potential to support and provide demand (albeit limited) for nearby services and facilities.
- 10.12 The proposal would not undermine the delivery of allocated sites or the overall strategy of the Local Plan; and due to the number of proposed units it would

not result in disproportionate growth, taking into account the position of a settlement within the settlement hierarchy.

- 10.13 For the above reasons, the proposal would not conflict with the sustainability requirements of the National Planning Policy Framework or Policy SADM1 of the Local Plan.
- 10.14 Policy SADM9 of the Local Plan explains that proposals which result in the loss of one or more dwellings will only be permitted where:
- i. The resultant development would result in a net gain in the overall number of dwellings on the application site; or
 - ii. It can be demonstrated that the existing dwelling is significantly affected by adverse environmental conditions and there is no reasonable prospect that the impacts can be adequately mitigated against to create a healthy living environment for existing or future occupants; or
 - iii. The social, economic or environmental benefits of doing so are demonstrated to significantly outweigh the need to minimise net losses to the borough's housing stock.
- 10.15 The proposal for 9 dwellings would result in a net gain in the overall number of dwellings on the application site.
- 10.16 Paragraph 19.2 of the Local Plan also sets out the planning objectives for Digswell. It notes that when considering development proposals in Digswell, the Council will take the following local objectives into account, alongside the borough-wide objectives:
- Review and continue to use the Digswell Character Appraisal in decision making.
 - Maintain the character and widen the choice of housing available in Digswell.
 - Preserve the setting of the Grade II* listed Digswell Viaduct.
- 10.17 The above objectives will be discussed in the subsequent sections of the report, where relevant.

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

- 10.18 Paragraph 131 of the NPPF clearly advises that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place.
- 10.19 Paragraph 139 of the NPPF states that significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 10.20 Consistent with the NPPF, are Policies SADM11 and SP9 of the Local Plan. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG).
- 10.21 Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 10.22 The Digswell Character Appraisal (2004) is also relevant, which includes information about the locally distinctive character and context of Digswell in the borough.
- 10.23 The Digswell Character Appraisal states that Digswell's sloping site and enclosed nature form the basis of its character. It is the dominance of the wooded landscape, the topographical setting and its sense of containment or separateness which give Digswell its attraction. The character of New Road is provided by the houses having deep setbacks and being only fleetingly visible behind well screened green boundaries.
- 10.24 The dwellings along New Road are predominantly large single dwellinghouses with individual character and are generally sited within generous plots in an informal manner.
- 10.25 The proposed development of flats at 59 New Road would represent a different form of development to the original character of the area. However, it is important to note that planning permission has been approved in more recent years at No. 61 and 63-65 New Road for similar developments of flats. Furthermore, flatted developments have been granted in the past (2015) at No's 2 and 40 New Road. An application at 40 New Road was allowed on appeal in June 2012 (N6/2011/1833/FP) and within the appeal decision the Planning Inspector noted the following points:

“Although not explicitly referred to in the refusal reason or the Council's evidence, Welwyn Parish Council, the Residents Association (RA) and individual residents have expressed concern about the development of apartments on this site. However, I have seen no development plan policy basis or any indication in the DCA that smaller units of accommodation are

unacceptable in principle in this area and in my view, there is no justification for the refusal of development for this reason.”

“Whilst the building would accommodate four apartments it would have the appearance of a single detached dwelling and I consider that a building of the scale and design proposed would not appear out of place within this part of Digswell.”

- 10.26 As such the principle of a flatted development of this density is established in the area and the proposal would be compatible with the surrounding residential area, as long as it is not out of character in terms of the siting, set back and design of the building. The proposed building has been designed to have the appearance of a large residential dwelling with a single central entrance and therefore would not appear as a block of flats when viewed from the limited public vantage points on New Road. The development would be centrally sited within the plot and would be set well back within the plot by approximately 32 metres and approximately 25.7 metres from the rear boundary, to follow the existing grain of development. The building would be set in from the flank boundaries of the site by approximately 7.4 and 10.4 metres, which is a comparable distance to that of No. 61 New Road, and therefore would retain a reasonable degree of spaciousness within the plot. The proposed setback distance from the site frontage and the gaps to the boundaries would be reflective of the siting of a number of the dwellings in the vicinity of the site.
- 10.27 In terms of the scale of development proposed, the proposed building would be taller than the existing dwelling on the site and would have a larger footprint. It is acknowledged that the proposed block of flats would undoubtedly result in an increase in bulk and massing which would be over and above that of the existing two storey building currently on the site. However, the proposed block of flats would appear similar in width to the existing building (albeit rotated to a different orientation) when viewed from the street. It would not be disproportionately or incongruously large in the context of some of the other dwellings and flatted schemes in the surrounding area either, where there are examples of part two storey, part three storey high buildings. It is considered that the proposed ridge height would sit comfortably within its plot, with sufficient spacing between the adjacent properties (No. 55 and No. 61) and would be in keeping with the drop in the ground levels along New Road. Furthermore, the dense vegetation on the site's front boundary (which is to be retained) and the substantial set back would sufficiently screen the development in a manner not dissimilar to many of the neighbouring and surrounding dwellings. It is considered that the site would comfortably accommodate the proposed scale of development. As such, the proposed development would not appear incongruous in its context, nor would it significantly harm the character of the street scene in terms of its form and scale.
- 10.28 It is considered that the existing mix of flatted schemes and dwellings in the area has resulted in a mixed character within New Road to which a modern design would not be considered out of character with other developments. The design approach of the proposed building has been planned to appear as

a large family dwelling. The built form has been broken up and the design utilises the topography of the land levels to assimilate it into the application site.

- 10.29 The proposed building would be sympathetic in scale, height, spacing, design and materiality. Further details of the external materials can be reserved by condition, but it is considered that buff brickwork and hardwood timber cladding as proposed would be an appropriate response to the locality in principle.
- 10.30 The proposed layout of the development would result in the provision of a relatively significant amount of hardstanding in the front part of the site to accommodate the parking area. However, the extent of the hardstanding would be comparable with that approved for 61 New Road (6/2020/2818/FULL) and the levels of hardstanding present at a number of the surrounding properties, particularly those towards the top of New Road. It is therefore considered that the development would be in keeping with the overall visual character of the area. Consideration has been given to the fact that the majority of the proposed hardstanding would be screened by the mature trees and bushes on the front boundary of the site. The amount of hardstanding would be proportionate to the size of the plot and the retention of soft landscaped areas to the front and rear of the site would ensure that the proposals would not represent overdevelopment of the site.
- 10.31 Accordingly, the proposed development would be of a good standard of design and would be in accordance with Policies SADM11 and SP9 of the Local Plan, the Digswell Character Appraisal, the Supplementary Design Guidance and the National Planning Policy Framework.

3. Residential amenity

- 10.32 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.
- 10.33 Policies SP9, SADM11 and SADM18 of the Local 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.
- 10.34 The proposed development has the potential to impact 55 and 61 New Road, as these are the nearest buildings to the proposal. The proposed development, due to the existing single dwelling occupancy will result in a change in the outlook experienced by the occupiers of nearby residential properties. However, due to the orientation of many of the existing nearby dwellings (which do not face directly on to the application site), the intervening highway network (which lies between the application site and surrounding dwellings) and existing mature landscaping, the proposal is unlikely to result in significant harm to the outlook from these existing properties.

- 10.35 Furthermore, due to the distance of the existing dwellings from the proposed dwellings (at its closest the proposed building would be approximately 7.4 metres from the boundary with the nearest existing residential property), the proposal is unlikely to result in significant harm in terms of loss of light, privacy or overbearing impact.
- 10.36 The relationship of the proposed dwellings and the level of face to face overlooking and loss of privacy would be mitigated by the change in the topographical levels, the position of the proposed building and the retention of the tree screening.
- 10.37 Finally, whilst it is acknowledged that there is potential for additional noise and disturbance through the comings and goings of vehicles associated with the new dwellings and additional occupants, noise within the proposed dwelling's amenity spaces would be considered acceptable within a residential setting.
- 10.38 Turning now to the future occupiers of the proposed development, it is proposed that all residential units will meet the nationally described space standards in terms of the gross internal area of the dwellings.
- 10.39 Each dwelling would have access to a communal or private amenity space. This is considered usable and functional. This is therefore considered to comply with the Council's Supplementary Design Guidance and provides future occupiers with external space.
- 10.40 Daylight/sunlight/outlook of new occupiers is considered acceptable. Due to the topographical levels on the lower ground level, which are lower to the southern part of the building, all habitable rooms have windows and doors which allow in good levels of light. These habitable rooms also have good outlook as this level has been designed with direct access to a private garden. The staircase to the lower level has an acid etched opaque glass roof which allows natural light into this area. All other dwellings on the ground and first floor levels have sufficient daylight, sunlight and outlook for main habitable rooms.
- 10.41 Privacy of new occupiers is also considered acceptable. There is no relationship between dwellings within the proposed building which would result in a loss of privacy between them.
- 10.42 The lower level flat has access to a private garden space, it is not clear whether this would be enclosed by boundary treatment. Therefore, it is considered that this should be conditioned as part of the landscape plan.
- 10.43 Policy SP7 of the Local Plan states that at least 20% of all new dwellings on sites involving 5 or more new 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. This proportion may be varied where dwellings are proposed to meet Part M4(3) standards for 'wheelchair user dwellings' (or as subsequently amended). The planning statement confirms that the proposal would provide nine apartments all of which provide step free access

compliant with M4(3) of the Building Regulations, providing all nine homes adaptable for M4(3) and later living. This can be secured by condition.

- 10.44 Details of any proposed external lighting have not been provided with the application. Any external lighting proposed/required as part of the development will need to be designed to take into account the ILP guidance in terms of light trespass into windows or sensitive receptors, and vertical lux diagrams will be required to show that any external lighting will not cause an issue. A condition is recommended, requiring the submission of an external lighting scheme.
- 10.45 Subject to the suggested conditions, the proposal would be in accordance with the NPPF and Policies SP9, SADM11 and SADM18 of the Local Plan.

4. Highways and parking considerations

- 10.46 In terms of parking, Paragraph 111 of the NPPF states that if setting local parking standards, policies should take into account the accessibility of the development, the type, mix and use of the development, availability of and opportunities for public transport, local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 10.47 The Parking Standards Supplementary Planning Guidance (SPG) use maximum standards and are not consistent with the NPPF and are therefore afforded less weight. In light of the above, the Council have produced an interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.
- 10.48 Policy 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.49 Policy SADM12 of the Local Plan states that the type and quantum of vehicle and cycle parking provided within development proposals will be informed by the standards set out in the Council's parking standards taking account of:
- a. The site's location and accessibility to public transport, services and facilities;
 - b. The nature and degree of parking demand likely to be associated with the development and opportunities for shared parking; and
 - c. The need to promote more sustainable forms of travel within the borough.

- 10.50 The application is supported by a Transport Statement, Stage 1 Road Safety Audit and supporting plans and documents.
- 10.51 Digswell is located outside of any of the specified zones for car parking provision. However, as it is not within Zone 1 or 2, higher parking standards apply. A two-bedroom dwelling would require 1.5 spaces and a three bedroom dwelling would require 2.25 spaces in line with the maximum standards. There would be a shortfall of two car parking spaces (1 car parking space if the visitor parking space was reutilised) with limited explanation to why there is a shortage in the total number of car parking spaces. However, as set out above, the existing maximum parking standards within the SPG should be taken as guidance only, and is a maximum rather than a minimum. The Case Officer noted that on undertaking a site visit, there is some limited car parking provision on New Road. Whilst it is acknowledged that there would be a shortfall in the total number of car parking spaces proposed using the maximum standards, as this would only be for one parking space, and there are other modes of transport available within walking distance, it is not considered that car parking provision would justify a reason for refusal.
- 10.52 The Council's parking standards also require the provision of secure and weatherproof cycle storage at a rate of one space per dwelling. The proposal does provide bicycle storage for each dwelling via a shed. The site is situated in a reasonably sustainable location in close proximity to bus stops which link to wider transport links.
- 10.53 In addition, Policy SADM12 of the Local Plan seeks to promote more sustainable forms of travel, including the provision of electric vehicle charging points. Limited details have been provided at this stage, but the proposed plans suggest the majority of the parking spaces would have EV points. It is recommended that further details of the EV points are secured by condition.
- 10.54 Concerns have been raised by neighbouring properties in regards to both highway and pedestrian safety.
- 10.55 Hertfordshire County Council Highways team have been consulted and have raised no objection to highway or pedestrian safety subject to the suggested conditions and informatives.
- 10.56 Hertfordshire County Council Highways requested S106 contributions as part of this proposal. However the proposal would fall under the threshold (the proposal is under 10 units and the site area is under 0.5 hectares) for S106 contributions. The Case Officer has discussed this matter further with the Highways Team and the requirement for S106 contributions has now been withdrawn in writing.
- 10.57 It should be noted that the Highway Authority have considered the cumulative impact of developments in the vicinity of the application site as part of this application, due to the cumulative increase in vehicle trips, plus the nature and volume of vehicle movements. A Stage 1 Road Safety Audit (RSA) was completed by the applicant to assist with this assessment and the Highway Authority do not object to the proposal on these grounds.

- 10.58 The Highway Authority have recommended a construction management statement is secured by condition, to ensure the development will be constructed in a satisfactory manner. This is included in the list of recommended conditions at the end of this report.
- 10.59 In summary, subject to the suggested conditions, the proposal would provide an acceptable level of on-site car parking and would have an acceptable impact on highway and pedestrian safety. Therefore, no objections are raised in regards to the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; Policies SADM2 and SADM12 of the Local Plan or the NPPF.

5. Other considerations

i) Ecology and biodiversity

- 10.60 Paragraph 180 of the NPPF states that the planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 175 of the NPPF goes on to listed principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 1786(a) of the NPPF that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”. It is stated within Paragraph 186(d) that “*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*”.
- 10.61 The Environment Act 2021 gives greater emphases to measurable Biodiversity Net Gain (BNG) and advocates using the current version of the Biodiversity Metric. However, mandatory BNG as set out in the Environment Act applies in England only by amending the Town & Country Planning Act and is likely to become law in 2024.
- 10.62 Policy SADM16 of the Local Plan states that proposals will be expected to maintain, protect and, wherever possible, enhance biodiversity.
- 10.63 Policy SADM16 additionally says that all developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%. The Biodiversity Net Gain (BNG) policy requirement will apply to Small Sites from April 2024. For residential development, this means where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares. For the above reasons, this site does not require a 10% BNG to be demonstrated. Despite this, the applicant has submitted a Biodiversity Metric report with the application.

- 10.64 The application is also supported by an Ecological Impact Assessment which outlines mitigation measures. The submitted report identifies that, given the character of the site and management of the lawn there is no reason to consider the grassland to be ecologically significant in this case.
- 10.65 Hertfordshire Ecology have been consulted and suggest that there is no objection to the proposed development, subject to the suggested conditions. This includes a Landscape and Ecological Management Plan (LEMP) and several avoidance, mitigation and enhancement measures... In addition, the biodiversity metric which has been submitted shows an overall biodiversity net gain in excess of 10% for area and hedgerow habits achieved within the trading rules for the metric. Consequently, the application would enhance the biodiversity of the site and provide net gains.
- 10.66 Other Ecological Groups have also been consulted and not responded. The RSPB have commented verbally that they do not consider that the application site would impact on their site. It is considered that, based on the comments from 61 New Road next door and the comments from Hertfordshire Ecology, that the mitigation measures are reasonable and proportionate, and given the site's characteristics and the type/scale of the development, the impact on this site would be acceptable.
- 10.67 Bats are a protected species. The submitted report notes that the application site was inspected and assessed for its potential to support roosting bats, where it was found to have a negligible potential. The potential for nesting birds, the suitability of surrounding connecting habitats for hedgehogs and the potential for reptiles is not considered sufficient to justify further surveys, which Hertfordshire Ecology agree with. No concerns are raised regarding badgers either. Subject to safeguarding and mitigation measures being secured by condition, the proposal will be considered acceptable.
- 10.68 As such, subject to the recommended conditions, there would be no conflict with the NPPF or Policy SADM16 of the Local Plan.

ii) Flood risk and sustainable drainage

- 10.69 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. Policy SADM14 of the Local Plan is similar in these aims.
- 10.70 This site is located within Flood zone 1 i.e. a low probability of flooding. The proposal is supported with a Sustainable Drainage Strategy Report. The Lead Local Flood Authority (LLFA) have been consulted and have not provided any comments on the report.
- 10.71 As such, subject to a more detailed condition on management and maintenance of any proposed drainage system, no concerns are raised on

these grounds and the proposed development would be in accordance with Policy SADM14 of the Local Plan and the NPPF.

iii) Renewable Energy

- 10.72 Policy SP10 of the Local Plan explains that proposals which adopt sustainable design and construction principles, with an integrated design solution, will be supported. It is recommended that new dwellings deliver some of their energy requirements from decentralised and renewable or low-carbon sources. Policy SADM13 is also relevant for new dwellings, which states that all newly constructed dwellings will be required to achieve an estimated water consumption of no more than 110 litres/person/day, with water reuse and recycling and rainwater harvesting incorporated wherever feasible to reduce demand on mains water supply.
- 10.73 The application is supported by a Sustainability Statement in the Design and Access Statement (page 50). The planning statement also notes that the proposal adopts a fabric-first approach, as the building is to be super insulated and airtight to provide high thermal performance well beyond current Building Regulation Requirements. It also notes that careful consideration has been given from the outset to overall building form, orientation and fenestration to minimise thermal bridging, optimise solar gain and mitigate overheating with apartment layouts allowing dual aspect and cross ventilation and fenestration.
- 10.74 The details within the Design and Access Statement also state that the proposal will look to integrate on-site renewable energy sources such as PV cells and air/ground source heat pumps to reduce the energy usage for the residents. Limited information is provided about the specifics of this. However, it is considered that additional details of the above could be provided by condition.

iv) Landscaping

- 10.75 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained, and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles.
- 10.76 Policy SADM16 of the Local Plan sets out that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Furthermore, Policy SP9 notes that proposals should make space for nature, to enable the movement of wildlife through the development, and protect and improve the connectivity of habitats at the wider landscape scale. Policy SP10 additionally states that new and existing habitat and landscaping should be incorporated into the layout and design of proposals. Landscaping can protect and

enhance the visual character of the area and reduce the visual and environmental impacts of a development.

- 10.77 The NPPF sets out at Paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.
- 10.78 Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 10.79 Currently, there is significant vegetation within the site itself. There are numerous trees which sit to the south of the site. These trees are a sufficient distance from the proposed building and should not be affected by the development. There are Tree Preservation Orders (TPOs) on some trees on site.
- 10.80 An Arboricultural Impact Assessment and Tree Protection Plan has been provided with the application. The Council's Landscapes Team have reviewed this and have confirmed the categorisation of the trees is a fair appraisal. The report recommends the removal of 9 trees to facilitate the development and 1 tree for reasons of sound management. Three of the trees required to be removed are B category trees (good quality) the others are C category (moderate quality) or U category (low/poor quality). A small yew tree to the front of the site is to be removed as part of the entrance widening but this tree has little amenity value and there are no objections to its removal. The loss of the trees are considered to have little impact on the amenity of the area. However, tree planting to mitigate the losses should be undertaken.
- 10.81 The tree protection measures are considered sufficient and appropriate to protect the retained trees, which can be secured by condition.
- 10.82 A detailed planting plan has been submitted with the application, which provides details of the proposed planting schedule. These details are considered sufficient. However, additional details would be required to be secured by condition, which detail topographical levels, additional hard and soft landscaping and boundary treatments.
- 10.83 Limited details have been provided of boundary treatments, hardstanding and new structures. Revised details of bin storage will also be required due to the limited information in regards to topography and access. This is to demonstrate that satisfactory refuse access to the bins can occur. These points would be conditioned.

v) *Contaminated land*

10.84 Policy SADM18 of the Local Plan states that planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a preliminary Contaminated Land Risk Assessment. Proposals which, by their nature, risk contributing to soil and water pollution, will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level. On such sites, applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.

10.85 The Council's Public Health and Protection Officer has reviewed the proposal and considers that the application site is not located within area known to be contaminated. No objection in principle has been raised subject to an unexpected finds condition.

10.86 Accordingly, subject to the imposition of the above-mentioned condition, the proposal would not be contrary to Policy SADM18 of the Local Plan or the NPPF.

vii) Refuse and recycling

10.87 Policy SADM12 of the Local Plan states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and access to them should be appropriately sited and designed to ensure they can:

a. Perform their role effectively without prejudicing or being prejudiced by other functions and users;

b. Maintain an attractive and coherent street scene and protect visual amenity; and

c. Avoid creating risk to human health or an environmental nuisance.

10.88 The proliferation of bins can create a considerable amount of clutter on the frontage of sites, which in turn can have a harmful impact upon the visual amenity of the streetscene and the character of the area. Inappropriate storage of bins on the highway can also disrupt pedestrian and traffic movements, contrary to the NPPF.

10.89 The National Design Guide (H3) points out that "Well-designed places include a clear attention to detail. This considers how buildings operate in practice and how people access and use them on a day-to-day basis, both now and in future. They include: Local waste storage, management and pick up: Refuse bins for all the different types of collection, including landfill, recycling and food waste. They are accessible and well integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use."

- 10.90 Details have been provided of a suitable bin storage area for the proposed dwellings, as well as a designated space for bin storage to the front of the site on bin collection day. It is important that the bin collection points are not used as an alternative to the dwellings' bin stores, to prevent bins being left on the frontages in perpetuity. The collection point should also prevent bins impeding access to other bins, to enable the collection crew to remove one bin at a time and return it to its same location without having to move other bins out of the way.
- 10.91 Notwithstanding the submitted plans and documentation, the Council's Client Services require amended plans of the bin storage and bin collection points. The proposed site plan includes the locations of the bin store, and a plan has been included which demonstrates the elevational details of the structure. The information submitted regarding the bin collection point to the front of does not demonstrate adequate space has been provided and what measures would be included to prevent residents leaving their bins in that location in perpetuity. Additional details of the bin storage facilities are recommended to be secured by condition.

viii) Other matters

- 10.92 It is noted that the Council's Public Health and Protection Team have included hours of noise as a recommended condition. It is considered that construction noise would fall under Public Health and Protection legislation and therefore this has been changed to an informative.
- 10.93 It is noted the Council's Public Health and Protection Team have included a condition for a Green Travel Plan. However, the application already includes information regarding cycle storage and electric vehicle charging points and further details will be secured by condition. Therefore, it is not considered that this is required.
- 10.94 Neighbouring properties have raised comments in regard to the site notice. This was displayed on the 18 May 2023 for a minimum of 21 days. Neighbouring properties were also notified.
- 10.95 The Local Planning Authority is not able to take into consideration a cumulative number of developments within an area unless there is reason for the LPA to believe this development would conflict with the relevant policies for this reason (e.g. pollution, flooding). The cumulative impacts on the highway have been assessed as part of this application as discussed above, in consultation with the Highway Authority.

6. The planning balance

- 10.96 Policy SP1 of the Local Plan requires that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF outlines, in its introduction, three dimensions to sustainable development: economic, social and environmental.

These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; as well as an environmental role which includes protecting and enhancing the environment.

- 10.97 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.
- 10.98 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development and footnote 8 outlines that it includes, amongst other things, 'for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 77).
- 10.99 The Council's Local Plan was adopted on the 12th of October 2023 and the NPPF has been recently updated (19th December 2023) which now removes the requirement to maintain a 5-year housing land supply if the Local Plan is under 5 years old. However, this new provision is only applicable to applications submitted from the date of publication and therefore does not apply to this application.
- 10.100 As a result of the above, it is still the position that the Council cannot demonstrate a 5-year housing land supply, therefore this triggers the circumstances in paragraph 11d) of the NPPF.
- 10.101 The proposed development would deliver 8 additional dwellings, therefore it would result in the construction of additional housing, in an existing village. This would reduce pressure on housing land take elsewhere, albeit to a limited degree and would accord with the support in the NPPF for increasing the supply of housing. Further social benefit arises from the provision of high-quality housing.
- 10.102 Economic benefits would arise from the construction of the development and future spending of residents on local facilities and services, albeit limited as this benefit would be short term. It is also within a reasonable distance of Welwyn Garden City town centre, which has the potential to benefit from increased expenditure in local shops and services, although again this would be limited.
- 10.103 Turning to the environment, the proposal would be located in an existing village, where there are possibilities for limited development. The proposal would make effective and efficient use of existing residential land on an established residential road.

- 10.104 In addition, the proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not cause undue harm to the amenity of neighbouring occupiers subject to the suggested conditions. These considerations weigh moderately in favour of the proposal.
- 10.105 In addition, the applicant's submitted details refer to various ways of ensuring the property would be of a sustainable design and construction. These include measures to enhance the energy efficiency of the building, such as the use of Electric Vehicle (EV) charging points, and the addition of Air Source Heat Pumps (ASHP) and PV panels. A condition is also recommended for the submission of an energy statement prior to above ground level work beginning on site, to ensure the new dwellings would be energy efficient in line with further detail regarding the above measures, as well as any other renewable energy measures or approaches to the fabric of the building which may be appropriate. Such environmental benefits enhance the sustainability credentials of the development which are attributed moderate weight.
- 10.106 In this case, it is considered that the benefits of the development would outweigh any negatives, taken as a whole. The proposal would therefore represent sustainable development. Accordingly, the requirements of Paragraph 11 of the NPPF, which deals with the presumption in favour of sustainable development, would be met.

