

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 10 OCTOBER 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/1699/FULL

1 ROE GREEN CLOSE, HATFIELD, AL10 9PD

ERECTION OF 8 FLATS AND CREATION OF CAR PARKING AND AMENITY SPACE  
FOLLOWING DEMOLITION OF EXISTING DWELLINGHOUSE

APPLICANT: Mr H Jones

(Hatfield South West)

**1 Site Description**

- 1.1 The application site is located on the north side of Roe Green Close at the junction with College Lane. Roe Green Close forms a wider residential loop of properties featuring predominantly two storey dwellings with a number of bungalows set back from the highway behind grass frontages with consistent spacing between them.
- 1.2 College Lane is also a residential road which runs alongside the application site to the west. The University of Hertfordshire College Lane campus is located approximately 200m to the south. The site is on the edge of the buffer zone to Chalk Mining Area No.10 (Roe Green Dell).
- 1.3 The application site is located at the entrance of the estate and comprises a detached bungalow built of brick and tile with front and rear gardens. The dwelling has previously been extended with single storey side and rear additions.
- 1.4 The site is rectangular in shape and is relatively large in the context of surrounding properties, covering an area approximately 988sqm (0.098Ha) measuring approximately 25m wide by 43m deep. The site is bounded by a 2m high fence and a mature evergreen hedge along the west boundary adjacent to College Lane.

**2 The Proposal**

- 2.1 This application seeks to address the reasons for refusal of application reference 6/2018/1933/FULL which was refused at the Development Management Committee on 6 December 2018 and subsequently dismissed on appeal under reference APP/C1950/W/18/3219302. That application was refused by the Council on the basis of the overdevelopment of the site and out of keeping with the character and appearance of the area, inadequate amenity space and failure to provide a legal agreement. It is important to note that the application was only dismissed at appeal due to the absence of a completed legal agreement to secure a financial contribution towards the cost of refuse and recycling, plus a monitoring fee. The legal agreement is discussed in paragraph 10.45 of this

report. The Inspector considered all other issues for refusal and found the proposed development to be acceptable. That decision is a material consideration in the determination of this application which holds significant weight.

2.2 The proposal remains the same as the previous scheme submitted to the Council and appealed. Planning permission is sought for the demolition of the bungalow and construction of eight flats with 11 car parking spaces. The main features of the proposal are summarised below:

- Two-storey high building containing eight flats; 6 x 2 beds and 2 x 1 beds (four on each floor)
- Building approximately 19 metres wide and 16.5 metres deep, entrance door in centre with hipped gable over
- Building height to roof ridge approximately 7.3 metres, site levelled (land height reduced by 1 metres on eastern edge)
- Positioned approximately 8.5 metres back from the pavement, set in approximately 1.2 metres minimum from the boundary with No.3 and approximately 4.8m metres – 7 metres from the west boundary (boundary is spayed)
- 11 car parking spaces – 4 on the frontage and 7 to the rear of the building
- Vehicle access from Roe Green Close along the west side of the building
- Communal amenity area to the rear (81 sqm area) and patio for rear ground floor flat (30 sqm area)
- Bicycle store at the rear of the site for 8 cycles
- Timber bin store to the front of site
- Boundary hedge retained on west side of site, new planting on site frontage and within rear amenity area

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

3.1 This application is presented to the Development Management Committee because a Major Objection has been received from Hatfield Town Council and Councillor James Broach has called-in the application.

### **4 Relevant Planning History**

4.1 Application Number: 6/2018/1933/FULL  
Decision: Refused at DMC – Appealed and Dismissed  
Decision Date: 6 December 2019  
Proposal: Erection of 8 flats and creation of car parking and amenity space following demolition of existing dwellinghouse  
Reason for refusal:

1. *“By virtue of its design, scale, bulk, massing and positioning the proposal would result in an excessively bulky and prominent building, which would appear over-dominant in the streetscape. It would result in a loss of spacing*

*to the detriment of the visual amenities of the area. Consequently, the proposed design would be out of keeping with the character and appearance of the local area, contrary to the policies of the National Planning Policy Framework 2018, Policy D2 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005.*

2. *The proposed development would result in overdevelopment of the site and the cramped layout and inadequate size of amenity space and would fail to create a satisfactory high level of living conditions and fail to meet the requirements of the National Planning Policy Framework 2018, Policies H2, H6 and D1 of the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance 2005*
3. *The applicant has not satisfied the sustainability aims of the Local Plan and to secure the proper planning of the area by failing to ensure that the development proposal 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 and non-financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy IM2 of the Welwyn Hatfield District Plan 2005”*

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (District Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)
- 5.7 Supplementary Planning Document, Houses in Multiple Occupation 2012 (HMOSPD)

## **6 Site Designation**

- 6.1 The site lies within the town of Hatfield as designated in the Welwyn Hatfield District Plan 2005. The site is located within the buffer zone to Chalk Mining Area No.10 (Roe Green Dell).

