

**Part I**  
**Executive Member: Councillor S. Boulton**

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 5 DECEMBER 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/1822/FULL

22 DELLSOME LANE WELHAM GREEN HATFIELD AL9 7HJ

**ERCTION OF MANSARD ROOF AND DORMERS TO ACCOMMODATE 2 X TWO  
BEDROOM FLATS**

APPLICANT: Mr A Pempestios

(Welham Green and Hatfield South)

**1      Site Description**

- 1.1 The application site is located on the north side of Dellsome Lane within the specified settlement of Welham Green. The immediate area has a mixed character comprising, residential, retail and commercial buildings. To the east of the site is a three storey apartment block, to the west is Welham Green Service Station, adjoining the site to rear to the north west are the gardens of Nos.5 to 8 Old Farmhouse Mews and to the north east are the rear gardens of Nos.74 to 80 Vincenzo Close.
- 1.2 The site comprises a three storey building accommodating 10 flats (6 x 2 bedroom and 4 x 1 bedroom) with vehicle access which passes beneath the first and second floor along the south eastern boundary leading to parking at the rear of the site with 14 spaces and a communal amenity area.
- 1.3 The building hosts a Georgian style facade with a flat roof behind a parapet measuring 9.2m in height. It is finished in banded render at ground floor level with facing brick at first and second floor and stone lintels and window cills.

**2      The Proposal**

- 2.1 Planning permission is sought for the erection of a mansard roof and dormers on each elevation to create two apartments (2 x 2 bedroom) above the existing three storey flat-roofed building. The building would measure approximately 11.2m in height.
- 2.2 The apartments would each measure 67sqm with two bedrooms; one single and one double with an en-suite bathroom, main bathroom, open plan lounge, kitchen and dining area and storage facilities.

- 2.3 There are no additional car parking spaces proposed to serve the development, or additional private amenity space. It is intended for the new occupiers to benefit from the existing arrangements.
- 2.4 A bin store is proposed to the front of the site to serve the existing 10 flats and the proposed flats as this store was not implemented in line with the original planning permission.

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

- 3.1 This application is presented to the Development Management Committee because a Major Objection has been received from North Mymms Parish Council and Councillor Paul Zukowskyj has called-in the application.

### **4 Relevant Planning History**

- 4.1 Application Number: S6/2012/1345/MA  
Decision: Granted  
Decision Date: 07 January 2013  
Proposal: Demolition of existing bungalow and erection of three storey residential block comprising of 10 flats (6 x 2 bed, 4 x 1 bed) plus parking, cycle store, bin store and associated landscaping

### **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)

### **6 Site Designation**

- 6.1 The site lies within Welham Green as designated in the Welwyn Hatfield District Plan 2005.

### **7 Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters and 10 objections and 2 comments were received from residents of Old Farmhouse Mews, Dellsome Lane and Vicenzo Close. These representations are set out below:
  - Overlooking and loss of privacy
  - Loss of light

- Out of scale and overbearing on the streetscene
- Additional noise generated by more residents
- Disturbance during construction
- Number of car parking spaces are insufficient
- Traffic congestion
- Flooding of sewers

## **8      Consultations Received**

- 8.1 Councillor Paul Zukowskyj has called-in this application. The reason for the call in as follows:

*“As background to this, the original development had Juliet balconies as a limitation to reduce overlooking of adjacent properties rear gardens, this was amended late in the day to full balconies which have subsequently been problematic for local residents. A further increase in height and consequent overlooking will be deeply concerning for local residents and the cumulative impact of this alongside the permitted balconies of the exiting flats will be severe in impacting local resident’s amenity.”*