11 Conclusion

- 11.1 The proposal would not harm the visual amenity or the character and appearance of the area. The design would be good quality and would not harm the amenity of neighbouring occupiers.
- 11.2 There is no objection in principle to development on this site, and the proposal would provide much needed housing.
- 11.3 Subject to conditions, the proposal would have no significant adverse impact upon residential amenity, highways, flood risk and sustainable drainage and other relevant matters.
- 11.4 For the reasons summarised above, together with all other material considerations, subject to the suggested conditions the proposal is considered to be in accordance with the relevant national and local planning policies and as such it is recommended for approval.

12 Recommendation

- 12.1 It is recommended that planning permission be approved subject to the following conditions:

PRE-COMMENCEMENT CONDITIONS

1. No development shall commence until detailed technical plans have been submitted to and approved in writing by the Local Planning Authority, in

consultation with the Highway Authority, which show the forward visibility splays, railings, detailed engineering designs and construction of the vehicle access and associated highway works concerning the connectivity of the access road with New Road. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before the commencement of any other development on the site following the completion of the highway works.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. No development shall commence until a 'Construction Traffic Management Plan' has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, At each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.

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),

Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. Prior to the demolition of the buildings detailed in the Preliminary Ecological Appraisal, a Landscape Ecological Management Plan (including but not limited to the recommendations in the report for ecological enhancements (for bat and bird boxes, native planting, species of benefit for biodiversity, rain garden, green walls/fences) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan (LEMP) shall ensure the ecological and habitat enhancements are achieved and sustained as part of the development.

Thereafter the construction of the development shall only be carried out in accordance with the approved LEMP.

REASON: To ensure the ecological and habitat enhancements will be achieved and sustained in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. No development shall commence (including vegetation clearance) until a badger walk-over survey of the site has been carried out by a suitably qualified and experienced ecologist to check for badger activity.

If badgers will be impacted by the development, appropriate mitigation to safeguard them must be submitted to and approved in writing by the Local Planning Authority before commencement of the development (including vegetation clearance). The development must be carried out in accordance with the approved mitigation measures.

REASON: To ensure badgers are protected from harm during the construction of the development in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

5. Prior to any above ground level development beginning, details identifying the location and appearance of the electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed as approved prior to the first occupation of the development hereby permitted and thereafter retained as part of the development.

REASON: To ensure that sufficient provision is made for the charging of electric cars, in accordance with Policy SADM3 and SADM12 of the Local Plan and the National Planning Policy Framework.

6. No above ground development in any phase of the development shall take place until an energy statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the proposed development would be designed and constructed to achieve a reduction in carbon emissions (dwelling emission rates) which would exceed Part L Building Regulations baselines, in addition to any renewable energy sources to be installed or other measures to secure the sustainability credentials of the development. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: To ensure that the development contributes towards sustainable development and energy efficiency in accordance with Policy SP10 and SADM13 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. No development above ground level in any phase of the development shall take place until full details on a suitably scaled plan of 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 (including management and maintenance details);
- c. Relocation and plans of cycle shed;
- d. Additional planting plans;
- e. Ecological enhancements, including badger gates; and
- f. SUDS planters

Thereafter the development shall accord with the approved details.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policy SP9 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. No development above ground level in any phase of the development shall take place until full details of the external materials to be used in the construction of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority.

The details must include the colours, types and manufacturers of all external materials, including windows and doors. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In the interest of the appearance of the development, in accordance with Policy SP9 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. No development above ground level shall take place until revised plans and elevations of refuse and recycling storage have been submitted to and approved in writing by the Local Planning Authority. The details shall include a larger bin store; the gradient of the path from the bin store to freighter; bins stores to have double doors opening outwards and a coded lock. Subsequently the refuse and recycling storage shall be constructed, equipped and made available for use prior to first occupation of the development and thereafter retained for this purpose.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. Prior to any above ground level development beginning, full details of a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. 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 and to ensure that long term maintenance is in place for the working of the SUDS systems in accordance with Policy SADM14 of the Welwyn Hatfield Borough Council Local Plan and National Planning Policy Framework.

PRIOR TO OCCUPATION

11. Prior to the first occupation/use of the development hereby permitted, the vehicular access, forward and pedestrian visibility splays shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted

2018), Policy SADM2 of the Local Plan and the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby permitted the proposed on-site car and cycle parking areas shall be laid out, demarcated including relevant signage, 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 SADM2 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

13. Notwithstanding the submitted details, the site shall not be occupied until a schedule of units, together with appropriate plans and drawings, has been submitted to and approved by the Local Planning Authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. All units specified as M4(2) and in the agreed schedule and plans shall be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard. The person carrying out the building work must inform the Building Control body which requirements apply and written verification of the completion of all dwellings in accordance with the above will be supplied to the local planning authority within 30 days of the practical completion of the building it forms part of.

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policy SP7 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. All hard and soft landscaping works shall be carried out in accordance with the approved details. 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 Policy SP9 and SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

OTHER

15. Reporting of Unexpected Contamination:

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

2. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

3. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary

monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy SADM18 of the Local Plan and the National Planning Policy Framework.

16. 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 Policy SADM11 and SADM18 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework

17. The development hereby approved shall be carried out in accordance with the details and recommendations within the submitted Arboricultural Impact Assessment and Tree Protection Plan Patrick Stileman Limited (April 2023), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the trees near to the site in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. The development hereby approved shall accord with the working practices, mitigation measures and recommendations within the submitted Preliminary Ecological Appraisal April 2023, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect ecology and biodiversity in accordance with Policy SADM16 of the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

19. 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
CLPD 128 P01d Sheet 1 of 2	D	Landscape Strategy Plan	27 April 2023
DS031122 01.05-A	A	Tree Protection Plan	27 April 2023
829-00-120-		Existing Roof Plan	27 April 2023
829-00-121-		Existing Floor Plans	27 April 2023
829-00-200-		Existing Site Section AA	27 April 2023
829-00-310-		Existing Front Elevation	27 April 2023
829-00-311-		Existing Side Elevation A	27 April 2023
829-00-312-		Existing Rear Elevation	27 April 2023
829-00-313-		Existing Side Elevation B	27 April 2023
829-10-100-		Proposed Lower Ground Plan	27 April 2023
829-10-102-		Proposed First Floor Plan	27 April 2023
829-10-103-		Proposed Roof Plan	27 April 2023
829-10-110-		Proposed Site Layout Plan	27 April 2023
829-10-210-		Proposed Section AA	27 April 2023
829-10-		Proposed Section BB	27 April 2023

211-			
829-10-212-		Proposed Site Section AA	27 April 2023
829-10-300-		Proposed Front Elevation	27 April 2023
829-10-301-		Proposed Side Elevation A	27 April 2023
829-10-302-		Proposed Rear Elevation	27 April 2023
829-10-303-		Proposed Side Elevation B	27 April 2023
829-10-400-		Proposed Cyclestore	27 April 2023
829-00-001-		Existing Site Plan	28 April 2023
829-10-001-		Proposed Site Plan	28 April 2023
829-10-401-R1		Proposed Refuse & Recycling Store	2 June 2023
829-10-101-R1		Proposed Ground Floor Plan	2 June 2023
SK15	.	Proposed Access Design, Visibility Splay and Service Vehicle Swept Path Analysis	27 June 2023
SK16	.	Proposed Access Design, Area Subject to Widening	27 June 2023
CLPD 128 P02b	B	Detailed Planting Plan	29 June 2023

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

INFORMATIVES

1. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :

8.00am and 6.00pm on Mondays to Fridays
8.00am and 1.00pm Saturdays
and at no time on Sundays and Bank Holidays

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.

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

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.

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.

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.

All pile driving shall be carried out by a recognised noise reducing system. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

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

'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.

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

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.

Permissible noise levels are not specified at this stage.

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

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.

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

2. 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.
3. 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.
4. 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.
5. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
6. The applicant is advised that all routes associated with this development will remain unadopted and the developer should put in place a permanent

arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website www.hertfordshire.gov.uk./services/transtreets/highways/ or by telephoning 0300 1234047.

7. The proposed development is located within 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>. Should you require further information please contact Thames Water. Email: 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
8. 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>
9. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
10. As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via

<https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C01%7C%7Cf63ec65a0dbf4ce3812008db4d4af8cf%7C2e31fb9b220b49bdba10f6e3dd7307ea%7C0%7C0%7C638188756614150991%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luM>

zliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=1qnnAeq1umiLPQOzGqGzaql3e87E098z1ydv0EkrEPE%3D&reserved=0.

11. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via:
<https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C01%7C%7Cf63ec65a0dbf4ce3812008db4d4af8cf%7C2e31fb9b220b49bdba10f6e3dd7307ea%7C0%7C0%7C638188756614150991%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=1qnnAeq1umiLPQOzGqGzaql3e87E098z1ydv0EkrEPE%3D&reserved=0>.
12. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
13. Surface water from the car park area is likely to carry on oil and hydrocarbons. It is therefore recommended that the onsite drainage system should incorporate an oil/water interceptor which acts to prevent petrol/oil being discharged into the surface and groundwater network.
14. In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact the Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk . Please note that charges may apply.
15. Being within a water stressed area, the Developer is encouraged to consider the wider water environment by incorporating water efficient features such as rainwater harvesting, rainwater storage tanks, water butts and green roofs (as appropriate) within each dwelling/building.

16. It is advised to prevent the possible disturbance and, or destruction of nests during nesting bird season (March-August) by avoiding vegetation clearance works during this period as far as reasonably possible. If works cannot be avoided during the nesting bird season it is recommended that an ecologist supervise the removal of vegetation (trees and dense scrub) and inspect for nesting birds before works commence.
17. In the area of the proposed development, a cautionary approach during the construction shall be undertaken in regard to any infrastructure. Any damage to any infrastructure shall be at the expense and responsibility of the applicant.
18. 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 or legal interest (easements or wayleaves) which may affect the land.
19. 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.
20. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
21. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
22. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg – commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website:

www.gov.uk/government/publications/abnormal-load-movements-application-and-notificationforms or by telephoning 0300 1234047.
23. Telecommunications equipment: All cabinets/poles should be installed in accordance with the Department for Transport 'Design Manual for Roads & Bridges' (Cabinet Siting and Pole Siting Code of Practice, Section 4.1.2). Equipment where a request is made for a departure from the above standards should be submitted to the Highway Authority via the Local Planning Authority for prior approval.

The applicant is advised that they are not authorised to carry out any work within the Public Highway without a valid permit in accordance with the Permit Scheme. This consent is separate and additional to any planning permission that may be given. Details of the Permit scheme can be found via the County Councils website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx>

24. Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.

This should be carried out prior to any new apparatus is placed within the highway.

25. Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
26. The applicant is advised that all new highway routes within the development site are likely to remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities.

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

27. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

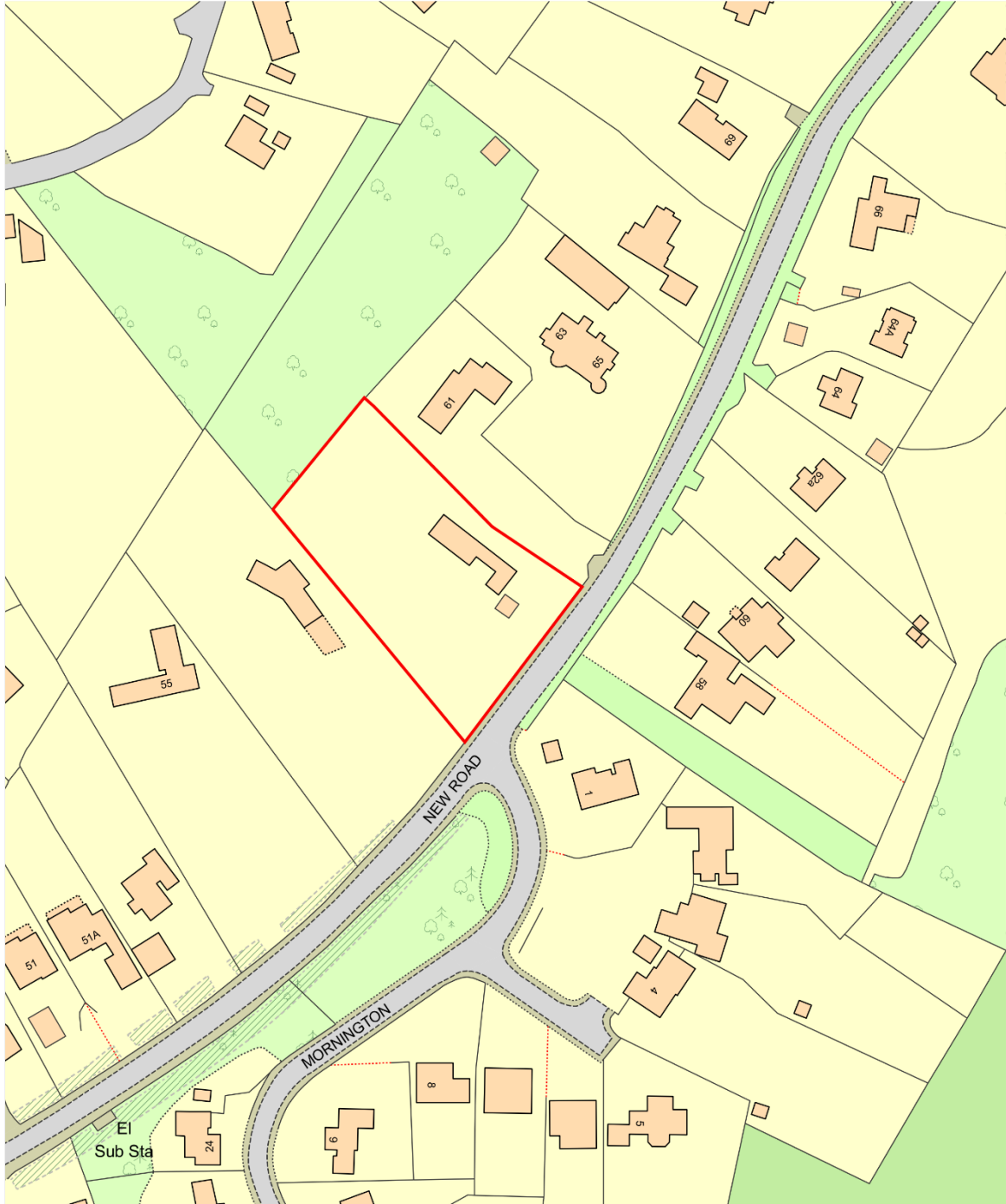
Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk


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: 20/11/2023



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 59 New Road Digswell Welwyn AL6 0AL		Scale: 1:5000
			Date: 02-01-2024
	Project: Development Management Committee	Drawing Number: 6/2023/0907/FULL	Drawn: N McIver
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Part I

Main author: Lizzie Mugova

Executive Member: Councillor J. Quinton
(Welham Green & South Hatfield)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/0894/FULL

UNIT 1 51 WELHAM MANOR WELHAM GREEN HATFIELD AL9 7EL

CHANGE OF USE FROM INDUSTRIAL UNIT TO PROVIDE 7 RESIDENTIAL DWELLINGS,
TOGETHER WITH ASSOCIATED LANDSCAPING, AMENITY SPACE, PARKING, REFUSE
STORAGE AND ACCESS FROM WELHAM MANOR FOLLOWING DEMOLITION OF EXISTING
BUILDINGS AND STRUCTURES

APPLICANT: ACRE

1 Background

1.1 This application follows refusal of application 6/2021/0163/FULL for the “Erection of 7 dwellinghouses”. The previous scheme was refused for the following reasons:

1. *The development proposed would appear as an over intensive form of development which would appear contrived and cramped in its setting. These deficiencies are emphasised by the removal of mature trees, lack of landscaping details, dominant car parking, lack of access to the rear garden of the middle terrace dwelling and poor quality bin storage within the site. Accordingly the proposed development would be of a poor standard of design, failing to take the opportunities to function well and add to the overall quality of the area, contrary to Policies D1, D2, D8, RA11, R17 and H6 of the District Plan (2005), Supplementary Design Guidance (2005) and the National Planning Policy Framework.*
2. *By virtue of inaccurate and insufficient information, and increases in the footprint, floorspace, height, and massing of the proposed dwellings combined with the urban paraphernalia. The proposal would result in substantial harm to the openness of the Green Belt contrary to the aims of the National Planning Policy Framework, Policy GBSP1 of the District Plan 2005 and Policy SP3 of Draft Local Plan Proposed Submission August 2016.*
3. *Due to a lack of evidence to justify the loss of Class Use B uses from the application site, the proposal is contrary to the National Planning Policy Framework, Policy EMP8 of the District Plan 2005 and Policy SADM10 of the Draft Local Plan Proposed Submission August 2016.*
4. *By virtue of a lack of information in regards to a larger refuse vehicle being able to enter or exit the application site. It is judged that the proposed development fails to demonstrate that a safe and suitable access to the site can be achieved for all users contrary to highway safety and the NPPF.*

1.2 An appeal against application 6/2021/0163/FULL was dismissed. The Inspector concluded that the moderate weight afforded to the other planning considerations did not clearly outweigh the harm to the Green Belt, character and appearance of the area and loss of employment land. Consequently, the very special circumstances necessary to justify the development did not exist.

1.3 It is important to note that, since the refusal of application 6/2021/0163/FULL, Welwyn Hatfield Borough Council adopted a new Local Plan on 12th October 2023. Consequently, the application site is no longer situated in the Green Belt and now forms part of a housing allocation HS44.

1.4 Since the dismissed appeal, the proposal has been subject to collaborative pre-application discussion with Welwyn Hatfield Borough Council, which has led to the design being refined and improved. Key changes include:

- The core design of the scheme now stems from enhancing the landscape setting of the site, preserving existing trees and introducing new planting.
- The section of the site which extends beyond the building line of 42 Welham Manor is devoted entirely to green space and soft landscaping.
- The scheme now incorporates a radial layout and the spacing of the new dwellings ensures that visual sky gaps are maintained through the buildings to the trees beyond.

2 Site Description

2.1 The site is located at the end of a residential cul-de-sac, known as Welham Manor, which is accessed from Dixons Hill Road. The site extends to approximately 0.4 hectares and is in a southern position within Welham Green. The application site, known as units 1-3, 51 Welham Manor, is rectangular in shape and has an incline of approximately 1 metre in topography, with the south of the site higher than the rest of the site.

2.2 The site is bordered on the north and west sides by two storey terraced and semi-detached houses. The application site's boundaries to the east and south comprise a mix of mature trees and soft landscaping that largely screen views into and out of the application site.

2.3 The site is currently in employment use as a motor repair yard. There are a number of smaller buildings found on the site which are single storey in height and vary in physical condition and materials. Within the site, there are large areas of hardstanding for car parking, open storage of vehicles and car related items.

2.4 The application site is located within the Hatfield Heritage Assessment Area. To the north of the site is a Grade II listed Hope and Anchor public house (list entry no. 1348176) which is approximately 80m away.

2.5 Existing vehicular and pedestrian access is to the north west of the application site via a metal gate.

3 The Proposal

3.1 The proposal is for the demolition of the existing low-quality buildings and erection of seven dwellings comprising one pair of semi-detached and five detached family homes with car parking, cycle and refuse storage and private amenity gardens. The proposal also includes communal amenity space and a pedestrian and cycle route which extends up to the south west boundary of the site.

3.2 The proposed dwellings would be two and a half storeys in height with living accommodation situated within the roof. The development would utilise the existing access from Welham Manor.

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because the application has been called in by Councillor Paul Zukowskyj.

5 Relevant Planning History

- 5.1 Application Number: S6/1999/0813/LU
Decision: Granted
Decision Date: 28 February 2000
Proposal: Certificate of Lawfulness of existing use of the site including building marked A on the approved plan as a workshop for the repair, maintenance and paint spraying of motor vehicles together with access and car parking associated with car repair business

- 5.2 Application Number: S6/2000/0381/OP
Decision: Refused
Decision Date: 15 May 2003
Proposal: Site for residential development

- 5.3 Application Number: S6/2002/1766/OP
Decision: Refused (dismissed at appeal)
Decision Date: 19 February 2003 (appeal dismissed)
Proposal: Outline application for site for residential development comprising three dwellings, together with associated garage and parking, involving demolition of existing buildings

Dismissed on appeal 11 September 2003. The reasons for the dismissal were based on the fact that while in the Inspector's opinion very special circumstances may exist to justify the grant of planning permission in the Green Belt, he did not consider that the density of the proposed development would make the best use of the available land and hence would not be in accordance with government policy in that respect.

- 5.4 Application Number: S6/2003/1759/FP
Decision: Refused (dismissed at appeal)
Decision Date: 10 June 2004 (appeal dismissed 9 February 2005)
Proposal: Erection of nine 2 bedroom dwellings and garages

Dismissed on appeal 9 February 2005. The reason for the dismissal was that the proposal would constitute inappropriate development harmful to the function and purpose of the Metropolitan Green Belt and that harm is not clearly outweighed by any other considerations.

- 5.5 Application Number: 6/2021/0163/FULL
Decision: Refused
Decision Date: 23 March 2021 (appeal dismissed 18 October 2021)
Proposal: Erection of 7 dwellinghouses

Dismissed on appeal 18 October 2021. The reason for the dismissal was that moderate weight afforded to the other considerations did not clearly outweigh the harm to the Green Belt, character and appearance, and employment land. Consequently, the very special circumstances necessary to justify the development did not exist.

- 5.6 Application Number: 6/2022/1687/PA
Decision: Refused
Decision Date: 2 May 2023
Proposal: Land to the south of 36 Welham Manor Welham Green

6 Relevant Planning Policy

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 Welwyn Hatfield Local Plan (Local Plan)
- 6.3 Supplementary Design Guidance 2005 (SDG)
- 6.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 6.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 6.6 Hertfordshire Local Transport Plan (2018-2031) 2018

7 Site Designation

- 7.1 The site lies within the specified settlement of Welham Green as designated in Policy SP3 of the Local Plan.

8 Representations Received

- 8.1 The application was advertised by means of a site notice and neighbour notification letters. In total, eleven representations have been received, comprising eight objections and three comments of support. All representations received are published in full on the Council's website and are summarised below:

Objections

- The noise/air pollution will affect residents of this road
- This is a small quiet road and the amount of traffic entering/exiting will cause serious disruption, vehicles may be damaged on the road
- Disruption due to construction works.
- Impact on the Green Belt
- No exceptional circumstances
- Contaminated land – moderate risk to health of future and close by residents and site workers
- Increase in traffic making the road busy and unsafe
- Object to the removal of the mature oak tree
- Loss of employment land
- Drains and sewers are likely to be overloaded
- Inadequate parking on site
- Refuse lorries will struggle to access the site
- The three storey dwellings would be out of character with the surrounding houses
- Disturbance to existing ecosystem, wildlife, birds, owls bats and their habitat
- Overdevelopment of an already overcrowded very small close
- Not aware of the boreholes mentioned in the Contamination report
- Contamination surveys do not appear credible
- Due to the wooded and overgrown areas of the site, there is a wide diversity of wildlife, with regular sightings of Robins, Cuckoos, Pigeons, Pheasant, blackbirds, magpies thrushes, sparrows, starlings, swifts, bats
- Unsuitable site for building further dwellings

- This site is identified for development in the Draft Local Plan for 16 houses along with two neighbouring sites. It would be inappropriate to grant this application before the Local Plan is finalised.

Support

- The site and buildings have fallen into disrepair somewhat and now do not meet modern energy efficiency standards without significant upgrade and investment, which it is not financially viable
- Currently the site is noisy and there are lots of vehicles going up and down the unmade dirt track access road, which runs directly alongside our house
- There is a caravan on site, parked right beside No 49 Welham Manor, where someone seems to have taken up permanent residence
- Have had problems in the past with rats coming from the site and the current owners do not keep the premises in good condition at all, they are completely run down.
- The proposal looks great, in terms of designs and would much prefer to live alongside the new housing development than the overgrown piles of scrapped cars and tyres that are currently on the site.
- Pleased to see that there is a lot of parking for the new houses being proposed within the site and we are also pleased to see that the row of trees alongside our house will be kept as screening.
- The window on the side of the property overlooks No 49 Welham Manor's patio, would like to ensure that obscure glass is a condition of planning application should it be granted.

9 Consultations Received

9.1 Major Objection received from Councillor Paul Zukowskyj and is summarised as follows:

- *This site was subject to a refused appeal after officers rejected the previous application. The neighbours are therefore sensitised to the issues this development site raises and are very concerned over the highways issues associated with the increased use of Welham Manor adopted highway as it does not currently meet standard.*

9.2 During the course of the application, officers were in correspondence with Councillor Zukowskyj and the following further concerns were raised:

- *This site was subject to a refused appeal after officers rejected the previous application. The neighbours are very concerned over the highways issues associated with the increased use of Welham Manor.*
- *There is no pedestrian or cycle access to the site. The current footways in Welham Manor do not meet current standards and therefore encourage driving for even short journeys.*
- *Due the Welham Manor not being to adoptable standards, it means the sustainability of the development must be questionable*

9.3 Herts & Middlesex Wildlife Trust – Objection summarised as follows:

- Although the applicant has submitted a biodiversity metric, the trading rules have not been satisfied.