## **7 Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters. 39 representations have been received from neighbouring occupiers in Roe Green Close and College Lane which may be summarised as:

- Flats are out of character in an area of detached and semi-detached family houses with generous gardens
- Proposal would change the character of the community
- Significant change of use
- Flats would be let to students as HMO's – concern over noise and waste issues
- Overdevelopment of the site – bulk and massing not reduced
- High density
- Affect openness of street scene
- Overbearing impact and loss of privacy to neighbours
- Increase in noise and disturbance
- Paving over grass
- Garden area not large enough for number of residents
- Insufficient car parking provisions
- Area already suffers from parking pressure associated with the University
- Increased traffic
- Car fumes to future residents
- Disruption during demolition and construction
- Danger from chalk mines and water table
- Concern over management of site e.g. waste, hedge and landscape

## **8 Consultations Received**

8.1 Councillor James Broach: Call-in submitted with the following comments:

*"I would like to call this application in as it is incredibly similar to the one recently refused by committee, and subsequently dismissed on appeal. My reasons are summarised below:*

*The proposal would be a substantial change in design, and runs the risk of giving the impression of being overbearing and overlooking to No. 3. I would therefore argue that this proposal constitutes overdevelopment, as per policy D2 of the Welwyn Hatfield District Plan 2005 and also the Supplementary Design Guidance 2005.*

*I would also say this proposal contravenes item 71b of the NPPF, which states that new homes should be proportionate in size to existing settlements.*

*Turning to amenity space – with the mixture of double and single rooms in the flats, there is space for up to 20 people to reside in this development – an awfully high number to cram into the site of what is currently a family home.*

*Given the absolutely tiny garden space that has been provided on this proposal, I would argue that the applicant has failed in his duty to provide sufficient amenity space to potential residents of this proposal – which is a requirement in item 127f of the NPPF, which states that a high standard of amenity must be provided to users.*

*Looking at the design of the parking that has been provided, I would ask if a car reversing out of spaces 9-11 will actually be able to make a turn if spaces 5-8 are occupied? If not, this leaves a lengthy and potentially dangerous*

*reversing manoeuvre of the users of spaces 9-11, and as such represents a poor standard of design.*

*I also note that parking space no 5 is directly next to the window of bedroom 2 of unit 2. Our planning policies state that parking spaces should not be located next to habitable rooms. Also, I would ask whether the occupant of said room will be able to open the window if the parking space is occupied?*

*I am happy for officers to refuse this under delegated powers if that is the recommendation.”*

- 8.2 **Welwyn Hatfield Borough Council – Client Services:** The flats could be incorporated onto the existing ARRC scheme. They would require 1 x 1100 litre and 1 x Mini Recycling Centre.
- 8.3 **Welwyn Hatfield Borough Council – Public Health and Protection:** No objection with respect to noise and contamination. The site investigation report shows a low risk of subsidence. Recommend informatives over noise and dust during construction.
- 8.4 **Welwyn Hatfield Borough Council – Landscaping:** Comments that the tree/hedge protection looks sufficient and should avoid any unnecessary damage. The hedge has some die-back and a condition should be imposed requiring it to be replaced if it dies off. Will require a more detailed landscaping plan and replacement planting in the event of plants dying within 5 years.
- 8.5 **Hertfordshire County Council – Growth Team:** Comments received seeking a planning obligation towards fire hydrants.
- 8.6 **Hertfordshire County Council – Transport Programmes & Strategy:** No objection subject to provision of cycle parking and conditions over visibility splays, provision of car parking spaces, surface water drainage, restriction to one vehicle access and submission for a Construction Management Plan. Recommended informatives over works within the highway, storage of materials, obstruction of highway and debris on highway.
- 8.7 **Hertfordshire County Council – Fire and Rescue Service:** The provision for access does not appear to be adequate to comply with BS9991:2015. The travel distance issue can be overcome by the installation of a dry riser to BS9990 or the installation of domestic sprinklers to BS EN 16925:2018 in each flat. Domestic Sprinklers will extend accepted travel distances to 75m (for a top storey over 4.5m) or 90m (for a top storey below 4.5m).
- 8.8 **Highways England:** No objections – The proposal would not have a detrimental impact on the safe and efficient operation of the Strategic Road Network (SRN).
- 8.9 **Affinity Water:** Comment – The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.
- 8.10 **Arcadis (formally Hyder Consulting):** Recommends intrusive onsite investigation (boreholes to 23 metres depth), assessment of mining hazard and necessary mitigation works to be completed.

## **9 Town/Parish Council**

9.1 Hatfield Town Council has objected to the proposal on the following grounds:

*“Members consider there to be insufficient car parking spaces for the number of dwellings and bedrooms proposed. The height of the proposal will have a domineering impact on this particular aspect of Roe Green Close and College Lane. It will be overbearing on No. 3 and out of keeping with the other properties on Roe Green Close.”*

## **10 Analysis**

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

- 1. Principle of development**
- 2. Density**
- 3. Quality of design and impact on the character and appearance of the area**
- 4. Amenity and living conditions for future occupiers**
- 5. Amenity and living conditions of neighbouring occupiers**
- 6. Impact on the landscaping**
- 7. Highways and parking provision**
- 8. Other considerations**
  - i) Waste and recycling**
  - ii) Accessible and adaptable dwellings**
  - iii) Ground stability and chalk mining**
  - iv) Houses in Multiple Occupation (HMO's)**
  - v) Planning obligations**

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

10.2 Policy SD1 of the District Plan 2005 states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and that they will accord with the objectives and policies of the Plan. Policy R1 requires development to take place on previously developed land and Policy GBSP2 directs new development into the existing towns and specified settlements within the district. These objectives are consistent with the National Planning Policy Framework (NPPF) which supports the development of under-utilised land and buildings (para 118) and the efficient use of land (para 122) taking into account, amongst other criteria, the importance of securing well-designed, attractive and healthy places.

10.3 The site is not an allocated housing site and so is considered to be a ‘windfall site’, District Plan Policy H2, therefore, applies. This policy states that all proposals for windfall housing development will be assessed against the following criteria:

- i) The availability of previously-developed sites or buildings;
- ii) The location and accessibility of the site to services and facilities by transport modes other than the car;
- iii) The capacity of existing and potential infrastructure to absorb further development;

- iv) The ability to build new communities to support infrastructure and provide demand for services and facilities; and
  - v) The physical and environmental constraints on development of land.
- 10.4 Policy SADM1 of the Emerging Local Plan is similar to Policy H2 but also includes criteria that a proposal would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy and that the proposal would not undermine the delivery of allocated sites.
- 10.5 This application proposes the erection of eight flats on land which is currently occupied by a single detached dwelling and its residential gardens. The site is located within Hatfield Town which is designated in Policy GBSP2 as a sustainable location to which development will be directed. It is also located within an area which is accessible by non-car modes of transport and where there are services and facilities available within walking distance of the site. In principle there is no objection to this site being used for residential purposes in land use terms, subject to the physical and environmental constraints of the site and its immediate vicinity and other relevant planning policies.