- 8.2 Welwyn Hatfield Borough Council Parking Services – Objection: The Council's parking standards require another 3 parking spaces to comply.
- 8.3 Welwyn Hatfield Borough Council Client Services – Comment: The refuse requirements are 2 x 1100l containers or 1 x 1100l containers & 2 x 360l refuse bins as well as either 1 x Mini Recycling Centre or 8 x 360litre Blue lidded recycling bins. The bin store will require double doors opening outwards with a smooth tarmac path and dropped kerb so bins can be wheeled to freighter without being impeded. It is suggested that the bin store has a coded lock system to reduce unwanted fly tipping or misuse of bins from non-residents.
- 8.4 Welwyn Hatfield Borough Council Public Health and Protection – Comment: Sound insulation scheme (including ventilation) to be submitted to protect the future occupiers from traffic noise. A condition is recommended.
- 8.5 Hertfordshire County Council Transport Programmes & Strategy – Comment: The proposed development is unlikely to have a material impact on the local and wider road network. No additional sustainable transport contribution is required for the development.
- 8.6 Hertfordshire County Council Growth and Infrastructure – Comment: No additional financial contribution is sought towards education, library and youth services to minimise the impact of development on Hertfordshire County Council Services for the local community.
- 8.7 Hertfordshire Ecology – Comment: Bats are unlikely to be present and be affected for the LPA to require a formal survey prior to determination. An informative is recommended should evidence be discovered during works.

## **9 Town/Parish Council**

- 9.1 North Mymms Parish Council has objected to the proposal on the following grounds:

*"North Mymms Parish Council have a MAJOR OBJECTION to this proposal. It would be overdominant in the street scene at this location. There is an apartment development opposite with mansard roof but that is in scale with its neighbours. This proposal is not. It would be intrusive for neighbours to the side and rear and their privacy lessened as higher flats would have direct view into these 2 storey houses. Drawing 490619/02 is misleading as the ridge of the neighbouring block of flats is shown higher than is actual. This is an inappropriate proposal to raise another floor to this already dominant building in the location in which it sits."*

## **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 and appearance of the area**
- 3. Amenity and living conditions for future occupiers**
- 4. Amenity and living conditions of neighbouring occupiers**
- 5. Highway and parking considerations**
- 6. Other considerations**
  - i) Waste and recycling**
  - ii) Planning obligations**
  - iii) Other representations**

### **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 The principle of residential development in this location was established under application S6/2012/1345/MA with the erection of 10 flats. This application proposes the erection of two additional flats within a new mansard roof. The site is located within an existing residential area and as such the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within walking distance of the site. The proposal would therefore meet the requirements of the first four criteria within Policy H2 and is therefore subject to an assessment of the proposal's impact upon the surrounding environment. The physical and environmental constraints on the development and land have been assessed below.
- 2. Quality of design and impact on the character and appearance of the area**
- 10.2 District Plan Policies D1 and D2, the Supplementary Design Guidance and Policy SP9 of the Draft Local Plan Submission seek to ensure a high quality of design which relates to the character and context of the dwelling and surrounding area. The policies require extensions to complement and reflect design and character, be subordinate in scale, and not look cramped within the site in regards to bulk. These policies are in line with the National Planning Policy Framework 2019 (NPPF) in section 7 in that planning should require good design.
- 10.3 The proposed mansard roof would measure approximately 2m high and would be set-back behind the parapet of the building. As a result of its scale and design, the proposed roof is considered to appear subordinate to the main building. There are front, side and rear dormers proposed which have been designed to be contained within the mansard roof and to appear subservient to it. The windows would be in proportion to those which serve the floors below.
- 10.4 The roof would be finished in concrete interlocking roof tiles which would be reflective of the roof tiles evident in the streetscene. Precise details of external materials can be secured through a planning condition. Subject to conditions,

the proposal is considered to respect the appearance of the existing building and would not appear overwhelming to the existing built form nor result in the development appearing cramped on site.