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

- Herts Ecology

- Environment Agency
- HCC Transport Programmes and Strategy
- WHBC Landscape and Ecology
- WHBC Public Health and Protection
- Affinity Water
- WHBC Client Services
- Place Services
- HCC Fire and Rescue Service
- HCC Lead Local Flood Authority
- Hertfordshire Constabulary

10 Town/Parish Council Representations

10.1 North Mymms Parish Council have raised an objection for the reasons set out below:

- Inappropriate development.
- The proposed buildings have a greater scale than the existing buildings therefore would have a greater visual impact on the Green Belt.
- The character and appearance conflicts with Policy D1 and D2 of the District Plan and Item 130 of the NPPF as it is not at all sympathetic to the local character and history, including the surrounding built environment and landscape setting.
- The design is for urban style and would be inappropriate for a rural location in a Green Belt village.
- There is not a lot of amenity space and the two car parking spaces per dwelling for four-bed houses at three storeys is insufficient.
- No Special Circumstances have been given for this development.

11 Analysis

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

- 1. Principle of development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Highways and parking considerations**
- 5. Other considerations**
 - i) Ecology and biodiversity**
 - ii) Contaminated land**
 - iii) Sustainable design construction**
 - iv) Refuse and recycling**
 - v) Heritage**
 - vi) Accessible and adaptable dwellings**
 - vii) Removal of permitted development rights**

1. Principle of development

11.2 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Local Plan Policy SP1 which requires development to take place on previously used or developed land is consistent with the NPPF. Furthermore, Policy SP3 direct new development towards existing towns and settlements.

11.3 The application site is previously developed land. The site lies within the specified settlement of Welham Green. The Local Plan identifies Welham Green as a large, excluded village. Policy SADM30 allocates sites to allow for a limited amount of development in Welham Green.

- 11.4 The application site is a housing allocation (HS44). The site forms part of a large housing allocation (HS44/45) known as Land at Welham Manor and west of Station Road. Policy SADM30 states that both sites should be brought forward together as a comprehensive development. Although this has not happened, this is often difficult to achieve when there are different landowners, however, the design of this site has given due consideration to the adjoining site allocation and allows for a cohesive and connected pair of developments. The primary access of the sites would be from Station Road, with secondary access (pedestrians/cyclists and emergency vehicles) from Welham Manor.
- 11.5 In terms of accessibility, the site is located just outside the village of Welham Green and within walking distance of a range of services and facilities to meet day-to-day needs. Welham Green is also served by bus and rail services which provide links to nearby towns as well as destinations further afield. The site is therefore considered to be accessible to services and facilities by transport modes other than the car.
- 11.6 The application site is located adjacent to an existing residential area and the existing infrastructure would have the capacity to absorb the development. The proposed development has the potential to support and provide demand (albeit limited) for nearby services and facilities.
- 11.7 In view of the above, the application is situated in a sustainable location and the principle of a housing development on this site has already been considered acceptable. Therefore, there is no objection to this site being developed for residential purposes. The proposal would be in accordance with local and national policies.

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

- 11.8 The Government attaches great importance to the design of the built environment. The NPPF notes at paragraph 131 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 11.9 The National Design Guide 2019 (NDG) provides further details as to what is considered as constituting good design and states the 'fundamental principles for good design are that it is fit for purpose; durable; and brings delight.'
- 11.10 The above objectives are broadly consistent with Policies SP1 and SP9 of the Council's Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 11.11 Paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance on parking standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both of these documents require review in due course in order to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.

- 11.12 In terms of the character of the area, paragraph 2.4 of the SDG outlines, amongst other things, that new development should:
- *Respond to building forms and patterns of existing buildings in the detailed layout and design to reinforce a sense of place;*
 - *Use local materials and building methods/details to enhance local distinctiveness; and*
 - *Ensure that the scale, height, massing, and space around the new development in relation to the adjoining buildings is considered*
- 11.13 The character of this part of Welham Green is heavily influenced by the residential developments of Welham Manor and Charkham Mews. These cul-de-sacs date from the 1990's and early 2000's and are built to a relatively high density. They comprise predominantly two storey terrace houses on relatively small plots of varying sizes. The dwellings are set back from the highway behind small front gardens and display a broadly consistent building line. Both cul-de-sacs feature parking courts, although Welham Manor features more private driveways and garages. A degree of soft landscaping lines the frontages of Welham Manor which, together with a number of mature trees, softens the visual impact of built form and car parking to a degree.
- 11.14 The proposal includes the demolition of the existing commercial units. These would be replaced with a pair of semi-detached dwellings and five detached dwellings. The proposed scheme would be laid out in a radial pattern, with spacing in between the dwellings which ensures that visual sky gaps are maintained through the buildings up to the trees beyond.
- 11.15 The application site is bordered on the north and west sides by two storey terraced and semi-detached houses, some of which have roof accommodation. There is an eclectic mix of architectural styles and materials in the wider surrounding area. Within the immediate vicinity the building landscape is of limited architectural merit.
- 11.16 The proposed dwellings would have a habitable third floor imperceptible from their front facades. When viewed from their fronts, the dwellings would appear as two storey dwellings with a modern pitched roof, in keeping with the local vernacular.
- 11.17 The front building line is maintained so that the proposed dwellings follow the building line of No. 42 and 49 Welham Manor and the wider streetscene. The proposed dwellings would be built to a medium density, and a significant proportion of the site would be free from built form which results in an overall density of just 18 dwellings/ha for the application site. The housing density is considered acceptable as it would not result in overdevelopment of the application site.
- 11.18 Although the architectural detailing is more contemporary in style, it is not considered that it would contrast unacceptably with the existing dwellings within the area. The proposed varying roof forms introduces a sense of identity to each dwelling which adds visual intrigue and increases the feeling of openness and permeability of the site.
- 11.19 In terms of external materials, the dwellings would feature light brown brick, render, timber and slate tiles. The use of light-coloured materials lightens the visual weight of the scheme. The mortar for the bricks will be specified to closely match the colour of the brick tones and will be flush pointed with a brush finish to enhance the crisp contemporary feel. The change of material at ground floor introduces horizontality and echoes patterns prevalent in the local architecture. The palette of materials proposed are appropriate in this location and can be secured by a condition requiring samples to be submitted to and approved by the Local Planning Authority.

- 11.20 Subject to the suggested condition, it is considered that the design, siting, height and spacing of the proposed development would respect the dwellings around the application site and the wider surrounding area.
- 11.21 Turning to landscaping, the NPPF sets out at paragraph 135 that planning decisions should be sympathetic to local character, including the landscape setting. Paragraph 136 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 11.22 Policy SP9 of the Local Plan requires that the appropriate definition of spaces should be created or maintained through the siting, layout and design of routes, buildings, landscaping and boundary. These principles are broadly consistent with Policy SADM11 which states that the outlook and visual amenity afforded from within buildings and private/communal garden areas should be satisfactory, taking account of for instance, boundary treatments and landscaping.
- 11.23 Landscaping is important in order to protect and maintain, or ideally enhance, the existing character of the area and to reduce the visual and environmental impacts of the development. It is important that an appropriate balance between hard and soft landscaping is maintained, and the Council will aim to ensure that a proportion of the site frontage is retained as landscaped 'greenery' to reduce the visual prominence of hard surfacing and parked vehicles.
- 11.24 The application is supported by the following landscaping reports:
- Landscape Strategy by CLPD 127 R02a dated July 2023 (revised)
 - Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) report by Patrick Stileman LTD. Dated 11 April 2023 (Project Reference DS03092201)
- 11.25 The Council's Landscapes team has been consulted on the proposal and present no objection subject to conditions. It is acknowledged that a number of trees would be removed to facilitate the proposed development, and some trees would be removed for arboricultural reasons. Whilst the loss of trees on this site would have an impact on the landscape a robust landscape strategy demonstrating significant tree planting to mitigate the loss of trees on site has been submitted.
- 11.26 The Landscape Strategy demonstrates that the site will have distinctive areas of landscaping defined by different soft and hard landscaping features. The scheme has been designed to enhance the visual character of the site by introducing the following:
- focal tree to define the arrival to the site from Welham Manor;
 - the frontage of the dwelling will include hard surfacing parking spaces and planting which will provide a soft and visually complementary frontage
 - large rear communal woodland glade garden with seating and food growing opportunities;
 - softening the frontage to Welham Manor with new native trees and species rich native hedgerow;
 - enhancement to other wooded boundaries with new tree and understorey planting;
 - drainage attenuation pond;
 - informal play areas and seating within the central and rear area; and
 - green roofs on cycle and bin stores
- 11.27 The proposed landscaping scheme is considered acceptable and can be secured through a planning condition.

- 11.28 The arboricultural information supplied is in accordance with BS:5837: 2012. The assessment and categorisation of the trees is considered a fair appraisal. The Arboricultural Impact Assessment is clear what the impacts on the current trees will be and also sets out clearly the protection of the retained trees. A condition has been attached recommending that the submitted Arboricultural Method Statement should be adhered to fully.
- 11.29 In summary, the design and landscaping of the proposed scheme would be of a high quality and would respect and relate to the general character of the surrounding area. The proposed development would therefore comply with local and national policies.

2. Residential amenity

- 11.30 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.
- 11.31 Policy SADM11 provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development.

Impact on privacy

Unit 2

- 11.32 First-floor bedroom 4, second floor bedroom 1 and second floor study windows could have an impact on Unit 3 in terms of loss of privacy. However, these windows are marked on the plans as obscure glazed. In the event of planning permission being granted, it is considered necessary to attach a condition to ensure that these flank windows would be obscure glazed and fixed shut below 1.7 metres. The bedroom windows are secondary windows, and the study would benefit from a rooflight, therefore, this would not limit the levels of light to these rooms.

Unit 3 and 4

- 11.33 Due to the separation distance between Unit 3 and 4 and the relationship between them in terms of orientation and siting, it is considered that the degree of overlooking would be consistent with a neighbouring relationship generally expected between residential properties. Therefore, there would be no harm to neighbour amenity between these units.

Unit 4

- 11.34 There would be one side elevation first floor window facing Unit 5 which would serve a bathroom. This window is marked as obscure glazed. However, in order to maintain privacy of the neighbouring occupiers, it is considered necessary to attach a condition to ensure that this flank window would be obscure glazed and fixed shut below 1.7 metres.

Unit 5

- 11.35 There would be one side elevation first floor window facing Unit 4 which would serve a bathroom. This window is marked as obscure glazed. However, in order to maintain privacy of the neighbouring occupiers, it is considered necessary to attach a condition to ensure that this flank window would be obscure glazed and fixed shut below 1.7 metres.

- 11.36 In order to limit loss of privacy to Unit 6, the secondary first floor windows serving bedroom 1 and second-floor landing window, should be obscure glazed and fixed shut below 1.7 metres. This can be secured by way of condition.

Unit 6

- 11.37 There would be one side elevation first floor window facing Unit 7 which would serve a bathroom. This window is marked as obscure glazed. However, in order to maintain privacy of the neighbouring occupiers, it is considered necessary to attach a condition to ensure that this flank window would be obscure glazed and fixed shut below 1.7 metres.

Unit 7

- 11.38 Due to the separation distance between Unit 6 and 7 and the relationship between them in terms of orientation and siting, it is considered that the degree of overlooking would be consistent with a neighbouring relationship generally expected between residential properties. Therefore, there be no harm to neighbour amenity between these units.

Terraces

- 11.39 Units 4, 5, 6 and 7 feature rear terraces at either first or second floor. Additionally, Unit 6 would have a terrace at the front of the property. Whilst there is no objection to the terraces, these are likely to impact on the privacy of future adjoining occupiers. In order to limit loss of privacy on future neighbouring occupiers, it is considered reasonable and necessary to require the flank railings to be 1.7m high and finished in obscure screening.

Internal floorspace requirement

- 11.40 Policy SADM11 requires all proposals for C3 dwellings to meet the Nationally Described Space Standard (NDSS), unless it can be robustly demonstrated that this would not be feasible or viable. The Standards outline the minimum requirements for floor space and storage for new dwellings. The Gross Internal Area and the bedroom sizes of the proposed dwellings meets the minimum standards requirements set out in the NDSS. The proposal is therefore acceptable in this regard.

Outdoor amenity space

- 11.41 In terms of private amenity space, Policy SADM11 and the Supplementary Design Guidance requires all residential development to incorporate private amenity space for the use of residents. The Council does not apply rigid standard sizes but space should be functional and usable in terms of its orientation, width, depth and shape. The Council will look at the size of the unit proposed in relation to the size of the garden.
- 11.42 The proposed dwellings would benefit from private gardens which would be functional and useable in size. Additionally, a large communal green space is proposed to the south of the site. It is considered necessary and appropriate to attach a condition to ensure that this area is maintained as amenity space.

Noise

- 11.43 Policy SADM18 states that proposals that would result in or be subject to noise pollution and/or vibration should either be refused or should mitigate the harm to people or the environment. The Council's Public Health and Protection Officer has been consulted on the proposal and has not raised any concerns regarding noise at this site.
- 11.44 During the construction phase, it is generally accepted that most forms of development will result in some noise. However, this is usually for a relatively short period of time which does not cause an unacceptable or long-term impact on the living conditions of neighbouring occupiers. In this case, the Public Health and Protection Officer has advised that noise from construction works commencing on site between 08:00 – 18:00 Monday to Friday and between 08:00 – 13:00 on

Saturdays are unlikely to be considered a statutory nuisance covered by the Environmental Protection Act 1990.

Living conditions of neighbouring residents

- 11.45 Unit 1 is likely to impact on the privacy of the adjoining No 49 Welham Manor. This existing property does not have side elevation windows, however, the first-floor bedroom 2 flank window at Unit 1 would overlook the neighbouring property's garden. In order to maintain the privacy of neighbouring occupiers, a condition is attached to ensure that this flank window would be obscure glazed and fixed shut below 1.7 metres.
- 11.46 Subject to the suggested condition above, it is considered that the living conditions of the existing and future occupiers would be maintained to an acceptable level in accordance with local and national policies.

3. Highways and parking considerations

- 11.47 Paragraph 108 of the NPPF requires that *“transport issues should be considered from the earliest stages of development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.”* It then goes on to state that *“patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.”*
- 11.48 In addition, Paragraph 114 requires specific applications for development to ensure proposals achieve safe and suitable access to the site for all users. Furthermore, Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.49 The objectives above are broadly consistent with Policy SADM2 which states that development proposal will be permitted provided:
- i. There would be no severe residual cumulative impacts on the local and/or strategic transport network once any cost-effective and achievable mitigation measures have been taken into account;*
 - ii. There would be no negative impacts on highway safety; and*
 - iii. They are designed to allow safe and suitable means of access to and from the site for all users.*

Highway safety

- 11.50 The total number of dwellings currently served off Welham Manor is 49 and this proposal will increase this to 56. The proposal seeks to retain the existing vehicular access off Welham Manor, which is in line with the neighbouring properties and is safe, with no known problems.
- 11.51 The Highway Authority (HA) were consulted, and they initially raised an objection and requested a clear drawing demonstrating how the new access interacts with the parking area of No. 42 and a swept path analysis is required for a delivery vehicle.
- 11.52 In response to the HA's concerns the applicant submitted a Service and Access plan, Drawing No. SK05. The HA reviewed Drawing No. SK05 and found it satisfactory.
- 11.53 The supporting text to Policy SP4 at paragraph 7.7 states that development which is likely to generate significant movement and travel demand must be assessed comprehensively in terms

of its impact on the transport network, in line with SADM2. According to Policy SADM2, development proposals which generate a significant amount of traffic movements must be accompanied by either a Transport Assessment or Transport Statement as appropriate in accordance with the criteria in the Hertfordshire County Council Highway Design Guidance (19).

- 11.54 Given the number of the proposed dwellings (only 7) it is considered that the proposal would not generate significant movement and travel demand. Despite that, the application is supported by a Transport Assessment which includes a service and access plan, a visibility splay from No. 42 Welham Manor. The proposed 7 units will be served off a shared surface circular route which has been designed around the tracking dimensions of vehicles necessary to serve the site. The HA consider the Transport Assessment to be satisfactory. Details of the engineering designs and construction of the vehicle access and associated highway works can be secured by a pre-commencement condition.
- 11.55 Access to the proposed development would be located to the south west, becoming an extension of the existing road in Welham Manor, integrating the development into the local area. Given the size of the development, it is considered that the existing residential road of Welham Manor would provide a suitable method of accessing the site, which has a circa 5m carriageway and circa 1.8m footway. The HA have advised that whilst Welham Manor is not to adoptable standards it is nevertheless adopted and has a footway connected with Dixons Hill Road and along its full length but cuts short of the proposed development. One of the criteria the HA uses for road adoption is that it needs to provide a wider public utility. Due to the size of the proposed development, it is considered that it would not provide a wider public utility.
- 11.56 The surrounding area is a very slow speed environment, which means that pedestrians would be comfortable walking in the carriageway itself and utilising it as a shared surface. It is therefore considered that the proposal would not result in unacceptable impact on highway safety for all road users.
- 11.57 It is important to note that the Planning Inspector via appeal decision APP/C1950/W/21/3274793, in relation to the previous application at this site, concluded that the proposal would have an acceptable effect on highway safety. Therefore, subject to conditions recommended by the HA, it is not considered that the proposal would cause to highway safety to warrant a reason for refusal.

Pedestrian and cycle route

- 11.58 Connected street patterns are an important feature of good urban design and where they reduce the segregation and isolation of sites, they contribute to community safety and also encourage walking and cycling. A successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries. However, neighbourhood connectivity may sometimes conflict with safety principles, by providing escape routes or areas that are not overlooked, such as alleyways. A balance needs to be struck between the need to achieve clear and direct routes through a new development and community safety.
- 11.59 A more permeable scheme offers pedestrians and cyclists a choice of routes, thereby generating a higher level of pedestrian and cycling activity. This in turn enhances the security of those using the routes. The higher the number of pedestrians on the street, the greater the chance of casual social encounters and the lower the chance of crime going unobserved. Higher numbers of pedestrians can also help to reduce the risk of social isolation.
- 11.60 NPPF Paragraph 96 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

11.61 As discussed earlier, the application site is now part of a larger housing allocation. The primary access for the larger site would be from Station Road. The application site is accessed from the existing Welham Manor, which is a residential cul-de-sac. Ideally both sites should be brought forward together as a comprehensive development with secondary access (pedestrians/cyclists) from Welham Manor. Although the larger application site has not come forward yet, provision must be made for pedestrians and cyclists to move freely between both parts of a development and the wider surrounding area. There is a clear identified benefit for pedestrian and cycle links, in the interests of permeability.

11.62 Proposed Site Plan Drawing No. 1098_PL_102 shows a pedestrian/cycle connection which runs up to the southwestern corner of the site. This would facilitate the site to be well-connected with the wider development site when it eventually comes forward. Furthermore, this will encourage walking and cycling between the two sites and the wider surrounding area. Additionally, future residents will benefit from convenient access to local facilities.

11.63 Having regard to the above, it is considered that the proposal would provide safe and acceptable pedestrian and cycle access. The proposed development would therefore comply with local national policies.

Cycle storage

11.64 The proposal includes two cycle parking spaces per dwelling. Cycle parking would be accommodated within secure storage, near to garden entrances for ease of access. Drawing No 1098_PL_202 shows the floor and elevation plans of the cycle stores. These would feature vertical timber slats and green roofs. The proposed cycle storage is acceptable and can be secured through a planning condition.

Car parking

11.65 Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the NPPF and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.

11.66 All the proposed dwellings would feature four bedrooms. The Council's car parking guidance for a dwelling with 4 or more bedrooms in this location is 3 on-site car parking spaces per dwelling. The proposal includes 2 car parking spaces per dwelling and 2 visitor parking spaces, with a resultant ratio of 2.28 spaces per unit. Car parking spaces are provided in front of each unit, allowing for ease of access and natural surveillance. The visitor car parking spaces are located closer to the site entrance and concealed within the landscape. The level of car parking provision is suitable considering the accessibility of the site to local shops, Welham Green train station, several bus routes and cycling routes. Due to the location of the site, it is likely that the future occupiers would not be dependent on private vehicles to access day-to-day services and facilities.

Electric vehicle charging

11.67 The proposal includes one EV Charging Point per dwelling. No details have been provided with regarding EV Charging Points, it is considered reasonable and appropriate to require these details to be submitted to and approved in writing by the Local Planning Authority.

11.68 In summary, it is considered that a net increase of 7 dwellings in this location would not represent risk to highway safety for all road users, the proposal would comply with local and national policies. Local Plan Policies SP4 transport and travel; SADM2 highway network and safety; SADM3 sustainable travel for all and SADM12 parking servicing and refuse; and the NPPF

4. Other considerations

i) Ecology and biodiversity

11.69 NPPF Paragraph 186 requires local planning authorities when determining planning applications to apply certain principles; in particular, principle (d) states that:

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

11.70 Policy SADM16 advises that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments (as set out in Environment Act 2021) that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.

11.71 The application is supported by the following documents:

- Preliminary Ecological Appraisal (PEA) by 'eight versa' (24 April 2023)
- Biodiversity Net Gain report by 'eight versa' (20 April 2023)
- Biodiversity metric 4.0 51 Welham Manor, Welham Green AL9 7EL
- Letter by eight versa to Hgh Consulting (19 June 2023)
- Ecological Impact Assessment (EclA) by Tyler Grange (16 November 2023)

11.72 Hertfordshire Ecology were consulted and advised that further information was required before determination. Subsequently, a satisfactory Ecological Impact Assessment (EclA) was submitted, which outlined the requested additional measures.

Bats

11.73 Building 1, which was classified to have low potential for bats, was reassessed, and it was concluded that no further surveys are required for this building. There are various trees on site that have potential for bats, however these trees are to be retained, therefore they do not represent a fundamental constraint to the development.

All protected species

11.74 The site as a whole consisting of bare ground and buildings is not of ecological importance, however there will be some loss to the areas of scrub and the semi-mature trees on site which both provide habitat for a wide range of species.

Invasive species

11.75 An invasive species, giant hogweed, which is listed under Schedule 9 of the Wildlife and Countryside Act (1981) is present on site. A specialist contractor would be required to remove the giant hogweed identified on the site and within the surrounding habitats to avoid the spread of the species further. Measures outlined in section 3.13 of the Ecological Impact Assessment report relating to the lawful removal of this species should be adhered to.

11.76 Taking the above into account, it is considered reasonable and necessary to require a Construction Ecological Management Plan (CEMP) to be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of giant hogweed control and measures to reduce the spread and precautionary measures for all protected species which are included in the submitted Ecological Impact Assessment report.

Biodiversity net gain

11.77 Although biodiversity net gain is not expected to become mandatory until April 2024, this application is accompanied by a biodiversity metric. This predicts a net gain of 18.50% in habitats and a 1,338.93% gain in hedgerows. The calculations appear justified and in line with BNG good practice principles. Herts Ecology are satisfied that the predicted gain can be achieved. However, given the absence of a plan showing how and where the gain will be delivered, it is considered reasonable to require a Biodiversity Net Gain Management Plan (BNGMP) to be submitted to and approved in writing by the Local Planning Authority.

ii) Contaminated Land

11.78 Paragraph 189 of the NPPF states that planning decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

11.79 Local Plan Policy SADM18 is consistent with the NPPF and states that planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a

preliminary Contaminated Land Risk Assessment. Proposals which, by their nature, risk contributing to soil and water pollution will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level.

11.80 The previous use (motor repair yard) of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 and is located upon a secondary aquifer, which is underlain by a principal aquifer and is with a drinking water protected area and drinking water safeguard zones.

11.81 The application is supported by the following reports:

- SuDs Drainage Strategy Report, Welham Manor, Welham Green, AL9 7EL; prepared by EAS, (Ref: 4450/2023, Rev E) Dated: 24/07/2023
- Phase 1 Geoenvironment Assessment Report, Unit 1-3 51 Welham Manor, Welham Green, Hatfield; prepared by Symbiotic Solutions (Ref: 1568 R01: Issue 1.0), dated: April 2023
- Response to the Environment Agency comments to the proposed drainage strategy for the development at 51 Welham Manor Welham Green Hatfield AL9 7EL; prepared by EAS, dated: 24/07/2023.

11.82 The Environment Agency were consulted, and they initially raised an objection as the applicant had failed to provide adequate information to demonstrate that the risks posed by the proposed development to groundwater could be satisfactorily managed.

11.83 In response, the applicant proposed to discharge to a surface water sewer instead of discharging surface water from site via a borehole. A revised Flood Risk Assessment was submitted highlighting that neither foul nor surface water would be discharged to ground. Following a review of the updated surface water drainage, the Environment Agency removed their objection and recommended contamination conditions to ensure that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

iii) Sustainable design construction

11.84 The NPPF is clear that sustainable development is integral in determining planning applications. Policy SP10 of the Local Plan requires proposals to adopt sustainable design and construction principles through the design of buildings, materials and waste, water sensitive design, energy and climate change and landscape and biodiversity.

11.85 In terms of energy and climate change, this includes the layout and design of the site and building to reflect the energy hierarchy to maximise opportunities to reduce carbon emissions; the use of renewable and low carbon energy infrastructure is used; and proposals are responsive to how the climate will change over their lifetime and minimise their contribution to the urban heat island effect.

11.86 Further to this, Policy SADM13 of the Local Plan requires all newly constructed dwellings will be required to achieve an estimated water consumption of no more than 110 litres/person/day, with water reuse and recycling and rainwater harvesting incorporated wherever feasible to reduce demand on mains water supply. It is also recommended that new dwellings deliver some of their energy requirements from decentralised and renewable or low-carbon sources.