## **2. Density**

- 10.6 District Plan Policy H6 requires all residential developments of five or more dwellings to be built at densities of 30 to 50 dwellings per hectare (dph) subject to the impact on the character of the surrounding area.
- 10.7 Within the appeal decision for the site, the Inspector concluded that the density proposed would not conflict with Policy H6 of the District Plan. This is a material consideration which is given significant weight.
- 10.8 The application site measures approximately 988sqm (0.09Ha) in area. The proposed 8 flats would be at a density of 80dph which is high, however, the units are 1 and 2 bedrooms resulting in a denser than average form of development. The Inspector highlighted that the Council's policy acknowledges that in central areas and other areas with good accessibility, residential development may exceed 50dph provided that there will be no adverse effects on the character or appearance of the area and compliance with other plan policies. The Inspector concluded that the site is highly accessible and therefore the density proposed would not conflict with Policy H6 of the District Plan.

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

- 10.9 District Plan Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's SDG and are consistent with Policy SP9 of the Emerging Local Plan.
- 10.10 The previous application was refused on design, scale, bulk and massing appearing over-dominant in the streetscene resulting in overdevelopment of the site. The Inspector found the proposal to be acceptable in these respects. This conclusion by the Inspector is a material planning consideration which is attributed significant weight.

- 10.11 The National Planning Policy Framework (NPPF) places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions, taking into account any local design standards or style guides in plans or supplementary planning documents. As such, there is also consistency between the Council's District Plan, Emerging Local Plan and the NPPF.
- 10.12 The area of south Hatfield is part of the post-war New Town layout. The area is built to a relatively high density but the careful use of public landscaping, open frontages, mature trees and hedgerows, creates a feeling of space. The area around the site is residential in nature and the housing is laid out in various configurations including staggered lines of detached and semi-detached houses along road ways and with gardens backing onto each other and to open parking courts. The streetscene of Roe Green Close immediately to the east and opposite comprises detached two storey houses. They are a consistent style, dating from the 1950's with buff brick finish at ground floor and painted render at first floor. The roofs are pitched and tiled with a mix of gabled and pyramid forms. Many properties feature flat-roofed garages, porches and single storey extensions. The buildings have generally simple elevation treatment.
- 10.13 The building would be of similar width to the existing bungalow and would measure approximately 16.5m deep. The existing bungalow is approximately 12m. The proposed building would be deeper than the existing bungalow and other two storey dwellings in the road; for example, the adjacent house at No.3 Roe Green Close is approximately 7.5m deep. The building would project to the rear but it would not extend beyond the rear elevation of No.3 Roe Green Close. It would retain its front building line, which would reflect the position of the property on the opposite side of Roe Green Close (No.69). In addition it would be set back from the College Lane frontage by approximately 8m and screened by the retained hedge.
- 10.14 It is considered that the building would respect the siting and pattern of built form in the streetscene. This is supported by the latest appeal decision whereby the Inspector acknowledged that the building would be larger in footprint than most houses within the estate but that it does not necessarily equate with it being overly dominant or obtrusive.
- 10.15 The height of the building would not be out of keeping in the setting; approximately 7.2m compared to the houses adjacent and opposite at Nos.3, 67 and 69 Roe Green Close which are approximately 6.8m high. The land would be excavated to level and lower the site to reduce the impact of the building in the street-scene. The streetscene drawing (No.12370-P201-A) shows the height of the building as stepped down in the streetscene from the neighbouring house at No.3 Roe Green Close.
- 10.16 In the latest appeal decision, the Inspector acknowledged that the scale and massing would clearly be greater than the existing bungalow, however he concluded that the building would not be over dominant in relation to its surroundings. The sloping nature of the site towards College Lane would assist in ensuring that the two storey scale of the development would not appear inappropriate in the streetscene.
- 10.17 A crown roof design is proposed which would be hipped on all sides. In terms of visual amenity and quality of design, some crown roofs are not attractively

designed and can significantly detract from the appearance of a dwelling and the overall character of the area. It is, therefore, considered reasonable to attach a planning condition requiring a cross-section drawing to be submitted to and approved in writing by the Local Planning Authority. Provided that the flat roof is stepped down and concealed behind the surrounding pitched roof, its impact in terms of visual amenity would be limited.

- 10.18 The proposed building would be finished in brick and white render with natural slate tiles and grey ridge tiles. These materials, subject to the brick colour, would be in keeping with the overall character of the street-scene. A condition can secure details are submitted to and approved in writing to ensure high quality appearance.
- 10.19 As a result of its design, scale and siting, the proposed building would not result in an unduly prominent addition in the streetscene of Roe Green Close. For these reasons, and subject to the conditions requesting samples of materials and crown roof details, the proposed building is considered to be designed in an appropriate style; reflecting the character and appearance of the area.