- 10.5 In terms of the impact on the streetscene, an objection has been raised by North Mymms Parish Council in regard to the resultant scale and dominance of the development. Whilst it is acknowledged that that scale of the building would increase as a result of the proposal, it would not dominate its surroundings. On the contrary, it is considered that the mansard roof would provide relief to the existing expansive flat roof which gives the building a hard edge and an abrupt form. The proposal is considered to be an attractive addition which would enhance the building by giving it a more coherent appearance.
- 10.6 In terms of its setting, it is notable that there are examples of flat, hipped, gable and mansard roofs within the immediate vicinity of the site, therefore it is not considered that proposed roof design would be out of keeping the character and appearance of the area.
- 10.7 The site is located within an area that is relatively high density and mixed use in character, comprising residential and commercial properties. The scale of nearby buildings range from two to four storeys with varying roof forms. The properties directly opposite the application site are predominantly three storey retail units with residential flats above. Adjoining the site to the east is No.10-16 Dellsome Lane, a three storey block of flats with a garage court to the rear. There is an example of a four storey block of flats on the other side of the road at 3 Dellsome Lane which measures 11.2m in height, the same as the proposed development. Within this context the resultant building would not appear excessively large or dominant.
- 10.8 In conclusion, as a result of the mixed character of the streetscene with varying scale of buildings and roof forms, it is not considered that the proposed development would appear unduly dominant or out of keeping. The character and appearance of the streetscene would be maintained.

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

- 10.9 Policy D1 of the District Plan requires the standard of design in all new development to be of a high quality. This is expanded upon in the Council's Supplementary Design Guidance (SDG) which sets out the guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. District Plan Policy R19 seeks to protect sensitive uses, such as residential, from noise and light pollution. Paragraph 127 of the NPPF seeks high quality design and good standards of amenity for all existing and future occupiers of land and buildings.
- 10.10 The two bedroom flats would have a floor area of 67sqm which complies with the Nationally Described Space Standard (NDSS) for a 2 bedroom, 3 person residential flat. The floor layout comprises of an open lounge kitchen and dining area, bathroom and one double bedroom with an en-suite and a

secondary single bedroom. The size and internal layout of the proposed units are considered to be adequate to provide a reasonable quality of living accommodation for future occupiers.

- 10.11 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.
- 10.12 The existing site benefits from a shared amenity space for the existing 10 flats which is enclosed by a hedge to the rear of the building which measures approximately 118sqm. This space is shared by the existing occupiers who also benefit from balconies and those flats at ground floor benefit from a private patio area. The future occupiers of the flats would be able to use the existing shared amenity space to the rear and could make use of public open space situated approximately 80m south east of the application site as well as more informal open countryside located within a short walking distance.
- 10.13 In regard to noise, Public Health and Protection have raised concern regarding the noise from traffic along Dellsome Lane. It is recommended that a condition is imposed requiring the submission and approval of a suitable glazing and ventilation scheme to ensure the future occupants of the flats are protected from noise disturbance prior to occupation.

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

- 10.14 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.
- 10.15 Concerns have been raised by the closest neighbouring properties of Old Farmhouse Mews and Cllr Zukowskyj. Cllr Zukowskyj refers to a change late in the day of the original development from Juliet balconies to the balconies later permitted. To clarify, the planning records show that application ref: S6/2012/1345/MA, for the erection of a three storey building, was originally submitted with the balconies as built shown on the proposed drawings. Whilst amended drawings were submitted during the course of the application process, the changes related to the railings in front of the building, the gates across the access and a number of internal alterations to improve accessibility.
- 10.16 The application building and the Old Farmhouse Mews development for the erection of 8 x 2 bedroom houses (ref: S6/2012/1658/FP) were decided at a similar time and the impact on future occupiers as a result of each development was taken into account.
- 10.17 The officer report for application S6/2012/1345/MA, which was presented at Committee, outlined the following “*the proposal would not adversely affect any*

*of the proposed residential units within the neighbouring development. The rear balconies serving a couple of the proposed flats would slightly overlook the rear gardens of the approved dwellings within the adjacent site, but at an oblique angle. This level of overlooking would be limited to a small part of the neighbouring development, only when the residents are using a balcony and facing sideward. This level of overlooking would not be excessive and would be consistent with a neighbouring relationship generally expected between residential properties within modern residential developments. Overall the residents of the proposed units would have a reasonable level of privacy and the residential amenity standards are considered to be acceptable." This was also considered to be an acceptable relationship as outlined in the officer report for the Old Farmhouse Mews development under application S6/2012/1658/FP.*