11.87 The application is accompanied by an Energy & Sustainability Statement by eight versa dated 20 April 2023. The scheme will adopt the following sustainable features:

- Air Source Heat Pumps
- Fabric first buildings
- Responsibly-sourced materials
- High quality cycle storage
- Electric vehicle charging points
- High levels of airtightness
- High performing U values for external envelope
- Low water-consuming fittings in order to achieve 110 litres/person/day
- Low energy lighting
- Smart thermostats
- Maximising new on-site trees to enable carbon capture

11.88 The measures set out above are acceptable. As such, it is considered that the proposed development presents an opportunity to deliver sustainable and energy efficient homes, this can be secured through suitably worded conditions.

iv) Refuse & recycling

11.89 The proliferation of bins can create a considerable amount clutter which in turn would have a harmful impact upon the visual amenity of the streetscene in conflict with Policies SP1 and SP9.

11.90 The National Design Guide (H3) points out that well-designed places include a clear attention to detail in terms of bin storage. They should be accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use.

11.91 Policy SADM12 states that appropriate provision of service areas and refuse storage and collection areas should be made according to the nature of the development. Such areas and access to them should be appropriately sited and designed to ensure they can:

- a) Perform their role effectively without prejudicing or being prejudiced by other functions and users;
- b) Maintain an attractive and coherent street scene and protect visual amenity; and
- c) Avoid creating risk to human health or an environmental nuisance.

11.92 The Council's Client's Services Team raised no objection to the proposed development. A communal refuse store would be located to the left of the entrance, away from the units. Refuse vehicles would not be required to enter the site. Therefore, the proposed bin storage would be easily accessible by all residents and refuse collectors. The proposal seeks to provide:

- 2x 1100L general waste bins
- 1 x 1100L recycling waste bin
- 1 x 240L food waste

11.93 Drawing No 1098_PL_201 shows the floor and elevation plans of the bin storage. It would feature slatted timber and green roof; this is acceptable and can be secured through a planning condition.

v) Heritage

11.94 The site is to the south of the Grade II listed Hope and Anchor public house (list entry no. 1348176). Also, the application site is within the Hatfield Heritage Assessment Area which is intended to ensure development (particularly tall buildings and structures) does not detrimentally impact on the wider setting of the Grade I listed Hatfield House and the Registered Park and Garden.

11.95 Due to the proposed building heights and the separation distance from the listed building, the proposed scheme is not considered to impact on the setting or significance of the Grade II listed Hope and Anchor public house, the Grade I listed Hatfield House and the Registered Park and Garden.

vi) Accessible and adaptable dwellings

11.96 Policy SP7 requires at least 20% of all new dwellings on sites involving 5 or more new dwellings to meet the required Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings'.

11.97 According to the submitted Design and Access Statement states that all dwellings will be Part M4(2) compliant. This is acceptable and can be secured through a planning condition.

vii) Removal of permitted development rights

11.98 The new dwellings would benefit from permitted development rights. It is therefore appropriate to assess what impact further extensions or outbuildings could have on the residential amenity of neighbouring occupiers. NPPF paragraph 54 states "*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.*" The Planning Practice Guidance (PPG) advises that "*Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity*". Given the relatively small plot sizes and the close proximity to neighbouring dwellings at Units 1, 2 and 3, further extensions built within permitted development would likely impact upon the residential amenity of neighbouring occupiers, with particular regard to loss of light, privacy and overbearing impact. Therefore, to protect the amenity of future occupiers it would be reasonable to impose a planning condition withdrawing permitted development rights at Units 1, 2 and 3, enabling the Local Planning Authority to retain control over the enlargement or alteration of the proposed new (Class A) and their enlargement of consisting of an addition or alteration to its roof (Class B).

12 Conclusion

12.1 The proposal overcomes previous reasons for refusal of application 6/2021/0163/FULL. Importantly, the site is now a housing allocation (HS44) according to the recently adopted Local Plan. The proposal would facilitate the reuse of previously developed land within an existing settlement, which is located in a sustainable location. The proposal would deliver dwellings of high-quality design and improvements to the visual appearance of the site. Furthermore, the proposed scheme incorporates key sustainability and energy commitments. Last but not least, the proposal would see the delivery of family housing units and would create a better place in which to live and work.

12.2 Subject to conditions, the proposed scheme would comply with local and national policies. Accordingly, and for the reasons given, the proposal is recommended for approval.

13 Recommendation

13.1 It is recommended that planning permission be approved subject to the following conditions:

Conditions:

1. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan must set out:
 - a) the phasing of construction and proposed construction programme;
 - b) the methods for accessing the site, including wider construction vehicle routing;
 - c) the numbers of daily construction vehicles including details of their sizes, at each phase of the development;
 - d) the hours of operation and construction vehicle movements;
 - e) details of any highway works necessary to enable construction to take place;
 - f) details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway;
 - g) details of any hoardings and how visibility splays will be maintained;
 - h) management of traffic to reduce congestion;
 - i) control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels;
 - j) the provision for addressing any abnormal wear and tear to the highway;
 - k) waste management proposals;
 - l) provision of sufficient on-site parking prior to commencement of construction activities;
 - m) post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - n) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way; and to protect the living conditions of neighbouring properties in accordance with Hertfordshire's Local Transport Plan (adopted 2018); the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. No development shall commence until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall:
 - a) Describe how works may proceed taking account of the potential harm to habitats and protected species.
 - b) Include details of giant hogweed control and measures to reduce the spread.
 - c) Incorporate the precautionary measures which are provided in the submitted Ecological Impact Assessment report for the following protected and notable species:
 - Amphibians: precautionary measures should be adopted during the required clearance of suitable vegetation, namely the scrub habitat.
 - Badgers: precautionary methods should be implemented during construction works to avoid disturbance to foraging badgers.
 - Bats: as a precaution the potential roost features within building B1 should be demolished by hand under a precautionary working method statement (PWMS), including the re-inspection of the identified features immediately prior to demolition.
 - Birds: if any clearance works to nesting habitats are required during the nesting season, then pre-removal checks for nesting birds must be carried out by a suitably

experienced Ecological Clerk of Works (ECoW) no more than 48 hours prior to the works commencing.

- Hedgehogs: any scrub clearance should follow the precautionary methods to ensure that hedgehogs are safeguarded during vegetation clearance and construction.
- Reptiles: to prevent any reptiles from being killed or injured, precautionary measures should be adopted during the required clearance of vegetation.

Thereafter, the development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that measures are in place to reduce ecological impacts during construction in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. No development shall commence (excluding demolition works) until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - a) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site;
 - b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASONS: To ensure that risks from land contamination to the future users of the land, neighbouring land and workers are minimised, together with those to controlled waters and ecological systems in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. No development shall commence (excluding demolition works) until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures; to prevent further deterioration of groundwater quality of a drinking water protected areas within the Radlett Tertiaries groundwater body and the Mid

Chilterns Chalk ground water body in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. Prior to occupation of any part of the development hereby approved, the shared amenity space must be provided. Thereafter, the shared amenity space must be retained permanently for the occupiers of the development hereby approved and must not be used for any other purpose.

REASON: To ensure all future occupiers of the development benefit from satisfactory private amenity space in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. Prior to the occupation of the development hereby permitted, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASONS: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others off site in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

7. Prior to the first occupation of the development, the site access must be installed in accordance with the approved detailed technical plans and be retained permanently thereafter.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with Hertfordshire's Local Transport Plan (adopted 2018); the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Prior to the occupation of the development hereby permitted, the details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs) shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

REASON: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Hertfordshire's Local Transport Plan (adopted 2018); the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. Prior to the occupation of the development hereby permitted, a Biodiversity Net Gain Management Plan (BNGMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved Plan. The BNGMP should include:

- a) details of the bodies responsible and their roles, functions and legal standing;
- b) clear, measurable, ecological objectives;
- c) detailed description of the management and monitoring regimes proposed;
- d) remedial measures should progress fail to meet the targets; and
- e) details of how the above will be secured for a minimum of thirty years.

The above (c – e) must be supported by contemporary, detailed surveys and shown on maps.

REASON: To ensure the improvement of the site's biodiversity value accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. Prior to the occupation of the development hereby permitted, full details of Air Source Heat Pumps (ASHPs) (or a suitable alternative measure to maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply) have been submitted and approved in writing by the Local Planning Authority. Subsequently the ASHPs (or a suitable alternative to be agreed in writing) must be fully installed in accordance with the approved details, made fully operational prior to the occupation of the development and maintained as such for their operational lifetime. The details to be submitted shall include, on a suitably scaled plan and written statement, the design of the ASHPs (or full details of a suitable alternatives).

REASON: To maximise energy conservation and/or opportunities for renewable energy and low carbon energy supply in the interest of tackling climate change and creating sustainable development whilst also ensuring a satisfactory standard of development in the interests of visual amenity and maintaining the character of the area in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. No development above damp proof course shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12. Prior to the construction of the approved site access, detailed technical plans showing the engineering designs and construction of the vehicle access to Welham Manor and associated highway works (as shown in the Transport Statement) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

REASON: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with Hertfordshire's Local Transport Plan (adopted 2018); the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

13. Prior to the occupation of the last dwelling in the development hereby permitted, the pedestrian/cycle route as shown on approved plans (Proposed Block Plan No. 1098_PL_101 & Proposed Site Plan No. 1098_PL_102) shall be installed up to the site boundary.

REASON: To ensure the provision of a pedestrian and cycle access which is safe and suitable, and encouraging alternative modes of transport in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. All the upper floor window located in a wall forming a side elevation marked as obscure glazed on Plan No 1098_PL_152 (Unit 2); Plan No 1098_PL_155 (Unit 4); Plan No 1098_PL_156 (Unit 5) and Plan No 1098_PL_157 (Unit 6) hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

15. The development must not be carried out other than in accordance with the details of secure cycle storage specified on the approved drawing No. 1098_PL_202 Rev. 1. Details of any alternative secure cycle storage to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved. The development shall be implemented using the approved secure cycle storage and subsequently, the approved secure cycle storage shall not be changed.

REASON: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

16. The development must not be carried out other than in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan. The scheme for the protection of the trees within the vicinity of the site, in accordance with BS 5837:2012.

REASON: To ensure that any works undertaken comply with arboricultural best practice 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. Prior to the installation of boreholes, a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes must be submitted to and approved in writing by the Local Planning Authority. The scheme must provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. Thereafter, the scheme as approved must be implemented prior to the occupation of any part of the development.

REASON: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. Piling, deep foundations and other intrusive groundworks (investigation boreholes, tunnel shafts, ground source heating and cooling systems etc.) using penetrative methods must not be carried out other than with the written consent of the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved details.

REASON: To ensure that the any of the required works listed above, do not harm groundwater resources; and that investigation boreholes are installed appropriately and do not cause preferential pathways for contamination to migrate in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

20. No infiltration of surface water drainage into the ground at this location is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, In accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

21. Prior to landscaping works, full details on a suitably scaled plan of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved details. The landscaping details to be submitted shall include:

- a) details plant/tree species
- b) plant sizes
- c) planting densities
- d) planting methods
- e) aftercare
- f) details of green roofs (product type, installation, and aftercare)
- g) details of any hard landscaping

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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

22. The development must not be carried out other than in accordance with the approved landscaping details and all landscaping must be carried out in the first planting and seeding seasons following the occupation of any part of the development, or the completion of the development, or in agreed phases, whichever is the sooner. Any plants which within a period of five years from planting die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species. All landscape works must be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure implementation of the approved landscaping details in the interest of maintaining the character and amenity of the area, to provide ecological, environmental and biodiversity benefits, and to mitigate the impacts of climate change in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

23. The development must not be carried out other than in accordance with sustainable features identified in the submitted Energy & Sustainability Statement by eight versa dated 20 April 2023.

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

24. The development must not be carried out other than in accordance with the details of refuse and recycling storage specified on the approved drawing No. 1098_PL_201 Rev. 1. Details of any alternative refuse and recycling storage to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved. The development shall be implemented using the approved refuse and recycling storage and subsequently, the approved refuse and recycling storage shall not be changed.

REASON: To ensure a satisfactory standard of refuse and recycling provision and to protect the residential amenity of adjoining and future occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

25. No demolition or construction works including the use of any plant or machinery, cleaning and maintenance, deliveries to the site and movement of vehicles within the curtilage of the site, shall take place other than between 0800 hours and 1800 hours Mondays to Fridays and 08:00 hours and 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect the residential amenity of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

26. All units must comply with Part M4(2) 'accessible and adaptable dwellings' of the Buildings Regulations unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

27. 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 development within Class A (Enlargement) and Class B (Addition Alteration to Roof) of Part 1 of Schedule 2 shall take place at Units 1, 2 and 3.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of high-quality design and maintaining the amenity of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

28. Prior to the first occupation of any dwelling, the vehicle parking provision for that dwelling shall be provided. The provision shall be retained and maintained thereafter in perpetuity.

REASON: To ensure that the development does not result in a significant adverse impact on the adjoining streets, and to protect highway safety, in accordance with Hertfordshire's Local Transport Plan (adopted 2018); the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

2. 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
1098 PL 001		Location Plan	26 April 2023

1098 PL 002	Existing Block Plan	26 April 2023
1098 PL 003	Existing Site Plan	26 April 2023
1098 PL 004	Existing Ground Floor Plan	26 April 2023
1098 PL 005	Existing Ground Floor Plan	26 April 2023
1098 PL 006	Existing Site Sections Aa and Bb	26 April 2023
1098 PL 007	Existing Site Sections Cc and Dd	26 April 2023
1098 PL 008	Existing Site Section Ee	26 April 2023
1098 PL 009	Demolition Site Plan	26 April 2023
1098 PL 108	Proposed Site Sections Aa and Bb	26 April 2023
1098 PL 109	Proposed Site Sections Cc and Dd	26 April 2023
1098 PL 110	Proposed Site Section Ee	26 April 2023
1098 PL 151	Plans Unit 1	26 April 2023
1098 PL 152	Plans Unit 2	26 April 2023
1098 PL 154	Plans Unit 3	26 April 2023
1098 PL 155	Plans Unit 4	26 April 2023
1098 PL 156	Plans Unit 5	26 April 2023
1098 PL 157	Plans Unit 6	26 April 2023
1098 PL 158	Plans Unit 7	26 April 2023
1098 PL 201	Refuse Store	26 April 2023
1098 PL 202	Typical Bike Store	26 April 2023
SK05	Service and Access plan	13 June 2023
1098 PL 101	Proposed Block Plan	23 August 2023
1098 PL 102	Proposed Site Plan	23 August 2023
1098 PL 103	Proposed Ground Floor Plan	23 August 2023
1098 PL 104	Proposed Ground Floor Plan	23 August 2023
1098 PL	Proposed First Floor Plan	23 August 2023

105		
1098 PL	Proposed Second Floor	23 August 2023
106	Plan	
1098 PL	Proposed Roof Plan	23 August 2023
107		

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

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 or legal interest (easements or wayleaves) which may affect the land.
2. The development will involve the numbering of properties and/or the naming of new streets. The applicant MUST contact Welwyn Hatfield Borough Council, Environmental Services (01707 357 000) before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.
3. 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-avements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-Pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

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

Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Highway to remain private: The applicant is advised that all new highway routes within the development site are likely to remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

4. We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination.

For example, British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS 5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a "Competent person" E.g. a suitably qualified hydrogeologist.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

- Further guidance on the setting of compliance points for DQRAs can be found here (<https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>).
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50m.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Upflow percolation column test, run to LS 2 – to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and
- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11.

The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.)

Where SUDs are proposed; infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SUDs manual.

5. Comments provided by EAS (Letter to the Environment Agency, dated: 24 July 2023) indicate the presence of a non mains drainage system. Care will need to be taken when removing this to prevent leakage, with confirmation of successful decommissioning presented in any verification report.
6. There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

7. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

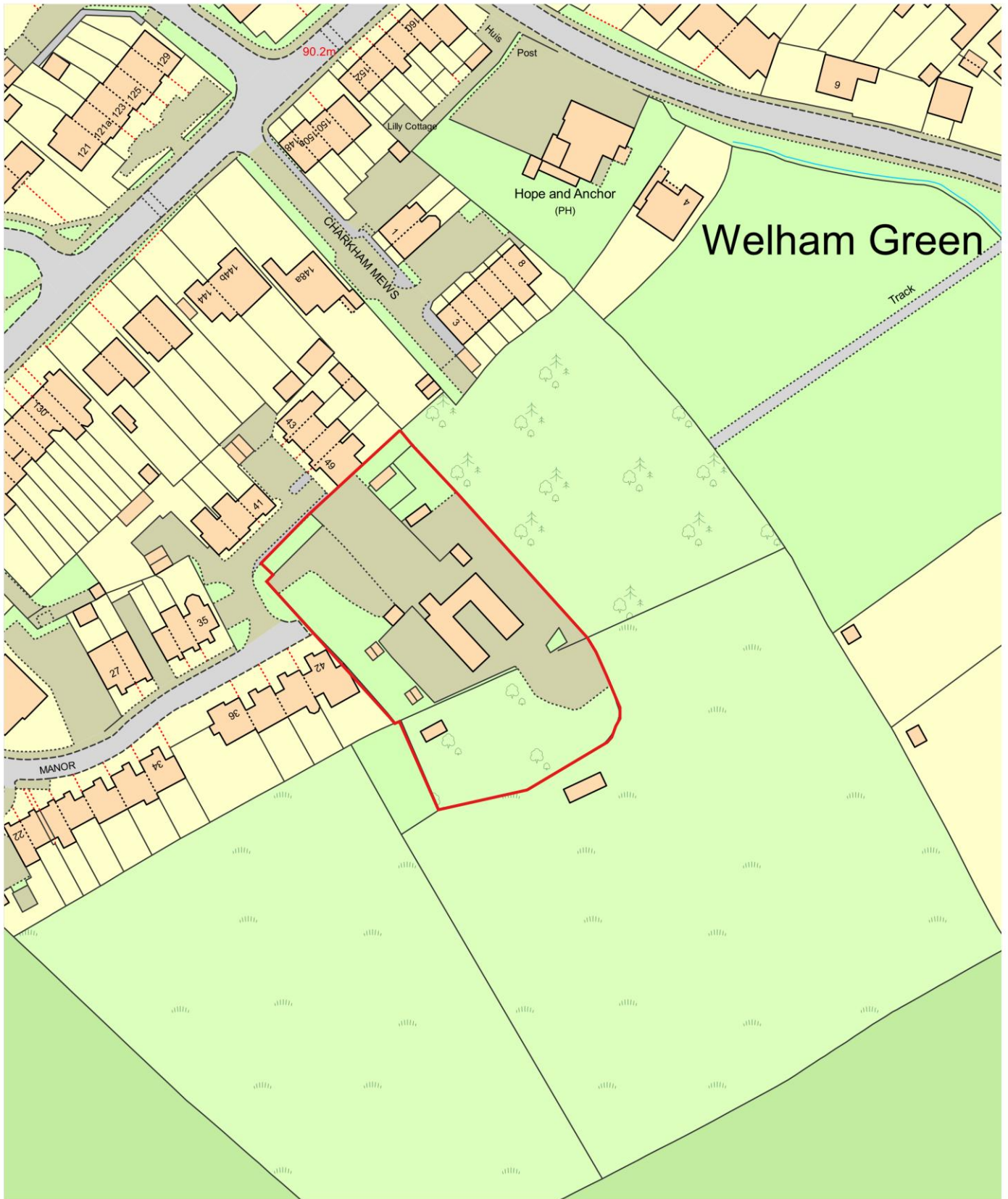
Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.


As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Lizzie Mugova (Development Management)

Date: 20 December 2023



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:	
	Unit 1 51 Welham Manor Welham Green AL9 7EL		1:5000	
	Project: Development Management Committee		Date:	02-01-2024
	Drawing Number: 6/2023/0894/FULL		Drawn:	N McIver
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Agenda Item 8

Part I

Main author: Ashley Ransome

Executive Member: Councillor J. Quinton
(Hatfield South West)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/0759/VAR

CAR PARK HIGH VIEW HATFIELD HERTFORDSHIRE AL10 8HZ

REMOVAL OF CONDITION 27 (CAR CLUB) AND VARIATION OF APPROVED DRAWINGS ON PLANNING PERMISSION 6/2022/0059/VAR TO INCLUDE:

- ADDITION OF FOUR NEW CAR PARKING SPACES
- CHANGES TO EV CHARGING POINT LOCATIONS
- CHANGES TO KERBS AND SPLAYS ON HIGH VIEW
- CHANGES TO CHURCH SQUARE
- CHANGES TO THE CYCLE STORAGE OUTSIDE THE BLOCK CH HOUSES
- CHANGES TO THE REAR GARDEN LAYOUT FOR THE BLOCK CH HOUSES

APPLICANT: LOVELL PARTNERSHIPS LTD

1 Site Description

- 1.1 The site is located in South Hatfield on the eastern side of Bishops Rise. In July 2020 planning permission was granted under reference 6/2019/1067/MAJ for the redevelopment of the site to provide 18 retail units (Class A1, A2, A3, A5, B1 and sui generis) a Doctors' Surgery (Flexible use class A1, A2, A3, A5, and D1) 146 residential units (Class C3) new public open space including children's play area, new public square, associated parking, highways and drainage works and public realm improvements following demolition of existing.
- 1.2 In June 2021, a variation of condition application was approved under reference 6/2021/0529/VAR for the variation of the approved plans on planning permission 6/2019/1067/MAJ comprising changes to: Cycle path extended to be continuous along High View, the footpath material to be changed to Tarmac on the shared cycle and footpath, ground floor layouts – lobbies to cycle stores added in Blocks B, C, D and E and paved terraces added to the back of private houses.
- 1.3 Application reference 6/2022/0059/VAR for a further variation of condition application was approved in May 2022. This permission permitted changes to a number of conditions, involving the following elements:
 - Revisions to the Parking Strategy to reflect an amended allocation of parking spaces, comprising a change from designated commercial spaces to shared commercial and residential parking (no loss of parking spaces from previous approval).
 - Changes to the internal street layout to control access to private areas by imposition of automatic, fob operated, bollards to create a private parking area outside the Controlled Parking Zone (CPZ) and a raised table for traffic calming.

- Introduction of a temporary bin collection point for the houses on Harrier Way.
- Amended landscaping detail to reflect the above revisions.

2 The Proposal

2.1 Permission is now sought to remove condition 27 (car club) and vary the approved plans condition on planning permission 6/2022/0059/VAR. This application, submitted under Section 73 of the Town and Country Planning Act (S73), seeks to substitute a range of approved plans with new plans which include a number of revisions. The changes to the plans can be summarised as follows:

- Addition of four new car parking spaces
- Changes to EV charging point locations
- Changes to kerbs and splays on High View
- Changes to Church Square – increased space for a hearse and the addition of retractable bollards
- Changes to the cycle storage outside the block CH houses – these now have cycle stores in front of the units
- Changes to the rear garden layout for the block CH houses

2.2 S73 applications allow applicants to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not the operative part of the development. For example, planning permission cannot be granted under S73 to change the description of the development or to extend the time limit within which a development must be started. Permission granted under S73 takes effect of a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

2.3 In determining an application under this section, Officers have to have regard to the development plan and all other material considerations, but the principle of development should not be re-assessed since that is not an issue in relation to the variation of the condition.

2.4 Since the previous applications, Welwyn Hatfield Borough Council have adopted a new Local Plan, and as such, the application is subject to assessment against the new policies.

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because the Council has an interest in the land.

4 Relevant Planning History

4.1 Application Number: 6/2019/1067/MAJ
Decision: Granted
Decision Date: 9th July 2020

Proposal: Redevelopment of part of the Hill-Top shopping centre at High View to provide 18 retail units (Class A1, A2, A3, A5, B1 and sui generis) a Doctors' Surgery (Flexible use class A1, A2, A3, A5, and D1) 146 residential units (Class C3) new public open space including children's play area, new public square, associated parking, highways and drainage works and public realm improvements following demolition of existing

4.2 Application Number: 6/2020/1064/PN14

Decision: Prior Approval Not Required

Decision Date: 17th June 2020

Proposal: Prior approval for demolition of High View buildings and garages

4.3 Application Number: 6/2020/2590/FULL

Decision: Granted

Decision Date: 2nd February 2021

Proposal: Temporary car park associated with the High View redevelopment to provide for staff and deliveries to existing retail units through the construction period

4.4 Application Number: 6/2021/0529/VAR

Decision: Granted

Decision Date: 29th June 2021

Proposal: Variation of approved plans on planning permission 6/2019/1067/MAJ comprising changes to: Cycle path extended to be continuous along High View, the footpath material to be changed to Tarmac on the shared cycle and footpath, ground floor layouts – lobbies to cycle stores added in Blocks B, C, D and E and paved terraces added to the back of private houses

4.5 Application Number: 6/2021/3529/FULL

Decision: Granted

Decision Date: 10th October 2022

Proposal: Temporary change of use of Units 1 & 2 of Block B1, as permitted by planning permission 6/2021/0529/VAR, from residential use (Class C3) to commercial use (Class E)

4.6 Application Number: 6/2022/0059/VAR

Decision: Granted

Decision Date: 27th May 2022

Proposal: Variation of condition 6 (updated plan references for landscaping details), 13 (updated plan references for landscaping details), 14 (updated plan reference for car changing points in revised travel plan), 26 (development carried out in accordance to revised travel plan), 27 (development carried out in accordance to revised parking strategy) and 35 (amended plan list to reflect new plans) on planning permission 6/2021/0529/VAR

5 Relevant Planning Policy

5.1 National Planning Policy Framework (NPPF)

5.2 Welwyn Hatfield Local Plan (Local Plan)

5.3 Supplementary Design Guidance 2005 (SDG)

5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield Local Plan.