#### **4. Amenity and living conditions for future occupiers**

- 10.20 Paragraph 127 of the NPPF seeks high quality design and good standards of amenity for all future occupiers of land and buildings. Policy D1 of the District Plan also requires new development to incorporate the design principles and policies of the SDG.
- 10.21 The previous application was refused on the grounds that the amenity space would be cramped and inadequate. The Inspector concluded that the proposed amenity space would be adequate and this is a material planning consideration which is afforded significant weight.
- 10.22 Each two bedroom flat has a floor area of 61sqm which complies with the Nationally Described Space Standard (NDSS) for a 2 bedroom, 3 person unit. The one bedroom flats have a floor area of 50 sqm which comply with the NDSS for 1 bedroom, 2 person unit. In terms of the size and internal layout of the proposed units, these are considered to be adequate to provide a reasonable quality of living accommodation for future occupiers.
- 10.23 In terms of amenity space, the SDG requires all new residential developments to provide adequate space for residents in a form that is functional and usable in its orientation, width, depth, and shape and an adequate size for the number of residents for whom the building is designed. Communal amenity space must be available for all residents and located at the rear of the building.
- 10.24 The proposed site layout shows a paved patio area (approximately 30sqm) for one ground floor flat and a communal area of 81sqm for the others. Details of how the patio area would be separated for the communal area to ensure privacy for Unit 3 can be secured in a landscaping scheme. The windows of Units 1, 2 and 4 face onto communal areas, however these areas are external circulation space rather than amenity areas and do not offer space for people to stand or sit for any length of time. The areas of land outside the windows can be planted with deterrent planting to reduce the potential for lack of privacy to internal spaces of these units. This can be secured through a landscaping condition on planning permission.

- 10.25 The eight flats could accommodate up to 22 people (6 x 3 and 2 x 2). The private area at the rear would be accessible to occupants of all the flats and is considered to provide adequate semi-private space for sitting out for the number of residents, subject to carefully designed hard and soft landscaping, which can be controlled by condition. The proposed space would abut car parking spaces and would need to be screened to provide a pleasant environment in accordance with the SDG. Informal public open spaces are provided in the vicinity within Roe Green Close and on the opposite side of College Lane. As such, the area is not deficient in informal amenity space. Subject to adequate planting within the site, the amenity space provisions are considered to be acceptable.
- 10.26 In the latest appeal the Inspector highlighted that the level of provision for the seven flats is not generous, and less than ideal in terms of orientation, however it would serve the reasonable needs of residents. He concluded that the proposal would provide sufficient amenity space in accordance with the District Plan and SDG.
- 10.27 Policies R19 and R20 of the District Plan seek to protect sensitive uses, such as residential, from noise and light pollution. The windows of units on the ground floor face onto the access road and parking areas and are likely to experience some noise and light spillage from cars arriving, manoeuvring and leaving the site. The units are proposed to be separated by a landscaping buffer in which details can be secured by condition. The number of cars is limited and vehicle movements will be related to the domestic use of the site so the number of manoeuvres is likely to be reasonable for the residential context. In addition, on-site lighting of the external parking areas will need to be carefully designed to prevent light spillage into the windows of habitable rooms. It is recommended that a condition is imposed on any planning consent requiring submission and approval of details of any external lighting.
- 10.28 The proposed scheme, notwithstanding the issues raised above, is considered, on balance, to provide reasonable living conditions for the future occupants of the development.

### **3. Amenity and living conditions of neighbouring occupiers**

- 10.29 With regard to the impact on the amenity of adjoining neighbours, Policy D1 of the District Plan and the SDG states that any extension should not cause loss of light or appear unduly dominant from an adjoining property. Policy SADM11 of the Emerging Plan aims to preserve neighbouring amenity.
- 10.30 This was not a reason for refusal of the previous application and no concerns were raised by the Inspector at appeal.
- 10.31 The proposed building is set back from the streetscene and abuts residential development to the north of the site. Due to the building's position it would not project beyond the rear of No.3 Roe Green Close. It is considered that the proposal would not result in adverse harm to neighbouring amenity by way of overbearing impact, loss of light or overshadowing of internal spaces or the patio to the rear of the house. In the latest appeal, the Inspector reached a similar conclusion to a previous Inspector considering an earlier appeal at the site, whereby he concluded that the effect of the development on the occupiers of No.3 Roe Green Close would not be overbearing in terms of the enjoyment of the garden. Whilst he considered that there could be some loss of sunlight and

daylight, he did not consider this to be sufficient to warrant the refusal of planning permission.

- 10.32 The windows in the east elevation facing No.3 at ground and first floor would serve a living room and a kitchen. The ground floor windows would not result in an issue due to the change in land levels and presence of a boundary fence and garage. At first floor, the position of these windows is such that they would look over the front garden area of No.3 and not allow views of the private amenity areas or internal spaces of No 3. A Juliet balcony is proposed at first floor to serve the living room of unit 7 which would permit views across some parts of the garden of No.3, however it is not considered that this relationship would be much different than the level of overlooking expected between neighbouring two storey dwellings. The Inspector concluded in the appeal decision that the proposal would be acceptable in terms of effects on the living conditions of the occupiers of No.3.
- 10.33 The building would be of sufficient distance from the properties opposite at Nos.67 and 69 (approximately 21m) and at Nos.3-5 Toms Field (over 35m) to not cause an overbearing impact or loss of light. The new windows in the front elevation of the building would also be a sufficient distance from these properties to not cause overlooking or loss of privacy.
- 10.34 Overall the proposed development would be unlikely to result in a significant loss of light, overbearing impact or loss of privacy to the neighbouring properties.

#### **4. Impact on the landscaping**

- 10.35 The proposal has also been considered against Local Plan Policy D8 which requires landscaping to form an integral part of the overall design. Landscaping can protect and enhance the existing visual character of the area and reduce the visual and environmental impacts of a development.
- 10.36 The submitted tree protection plan for this proposal shows the building would be set in from the western boundary of the site by between 5- 7m. This would enable retention of the boundary hedge, which makes a significant contribution to screening the site from College Lane and to the green and spacious appearance of the surrounding area.
- 10.37 The scheme also includes proposals for new hedging along the site frontage, which would soften the appearance of the car parking on the site frontage. There are also trees/shrubs shown in the amenity areas to provide some screening from the car park area. A detailed landscaping scheme can be secured through a condition on planning permission.