- 10.18 In comparison to the existing arrangements, the height of the building would increase by approximately 2m with a mansard roof. The roof has been designed to lessen the bulk and massing by virtue of the set-back from the surrounding parapet. It is acknowledged that there may be an increase in the level of overshadowing to the nearest residential property to the north west as a result of the increase in the height of the building. However, the overshadowing would only be for part of the day and only when the sun is low in the sky. The impact would be less apparent in the summer months, when the garden is more likely to be in use. As a result of the separation distance, orientation and the scale of the development, the proposal would not appear unduly overbearing on neighbouring occupiers and would not have a materially harmful effect in terms of sunlight/daylight and overshadowing.
- 10.19 In regard to privacy, three dormers are proposed on the rear elevation (north east). The dormer closest to the residential properties of Old Farmhouse Mews is approximately 1.5m further set in than the existing windows at first and second floor. In addition, the window is set back from the flank elevation, behind the parapet and has been designed with two panels as to reduce the width of the glazing and reduce the level of overlooking. Whilst the window would be higher, it is considered that as a result of its set back and set in, the relationship between occupiers would not be materially different to the existing and it is not considered that there would be a detrimental impact on neighbouring occupiers in terms of overlooking. In regard to the additional two dormers on the rear elevations to serve a bedroom and a lounge, the windows sit above existing windows at first and second floor and balconies. The windows are recessed behind the surrounding parapet which assists reducing any direct overlooking. It is not considered that the level of overlooking would be materially greater than the existing situation.
- 10.20 Whilst it is noted that there are concerns raised by residents of Old Farmhouse Mews relating to the existing overlooking impact and potential for this to worsen as a result in additional windows, both developments were granted permission on the basis that there would be an acceptable relationship between occupiers of both. It is not considered that the relationship between the future occupiers and neighbouring occupiers, compared to the existing situation, would be materially different. It is not

considered that the development would present an uncommon relationship which is generally expected between residential properties within modern residential developments, both at Dellsome Lane and Old Farmhouse Mews.

- 10.21 With regard to properties within Vincenzo Close which are located to the rear of the site, to the north east, approximately 35m separation distance would still be maintained between the rear elevation of the nearest property, No.80 Vincenzo Close, and the rear elevation of the building. This is considered to be a sufficient distance to cause no undue detrimental impact on residential amenity.
- 10.22 With regard to the block of flats of 10-16 Dellsome Lane, three dormers are proposed above the existing windows at first and second floor on the side elevation of the building. It is not considered that the level of overlooking would be materially different to the existing situation. Furthermore, given the separation distance, orientation and position of windows, it is not considered that the addition of the roof would result in a detrimental loss of light or overbearing impact.
- 10.23 Overall, the proposed development is considered to present an acceptable relationship between occupiers within an area of modern development. It is not considered that the proposal would result in harm that would be detrimental to the living conditions of neighbouring occupiers.

## **5. Highway and parking considerations**

- 10.24 In terms of parking, paragraph 105 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, availability of public transport, local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy M14 of the District Plan 2005 and 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. Parking standards should only be imposed where there is clear and compelling justification that they are necessary for managing the local road network.
- 10.25 The existing development comprising of 10 flats (6 x 2 bed and 4 x 1 bed). These flats are served by 14 parking area which are located to the rear of the site and accessed through a gated driveway from Dellsome Lane. The existing car parking provision, comprising 14 spaces, is in accordance with the Council's parking guidance. There are no further spaces proposed as part of this application.