7 Representations Received

7.1 The application was advertised by means of a press notice, neighbour notification letters and site notices. In total, two representations have been received, comprising one objection and one comment. All representations received are published in full on the Council's website and are summarised below:

Objections

- Revised plan shows a continuous standard height kerb along High View (west side) all the way from Harrier Way to Northdown Road. There needs to be two sections of dropped kerb to allow access to the ramp at St John's House garage, and to the six parking spaces on the south side of the square. This will also enable a hearse to access the front of the church for funerals.

Comments

- Would like to know more about the shared commercial and residential parking spaces. Parking for the retail units to be successful will need to be available for customers without the spaces being completely used by residents during business hours. Some restrictions during these hours would be great help to the shops as many spaces are being misused throughout the day all ready.

8 Consultations Received

8.1 There are no objections to the proposal.

8.2 The following consultees have responded, advising that they have no objections to the proposal in principle, subject to conditions or obligations being applied:

- WHBC Public Health and Protection
- WHBC Parking Services
- WHBC Landscape
- WHBC Estates
- WHBC Client Services
- HCC Transport Programmes and Strategy

8.3 No response was received from the following consultees:

- Hatfield Town Council

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. Planning obligations**
- 6. Re-imposition of conditions**

1. Principle of the development

9.2 It is a material consideration that the application site benefits from planning permission granted under application 6/2019/1067/MAJ (and varied under applications 6/2021/0529/VAR and 6/2022/0059/VAR). The principle of development has therefore already been assessed and was considered acceptable. Since the granting of these previous permissions, there have been no material changes to the application site or surrounding context which would raise new issues to consider this application differently. Whilst the new Local Plan has been adopted, no policy conflict has been identified.

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

9.3 Paragraph 131 of the NPPF clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides.”

9.4 The above objectives are broadly consistent with Policies SP1 and SP9 of the Council’s Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site’s character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place.

9.5 Paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance on parking standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both of these documents require review in due course in order to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.

9.6 Each of the changes proposed within this variation application are discussed below:

Changes to the rear garden layout for the block CH houses

- 9.7 For houses in block CH, the rear gardens are proposed to be altered by way of amending the dimensions of the gardens. As a result, some plots will benefit from slightly larger rear gardens, whilst others will be slightly smaller. The gardens serving all units would continue to provide an acceptable area of outdoor amenity space for future occupiers.

Changes to the cycle storage outside the block CH houses

- 9.8 The cycle storage for houses in block CH have also been amended. The stores are to be located to the front of these properties, set back from the footpath and enclosed within the front gardens, whereas in the approved scheme these were located to the rear.

Changes to Church Square

- 9.9 Amendments to Church Square are proposed. This involves increasing the space outside St John's Church to include retractable bollards outside the front of the church to allow unobstructed access for a hearse. The concerns raised as an objection in relation to the kerbing have been overcome by the applicant who have submitted an amended plan for Landscape Detail Area 1 Church Square. This drawing is now consistent with all other submitted drawings and a re-consultation has been undertaken.

Changes to kerbs and splays on High View

- 9.10 Various minor alterations are also proposed to the kerbs and splays along High View to address the comments of the Highway Authority which were made with respect to the Section 278 agreement. A Section 278 agreement allows developers to enter into a legal agreement with the Council to make permanent alterations or improvements to a public highway, as part of a planning approval.

Changes to EV charging point locations

- 9.11 The application also seeks to change the locations of EV charging points. This does not, however, alter the number of charging points from that of the initial permission of 6/2019/1067/MAJ, nor the permission which is to be varied under reference 6/2022/0059/VAR, with two active rapid chargers (22kW) and seven passive chargers (7kW) proposed.

Removal of car club and the addition of four new car parking spaces

- 9.12 Four additional new car parking spaces are proposed as part of this variation application. This is in conjunction with the proposal to remove the car club condition so as to enable the development to meet parking standards. Three additional spaces are proposed to be sited to the area between Hill Top Square to the north and Block E1 to the south which are to be for commercial and shared parking, with the one further additional space to be provided to the south-east of Block E2 for residential parking. As a result of this element of the proposal, there are some minor landscaping alterations proposed to make way for the additional parking spaces. This results in the reduction of a small area of landscaping. The Council's Landscaping Team have advised that the amendments to the landscaping, which have come about due to the revisions to the Parking Strategy, will not have an adverse effect on the quality of the landscaping.

- 9.13 In light of the above, it is considered that the proposed changes are limited in scope in terms of design/layout and will have no significant impact on the appearance of the completed development. On this basis, the proposed changes to the approved scheme are considered to be minor and would not compromise the overall quality of the development or harm the character of the area. As such, the variation from the approved permission proposed by this application would not be contrary to local or national design polices and there is no objection in this regard.

3. Residential amenity

- 9.14 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.
- 9.15 Policies SADM11 and SADM18 of the Local 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, aiming to preserve neighbouring amenity.
- 9.16 The proposed changes to the approved scheme are not considered to result in any material impact on residential amenity over and above that which has already been assessed under the previous applications. As such, there is no objection on amenity grounds.

4. Highways and parking considerations

- 9.17 Paragraph 111 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 9.18 Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.
- 9.19 Policy SADM2 also states that development proposals will be permitted provided there would be no negative impacts on highway safety, they are designed to allow safe and suitable means of access and site operation and they provide satisfactory and suitable levels of parking.

- 9.20 The proposed changes to the approved scheme would not increase the number of bedrooms within the development or the amount of floorspace previously approved.

Removal of car club and the addition of four new car parking spaces

- 9.21 Firstly, the proposal seeks to remove Condition 27 (car club) from permission 6/2022/0059/VAR which states the following:

The provision of designated parking spaces for a car club on site shall accord with the details as approved by Welwyn Hatfield Council 28 October 2021 under application 6/2021/1979/COND and within this application to represent the updated parking layout, prior to first occupation within each phase or block of the development.

The approved car club spaces shall be provided in accordance with the approved details and thereafter the spaces shall be used for car club parking and for no other purpose.

REASON: To protect the amenities of local residents and road users and to support sustainable and efficient transport modes for the development.

- 9.22 The applicant sets out that the car club was included within the initial permission of 6/2019/1067/MAJ due to the proposed development not being policy compliant in terms of parking provision, and also to promote sustainable travel options. This is detailed within the report of application 6/2019/1067/MAJ, which also goes on to set out that the provision of one car club space amounted to three non-car club spaces, and thus with the provision of two car club spaces, this was equivalent to six non-car club spaces. With this agreement, the scheme was therefore considered acceptable in terms of parking provision.
- 9.23 Moving forward four years, the applicant now considers that the location of the site is unsuitable for a car club. This is due to there not being a critical mass of people necessary to make the everyday use of a car club viable, and consequently, the applicant has detailed that they have not been able to secure an operator for the car club.
- 9.24 To that end, within this variation application, the applicant seeks to remove the car club from the scheme, and in doing so, use the two car club spaces for public parking instead, and provide four additional parking spaces throughout the site, details of which are provided earlier in the report.
- 9.25 Comparing the differences in parking provision, the report of 6/2019/1067/MAJ set out that the previous scheme provided a total of 229 parking spaces. This included the two car club spaces which accounted for a total of six non-car club spaces. This is the same for permission 6/2022/0059/VAR. Turning to the current application, the proposed removal of the car club and addition of four parking spaces sees a total parking provision of 233 spaces, accounting for the previous under provision.
- 9.26 WHBC Parking Services commented on the proposal, noting that “the additional parking spaces satisfy the policy requirements with respect to parking provisions for the development. Consequently, the car club provision is no longer deemed required and we consider the submission 6/2023/0759/VAR to be satisfactory.”

- 9.27 WHBC Estates, the freeholder of the land, also commented on the proposal, stating that the scheme would meet policy requirements in terms of parking provision, which therefore negates the need for the car club. It is also outlined that three of the new spaces would be in the public / shared area, with the car club spaces proposed to be for public use. In turn, the additional spaces are considered to be more beneficial and more heavily utilised than the car club spaces, and as such the extra six spaces (including the replacement of the two car club spaces converted to non-car club spaces) on the site are seen as a major improvement to the scheme which will help to mitigate parking pressure.
- 9.28 The initial objection received from the Highway Authority surrounding the removal of the car club has been overcome, and there is now no outstanding objection.
- 9.29 Whilst it is acknowledged that the previous proposal supported the introduction of a car club and that the proposal within this application seeks to remove this from the delivery of the scheme, it is however considered that such a proposal is acceptable. This is because the proposal, as presented within this application and outlined earlier in the report, would now represent a policy compliant scheme in terms of parking provision, without the need for a car club. In addition, there is no policy requirement for the provision of a car club.
- 9.30 Consequently, in terms of parking provision, it is considered that the proposal is policy compliant and is therefore acceptable.

Changes to EV charging point locations

- 9.31 Turning to the proposal regarding the change to EV charging point locations. This is set out in more detail earlier within the report. In terms of highway considerations, the Highway Authority advises within their comments that as the proposal would still provide two active charge points and seven passive charge points, no objection is raised to this element of the proposal.
- 9.32 Moreover, it is considered that the removal of the car club would in turn increase the sustainability of the site. This is because the two EV charging points that are located adjacent to these two spaces would now become available to anyone to use, unlike within the previous application where only the car club vehicles could utilise the EV charging points.

Changes to kerbs and splays on High View and to Church Square

- 9.33 Following amended plans being submitted to accommodate the initial comment made regarding the dropped kerb along Harrier Way, the Highway Authority raise no objection to the proposed changes to Church Square (details discussed earlier in the report) or the proposed changes to kerbs and splays along High View. These are in line with the Section 278 agreement approved earlier this year. All plans have subsequently been amended to correct this minor error in the initial submission.
- 9.34 In summary, the proposal would provide an acceptable level of on-site car parking, with the other highways amendments discussed also being acceptable. and no objections are raised in regards to Policies SADM2 and SADM12 of the Local Plan; the SPG Parking Standards; the Council's Interim Policy for Car Parking Standards; and the NPPF.

5. Planning obligations

- 9.35 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.
- 9.36 The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.
- 9.37 The grant of permission under S73 of the Planning Act results in a new planning permission which may be implemented independently of the original grant of permission (6/2019/1067/MAJ) and the subsequent Variation of Condition applications (6/2021/0529/VAR and 6/2022/0059/VAR).
- 9.38 These permissions contained a number of planning conditions which may need to be repeated with the grant of a new permission for essentially the same development.
- 9.39 A range of community and other benefits were also secured by a S106 legal agreement. A S106 Supplemental Deed will be required to bind this new permission to the existing S106 that was signed on 9th July 2020.

6. Re-imposition of conditions

- 9.40 Permission granted under S73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.
- 9.41 Application reference 6/2022/0059/VAR was granted planning permission subject to 35 planning conditions which must be re-imposed where they remain in accordance with the tests set out in the NPPF.
- 9.42 In addition to the above, since the granting of the extant permissions of 6/2019/1067/MAJ, 6/2021/0529/VAR and 6/2022/0059/VAR, a number of conditions have been discharged. The relevant conditions will therefore be updated to reflect the information that has already been approved. For the avoidance of doubt, the conditions will follow the format of the latest permission which is 6/2022/0059/VAR.
- 9.43 The re-imposition of conditions will be required to be slightly amended to reflect the adoption of the new Local Plan, and as such, the application is subject to assessment against the new policies.

- 9.44 Condition 1 (construction management plan) has been discharged under application 6/2020/1814/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.45 Condition 2 (site waste management) has been discharged under application 6/2020/1815/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.46 Condition 3 (tree protection) has been discharged under application 6/2020/1816/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.47 Condition 4 (ground remediation measures) has been discharged under application 6/2020/1830/COND. A further discharge of condition application was submitted under reference 6/2022/0345/COND for approval of the verification report. This application was refused and as such, an amended planning condition will be imposed.
- 9.48 Condition 5 (cycle storage) has been discharged under application 6/2020/2169/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details. The details for condition 5 have been altered within this current application.
- 9.49 Condition 7 (future management arrangements for streets) has been discharged under application 6/2021/1977/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.50 Condition 11 (sound insulation commercial premises) has been discharged under application 6/2020/2220/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.51 Condition 12 (accessible housing provision) has been discharged under application 6/2020/1936/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.52 Condition 13 (Local Equipped Area of Play (LEAP)) has been discharged under application 6/2020/1831/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.53 Condition 14 (electric car charging points) has been discharged under application 6/2020/1938/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details. The details for condition 14 have been altered within this current application.

- 9.54 Condition 15 (noise prevention measures) has been discharged under application 6/2020/2221/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.55 Condition 17 (bird and bat boxes) has been discharged under application 6/2020/2170/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.56 Condition 19 (external lighting details) has been discharged under application 6/2021/2429/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.57 Condition 26 (travel plan) has been discharged under application 6/2021/2519/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.58 Condition 27 (car club spaces) was discharged under application 6/2021/1979/COND. However, as part of this application, the car club condition is proposed to be removed, and as this element of the proposal has been found to be acceptable, condition 27 for car club spaces will not be reimposed.
- 9.59 Condition 32 (waste water upgrades) has been discharged under application 6/2021/1859/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.60 Condition 34 (first users of commercial units plan) has been discharged under application 6/2021/1980/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.

10 Conclusion

- 10.1 The amendments are considered to be acceptable. However, as a new grant of permission, a number of conditions from the previous planning permission will need to be re-imposed and the development must be bound by the same obligations as the 9th July 2020 S106 obligation to ensure that the same controls and benefits are achieved by the development.
- 10.2 Subject to conditions and a planning obligation, the proposal would have no significant adverse impact upon the character and appearance of the area or the completed development, nor upon the amenity of neighbouring occupiers. The proposal has also been found acceptable in relation to impact on the highway, parking and other material considerations. Accordingly, and for the reasons given, the proposal is recommended for approval.

11 Recommendation

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

- a) Completion of a satisfactory S106 Supplemental Deed and the agreement of any necessary extensions to the statutory determination period to complete this agreement;
- b) the following conditions:
 1. Works on site shall be carried out in accordance with the Lovell Construction Strategy & Management Plan dated July 2020 (Your Ref: L486220-LP-00-XX-RP-B-0702 Construction Strategy and Management Plan Final Construction) approved by Welwyn Hatfield Council 22 September 2020 under application 6/2020/1814/COND.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

2. Works on each phase of development shall be carried out in accordance with the Lovell Site Waste Management Plan dated July 2020 (your Ref: L486220-LP-00-XX-RP-P-0707_Site Waste Management Plan Final Construction AB) approved by Welwyn Hatfield Council 14 September 2020 under application 6/2020/1815/COND. The Management Plan as approved shall be implemented throughout the demolition and 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. Trees and planting shown to be retained/protected in the Greengage Arboricultural Tree Constraints Plan 551125jrAug19_TCPpr_FV.2 shall be protected in accordance with the Arboricultural Method Statement and Tree Protection Plan by Greengage dated May 2020 and approved by Welwyn Hatfield Council 25 September 2020 under application 6/2020/1816/COND. The approved tree protection measures shall be in place before works on that phase are begun and shall remain in place for the duration of works on that phase of the development.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

4. Ground remediation shall be carried out in accordance with the approved Remediation Strategy and Verification Plan (Ref: GE17140-RSVP-JUL20, Version 2.0), produced by Geo-Environmental Services Ltd and dated 17 July 2020 and the Qualitative Piling Risk Assessment (Ref: GE17140-QPRA-JUL20, Version 2.0) approved by Welwyn Hatfield Council 24 September 2020 under application 6/2020/1830/COND.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D (below) has been complied with in relation to that contamination.

The approved remediation scheme in each phase of the development must be carried out in accordance with its terms prior to the occupation of development on each phase. The Local Planning Authority must be given two weeks written notification of commencement and completion of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

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

E. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

5. The provision of secure cycle parking for each residential dwelling shall be secured as approved by Welwyn Hatfield Council 16 March 2021 under application 6/2020/2169/COND and within this application to represent the updated layout. The approved cycle storage facilities shall be installed prior to the first occupation of each dwelling to be served by the cycle storage facility.

REASON: To ensure the provision of secure long term cycle storage for each dwelling on the site in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

6. Hard and soft landscaping shall be carried out in accordance with the approved drawings.

As approved by Welwyn Hatfield Council 9 March 2021 under application 6/2020/1937/COND and within this application to represent the updated layout.

REASON: To ensure a high quality landscape plan is incorporated into the development in the interest of the amenity value of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

PRIOR TO OCCUPATION

7. Future management and maintenance of the proposed streets within the development shall accord with the details as approved by Welwyn Hatfield Council 23 August 2021 under application 6/2021/1977/COND.

The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

REASON: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

8. Prior to the first occupation / use of any part of the development identified in the application plans and supporting documentation as Phase 1 of the development, the amendments to High View along its' length and shown on the approved plan shall be provided to the specification of the Highway Authority.

REASON: To ensure satisfactory works to the highway and access into and through the site in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

9. Prior to the first occupation / use of any part of the development identified by the applicants as Phase 2 of the development, vehicular access shall be provided and thereafter retained at the position shown on the approved plans. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

10. Prior to the first occupation / use of each phase of the development hereby permitted the proposed on-site car and cycle parking / servicing / loading, unloading /turning /waiting areas as required for each element shall be laid

out, demarcated, levelled, surfaced and drained in accordance with the approved plan and shall be retained thereafter for that specific use.

REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

11. Sound insulation options for the commercial premises within each phase shall accord with the details contained in RBA Acoustics Technical Note 10191.ATN01.IBF.0 dated 18 August 2020 as approved by Welwyn Hatfield Council 8 December 2020 under application 6/2020/2220/COND. Each unit shall not be occupied until the detailed sound insulation scheme has been implemented in accordance with the approved details.

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12. The delivery of accessible housing for each phase or block shall accord with the details shown on drawing numbers L486220-LBA-00-ZZ-DR-A-4210-T01- Part M4 (2) Compliance Plan-1st & 2nd Floor Plan; L486220-LBA-00-ZZ-DR-A-4211-T01- Part M4 (2) Compliance Plan-3rd & 4th Floor Plan and L486220-LBA-XX-XX-SA-A-5300-Residential Accommodation & Area Schedule (NIA) approved by Welwyn Hatfield Council 21 September 2020 under application 6/2020/1936/COND.

a) At least 20% of all new dwellings will meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings' the delivery of which should be distributed across market and affordable tenures.

b) For each block all units specified as M4(2) in the agreed schedule and plans shall be implemented in accordance with that approval for that block and in compliance with the corresponding part of the Building Regulations in that regard.

c) Written verification of implementation of units in para b) 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

13. The detailed plans and specifications of the proposed Local Equipped Area of Play (LEAP) located within phase 3 of the development shall be constructed in accordance with the details approved by Welwyn Hatfield Council 26 October 2020 under application 6/2020/1831/COND and within this application to represent the updated layout, and made available for public use before the occupation of the 140th dwelling permitted and shall thereafter remain open for use by residents and the wider public.

REASON: In order to ensure an on-site high quality play facility for the site commensurate with its size and level of population in accordance with the

Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

14. The electric car charging points approved by Welwyn Hatfield Council 12 October 2020 under application 6/2020/1938/COND and within this application to represent the updated layout shall be installed as approved prior to first occupation within each phase.

REASON: To ensure that the spaces are provided in the interests of highway safety in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

15. The noise prevention measures/details approved by Welwyn Hatfield Council 4 May 2021 under application 6/2020/2221/COND shall be implemented before any part of the residential accommodation within that phase of the development hereby approved is occupied.

The noise prevention measures shall ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014. If opening windows leads to internal noise levels exceeding the levels within BS8233, then mechanical ventilation will need to be installed. Any associated mechanical ventilation will need to meet the ventilation requirements found within The Noise Insulation Regulations 1975.

Outdoor amenity areas will need to meet the 55dB WHO Community Noise Guideline Level with mitigation measures provided where required to meet this level.

The measures/details approved by Welwyn Hatfield Council comprise the following: -

- 10191.RP01.EBF.0.11082020.CLB (High View, Hatfield - External Building Fabric Report)
- L486220-RA-A-GF-DR-M-5200 - Ground Floor- Drainage and Ventilation Services Layout
- L486220-RA-A-01-DR-M-5201 - First Floor- Drainage and Ventilation Services Layout
- L486220-RA-B-03-DR-M-5203-Block B1 - Third Floor Drainage and Ventilation Services Layout
- Zehnder ComfoAir 155 WM
- Central Extract MEV

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

16. Noise from plant and equipment associated with the commercial elements of the development shall be 10dB (LAeq) below the background noise level (LA90) when measured at the nearest residential properties (5dB below the background noise level if evidence is provided which shows that no tonality is present).

REASON: To protect the occupants of nearby residential properties from noise disturbance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

17. Bird and Bat boxes shall be provided within the development site in accordance with details approved by Welwyn Hatfield Council 16 March 2021 under application 6/2020/2170/COND. That information, comprising your drawing numbers L486220 - LBA - C - XX - EL - A – 1305 Rev C2 and L486220 - LBA - C - XX - EL - A – 1304 Rev C2.

The Bird and Bat box provision on each relevant block shall be installed in accordance with the approved details before the first occupation of each relevant block.

REASON: To make provision for the loss of and enhancement of the bird and bat nesting and roosting opportunities in the site in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

18. 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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

19. External lighting installations in each phase shall accord with the details as approved by Welwyn Hatfield Council 28 October 2021 under application 6/2021/2429/COND.

REASON: To protect the amenity of residential occupiers in the near vicinity of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

20. Prior to occupation of any individual commercial unit(s) for hot food consumption on the premises (café or restaurant) or for takeaway hot food delivery, 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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

21. Prior to first occupation of each block, waste bins/bin storage facilities shall have been provided as shown within the submitted approved application plans and retained thereafter.

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 Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

22. Landscaping in respect of each phase or block shall be carried out in the first planting and seeding seasons following the occupation of each phase or block, and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

23. 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 hereby approved.

(a) 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, an equivalent tree or shrub shall replace it within the next planting season.

This condition will cease to have effect on the date 5 years from the date of work commencing on site.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

24. 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 Iesis Structures, reference SE1327-ISS-XX-XX-RPC-71047.01, revision R8, dated April 2019 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 7.7 l/s 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 rainfall event plus

climate change event providing a total storage volume in permeable paving with sub-base areas, rain gardens, attenuation tanks.

3. Discharge of surface water from the private drainage network into the Thames Water sewer network via four connection points.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

25. Upon completion of the development works an updated, detailed management and maintenance plan for all the SuDS features and structures included within the drainage strategy must be submitted to the Local Planning Authority for its approval and it shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime. This should include as-built drawings of all SuDS features and the final drainage layout.

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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

26. The Travel Plan approved by Welwyn Hatfield Council on the 4 October 2021 under application 6/2021/2519/COND shall be implemented before any part of that phase or block of the development hereby approved is occupied, in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure that the development is sustainable in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

27. Any premises used as a cafe/restaurant and as a hot food takeaway 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 the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

28. 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), there shall be no

enlargement to the dwelling houses hereby permitted under Schedule 2, Part 1, Class A or Class B of the Order.

REASON: To secure a high standard of design and appearance in this prominent development and because the dwelling houses are sited on modest plots which would easily become overdeveloped if uncontrolled extensions were built resulting in in harm to the character and design of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

29. 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), there shall be no building, structure or enclosure erected within the dwelling house curtilage other than those expressly authorised by this permission.

REASON: To secure a high standard of design and appearance in this prominent development and because the dwelling houses are sited on modest plots which would easily become overdeveloped if additional structures were built in gardens resulting in in harm to the character and design of the development in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

30. External materials used in the construction of the buildings hereby permitted shall accord with the details specified on the approved plans.

REASON: In order to ensure a high standard of design and appearance in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

31. Wastewater measures in each phase shall accord with the details as approved by Welwyn Hatfield Council the 26th July 2021 under application 6/2021/1859/COND.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

REASON: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient confirmed capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

32. The sustainability measures outlined in the accompanying/approved Stroma Sustainability Statement reference 10-18-71079 SS1 and dated 26 April 2019 shall be implemented entirely as approved.

REASON: In order to ensure a high level of sustainable performance within the buildings and development hereby permitted and in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

33. First use/users of the ground floor commercial units within each phase shall accord with the details as approved by Welwyn Hatfield Council the 28th September 2021 under application 6/2021/1980/COND.