#### **5. Highways and parking provision**

- 10.38 Paragraph 109 of the NPPF requires developments to create places that are safe, secure and attractive by minimising conflicts between different travel modes and allowing access to a site for all users, including goods delivery and emergency vehicles. Policy D5 of the District Plan requires all new development to make provision for pedestrian, cyclist and passenger transport facilities.
- 10.39 The Highway Authority commented that the vehicle access road is wide enough to allow two vehicles to pass each other and is of sufficient distance from the junction with College Way to not cause congestion. The layout allows adequate

space for turning, circulation and in/out access. A condition is recommended requiring the provision of visibility splays at the vehicle entrance and a Construction Management Plan.

- 10.40 The Fire and Rescue service have raised a concern with regard to the access, however the travel distance can be overcome by the installation of a dry riser to BS9990 or the installation of domestic sprinklers to BS EN 16925:2018 in each flat. Domestic Sprinklers will extend accepted travel distances to 75m (for a top storey over 4.5m) or 90m (for a top storey below 4.5m). This is a matter that falls outside of the planning system and is addressed under Buildings Regulations. An informative reminding the applicant of the need for appropriate consents under other regulations, such as the Building Regulations, has been included.
- 10.41 In terms of servicing, the WHBC Waste Collection Services would serve the building. The bin store is shown as close to the back of the footway on Roe Green Close; within 2m and well below the 25m maximum distance which is considered to be acceptable.
- 10.42 Roe Green Close has parking restrictions on this section for access to properties but not in the wider Roe Green Close estate. However, it is acknowledged that the area is subject to parking pressure related to the University campus and there are day-time waiting restrictions during University term-times.
- 10.43 With regard to on-site car parking provision, the Parking Standards SPG identifies that 11.5 parking spaces should be provided (6 x 1.5 and 2 x 1.25) for the proposed development. The proposed site layout shows 11 car parking spaces; four to the front of the site and seven to the rear. This level of on-site parking provision is very slightly below the figure recommended in the Council's Parking Standards SPG. However, the Council has introduced an Interim Policy on Car Parking Standards and Garage Sizes which in effect supersedes the previous standards and requires that a sensible level of provision is made. Given the location of the site in terms of its accessibility to public transport, shops and other services, the level of provision is appropriate to the site. The proposal would therefore be acceptable in terms of highway safety and would accord with Policy D5 and M14 of the District Plan. A condition can ensure that the parking spaces are laid out and allocated to each flat prior to occupation.
- 10.44 The parking standards require provision of cycle storage at a rate of one long term space (secure and weatherproof store) per flat unit. Given the proximity of local cycle routes (e.g. College Lane) opportunities to promote cycling as an alternative mode of transport to the car should be encouraged. The site layout plan shows secure and weatherproof storage for eight cycles in a timber store at the rear of the site. A condition can secure the store is implemented prior to occupation.
- 10.45 Whilst it is acknowledged that parking provision is a concern for local residents, Paragraph 109 of the NPPF states that development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, the proposal would not cause traffic congestion and the Highway Authority has raised no objections. Subject to conditions, adequate access, on site car parking provision and cycle storage would be provided.

## **6. Other considerations**

*i) Waste and recycling*

10.46 The Council's current requirement for this development proposal is 1 x 1100 litre container for refuse and 1 x Mini Recycling Centre (optional) consisting of 2 bins on a lockable frame for recycling of Glass/cans and Paper. The proposed bin store shown on the site plan (Drawing No.12370 P201-A) is positioned close to the road, has double doors opening outwards and there is a smooth tarmac path from store to dropped kerb for movement of containers on collection days. The design, scale and siting of the bin store are considered to be acceptable.

*ii) Accessible and adaptable dwellings*

10.47 Policy H10 of the District Plan states that in all residential developments involving 5 or more dwellings, the Council will seek to secure a proportion of dwellings to be built to Lifetime Home Standards. Policy SP7 of the Emerging Plan updates Policy H10 outlines 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.

10.48 The Council are applying substantial weight to this part of Policy SP7 in decision making given the current evidence base and support of such technical standards in Planning Practice Guidance.

10.49 It is understood that the development could meet the needs of occupants with differing needs including some older or disabled people and is capable of adaptation, should needs change in the future. A planning condition can ensure that the development adheres to this part of the Building Regulations.

*iii) Ground stability and chalk mining*

10.50 Policy R2 of the District Plan states that in considering whether planning permission should be granted, the Council will need to be satisfied that there will be no unacceptable risk to health or the environment. While the site is not likely to have contamination from previous uses, part of it falls within the Buffer Zone for Chalk Mining Area 10 (Roe Green Dell).

10.51 Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for proposed development taking account of land instability, including from former activities such as mining. Decisions should be based on adequate site investigation information prepared by a competent person. Paragraph 179 states that "where a site is affected by land instability issues, responsibility for securing a safe development rests with the developer and/or landowner".

10.52 The applicant submitted a site investigation scheme prepared by RSK for the current application. This report has been assessed by a geophysical specialist (Hyder). Hyder have recommended further investigations and a report assessing mining risk and any necessary mitigation measures.

10.53 Given the circumstances on the site and the NPPF policy, it is considered appropriate to secure the recommended additional investigations and reports and mitigation measures by condition. It is recommended that the investigations be undertaken after demolition of the bungalow but prior to above ground construction of the new flats.