- 10.26 The Council's parking guidance recommends that in this area a total of 3 spaces are provided for the proposed 2 x 2 bed flats (1.5 spaces per flat). A total of 17 spaces would therefore meet the guideline parking standards contained with the SPG for all of the existing and proposed development. In line with this, the resultant development would have a shortfall of 3 spaces. However, for the reason explained above, lower car parking standards than those set out in the SPG will be assessed on a case by case basis taking into account the relevant circumstances of the proposal, its size context and its wider surroundings.
- 10.27 In this instance, the existing parking area is accessed through a gated access with a coded system in which only residents of the flats can access and utilise. The applicant, who is the sole owner of the flats, has outlined that there is an underutilised capacity for on-site parking by existing residents and this was witnessed during the site visit.
- 10.28 Whilst it is recognised that the site visit represents only a snapshot in time and there may be more parking in this area in the evenings and at weekends, there were no clear signs of unmet demand, such as damage to the existing parking area or to grass verges in the vicinity of the site. Furthermore, there have been no representations received from neighbours or consultees identifying an overspill of on-street car parking from the existing residents. The site is also situated within a reasonably accessible location, where there is access to services and facilities by means other than the private car. For example, there is a bus stop within approximately 3 minutes walking distance of the site and Welham Green railway station is within approximately 8 minutes walk. No objections have been raised by the Council's Parking Services team regarding existing car parking pressures in the immediate area and the Highway Authority did not object to the proposed development, commenting that the proposed development is unlikely to have a material impact on the local and wider road network.
- 10.29 There is no substantive evidence that the proposed development would give rise to a significant increase in the demand for on-street parking, or that any such increase would necessarily cause any material harm to highway safety or the living conditions of surrounding residential occupiers. Therefore, even if some additional on-street parking was to occur, it is likely that it could be adequately accommodated on-street or within nearby parking bays without any harmful congestion of the highway network. For these reasons, and in the absence of an objection from the Highway Authority, withholding planning permission on the lack of 3 parking spaces would be unjustified.
- 10.30 In summary, the proposal would provide an acceptable level of on-site car parking and therefore no objections are raised in regards to Policy M14 of the District Plan 2005; the SPG Parking Standards 2004; the Council's Interim Policy for Car Parking Standards 2014; and the National Planning Policy Framework.
- 10.31 In terms of cycle storage, the parking standards SPG identifies a requirement for one secure cycle storage space per flat. An additional two spaces would be required. Details of a secure cycle store for the 10 units were approved in

line with the previous application (S6/2012/1345/MA) and were subject to a condition requiring implementation. Following a site visit, it was evident that this cycle store had not been constructed. It would be reasonable to condition updated details to be submitted and approved in writing for the required spaces and store for the net gain of units and occupiers and for the store to be implemented prior to occupation of the new residents.

## **6. Other considerations**

### *i) Waste and recycling*

- 10.32 The Council's requirement for this development proposal including the existing 10 flats is 2 x 1100 litre containers plus 1 x Mini Recycling Centre or 8 x 360 litre blue lidded recycling bins. The bin store was not implemented following approval of details and following a site visit it is acknowledged that this area has not been maintained. This would be an opportunity to improve the visual appearance of this part of the site and condition would secure that the updated details of bin storage to include a code or lock system to reduce unwanted fly tipping or misuse of the bins from non-residents are submitted, agreed in writing and implemented prior to occupation of the new occupiers.

### *ii) Planning obligations*

- 10.33 The previous application S6/2012/1345/MA triggered the requirement of planning obligations from Hertfordshire County Council. The proposed development would increase the number of residential units on site by two, resulting in 12 units. Following consultation with County, it has been confirmed that no further contributions are sought for this proposal.

- 10.34 There were not any planning obligations sought in line with the WHBC Planning Obligations SPD 2012 for the previous application (S6/2012/1345/MA). 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

- 10.35 As a result of the scale of this development: two residential units, planning obligations are not considered to be necessary to make the development acceptable in planning terms. This request therefore fails to meet test (a) of NPPF, paragraph 56.

### *iii) Other representations*

- 10.36 A concern has been raised in regard to the existing noise and disturbance from the residents at the site. It is not considered that the introduction of two new dwellings would result in an uncommon relationship between

neighbouring properties that would lead to an unacceptable increase in noise to the detriment of the neighbouring occupiers. It should be noted that noise disturbance from anti-social behaviour are covered by other legislation and therefore can only be given very limited weight in the consideration of this planning application. Any existing concerns in this regard should be discussed with Public Health and Protection.