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 the High View neighbourhood centre remains and is not lost/diluted by flexible changes of use to A1 retail premises that might otherwise be undertaken or as permitted development under Schedule 2, Part 3 Classes D, G, J and M Classes 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) and in preserve the retail function of the neighbourhood centre in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

1. 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
L486220 - LBA - C - GF - GA - A - 1440	C3	Block CH - GA Ground Floor Setting Out Plan_Sheet 1	5 April 2023
L486220 - LBA - C - GF - GA - A - 1441	C4	Block CH - GA Ground Floor Setting Out Plan_Sheet 2	5 April 2023
L486220 - LBA - C - XX - EL - A - 1304	C7	Block C - GA Elevations A & B	5 April 2023
L486220 - LBA - C - XX - EL - A - 1305	C8	Block C - GA Elevations C, D & E	5 April 2023
L486220 - LBA - XX - XX - GA - L - 2051	C06	Landscape Detail Area 2 - Hill Top Square	5 April 2023
L486220-D-011		Proposed Site Plan	11 January 2022

L486220-D-015	Proposed Land Use Plan	11 January 2022
L486220-D-016	Proposed Character Areas Plan	11 January 2022
L486220-D-020	Proposed Phase 3 Plan	11 January 2022
L486220-D-030	Proposed Tenure Plan - Ground Floor	11 January 2022
L486220-D-032	Proposed Tenure Plan - Third Floor And Roof Plan	11 January 2022
L486220-A-D-040	Proposed Mix Plan - Ground Floor	11 January 2022
L486220-A-D-041	Proposed Mix Plan - First & Second Floor	11 January 2022
L486220-A-D-042	Proposed Mix Plan - Third Floor & Roof Plan	11 January 2022
L486220 - D - 031	Proposed Tenure Plan - First and Second Floor	24 March 2022
L486220-D-523	Site Wide Levels	18 February 2021
L486220-D-002	Existing Site Plan	18 February 2021
L486220-D-004	Existing Parking Plan	18 February 2021
L486220-D-018	Proposed Phase 1 Plan	18 February 2021
L486220-D-019	Proposed Phase 2 Plan	18 February 2021
L486220-D-100	Proposed Block A Ga Ground Floor First Floor And Roof Plan	18 February 2021
L486220-D-101	Proposed Block B1 Ga Ground Floor Plan	18 February 2021
L486220-D-103	Proposed Block B2 Ga Ground Floor Plan	18 February 2021
L486220-D-105	Proposed Block C Ga Ground Floor Plan	18 February 2021
L486220-D-107	Proposed Block D Ga Ground Floor Plan	18 February 2021
L486220-D-109	Proposed Block E Ga Ground Floor Plan	18 February 2021
L486220 - D - 123	Proposed Block B2- Elevations and section	15 April 2020
86220 - D - 126	Proposed Block D- Elevations and section	15 April 2020
3515-D-010	Proposed Demolition Plan	15 May 2019
3515-D-526	3515-D-526-Landscape Detail 3 area - Cul-de-sac four houses	26 July 2019
51355/4	Topographical Survey	15 May 2019
3515-D-244	Block D1 Flat Plot 76,82,88,94-1B2P	9 May 2019
3515-D-243	Block D1 Flat Plot 75,81,87,93-2B4P	9 May 2019

3515-D-242	Block D1 Flat Plot 74,80,86,92-2B4P	9 May 2019
3515-D-241	Block D1 Flat Plot 73,79,85,91-1B2P	9 May 2019
3515-D-240	Block D1 Flat Plot 72,78,84,90-1B2P	9 May 2019
3515-D-232	Block C1 Flat Plot 54,57,60-2B4P	9 May 2019
3515-D-231	Block C1 Flat Plot 53,56,59-2B4P	9 May 2019
3515-D-230	Block C1 Flat Plot 52,57,60-2B4P	9 May 2019
L486220 - D - 223	Block B2 Flat Plot 35,43,51-2B4P	15 April 2020
L486220 - D - 222	Block B2-Flat Plot 34,42,50-1B2P	15 April 2020
L486220 - D - 221	Block B2 Flat Plot 29, 30, 31, 32, 33, 37, 38, 39, 40, 41, 45, 46, 47, 48 & 49 - 1B2P	15 April 2020
L486220 - D - 220	Block B2 Flat Plot 28,26,44-2B4P	15 April 2020
3515-D-215	Block B1 Flat Plot 09,15,21,27-2B4P	9 May 2019
3515-D-214	Block B1 Flat Plot 08,14,20,26-2B4P	9 May 2019
3515-D-213	Block B1 Flat Plot 07,13,19,25-2B4P	9 May 2019
3515-D-212	Block B1 Flat Plot 06,12,18,24-2B4P	9 May 2019
3515-D-211	Block B1 Flat Plot 05,11,17,23-2B4P	9 May 2019
3515-D-210	Block B1 Flat Plot 04,10,16,22-2B4P	9 May 2019
3515-D-201	Proposed 3B5P House Plans & Elevations-Type 2	9 May 2019
3515-D-200	Proposed 3B5P House Plans & Elevations-Type 1	9 May 2019
L486220 - D - 130	Proposed Block E- Elevations and section	15 April 2020
L486220 - D - 128	Proposed Block E- Elevations and section	15 April 2020
L486220 - D - 127	Proposed Block D- Elevations and section	15 April 2020
L486220 - D - 122	Proposed Block B2- Elevations and section	15 April 2020
L486220 - D - 121	Proposed Block B1- Elevations and section	15 April 2020
L486220 - D - 120	Proposed Block A- Elevations and section	15 April 2020
L486220 - D - 110	Proposed Block E-Upper Floors and Roof Plan	15 April 2020
L486220 - D - 108	Proposed Block D-Upper Floors and Roof Plan	15 April 2020

L486220 - D - 106	Proposed Block C-Upper Floors & Roof Plan	15 April 2020
L486220 - D - 104	Proposed Block B2-Upper Floors & Roof	15 April 2020
L486220 - D - 100	Proposed Block A-Ground Floor Plan	15 April 2020
L486220 - D - 101	Proposed Block B1-Ground Floor Plan	15 April 2020
L486220 - D - 102	Proposed Block B1-Upper Floors & Roof Plan	15 April 2020
L486220 - A - D - 050	Proposed Street Elevations-Sections 1-6	15 April 2020
3515-D-265	Block E Flat Plot 125,131,137-1B2P	9 May 2019
3515-D-264	Block E Flat Plot 124,130,136-2B4P	9 May 2019
3515-D-263	Block E Flat Plot 123,129,135-2B4P	9 May 2019
3515-D-262	Block E Flat Plot 122,127,133-2B4P	9 May 2019
3515-D-261	Block E Flat Plot 121,127,133-2B4P	9 May 2019
3515-D-260	Block E Flat Plot 120,126,132-1B2P	9 May 2019
3515-D-255	Block D2 Flat Plot 101,107,113,119-2B4P	9 May 2019
3515-D-254	Block D2 Flat Plot 100,106,112,118-1B2P	9 May 2019
3515-D-253	Block D2 Flat Plot 99,105,111,117-1B2P	9 May 2019
3515-D-252	Block D2 Flat Plot 98,104,110,116-2B3P	9 May 2019
3515-D-251	Block D2 Flat Plot 97,103,109,115-2B3P	9 May 2019
3515-D-250	Block D2 Flat Plot 96,102,108,114-2B3P	9 May 2019
3515-D-245	Block D1 Flat Plot 77,83,89,95-1B2P	9 May 2019
L486229- ISS-A-GF- DR-C-3001	Block A Proposed Drainage Plan	24 July 2019
L486229- ISS-B1-GF- DR-C-3002	Block B1 Proposed Drainage Plan 2	24 July 2019
L486229- ISS-B2-GF- DR-C-3003	Block B2 Proposed Drainage Plan	24 July 2019
L486220- ISS-C-GF- DR-C-3004	Block C Proposed Drainage Plan	24 July 2019
L486220- ISS-D-GF- DR-C-3005	Block D Proposed Drainage Plan	24 July 2019
L486220-	Block E Proposed Drainage	24 July 2019

ISS-E-GF- DR-C-3006 L486220- ISS-E-GF- DR-C-3007 L486220- ISS-XX-GF- DR-C-3101 L486220- ISS-XX-GF- DR-C-3310 L486220- ISS-XX-GF- DR-C-3311 L486220- ISS-XX-GF- DR-C-3312 L486220- ISS-XX-GF- DR-C-3313 L486220- ISS-XX-GF- DR-C-3314 L486220- ISS-XX-GF- DR-C-3315 L486220- ISS-XX-GF- DR-C-3316		Plans	
		Proposed Drainage Plan Showing Suds Implementation Typical Drainage Details	24 July 2019 24 July 2019
		Proposed S104 Drainage To Be Offered For Adoption	24 July 2019
		Proposed S104 Sheet 1/3	24 July 2019
		Proposed S104 Sheet 2/3	24 July 2019
		Proposed S104 Sheet 3/3	24 July 2019
		Proposed S104 Drainage To Be Offered For Adoption Phase 1	24 July 2019
		Proposed S104 Drainage To Be Offered For Adoption Phase 2	24 July 2019
		Proposed S104 Drainage To Be Offered For Adoption Phase 3	24 July 2019
3515 - D - 001	3	Site Location Plan	11 May 2023
L486220 - LBA - XX - XX - GA - L - 2000	C09	Proposed General Arrangement Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2001	C10	Hard Landscape Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2002	C09	Soft Landscape Plan - Trees	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2003	C10	Kerb and Edging plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2004	C10	Site Wide Boundary Treatment Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L	C08	Landscape Furniture and Play Plan	17 November 2023

- 2005 L486220 - LBA - XX - XX - GA - L - 2007	C05	Proposed Highways and Access Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2009	C07	Proposed Parking and Services Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2010	C06	External Car Charging Points Plan	17 November 2023
L486220 - LBA - XX - XX - GA - L - 2050	C09	Landscape Detail Area 1 - Church Square	17 November 2023

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

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.

INFORMATIVES

1. The planning authority has determined the application 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 expert advice from properly qualified experts to ensure that the historic chalk mining activities in the area will not adversely affect the development.
2. Part 3, Class V of The Town and Country Planning (General Permitted Development) (England) Order 2015 permits a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted. You are advised that the flexible uses hereby permitted are authorised at any time up to 10 years from the date of the commencement of the permission, subject to Conditions of this permission that restrict the use. At any given time during the 10 year flexible period the use can change to another use within the flexible categories, but can only have one flexible use at any time. Once the 10 year period ends no further flexible uses can occupy the site and the last known use will become the lawful use of the site.
3. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land

which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.


4. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047
5. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, 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/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047.
6. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/developmentmanagement/highwaysdevelopment-management.aspx> or by telephoning 0300 1234047.
7. The applicant is advised that all routes with the exception of High View itself associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.

8. The applicant should be advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent verge as part of the proposal via the HCC website www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-councildata/open-data-statistics-about-hertfordshire/what-our-priorities-are-and-how-we-are-doing/highways-plans-and-strategies.aspx#DynamicJumpMenuManager_1_Anchor_5 or by telephoning 0300 123440047. This should be carried out prior to any new apparatus is placed within the highway.
9. In respect of Abnormal Loads the applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 Schedule 5 of Schedule 9, part 1 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.
10. A Travel Plan for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before occupation of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. Indexation of this figure will be based on the Consumer Price Index from the date planning is granted to the date the contribution is paid. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: www.hertfordshire.gov.uk/services/highwaysroads-and-pavements/business-and-developer-information/developmentmanagement/highwaysdevelopmentmanagement.aspx#DynamicJumpMenuManager_1_Anchor_5 Our Travel Plan team can provide further advice at travelplan@hertfordshire.gov.uk
11. The granting of this permission does not prejudice the process of the Section 278 application that the applicant has entered into with the Highway Authority. The Highway Authority retain control of the detailed design of the layout through the Section 278 process, and any amendments to the plans as a result of the Section 278 will require a subsequent planning application to be submitted.

Ashley Ransome (Development Management)

Date: 10th November 2023



 WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	Title: Car Park High View, Hatfield, AL10 8HZ		Scale: DNS
	Project: Development Management Committee		Date: 22-11-2023
Drawing Number: 6/2023/0759/VAR		Drawn: C.Brady	
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Agenda Item 9

Part I

Main author: Ashley Ransome

Executive Member: Councillor J. Quinton
(Hatfield South West)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11TH JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/1809/HOUSE

64 BISHOPS RISE HATFIELD HERTFORDSHIRE AL10 9HH

RETENTION OF STORAGE OUTBUILDING, COVERED AREA, FENCING, WALLS
AND PATIO

APPLICANT: DR MOHAMED ALTAWIL

1 Site Description

- 1.1 The application site is located to the western side of Bishops Rise and consists of a two-storey semi-detached dwelling.
- 1.2 Bishops Rise is a residential area, with the immediate street scene consisting of brick built, semi-detached dwellings to the west, and a variety of residential properties to the east. Beyond the immediate vicinity of the site there are a mix of semi-detached and terraced properties with varying designs and use of materials (mainly brickwork and light render). Bishops Rise has a generally consistent, but not absolute, building line, with landscaped frontages which also allow off-street parking.

2 The Proposal

- 2.1 A prior approval application under reference 6/2022/2783/PN8 for a 6 metre deep single storey rear extension was granted in January 2023. This permission has been implemented. Following the implementation of the single storey rear extension, the remainder of the garden has undergone works, which are being applied for in this application.
- 2.2 This application seeks planning permission for the retention of an outbuilding, a covered area, fencing, walls and an area of patio, all to the rear of the site.
- 2.3 The outbuilding is sited to the south-western corner of the rear garden and measures approximately 1.8 metres by 4.4 metres and has a footprint of approximately 7.9 metres squared. The outbuilding has an approximate height of 2.4 metres to the top of the flat felt roof and is finished in a grey tile, with a white UPVC window to the elevation facing the house and a white UPVC door and window facing the remainder of the garden. There is a roof overhang, however, this does not adjoin the covered area.
- 2.4 The covered area is sited adjacent to the storage outbuilding, filling the remainder of the space running along the rear boundary of the site. The covered area has a footprint of approximately 22 metres squared, measuring approximately 4.3 metres by 5.1 metres. It has an approximate height of 2.2

metres with the roof constructed of corrugated plastic and wooden timber posts. This area is not enclosed.

- 2.5 Beyond the single storey rear extension, the garden has been fully paved with large cream paving stones, including underneath the covered area. Drainage has been provided. The applicant advises that this is to allow easy access arrangements for an occupier with limited mobility. Evidence of mobility issues of an occupier has been provided by the applicant.
- 2.6 The fence between the boundary of the application site and the neighbouring property at No.62 has been raised to an approximate height of 2.6 metres when measured from the ground level within the application site. The applicant advises that the height of the fence measured from the land levels within the neighbouring dwelling at No.62 is less than 2 metres. A higher fence was erected to ensure appropriate privacy is maintained between the two sites. A wall between the boundary of the application site and the neighbouring dwelling at No.66, along with a wall running along the rear of the site, has also been erected, measuring approximately 2 metres in height.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because it has been called-in by Councillor Rowse.

4 Relevant Planning History

- 4.1 Application Number: 6/2022/2783/PN8
Decision: Prior Approval Required and Granted
Decision Date: 19 January 2023
Proposal: Prior approval for flat roof single storey rear extension measuring 6m in depth, 3m in height and 2.4m to the eaves

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield Local Plan (Local Plan)
- 5.3 Supplementary Design Guidance 2005 (SDG)
- 5.4 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.5 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters. In total five representations have been received, all are objections. All representations

received are published in full on the Council's website and are summarised below:

Objections

- Description incorrect
- There are trees and hedges within the distance of the development when it states there are none.
- There is only a small space between the extension/ covered area and the new outbuilding meaning that the garden has been overdeveloped making the visual impact unacceptable to all neighbouring properties.
- Concerns that the extra development could be used as additional accommodation at a later date without proper planning permission.
- The development has been made on more than 50% of the original outside space.
- The front garden has been developed to a driveway which has no drainage installed.
- An extractor fan vent for a cooker hood has been installed directly adjacent to one of our windows that is approximately 18" away, this would mechanically blow unwanted cooking smells directly into my window. This was not on the original approved plans. Is this a breach?
- No garden/outside space left for nature as the outbuildings and extension are very large and out of proportion.

8 Consultations Received

8.1 Hatfield Town Council were consulted on the application; however, no comments were received.

8.2 Councillor Timothy Rowse called the application to DMC for the following reasons:

- The additional building built in the rear garden of this property represents over-development of the curtilage and that retrospective planning permission should therefore be denied.
- If this becomes the precedent for local development, then I believe it will undoubtedly have an adverse impact on wildlife which will be adversely impacted by reduced congruent natural corridors.

9 Analysis

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

- 1. Quality of design and impact on the character of the area**
- 2. Residential amenity**
- 3. Highways and parking considerations**
- 4. Other considerations**
 - i) Ecology and biodiversity**

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

9.2 Paragraph 131 of the NPPF clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development

process should achieve and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 139 is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides.”

- 9.3 The above objectives are broadly consistent with Policies SP1 and SP9 of the Council’s Local Plan. Policy SP9 states that proposals will be required to have been informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape, and enhance the sense of place. SP9 goes on to states that development proposals will need to respect neighbouring buildings and the surrounding context in terms of height, mass and scale and also be of a high quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials.
- 9.4 Paragraph 26.11 of the Local Plan states that the Council also has in place Supplementary Planning Guidance on parking standards (2004) and Supplementary Design Guidance (2005), both introduced in conjunction with the Welwyn Hatfield District Plan (2005). Both of these documents require review in due course in order to bring them up to date with current best practice on design and sustainable development but will continue to be used to inform decisions on planning applications until such review takes place.
- 9.5 Whilst it is acknowledged that the development that has been undertaken to the rear of the application site does erode all soft landscaping, leaving the outside space to be formed fully of hard surfacing, it is not considered that this would imply that the site has been overdeveloped.
- 9.6 The outbuilding that has been erected is small in comparison to the existing site, with the height not considered to be overbearing. Whilst the covered area would span a large amount of the remainder of the rear garden, this is of an open nature and is considered to be of a modest size.
- 9.7 The applicant has advised that the paving of the rear garden was undertaken so as to provide a level surface area from the rear extension out to the garden, including under the covered area, to allow easy access for use by a disabled occupant of the property. Moreover, the covered area is to be utilised for activities required to be undertaken by the disabled occupant, with the outbuilding being used to store equipment.
- 9.8 Upon visiting the site it was clear that drainage was in place in the rear garden to allow for water run off from the hardstanding.
- 9.9 It is considered that the outbuilding, covered area and paving of the garden are of an acceptable design and layout that would adequately respect and relate to the existing dwelling and would not negatively impact upon the character and appearance of the surrounding street scene, especially as the rear garden is not readily visible within the public realm.

- 9.10 The erection of a higher fence along the boundary between the application site and No.62 and the wall between the application site and No.66 is also considered to be of an acceptable design.
- 9.11 The proposal is therefore considered to be in accordance with Policies SP1 and SP9 of the Welwyn Hatfield Borough Local Plan, Supplementary Design Guidance and the National Planning Policy Framework.

2. Residential amenity

- 9.12 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.
- 9.13 Policy SADM11 of the Local Plan and the Supplementary Design Guidance (SDG) provide the local policy framework when assessing the impact of development on the residential amenity of neighbouring properties. New development should not cause loss of light or be unduly dominant from adjoining properties. In addition, development should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.
- 9.14 The neighbour representations that have been received are acknowledged and the comments are addressed within the relevant sections of the report. It should be noted that some of the comments received are not matters that can be considered within a planning application and thus no further comment is made.
- 9.15 Due to the distance, it is considered that occupants of neighbouring properties to the front and rear of the application site will not be detrimentally impacted as a result of the development.
- 9.16 Whilst it is acknowledged that the outbuilding and covered area abut either side boundary, due to the subordinate height of these structures it is considered that there is not a significant detrimental impact to the amenity of the neighbouring occupants either side of the application site at No.62 and No.66.
- 9.17 Furthermore, the fencing at approximately 2.6 metres in height that runs along the boundary between the application site and neighbouring dwelling at No.62 is not considered to cause significant harm to the amenity of the neighbouring occupants at No.62 so as to warrant a reason to refuse this application. Similarly, the wall sited between the application site and the neighbouring dwelling at No.66 is not considered to cause significant to the amenity of the neighbouring occupants. It is noted that the neighbouring occupant at No.66 commented on the application but did not raise a concern regarding an impact to their amenity as a result.
- 9.18 The proposal is therefore in accordance with Policy SADM11 of the Welwyn Hatfield Borough Local Plan, the Welwyn Hatfield Supplementary Design Guidance and the National Planning Policy Framework.
- 9.19 With regards to the concern raised surrounding the use of the development as additional accommodation at a later date, this is acknowledged, however the Local Planning Authority cannot lawfully determine an application based on a possible future use of a site and as such this cannot be considered within this

application. Notwithstanding, it is considered appropriate to include an informative advising the application that any use of the development that would not be ancillary to the main dwelling would require planning permission.

- 9.20 A concern has also been also raised with respect to an extractor fan vent being installed directly adjacent a neighbouring window. No further details have been provided. Whilst this may have not been included within the previous prior approval application, it is acknowledged that such development may fall within permitted development. This does not, however, form part of this application and should be reported to enforcement for further investigation.

3. Highways and parking considerations

- 9.21 Paragraph 111 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 9.22 Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.
- 9.23 The site appears to benefit from parking to the front for three vehicles.
- 9.24 As a result of the development there has not been an increase in the number of bedrooms at the application site and as such, no further consideration is required with regards to increased parking provision.
- 9.25 It is therefore considered that sufficient parking is provided at this site and is in accordance with Policy SADM12 of the Welwyn Hatfield Borough Local Plan and the Welwyn Hatfield Supplementary Parking Guidance 2005.
- 9.26 A concern has been raised with respect to a driveway being created within the front garden of the site which does not have any drainage.
- 9.27 Upon investigation, it is acknowledged that hard landscaping appeared to the frontage of the site sometime between May 2016 and July 2017, according to Google Street View to create a driveway. Such development may be undertaken through permitted development rights; however no Certificate of Lawfulness application was submitted to confirm this. Notwithstanding, an applicant does not have to undertake this process if they believe a development to fall within their permitted development rights.
- 9.28 Moreover, upon comparison with the latest Google Street View image from May 2022 and the site visit undertaken for this application (November 2023), it is

noted that a further section of the front garden has been hard surfaced. This may also fall under the realms of permitted development, however this cannot be confirmed without a Certificate of Lawfulness application being submitted.

- 9.29 Turning back to the concern regarding there being no drainage installed to the driveway at the frontage of the site. The development of an expanded driveway does not form part of this application, as the applicant considered it to fall within permitted development, and as such, this concern should be reported to enforcement for further investigation.

4. Other considerations

i) Ecology

- 9.30 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. Paragraph 186 of the NPPF goes on to list principles that Local Authorities should apply when determining a planning application. It is stated within Paragraph 186(d) of the NPPF that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged”*.
- 9.31 Policy SADM16 of the Local Plan seeks to conserve the biodiversity of the Borough and seek opportunities for enhancement to ensure no net loss of biodiversity. The Policy sets out that proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. Moreover, all developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.
- 9.32 The Government are seeking to address Biodiversity Net Gain (BNG). With respect to whether a site is considered to be exempt from BNG, the Government have set out the following- *“Development impacting on habitat of an area below a ‘de minimis’ threshold of 25 metres squared, or 5m for linear habitats such as hedgerows, householder applications, biodiversity gain sites (where habitats are being enhanced for wildlife)”*.
- 9.33 This application is submitted to the Council in householder form, mainly to assess the outbuilding, covered area and fences/walls that have been erected. It is acknowledged that the garden has been paved, and this is included within the description of development. However, it is considered that paving within a residential curtilage doesn't often require planning permission.
- 9.34 In some circumstances, hard surfaces are easier to maintain and are more desirable for certain people, such as the disabled and the elderly, but also perhaps those with little time to maintain the up-keep of a soft landscaped garden.
- 9.35 Whilst it would be preferable to see a scheme include some soft landscaping to enhance biodiversity, it is however considered that in this circumstance, it would not be reasonable to apply a condition for a landscaping scheme to be submitted. This is because paved areas are not often controlled by planning permission. Moreover, it is considered that, with respect to Policy SADM16 of the Local Plan, this site is exempt.

- 9.36 Although concerns have been raised that a precedent could be set for other sites to completely hard surface the rear of their curtilage, and in turn this could have a greater impact upon the biodiversity of the area, it is however considered that this site in particular has a different set of circumstances. An occupant of the application dwelling is disabled, and as such, would benefit from a hard surfaced garden to enable ease of movement. On the other hand, it is likely that other sites would want to maintain soft landscaping for visual amenity.
- 9.37 In light of the above, it is therefore considered that the proposal would not have a detrimental harm to biodiversity and would not set a precedent for future sites to undertake the same development.

10 Conclusion

- 10.1 The retention of the storage outbuilding, covered area, fencing, walls and patio is considered to be acceptable.
- 10.1 Subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The proposal has also been found acceptable in relation to impact on the highway, parking and other material considerations. Accordingly, and for the reasons given, the proposal is recommended for approval.

11 Recommendation

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

- 1. The development/works shall be maintained in accordance with the approved plans and details, unless otherwise approved in writing by the Local Planning Authority:

Plan Number	Revision Number	Details	Received Date
BR01		PRE-EXISTING PLANS	23 October 2023
A		SECTIONS & ELEVATIONS	
S100		EXISTING PLANS & ELEVATIONS	23 October 2023
O			

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

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.