*iv) Houses in multiple occupation (HMO's)*

10.54 There are areas of Hatfield close to the University campuses that have particularly high concentrations of houses in multiple occupation. The application site is very close to the University's College Lane campus and the area is subject to pressure for changes of use to HMO's. A high concentration of HMO's can have a detrimental effect on the balance, sustainability and inclusiveness within local communities and on visual appearance and maintenance of properties, pressure for parking and waste offences. In order to retain balanced communities and maintain the appearance of the areas affected, the Council introduced an Article 4 Direction covering Hatfield removing the Class L permitted development rights to move from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (Houses in Multiple Occupation). The units created by this proposal need to be restricted to Use Class C3 to fall under this Article 4 Direction. Therefore, a condition has been imposed restricting use of the flat to Use Class C3 only.

*v) Planning obligations*

- 10.55 The previous application (reference 6/2018/1933/FULL) presented to the Committee was refused permission by members contrary to the recommendation of officers to grant the permission subject to conditions and a S106 agreement or unilateral undertaking for refuse and recycling. The application was subsequently refused on appeal as a result of failure to provide this agreement during the appeal.
- 10.56 The National Planning Policy Guidance (NPPG) sets out where contributions through planning obligations are required. The guidance sets out that contributions through planning obligations should only be sought for major developments. A major development is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 1 hectares or more.
- 10.57 The application seeks permission for 8 residential units and has a site area of less than 1 hectare. Therefore, the proposal falls under the threshold. In the case of the previous application a request for a financial obligation through a S106 agreement towards waste and recycling facilities should not have been sought having regard to the threshold for planning obligations set out in NPPG.
- 10.58 Whilst the applicant has indicated their willingness to sign a legal agreement, in line with NPPG a legal agreement for this proposed scheme is not required.
- 10.59 This position is supported by the previous application reference 6/2016/1448/MAJ at the site which was dismissed on appeal (reference APP/C1950/W/17/3179600) for a larger scheme of 10 units where the Inspector gave weight to the Secretary of State's Written Ministerial Statement (WMS) of 28 November 2014 and the NPPG concluding the absence of a planning obligation did not weigh against the development. The appeal was dismissed, but not on the absence of a Section 106 agreement.
- 10.60 The Council's Client Services team have outlined that the cost of the required containers and recycling center for the proposal which is £950. For a scheme of this size, this payment should be made directly to this team without the requirement of a legal agreement. A suitably worded condition can secure the

applicant makes the required payment and provides adequate waste and recycling facilities to support the development prior to occupation of the site.

10.61 In addition, a request from Hertfordshire County Council's Growth Team seeking the provision of fire hydrant(s) required to serve the proposed dwellings by the developer through a Section 106 legal agreement or unilateral undertaking has been received.

10.62 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

a) Necessary to make the development acceptable in planning terms;

b) Directly related to the development; and

c) Fairly and reasonably related in scale and kind to the development

10.63 The requirements for fire hydrant provision are set out within the Hertfordshire County Council Planning Obligations Toolkit, however part of the justification under this document is based on out-of-date British Standards. The justification advanced for fire hydrant provision rests on provisions under the Buildings Regulations and British Standards. Therefore, it is clear that such provision is addressed through separate legislation and guidance to that of the planning system and is not related in planning terms.

10.64 Whilst it is appreciated that the County Council as the Statutory Fire Authority has a duty to ensure firefighting facilities are provided on new developments, it is considered that the request for fire hydrant provision to serve the development is not necessary to make the development acceptable in planning terms. This request therefore fails to meet test (a) of NPPF, paragraph 56. Furthermore, there are no requirements under the Development Plan or NPPF for fire hydrant provision. An informative reminding the applicant of the need for appropriate consents under other regulations, such as the Building Regulations, has been included.

## **11 Overall balance and conclusion**

11.1 Paragraph 73 of the NPPF sets out that "*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*".

11.2 Paragraph 11 of the NPPF outlines that decisions should apply a presumption in favour of sustainable development and footnote 7 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 73)*".

11.3 The Council do not have a five year housing supply and therefore the NPPF at Paragraph 11 notes the presumption in favour of sustainable development which for decision taking 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 date, 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 proposed; or
  - ii. any adverse impacts of doing so would be significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

*An assessment of the benefits*

- 11.4 The proposed development for 8 flats will make a net contribution of 7 residential dwellings to help the Borough meet the requirements of Emerging Policy SP2, which identifies a borough-wide housing target of 12,000 dwellings between 2013 and 2032. The principle of development of this site is in accordance with the emerging site allocation policy.
- 11.5 The proposal makes efficient use of land, the location is highly sustainable within close walking distance to range local amenities and public transport, and would provide additional accommodation in the area to support local shops and services. The proposal would have an economic benefit during the construction phase and a limited social benefit through the provision of 7 windfall residential dwellings.
- 11.6 The proposed development has been assessed against the policies of the District Plan, Emerging Local Plan and NPPF. It has been found to be acceptable, subject to conditions, in terms of impact on: the character of the area, living conditions of future occupiers and neighbouring occupiers, highways and parking, environmental health and the wider environment. There are no adverse impacts to this development and it meets the economic, social and environmental objective of sustainable development in mutually supportive ways.
- 11.7 Furthermore, in light of the recent appeal decision at the site where the Inspector concluded all aspects other than failure to provide a legal agreement, to be acceptable, subject to the imposition of relevant conditions, the proposal is considered acceptable in terms of the above and is not contrary to the aims and objectives of saved policies of the Welwyn Hatfield District Plan 2005, the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

## **12 Recommendation**

It is recommended that planning permission is granted subject to the following conditions:

### **PRE-COMMENCEMENT**

1. No development shall take place until a Construction Management Plan 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 Plan. The Construction Management Plan must include details of:

- a) construction vehicle numbers, type;
- b) traffic management requirements;
- c) construction and storage compounds;
- d) siting and detail of wheel washing facilities;
- e) provision of sufficient on-site parking; and
- f) post construction restoration/reinstatement of the working areas and any temporary access to the public highway.