- 10.37 A representation has been received in regard to disturbance to neighbouring occupiers during the build. As expected with any new development, there would be a level of disruption, however this would be temporary and would only be given very limited weight in the consideration of this planning application. There are restrictions on hours of operation which the applicant must adhere to which is covered by other legislation. An informative is included on the decision notice advising of this.
- 10.38 A concern has been raised in regard to the existing issues with the overflowing of sewers and the strain of additional residents. An informative has been included on the decision notice notifying the applicant that surface water drainage it is the responsibility of the applicant to make proper provision for drainage to ground, water courses or a suitable sewer as a result of a new development. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Furthermore, any existing issues relating to the public sewer should be reported to Thames Water.

## **11 Conclusion**

- 11.1 The proposed development would make a net contribution of two 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 Council do not have a 5 year housing land supply and in line with paragraph 11 of the framework, this adds weight in favour of the proposal.
- 11.2 The proposal makes efficient use of land, the location is 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.
- 11.3 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.
- 11.4 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**

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

### **PRIOR TO COMMENCEMENT**

1. No development shall commence until full details of a scheme to protect future occupiers of the dwellings from traffic noise has been submitted to and approved in writing by the Local Planning Authority.

The scheme must ensure the indoor ambient noise levels in living rooms and bedrooms meet the standards in BS 8233:2014 and take into account max noise levels. Any associated mechanical ventilation will need to meet the ventilation requirements found within The Noise Insulation Regulations 1975.

The approved details must be implemented prior to occupation of the residential units and the development shall not be carried out other than in accordance with the approved scheme.

**REASON:** To ensure all future occupiers of the development benefit from satisfactory living conditions in accordance with Policies D1 and R19 of the Welwyn Hatfield District Plan 2005; Supplementary Design Guidance 2005; and the National Planning Policy Framework 2019.

2. No development shall commence 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 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 and the National Planning Policy Framework.

### **NO OCCUPATION OF THE DEVELOPMENT**

3. No occupation of the development hereby permitted shall commence until details of the design and specification of a store for the refuse and recycling bins to serve all of the residential units on site has been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and recycling store shall be constructed, equipped and made available for use, in accordance with the approved details, prior to first occupation of the new residential units and retained in that form thereafter.

**REASON:** To ensure a satisfactory standard of refuse and recycling provision and to protect the visual amenity of the streetscene in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

4. No occupation of the development hereby permitted shall commence until a scheme for the provision of secure cycle parking for all of the residential units on site has been submitted to and approved in writing by the Local Planning Authority. Subsequently the refuse and cycle store shall be constructed, equipped and made available for use, in accordance with the approved details, prior to first occupation of the new residential units and retained in that form thereafter.

**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 GBSP2, M14, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.

#### DRAWING NUMBERS

5. 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>
Location Plan R		Location Plan	17 October 2019
490619/01 A S	C	Existing and Proposed Site Plan	17 October 2019
490619/02 N	B	Existing and Proposed Elevation	18 September 2019
490619/03	A	Existing Floor Plans	7 August 2019
490619/04 O	B	Proposed Floor Plans	7 November 2019

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 (see Officer's report which can be viewed on the Council's website or inspected at these offices).

#### INFORMATIVES:

1. 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.
2. 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.
3. 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.
4. 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.
5. If bats, or evidence for them, are discovered during the course of roof works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed.
6. Any damage to the grass verges caused by the development/works hereby approved is the responsibility of the applicant and must be reinstated 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.
7. 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-roadsand->

pavements/highways-roads-and-pavements.aspx

8. 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.
9. 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.
10. Noise control: 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 manufacturers.  
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