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 or legal interest (easements or wayleaves) 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 applicant is advised that the development hereby approved shall solely be used for purposes either incidental or ancillary to the enjoyment of the dwellinghouse and shall not be used for any other use or purpose, including a use that may form a business. Such other uses would require planning permission.
4. The applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
5. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to their original condition, within one month of the completion of the development/works. If damage to the verges are not repaired then the Council and/or Highway Authority will take appropriate enforcement action to remedy any harm caused.
6. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

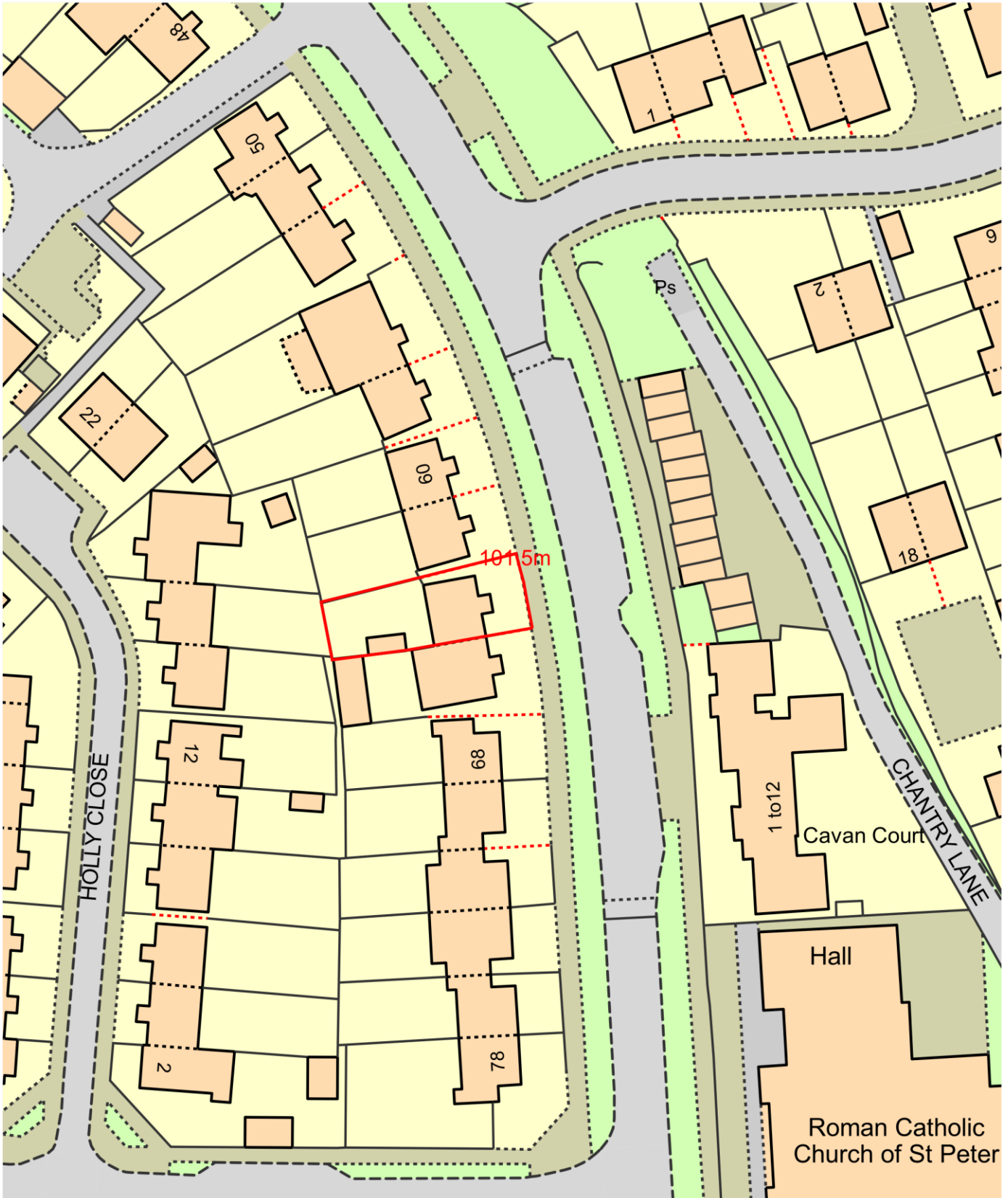
Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.


As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on

their website at www.hertfordshirebc.co.uk

Ashley Ransome (Development Management)
Date: 1st December 2023



 WELWYN HATFIELD	Title: 64 Bishops Rise Hatfield AL10 9HH		Scale: 1:5000
	Project: Development Management Committee		Date: 02-01-2024
Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	Drawing Number: 6/2023/1809/HOUSE	Drawn: N McIver	
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Part I

Main author: Lizzie Mugova

Executive Member: Councillor Jane Quinton
(Northaw and Cuffley)

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2023/1090/HOUSE

18 PLOUGH HILL CUFFLEY POTTERS BAR EN6 4DR

ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION, TWO STOREY
REAR EXTENSION, ALTERATION AND ENLARGEMENT OF ROOF, 1 X FRONT 1 X
REAR, 3 X SIDE DORMERS, 2 X SIDE ROOF LIGHTS AND FRONT BAY WINDOW

APPLICANT: Mrs Janet Rampton

1 Background

- 1.1 The principle of the extension has been approved under the historic planning applications 6/2017/1680/HOUSE, dated 19th October 2017 and 6/2020/1476/HOUSE, dated 11th August 2020 which were not implemented and have since lapsed.

2 Site Description

- 2.1 The application site is a detached bungalow located on the eastern side of Plough Hill. This part of Plough Hill features detached bungalows, semi-detached two storey dwellings and detached two storey dwellings of varying design. Whilst many of the detached bungalows have been subject to alterations to the roof, such works have been confined to minor roof alterations and dormer additions.

3 The Proposal

- 3.1 This application seeks planning permission for the erection of a single storey side and rear extension, two storey rear extension, alteration and enlargement of roof, 1 x front, 1 x rear, 3 x side dormers, 2 x side roof lights and front bay window.

4 Reason for Committee Consideration

- 4.1 This application is presented to the Development Management Committee because Northaw and Cuffley Parish Council have submitted a Major Objection.

5 Relevant Planning History

- 5.1 Application Number: S6/1984/0410/
Decision: Granted
Decision Date: 20 August 1984
Proposal: Garage
- 5.2 Application Number: 6/2017/0072/HOUSE
Decision: Refused

Decision Date: 13 March 2017

Proposal: Erection of part single, part two storey side and rear extensions, alterations to roof, installation of 3no dormer windows, 2no roof lights and bay window to front elevation

5.3 Application Number: 6/2017/1680/HOUSE

Decision: Granted

Decision Date: 19 October 2017

Proposal: Erection of single storey side extensions, two storey rear extension, alteration and enlargement of roof, 3no side dormers. 2no side roof lights and front bay window

5.4 Application Number: 6/2020/1476/HOUSE

Decision: Granted

Decision Date: 11 August 2020

Proposal: Erection of single storey side extensions, two storey rear extension, alteration and enlargement of roof, 3no side dormers. 2no side roof lights and front bay window

6 Relevant Planning Policy

6.1 National Planning Policy Framework (NPPF)

6.2 The Welwyn Hatfield Borough Council Local Plan 2016-2036

6.3 Supplementary Design Guidance 2005 (SDG)

6.4 Northaw and Cuffley Neighbourhood Plan 2022-2036

6.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

6.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6.7 Planning Practice Guidance

7 Site Designation

The site lies within the Northaw and Cuffley as designated in the Welwyn Hatfield Borough Council Local Plan.

8 Representations Received

8.1 The application was advertised by means of neighbour notification letters. Only one representation has been received, comprising an objection. The representation received has been published in full on the Council's website and are summarised below:

Objections

- Overlooking
- Loss of privacy
- Limited parking

- When previous renovations were carried out in 2015, work vehicles made it dangerous for pedestrians and vehicles

9 Parish Council Representations

- 9.1 Northaw and Cuffley Parish Council have raised a major objection to the proposed development for the reasons set out below:

The Parish Council reviewed this application in detail at a meeting held on 28th June 2023 and raise a major objection on the following basis: The development shows a roof height that is in contravention of the Northaw & Cuffley Neighbourhood Plan Policy D1. It also shows the loss of a side entrance which again is in contravention of the Northaw & Cuffley Neighbourhood Plan Policy D1.

During the course of the application, the applicant submitted a street plan showing accurate land levels and the roof pitches. The Plan was sent to the Parish Council for their consideration. However, they still had concerns with the proposal's failure to comply with, Neighbourhood Plan Policy D1 - Appendix 2: Design Code and Guidance.

10 Analysis

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

- 1. Quality of design and impact on the character of the area**
- 2. Residential amenity**
- 3. Highways and parking considerations**

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

- 10.2 Paragraph 131 of the National Planning Policy Framework (NPPF) clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.
- 10.3 Local Plan Policy SP1 states the need to deliver sustainable development whilst ensuring development is built to high design standards reflecting local character. Policy SP9 emphasises this need to deliver a high-quality design that fosters a positive sense of place. Proposals should be informed by an analysis of the site's character and context so that they relate well to their surroundings and local distinctiveness, including the wider townscape and landscape. Development proposals must respect neighbouring buildings and the surrounding context in terms of height, mass and scale. They should also be of a high-quality architectural design that creates coherent and attractive forms and elevations and uses high quality materials. 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 building and area. Also, the SDG requires that dormer windows should be contained within the roofslope, be subservient to the roof of the property and be in proportion to the existing fenestrations of the property. They must not extend above the ridge height of the

existing dwelling and the dormer cheeks should be at least 1m from the flank wall/party wall of the property.

- 10.4 The Major Objection submitted by Northaw and Cuffley Parish Council is in relation to the development showing a roof height that is in contravention of the Northaw & Cuffley Neighbourhood Plan Policy D1. However, this policy applies only to a closed list of development types which does not include householder extensions. Policy D1 states “As appropriate to their scale, nature and location, development proposals for plot sub-division, infill and back land development should respond positively to the following issues and design features”. Members are therefore advised that no weight should be attributed to Policy D1 in the consideration of householder applications such as this.
- 10.5 Notwithstanding the above, it is noted that criteria e) of Policy D1 states “Ridge heights will be required to be in conformity with the adjacent properties to retain a continuous frontage”. Whilst Policy D1 may not refer to householder extensions, an increase in ridge height is a consideration in more general design terms.
- 10.6 Land levels on this part of Plough Hill fall in a downward slope from north-west to south-east. A key characteristic feature of the street scene is the consistent stepped roof line of dwellings relative to the topography of the land, even despite their architectural styles and footprints. This creates a clear rhythm of built form in the locality. As a result of the enlargement of the roof, the height of the proposed dwelling would be marginally higher than No 16. However, there would be reasonable separation distance between these dwellings. As such, the proposal would not have a harmful effect on this neighbouring property in terms of overbearing. Conversely, the resultant dwelling would be lower than No 20 Plough Hill. Therefore, it is considered that the enlargement of roof would not detract from the character of the area.
- 10.7 The Parish Council’s major objection is also in relation to a loss of a side entrance (as a result of the north elevation ground floor extension) that is in contravention of the Northaw & Cuffley Neighbourhood Plan Policy D1(k). This part of the Policy states that where a side access gate is a feature of the existing property this should be maintained in any planning application for an extension or redevelopment in order to safeguard access and views between properties.
- 10.8 As discussed above, Policy D1 does not apply to householder extensions, therefore, members are advised that no weight should be attributed to Policy D1 criteria (k) in the consideration of this householder application.
- 10.9 The proposed ground floor extension to the north of the host dwelling would replace a single storey side extension (utility) to create a bedroom with en-suite. Whilst this element of the proposal would result in the loss of the utility side access door, the garage door would be retained and would afford the property side access. Additionally, the proposal would be adjacent to the shared boundary with No.20 Plough Hill, being a replacement extension and single storey in height, it would be subordinate in scale. It is therefore not considered that the proposal would have an adverse impact on the character and appearance of the host dwelling and the surrounding area.
- 10.10 The proposed ground floor extension to the south of the host dwelling would be single storey in height, located behind the existing garage, and would be set away to the shared boundary with No.16 Plough Hill. Although, this extension’s roof would be visible above the garage’s roof from the street, it would be

subordinate in scale, and not be detrimental to the overall character and appearance of the host dwelling and surrounding area.

- 10.11 This part of Plough Hill features detached bungalows, semi-detached two storey dwellings and detached two storey dwellings of varying design. The principal roof of the proposal would retain a pitched roof form and be of appropriate scale, thereby ensuring that such a change would still respect and relate to the original design and style of the host dwelling.
- 10.12 The proposed dormers would not extend above the ridge height of the existing dwelling and would be contained within the roofslope.
- 10.13 The proposed front bay window is modest in scale and complementary of the style of the main roof of the host dwelling.
- 10.14 The proposal would introduce a front door which would respect the character and appearance of the existing dwelling.
- 10.15 In terms of appearance, all external materials of the proposal would match that of the existing dwelling. Matching external materials can be secured through planning condition in the interest of good design.
- 10.16 Overall, subject to the suggested condition, it is considered that the proposal would adequately respect and relate to the existing dwelling and the surrounding area in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework. There would also be no conflict with the Northaw & Cuffley Neighbourhood Plan.

3. Residential amenity

- 10.17 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.
- 10.18 Policy SADM11 provides the local policy framework for assessing the impact of development on the residential amenity and living conditions of neighbouring properties and aims to ensure adequate amenity for future occupiers of the proposed development. This is expanded upon in the Council's SDG which outlines that development should be designed and built to ensure that there is a satisfactory level of sunlight and daylight, that adequate amenity space is provided and that overlooking is minimised. Policy D2 of the Northaw and Cuffley Neighbourhood Plan is also relevant.
- 10.19 The neighbours likely to be affected by the proposal are No. 16 Plough Hill and No. 20 Plough Hill.
- 10.20 Given the length of projection, height and proximity of the extensions to the boundaries of the adjoining properties, the proposal would not cause loss of light or be unduly dominant to these neighbouring occupiers.
- 10.21 In terms of privacy, two dormers would face No. 16 Plough Hill. The larger dormer of the two would serve two bathrooms whilst the other dormer would serve as a secondary window to the proposed bedroom 1. The plans state that dormer windows would be obscure glazed below a height of 1.7 metres. In order

to maintain privacy of the neighbouring occupiers, a condition is attached to ensure that these flank windows would be obscure glazed and fixed shut below 1.7 metres.

- 10.22 A dormer serving a landing and 2no roof lights serving bedroom 1 would face No. 20 Plough Hill. The proposed roof lights facing No. 20 would be installed low on the roof slope. Although the landing window would not serve primary accommodation and despite these roof lights being modest in scale, they would still present views towards to this adjacent property. Accordingly, it is considered necessary and reasonable for the dormer and roof lights to be glazed in obscure glass and be non-opening below a height of 1.7 metres in order to ensure that existing levels of privacy are maintained.
- 10.23 The proposed front and rear dormer windows would serve bedrooms 1 and 2 respectively and these would be located away from any adjoining neighbours. It is considered that these dormers would not cause any adverse loss of privacy to that currently enjoyed by any adjacent properties.
- 10.24 Subject to the suggested condition, it is not considered that the proposal would have an adverse impact on the amenities of neighbouring occupiers and would comply with the Northaw and Cuffley Neighbourhood Plan; Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

3. Highways and parking considerations

- 10.25 Policy SADM12 of the Local Plan in regard to parking is informed by the standards that are set out within the Council's parking standards. The Parking Standards SPG use maximum standards that are not consistent with the Framework and are therefore afforded less weight. In light of this, the Council have produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case-by-case basis and the existing maximum parking standards within the SPG should be taken as guidance only. This means that higher or lower car parking standards than those set out in the SPG can be proposed and determined on a case-by-case basis taking into account the relevant circumstances of the proposal, its size, context, and its wider surroundings.
- 10.26 The proposal would increase the number of bedrooms from three to four. The Council's car parking guidance for a dwelling with four or more bedrooms in this location is three spaces per dwelling. The dwelling would retain its side garage and the front driveway has provisions for the parking of 2 cars. As such, the resultant dwelling would comply with the Council's car parking standards and guidance.
- 10.27 Concerns have been raised regarding construction vehicles impacting on highway safety. It has been considered reasonable and appropriate to attach a condition requiring a construction management plan to be submitted to approved in writing by the Local Planning Authority to ensure that access to the site is carefully considered and acceptable.
- 10.28 Subject to the suggested condition, the proposal would provide an acceptable level of on-site car parking and therefore no objections are raised in regards to Policy SADM12 of the Welwyn Hatfield Local Plan; the SPG Parking Standards;

the Council's Interim Policy for Car Parking Standards; and the National Planning Policy Framework.

11 Conclusion

- 11.1 Subject to the suggested conditions, the proposal would have no significant adverse impact upon the character and appearance of the host dwelling, the surrounding area, or the amenity of neighbouring occupiers. The proposal is acceptable in terms of providing adequate on-site car parking and impact on highway. The proposal would therefore be in accordance with the Northaw and Cuffley Neighbourhood Plan, Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

12 Recommendation

- 12.1 It is recommended that planning permission be approved subject to:

PRE-COMMENCEMENT CONDITION

1. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must not be carried out other than in accordance with the approved Plan. The Construction Traffic Management Plan shall identify details of:
 - a) construction vehicle numbers, type, routing;
 - b) access arrangements to the site;
 - c) traffic management requirements;
 - d) construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) siting and details of wheel washing facilities;
 - f) cleaning of site entrances, site tracks and the adjacent public highway;
 - g) timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) provision of sufficient on-site parking prior to commencement of construction activities;
 - i) post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
 - j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

REASON: To protect highway safety and the amenity of other users of the public highway and rights of way; to protect the living conditions of neighbouring properties, in accordance with Hertfordshire's Local Transport Plan; the Welwyn Hatfield Borough Council Local Plan; and the National Planning Policy Framework.

OTHER

2. The development must not be carried out other than in accordance with the details of external materials specified on the approved drawings. Details of any alternative materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to above ground development. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of maintaining the character and visual amenity of the area, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

3. The dormer windows on the side roof slope of the dwelling, facing number 16 & 20 Plough Hill and the roof lights on the side roof slope, facing number 20 Plough Hill The roof lights on the side roof slope, facing number 20 Plough Hill, hereby approved must be obscure-glazed to a level equivalent to Pilkington Level 3 or above and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter. Obscure glazing does not include applied film or one-way glass.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

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

Plan Number	Details	Received Date
JR/02	Proposed Plans and Elevations	31 May 2023
JR/03	Existing Plans and Elevations	31 May 2023
JR/01	Proposed Floor Plans	31 May 2023

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

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

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 or legal interest (easements or wayleaves) 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 applicant is advised to take account the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
4. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at

various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

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Lizzie Mugova (Development Management)

Date: 20 December 2023



 WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	Title: 18 Plough Hill Cuffley EN6 0AL		Scale: 1:5000
	Project: Development Management Committee		Date: 02-01-2024
Drawing Number: 6/2023/1090/HOUSE		Drawn: N McIver	
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WELWYN HATFIELD BOROUGH COUNCIL
 DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2024
 REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

OCTOBER – DECEMBER 2023

(All wards)

1 Introduction

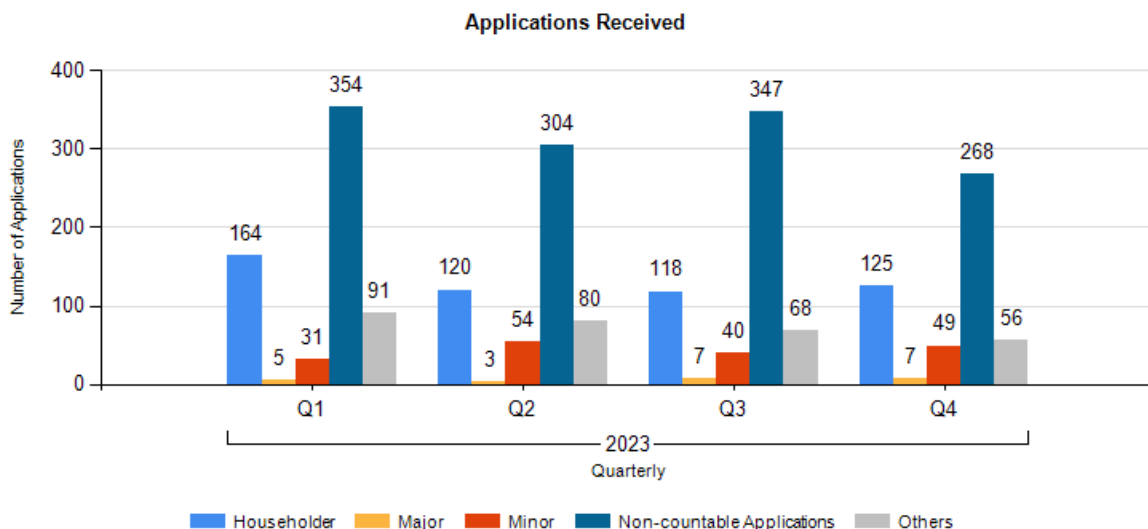
- 1.1 This report relates to the performance of the Development Management Service over the last quarter, October to December 2023.
- 1.2 Members should note that, whilst this quarter is traditionally considered to be quarter 3 of the financial year, the planning department software considers it to be quarter 4 as with the calendar year. Therefore Members will see that some of the graphs reflect both of these approaches.

2 Recommendation

- 2.1 That Members note the content of this report.

3 Application Numbers

The graph below shows the number of applications that have been received during 2023 (the last four quarters).



Major applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m² new floor area or more.

Minor applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category.

Others include (but are not limited to) householder, advertisements and listed building applications.

The 'non countable' category are those applications which are not reported to the Department for Communities and Local Government (DCLG). Such applications include, but are not limited to: prior approvals, discharge of conditions, etc.

3.1 From the graph above, it can be seen that Non-countable and Householders remain the greatest number submitted. Officer workloads have increased from the last quarter and overall workloads continue to remain high.

4 **Performance**

Applications

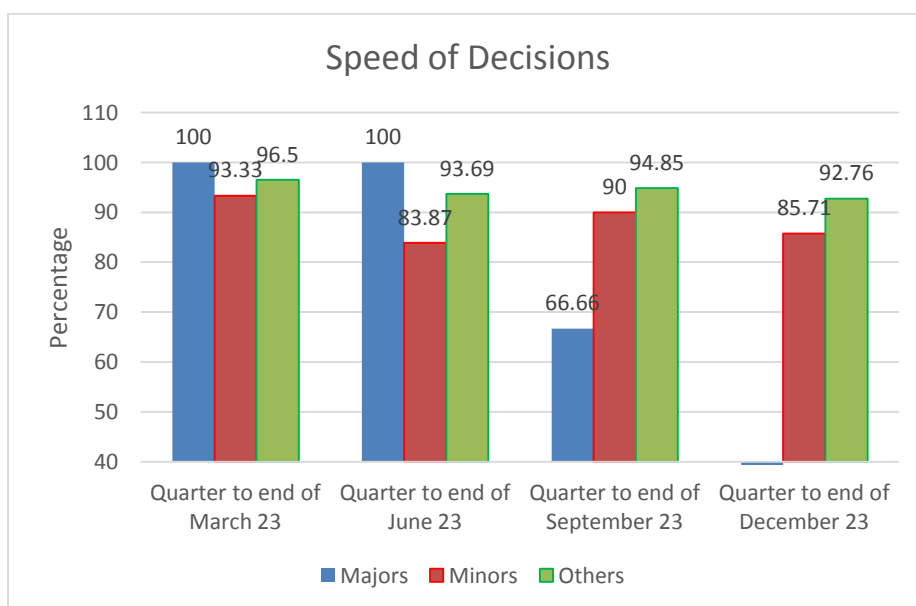
4.1 The Government (MHCLG) monitors planning authorities on their speed of making decisions in relation to major and non-major applications.

4.2 Where planning authorities under-perform against the government target, they can be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate should the target be missed. In such cases the Council would not receive the fees for these applications but would be expected to deal with all of the associated administration.

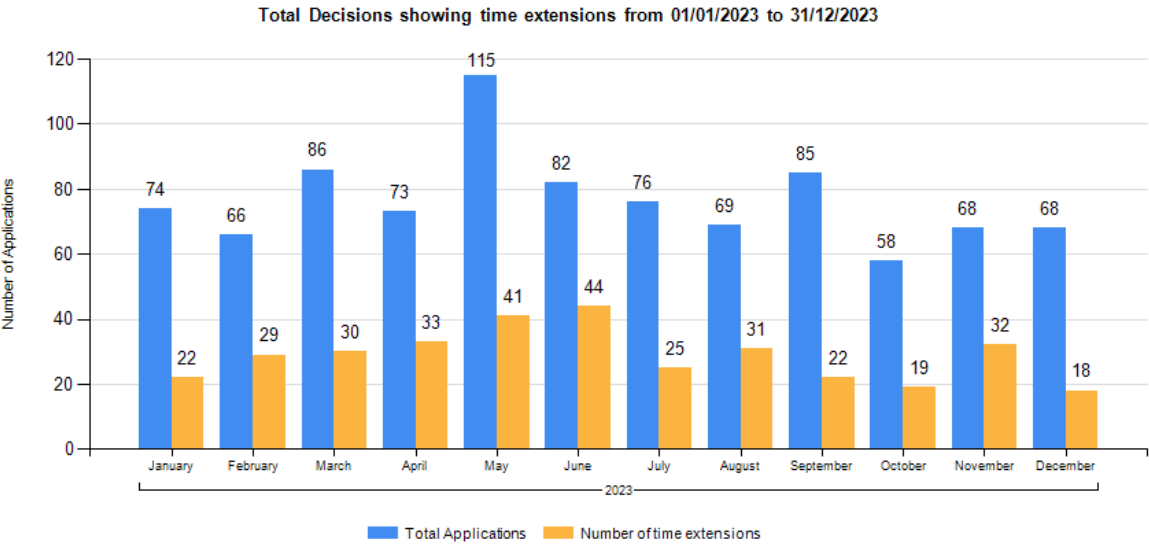
4.3 The following graph relates to the percentage of planning applications determined within set timescales. The targets are as follows:

Determine 60% of major applications in 13 weeks

Determine 70% of minor and other applications in 8 weeks



- 4.4 There were no major decisions in the last quarter. Performance for others and minors has remained above target. Decisions continue to be made above the statutory national targets.
- 4.5 Generally speaking these targets continue to be achieved due to seeking time extensions for dealing with the applications beyond their statutory time period from applicants. Time extensions can be sought for a variety of reasons but include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Time extensions do not count against the authority in terms of speed of decision making when reporting to the government. The graph below shows the total number of applications determined each month in blue and alongside this in yellow are the number of applications where time extensions have been sought on those determined. Seeking time extensions means that case officer workloads overall increase which makes dealing with newer applications on time more challenging. Over the longer term, between 30-39% of all applications determined are subject to a time extension.