REASON: To ensure satisfactory provision to protect the residential amenity of adjoining occupiers and highway safety in accordance with Policy D1 and M1 of the Welwyn Hatfield District Plan 2005; Policy SADM2 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

#### PRIOR TO ABOVE GROUND DEVELOPMENT

2. No above ground development shall take place until a structural design certificate, completed and signed by a Chartered Engineer, and a scheme to deal with existing ground conditions has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall certify that appropriate site investigations have been carried out at the site as follows:
  - a) four areas (identified as low micro-gravity anomalies) be investigated with dynamic probes and boreholes to depths of 23 metre depth;
  - b) the means and method of investigation shall be submitted to the Council for review and approval before being undertaken

An interpretive report and results shall also be submitted which must include an assessment of the mining hazard and an appropriate mitigation scheme or details of any additional investigations required.

The mitigation scheme must include an investigation and assessment to identify those precautions or measures deemed to be required in the design and construction of the proposed development in order to minimise any danger which might arise as a result of ground conditions. The approved scheme must be fully incorporated in the design and construction of the proposed development and must be implemented as part of the development.

REASON: To ascertain the stability of the site and to determine the structural suitability of the development thereon in view of prevailing ground conditions in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005; Policy SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

3. No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development must not be carried out other than in accordance with the approved materials.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

4. No above ground development shall take place until details of the proposed crown roof have been submitted to and approved in writing by the Local Planning Authority. The details, including; a roof plan, elevations and sections, in either 1:50 or 1:100 scale, must clearly show that the flat roof is stepped down and concealed behind the surrounding pitched roof. The pitched roof must use ridge tiles. Subsequently the development must not be carried out other than in accordance with the approved details

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019

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

The landscaping details to be submitted must include:

- a) original levels and proposed finished levels;
- b) details of means of enclosure and boundary treatments, including separation of the patio area of Unit 3 from the communal amenity area;
- c) car and cycle parking layout and markings;
- d) vehicle and pedestrian access and circulation areas;
- e) hard surfacing, other hard landscape features and materials;
- f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction; and
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

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 and in accordance with Policies GBSP2, D2, D8 and M1 of the Welwyn Hatfield District Plan 2005; Policies SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

6. No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing will be supplied to the council in accordance with the following requirements:
  - a) A schedule of units, together with appropriate plans and drawings, must be submitted to and be 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. At least 20% of all new

dwellings must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings';

- b) All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
- c) The person carrying out the building work must inform the Building Control body which requirements apply;
- d) Written verification of the completion of all dwellings in accord with part a) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].

Any arrangements must be implemented in accordance with the approved details.

REASON: To ensure that suitable housing is provided for households in need of accessible or wheelchair housing in accordance with Policies D1, and H10 of the Welwyn Hatfield District Plan 2005; and Policy SP7 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework 2019.

#### POST DEVELOPMENT COMMENCING

- 7. All agreed landscaping comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005; Policy SP9 and SADM16 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

- 8. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) the residential development hereby approved shall only be used for Class C3 (dwellinghouse) and for no other use or purpose.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by these Orders to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with the Houses in Multiple Occupation Supplementary Planning Document 2012; Policies GBSP2, D1

and D2 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework 2019.

#### PRIOR TO OCCUPATION

9. Prior to installation of any external lighting, the applicant must submit to, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties). This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. Any external lighting must be implemented in accordance with the approved details.

REASON: To protect the living conditions of neighbouring residential properties in accordance with Policy D1 and R20 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; Policy SADM11 and SADM18 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

10. Prior to occupation of any part of the development hereby approved, the cycle storage shown on the approved plans must be constructed, equipped and made available for use. The cycle storage must be retained permanently thereafter for the benefit of residents/occupiers of the building and must not be used for any other purpose.

REASON: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with Policies M6 and M8 of the Welwyn Hatfield District Plan 2005; Policy SADM3 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

11. Prior to occupation of any part of the development hereby approved, the refuse and recycling storage shown on the approved drawing number 12370-P201-A is constructed, equipped and made available for use. The refuse and recycling storage must be retained permanently thereafter for the benefit of residents/occupiers of the building and must not be used for any other 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 Policies IM2, R5 and D1 of the Welwyn Hatfield District Plan 2005; Policy SADM12 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

12. 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 Policy D1 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005;

Policy SADM11 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework 2019.

13. The proposed access and area set aside for car parking and turning areas shall be laid out, surfaced and marked out, in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before the buildings hereby permitted are first occupied and shall be retained permanently thereafter for the parking of vehicles for residents/occupiers of the development permitted and shall not be used for any other purpose.

REASON: To ensure the satisfactory access into the site and the permanent availability of the parking and manoeuvring areas in the interests of highway safety in accordance with Policy D1, D2 and M14 of the Welwyn Hatfield District Plan 2005; SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

14. Prior to the occupation of any part of the development hereby approved, the applicant must submit to, for approval in writing by the Local Planning Authority, details of allocation of at least one parking spaces to each flat. The allocated spaces must be retained permanently thereafter for the benefit of residents/occupiers of the flat and must not be used for any other purpose.

REASON: To ensure the satisfactory permanent availability of the parking provision in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005; SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

15. Prior to occupation of any part of the development hereby approved, details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The arrangement shall ensure surface water drainage is to be intercepted and disposed of separately to avoid discharge from or onto the highway.

REASON: To ensure the satisfactory access into the site and in the interests of highway safety in accordance with Policy D1, D2 and M14 of the Welwyn Hatfield District Plan 2005; SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

16. Prior to the occupation of any part of the development hereby approved, the applicant must submit to, for approval in writing by the Local Planning Authority, details relating of visibility splays. The details must demonstrate that visibility to the junction of Roe Green Close/College Lane shall be unobstructed measured from a point 2.4 metres back from the carriageway edge from the new access and between the heights of 600 mm and 2 metres above the level of the adjacent highway carriageway. The visibility splay must be maintained thereafter at all times free from any obstruction.

REASON: In the interest of highway safety in accordance Policy M1 of the Welwyn Hatfield District Plan 2005; Policy SADM2 of the Welwyn Hatfield

Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

17. Vehicle access to and egress from the adjoining highway shall be limited to the access shown on drawing number 12370-P200-D. Any other accesses or egresses must be permanently closed and the footway must be reinstated in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, concurrently with the use of the new access and prior to the occupation of any part of the development hereby approved.

REASON: To ensure the satisfactory access into the site and in the interests of highway safety in accordance with Policy D1, D2 and M14 of the Welwyn Hatfield District Plan 2005; SADM2 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 2019.

#### DRAWING NUMBERS

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

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
S1		Land Survey	10 July 2019
12370-P201-A		Proposed Elevations	10 July 2019
12370-S201-A		Existing Plans and Elevations	10 July 2019
12370-P200-D		Proposed Floor Plans and Elevations, Site Location Plan and Block Plan	10 July 2019

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

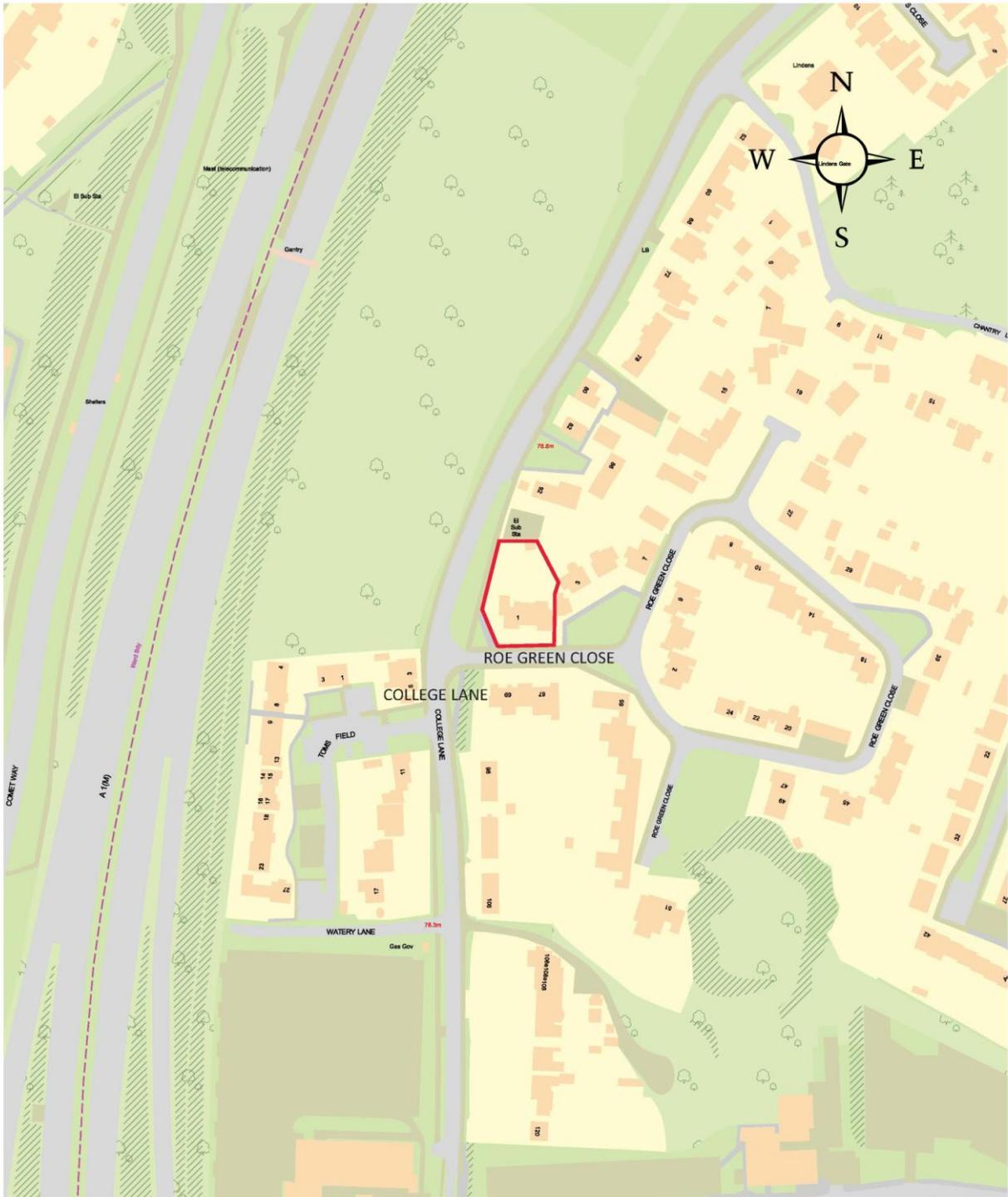
1. The granting of this permission does not convey or imply any consent to build upon or access from any land not within the ownership of the applicant.
2. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be re-instated to 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.

3. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
4. 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.
5. 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.
6. The decision notice contains conditions which require you to submit information to the Local Planning Authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834>. Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 357000.
7. 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. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".
8. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

9. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
10. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
11. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Lucy Hale (Development Management)  
Date of expiry: 04 September 2019  
Extension of time: 11 October 2019



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: <b>1 Roe Green Close, Hatfield</b>		Scale: <b>DNS</b>
			Date: <b>2019</b>
	Project: <b>DMC Committee</b>	Drawing Number: <b>6/2019/1699/FULL</b>	Drawn: <b>Baras Mast-Ingle</b>
	© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2019		