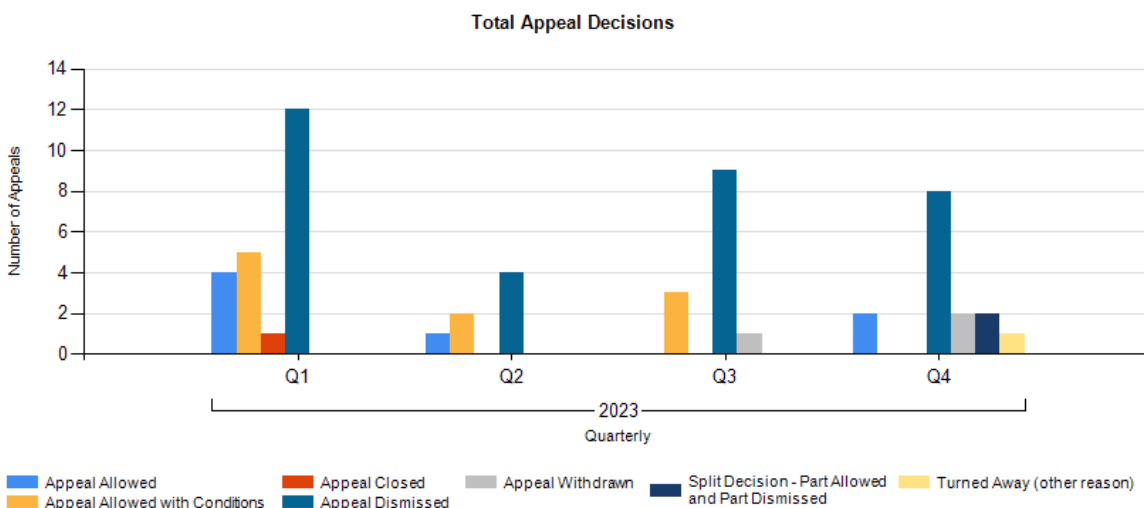
Appeals

- 4.6 The chart below shows the number of planning and enforcement appeals that have been allowed, allowed with conditions, dismissed, split decisions (part allowed and part refused) and withdrawn at appeal. In the last quarter there have been 15 appeal decisions. Of these, 8 were dismissed, 2 allowed, 2 split decision and 2 withdrawn. 1 appeal was turned away by PINS due to a lack of response to their communications. As has been noted previously, over the longer term, there continues to be a trend towards appeals being allowed or allowed with conditions by the Planning Inspectorate. It should be noted that, with the relatively small number of decisions received, the figures are particularly sensitive to minor changes.
- 4.7 As well as the Government monitoring authorities in relation to performance for determining applications, it also monitors quality in relation to the number of major and non-major applications overturned (i.e. allowed) at appeal. The threshold is for fewer than 10% of major applications overturned at appeal over a rolling two-year period. For authorities who exceed this target, they will be

classified as 'poorly performing' and applications for major developments may be made by developers directly to the Planning Inspectorate.

4.8 Planning appeals can be costly to administer in terms of officer time and expert advice. A straightforward householder appeal may take approximately 5 hours of officer time to register and respond to, assuming that it follows a written representations procedure.

4.9 As well as the cost of administration, the Council must have regard to the potential to have costs awarded against it, should it be found that the decision, or the Council's behaviour was unreasonable, such cases are reported to the Development Management Committee.

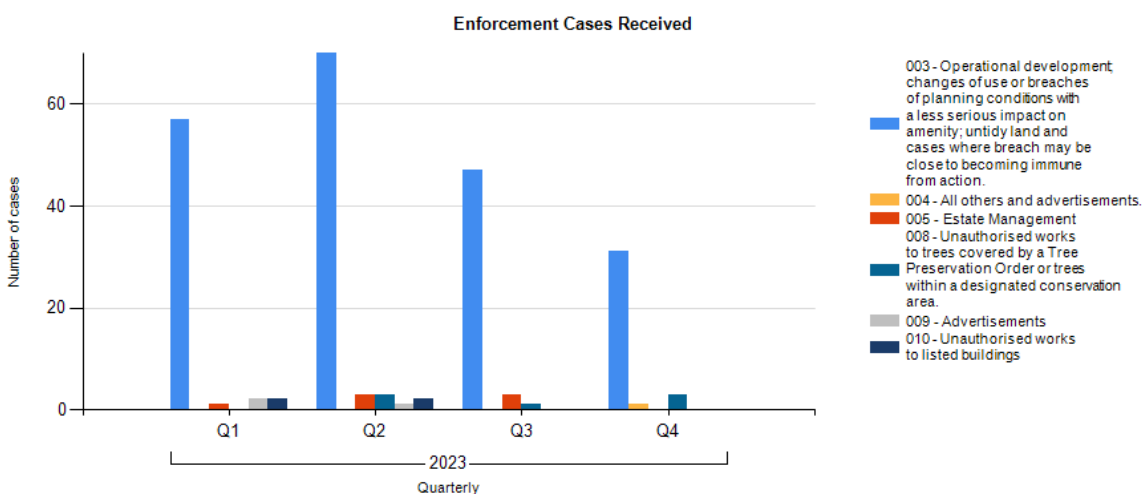


5 Enforcement

Number of cases received

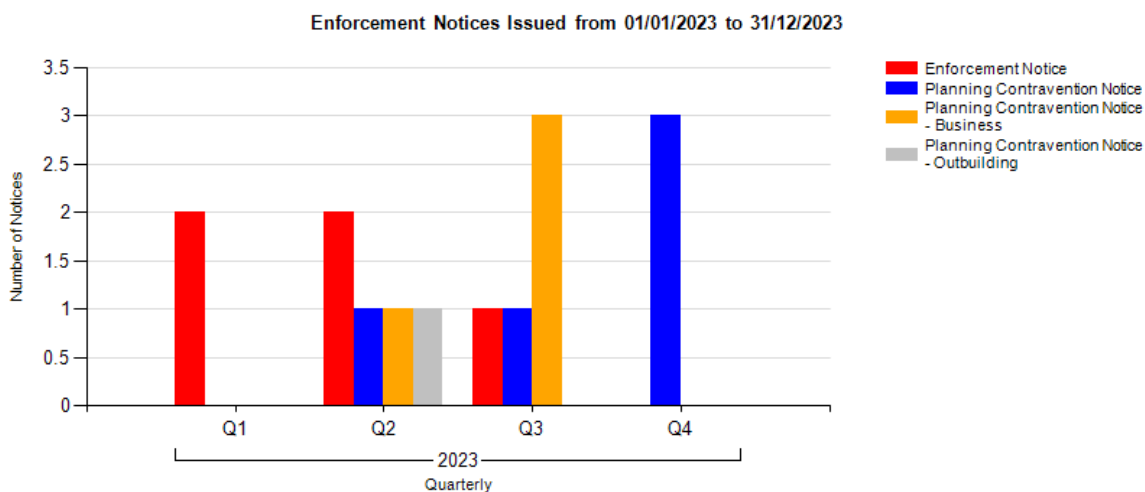
5.1 Enforcement continues to be busy with caseloads continuing to be high.

As with previous quarters, a lot of cases reported are those considered as having a less serious impact upon amenity, shown in blue and yellow.



Notices Issued

- 5.2 The chart below shows the number of notices issued. The issuing of an enforcement notice is the last resort for the Council. Government guidance requires local planning authorities to try to negotiate with a contravener to find alternative means by which an unacceptable development may be made acceptable. A significant amount of time is spent by the enforcement officers in negotiation. It can be seen that 3 planning contravention notices have been issued in the last quarter.



- 5.2 There are currently 343 outstanding enforcement cases (both planning and Estate Management), some of which are awaiting prosecution or notices to be served. Others are being investigated with the aim to find an acceptable resolution for all parties.

6 Staffing Update

- 6.1 Following the departure of the previous Principal Planning Enforcement Officer, we are pleased to report that a new Principal Planning Enforcement Officer started with the team on 4th December. Two officers left in December, a Career Grade Planning Officer and a Planning Support Officer. Successful recruitment campaigns were undertaken for both roles and we hope to welcome the new team members in the next few weeks.

7 Conclusion

- 7.1 Performance continues to be maintained above required local and national levels.

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WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2024
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

Appeal Decisions 23/11/2023 to 02/01/2024

6/2023/0626/HOUSE	
DCLG No:	APP/C1950/D/23/3325501
Appeal By:	Mr & Mrs Thomas
Site:	59 Marsden Road Welwyn Garden City AL8 6YH
Proposal:	Erection of 2-storey side extension with side access to garden following the demolition of existing en-bloc garage
Decision:	Appeal Dismissed
Decision Date:	07/12/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This appeal relates to planning application reference 6/2023/0626/HOUSE for the proposed “erection of 2-storey side extension with side access to garden following the demolition of existing en-bloc garage”. The existing dwelling already consists of a two storey rear extension.</p> <p>The application was refused as the proposed development would be of a poor standard of design and would be considered as overdevelopment to the existing dwelling and has failed to pay special attention to the desirability of preserving or enhancing the character or appearance of this application site and this part of the Welwyn Garden City Conservation Area, contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, Policy SADM15 of the Emerging Welwyn Hatfield Local Plan 2016, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. No public benefits have been identified.</p> <p>The Inspector recognised our SDG; “The proposal includes the demolition of the existing garage which is detached from the house with a substantial gap. Whilst there would be a 1m gap between the extension and the side boundary, this gap would be less than the current gap. The width of the extension would appear to be more than half the width of the house and it would extend along the majority of the depth of the original footprint. As a result, the extension would add a large bulk to the house.</p> <p>Although the extension would be slightly set back from the front elevation and there would be a minor set down from the main roof ridge, as a result of its width, height and overall scale, it would read as a continuous wide massing across the house. It would therefore not appear as subservient, even allowing for the 1m gap.</p>

	<p>The extension would be highly visible in views along the road further highlighting its prominence.</p> <p>When combining the existing rear extension with the proposed extension, the size of the house would be nearly double the size of that which was originally constructed. The proposal would therefore cumulatively overwhelm the original modest form of the house altering its character and appearance, which would not be alleviated by the space around the house. As a consequence of this, the extension would unbalance the current massing and unity of the terrace and demote the importance and appreciation of the house. Furthermore, the CA includes the back gardens, and the existing rear extension and proposed extension would be apparent to the adjacent residents to the rear of the appeal site.</p> <p>I note that the design intends to follow the front building line and use the same building materials, finishes and window style as those present on the house. However, this would not overcome the disruption which the extension would have on the pattern and rhythm of the terrace and in turn would diminish the positive contribution that the house makes both to the character and the appearance of the CA.</p> <p>In accordance with the terms set out in the National Planning Policy Framework (the Framework), the harm caused to the CA would be less than substantial because it relates to an extension to one house in the CA. Paragraph 202 of the Framework is clear that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal”.</p> <p>The appeal was therefore dismissed.</p>
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6/2021/3279/LAWE

DCLG No:	APP/C1950/X/22/3299554
Appeal By:	Mr Giles Pattison
Site:	41 Ayot Green Ayot St Peter Welwyn AL6 9AB
Proposal:	Certificate of lawfulness for the existing garage/annex as a second home (C3)
Decision:	Appeal Dismissed
Decision Date:	07/12/2023
Delegated or DMC Decision:	Delegated
Summary:	<p>This application was for a Certificate of lawfulness for the existing garage/annex as a second home (C3).</p> <p>This application was refused for the following reason: Insufficient, and contradictory evidence has been provided to the Local Planning Authority to clearly demonstrate, on the balance of probabilities, that 'the existing garage/annex has been used for the purposes of a second home for a period of at least 4 years.</p> <p>The Planning Inspectorate has gone through points which are useful for the</p>

determination of these types of application including how to consider continuous occupation in assessments.

The Planning Inspectorate has dismissed the appeal.

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WELWYN HATFIELD BOROUGH COUNCIL - DEVELOPMENT MANAGEMENT COMMITTEE
REPORT OF THE ASSISTANT DIRECTOR (PLANNING) – 11 JANUARY 2024

PLANNING UPDATE – FUTURE PLANNING APPLICATIONS

1 Introduction

- 1.1 This report is for the Development Management Committee to provide a summary of applications that might be presented to Committee over the coming months. If the call-in or application is withdrawn, the item will not be presented.
- 1.2 The applications should not be debated as part of this agenda, however any Councillor wishing to raise specific points about the proposal – such as a need for planning obligations or issue(s) that might not readily be apparent from the proposal or any other matter, may do so and the case officer will consider, where they are planning considerations, these matters raised as part of the future Committee report.
- 1.3 Appendix 1 comprises all applications that have been called-in or objected to by Town or Parish Councils. Appendix 2 comprises those that are a departure from the Local Plan, Officers consider should be determined by Development Management Committee, the applicant is the Borough Council or it has an interest in the land and an objection has been received.

2 Recommendation

- 2.1 That members note this report.

Appendix 1 - Applications comprising call-ins or major objections							
Ward	Application Ref	Site Address	Proposal	Case Officer	Called in by	Call In Date	Expected DMC
Haldens	6/2023/1907/HOUSE	79 Sloansway Welwyn Garden City AL7 1NA	Erection of double storey side and part single storey rear extension and front porch	Mrs Sarah Madyausiku	Councillor Lucy Musk, Welwyn Hatfield Borough Council	09/10/2023	
Hatfield Cent.	6/2023/1802/MAJ	Land East of A6129 Stanborough Hatfield AL8 7TB	Installation of 10MW solar photovoltaic array across approximately 10 hectares of land with installation of 1.5MW battery energy storage system and associated landscaping	Ms Emily Stainer	Councillor Gemma Moore, Welwyn Hatfield Borough Council	06/10/2023	
Hatfield South West	6/2023/2169/OUTLINE	32 Elm Drive Hatfield AL10 8NU	Outline permission for the erection of an end of terrace two storey dwelling	Ms Elizabeth Mugova	Councillor Timothy Rowse, Welwyn Hatfield Borough Council	27/10/2023	
Hatfield Villages	6/2023/1677/FULL	Emmanuel's Farm Great North Road Welwyn Garden City AL8 7TA	Change of use of land to add 4 pitches for Gypsy/Traveller family, comprising the siting of 1 mobile and 1 touring caravan per pitch, formation of access road and retention of the existing temporary pitch granted	Mr William Myers	Councillor Samuel Kasumu, Welwyn Hatfield Borough Council	09/11/2023	
Hollybush	6/2023/1220/FULL	Land off Beehive Lane Welwyn Garden City AL7 4BW	Change of use from sui generis to dwellinghouse (class C3) and erection of 4 new dwelling houses, with associated access, car parking, amenity space and landscaping following demolition of existing building	Ms Louise Sahlke	Councillor Lynn Chesterman, Welwyn Hatfield Borough Council	05/09/2023	

			(amended scheme)				
Hollybush	6/2023/1665/FULL	4 Little Ley Welwyn Garden City AL7 4TN	Erection of 1 no. new dwelling to the end of the existing terrace and associated alterations to host dwelling	Mr Raymond Lee	Councillor Margaret Birleson, Welwyn Hatfield Borough Council	07/11/2023	
Northaw and Cuffley	6/2020/3451/MAJ	Wells Farm, Northaw Road East, Cuffley, Potters Bar, Herts. EN6 4RD	Demolition of existing buildings and erection of 14 dwellings	Mr Mark Peacock	The Clerk, Northaw & Cuffley Parish Council	05/02/2021	
Northaw and Cuffley	6/2022/2888/HOUSE	The Wilderness Vineyards Road Northaw Potters Bar Hertfordshire EN6 4PE	Erection of two storey front extensions, infill front porch extension, single storey side and rear extension, two rear dormers, three front windows and alterations to fenestration.	Ms Elizabeth Mugova	The Clerk, Northaw & Cuffley Parish Council	22/02/2023	
Northaw and Cuffley	6/2023/2330/HOUSE	Manor Cottage Vineyards Road Northaw Potters Bar EN6 4PQ	Erection of a single-storey side extension, a single-storey rear extension, two raised patio areas with steps, removal of the existing roof to allow for an upward extension across the whole dwelling to create a first floor which is to include three gable elements to the front, a hipped roof form and the insertion of rooflights to facilitate the use of the roof space, along with the addition of a chimney, change of external material to stone and various fenestration and external alterations, following the demolition of the existing conservatory and garages	Ms Ashley Ransome	The Clerk, Northaw & Cuffley Parish Council	14/12/2023	
Northaw and Cuffley	6/2023/2345/FULL	Everest House Sopers Road Cuffley Potters Bar EN6 4SG	Erection of rear infill extension from ground to second floor with roof extension to create an additional floor and facade improvements to provide additional offices (Class E)	Ms Elizabeth Mugova	The Clerk, Northaw & Cuffley Parish Council	14/12/2023	
Peartree	6/2021/0181/MAJ	Former Shredded Wheat Factory Broadwater Road Welwyn Garden City AL7 1RR	Hybrid planning application comprising: Detailed Planning Application for 399 Private Rented Sector (PRS) dwellings and 153 dwellings (Class C3), 250 units of residential care accommodation for the elderly (Use Class C2) with associated communal facilities, 15,247m2 of community and commercial hub (Use Classes E and F1) with associated cycling hub, car parking, access, landscaping, public art and other supporting infrastructure; and Outline Planning Application for up to 418 dwellings (Class C3) with all matters reserved except access.	Mr William Myers	Councillor Malcolm Cowan, Welwyn Hatfield Borough Council	18/02/2021	
Peartree	6/2021/0671/MAJ	South Side Former Shredded Wheat Factory Broadwater Road Welwyn Garden City	Erection of 317 dwellings (Class C3) with associated access, parking, landscaping and other supporting infrastructure, and outline planning for up to 404 dwellings (Class C3) with all matters reserved for access.	Mr William Myers	Councillor Malcolm Cowan, Welwyn Hatfield Borough Council	31/03/2021	
Welham Green & Hatfield South	6/2016/1493/VAR	Thunderbridge Yard Bulls Lane Hatfield AL9 7BB	Variation of condition 1 to extend the temporary permission; condition 3 to permit eight caravans of which no more than five would be static caravans; condition 4 to vary	Mr Mark Peacock	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council	22/08/2016	

			the approved drawings; and condition 5 to vary the site development scheme; of planning permission S6/2011/0116/FP				
Welham Green & Hatfield South	6/2016/1493/VAR	Thunderbridge Yard Bulls Lane Hatfield AL9 7BB	Variation of condition 1 to extend the temporary permission; condition 3 to permit eight caravans of which no more than five would be static caravans; condition 4 to vary the approved drawings; and condition 5 to vary the site development scheme; of planning permission S6/2011/0116/FP	Mr Mark Peacock	Christine Wootton, North Mymms Parish Council	05/09/2016	
Welham Green & Hatfield South	6/2022/2775/HOUSE	Flint Cottage Blackhorse Lane South Mimms Hertfordshire EN6 3NB	Alterations to dormers and crown roof over rear extension	Ms Ashley Ransome	Christine Wootton, North Mymms Parish Council	11/01/2023	
Welham Green & Hatfield South	6/2023/0988/VAR	Roundhouse Farm, Land Off of Bullens Green Lane, Colney Heath	Variation to conditions 2 (boundary and surface treatment plan), 3 (fire tracking and parking plan), 4, (visitor spaces on fire tracking and parking plan), 5 (on plot garages on fire tracking and parking plan), 6 (soft landscaping), 7 (Landscape and ecological management plan), 8 (arboricultural method statement) and 10 (approved plans) on planning permission 6/2022/0824/RM	Mr David Elmore	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council	16/05/2023	
Welham Green & Hatfield South	6/2023/1118/FULL	Linden Lodge Bulls Lane Hatfield AL9 7BB	Retention of concrete hard-standing area and 2 x roller shutter doors, with installation of 2 x new roller shutter doors, roof and side wall to storage area, re-cladding of existing storage building, to include windows and doors and replacement of asbestos roof.	Ms Louise Sahlke	Christine Wootton, North Mymms Parish Council	08/11/2023	
Welham Green & Hatfield South	6/2023/1532/OUTLINE	Land at South Way Hatfield	Outline planning application with all matters reserved except access, for the erection of 120 homes and a two form entry primary school with associated access, open space, landscaping and other infrastructure	Mr David Elmore	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council	01/08/2023	
Welham Green & Hatfield South	6/2023/1532/OUTLINE	Land at South Way Hatfield	Outline planning application with all matters reserved except access, for the erection of 120 homes and a two form entry primary school with associated access, open space, landscaping and other infrastructure	Mr David Elmore	Christine Wootton, North Mymms Parish Council	16/08/2023	
Welham Green & Hatfield South	6/2023/2133/FULL	26 Huggins Lane Welham Green Hatfield AL9 7LE	Erection of a 2 bedroom detached bungalow following sub division of plot	Ms Elizabeth Mugova	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council	13/11/2023	
Welham Green & Hatfield South	6/2023/2350/FULL	84 Warrengate Road North Mymms Hatfield AL9 7TY	Erection of a new dwelling, following partial demolition of the existing dwelling	Ms Ashley Ransome	Councillor Paul Zukowskyj, Welwyn Hatfield Borough Council	30/11/2023	
Welham Green & Hatfield South	6/2023/2350/FULL	84 Warrengate Road North Mymms Hatfield AL9 7TY	Erection of a new dwelling, following partial demolition of the existing dwelling	Ms Ashley Ransome	Christine Wootton, North Mymms Parish Council	18/12/2023	
Welwyn East	6/2023/0163/FULL	57 New Road Digswell Welwyn	Proposed part demolition of existing property	Mr Raymond Lee	Arooj Afzal, Welwyn	21/02/2023	

		AL6 0AL	and erection of 5 no 4 bedroom houses with associated internal access roads, parking and refuse / recycling collection		Parish Council		
Welwyn East	6/2023/1898/FULL	58 Harmer Green Lane Digswell Welwyn AL6 0AW	Erection of a replacement dwelling house and associated landscaping, following the demolition of the existing built form	Mrs Sarah Madyausiku	Councillor Julie Cragg, Welwyn Hatfield Borough Council	21/09/2023	
Welwyn East	6/2023/2093/MAJ	57 New Road Digswell Welwyn AL6 0AL	Erection of two new residential apartment buildings to provide 12 x 2-bedroom and 5 x 3-bedroom apartments, construction of access, landscape planting and ancillary development following the demolition of existing house and outbuildings	Mr Raymond Lee	Arooj Afzal, Welwyn Parish Council	09/11/2023	
Welwyn West	6/2016/0270/VAR	Four Oaks 1-4 Great North Road Welwyn AL6 0PL	Variation of conditions 1 (occupants) and 2 (number of caravans) of Planning Permission N6/2010/0211/S73B to increase the number of caravans from 10 to 20 of which no more than 5 shall be static caravans or mobile homes.	Mr Raymond Lee	Councillor Julie Cragg, Welwyn Hatfield Borough Council	02/03/2016	
Welwyn West	6/2016/0270/VAR	Four Oaks 1-4 Great North Road Welwyn AL6 0PL	Variation of conditions 1 (occupants) and 2 (number of caravans) of Planning Permission N6/2010/0211/S73B to increase the number of caravans from 10 to 20 of which no more than 5 shall be static caravans or mobile homes.	Mr Raymond Lee	Arooj Afzal, Welwyn Parish Council	15/03/2016	

Appendix 2 - All other applications not comprising call-ins or major objections

Ward	Application Ref	Site Address	Proposal	Case Officer	Reason	Expected DMC
Howlands	6/2020/1162/MAJ	Howlands House, Howlands, Welwyn Garden City AL7 4SD	Erection of 72 units of temporary residential accommodation with a staff office, children's play area, parking, cycle store, refuse areas, landscaping and amenity space, following demolition of existing buildings	Mr William Myers	This is a major application which has been submitted by the Council's Housing team and officers consider that in accordance with the constitution it should be dealt with by the Council's Development Management Committee.	
Hatfield South West	6/2023/0759/VAR	Car Park High View Hatfield Hertfordshire AL10 8HZ	Removal of condition 27 (car club) and variation of approved drawings on planning permission 6/2022/0059/VAR to include: <ul style="list-style-type: none"> • Addition of four new car parking spaces • Changes to EV charging point locations • Changes to kerbs and splays on High View • Changes to Church Square • Changes to the cycle storage outside the block CH houses • Changes to the rear garden layout for the block CH houses 	Ms Ashley Ransome	This application is presented to the Development Management Committee because the Council has an interest in the land.	