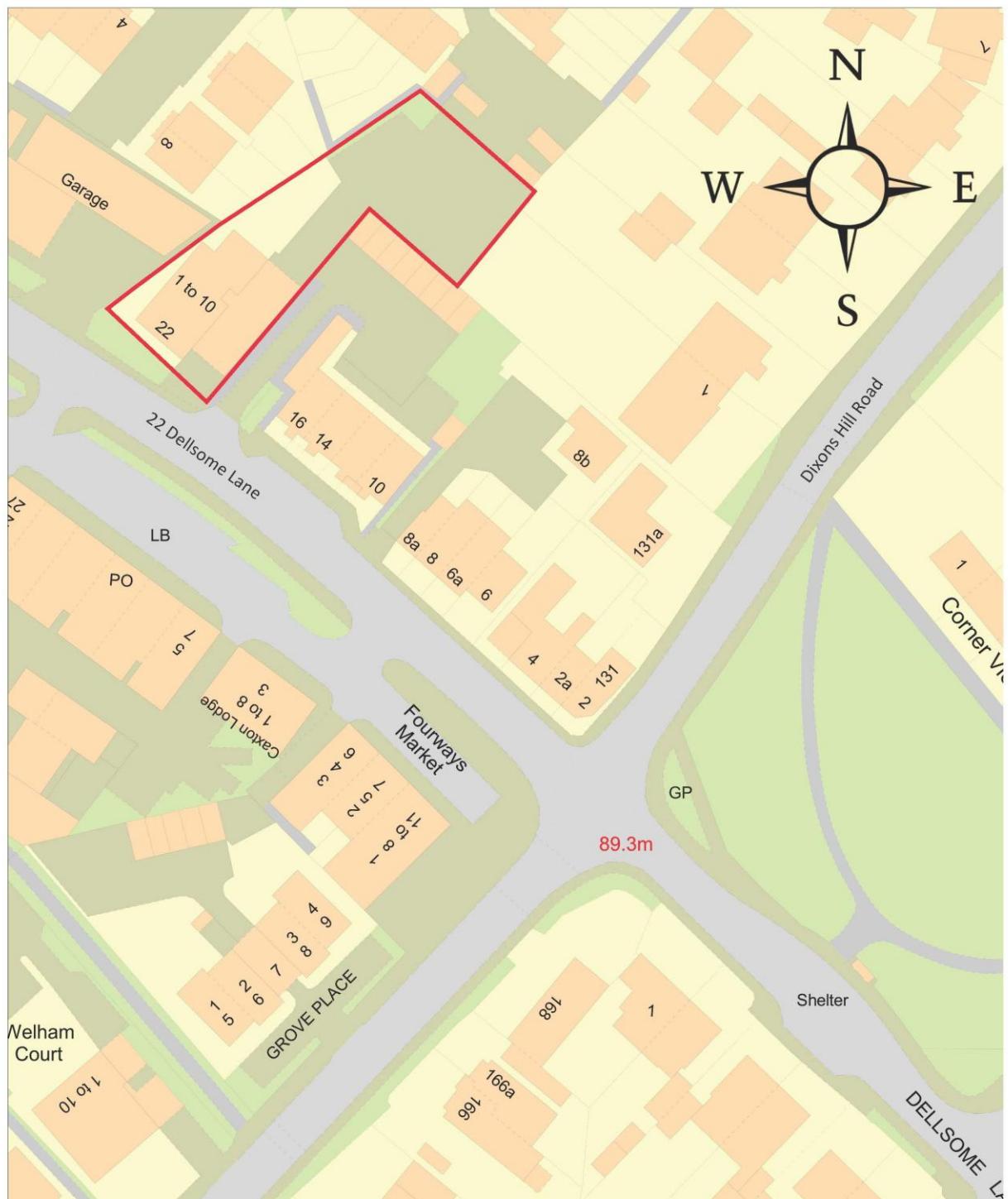
Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

Permissible noise levels are not specified at this stage.

11. Dust control: 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.

Lucy Hale (Development Management)

Date: 12 November 2019



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	<p>Title: 22 Dellsome Lane</p> <p>Project: DMC Committee</p> <p>© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2019</p>	<p>Scale: DNS</p> <p>Date: 2019</p> <p>Drawing Number: 6/2019/1822/FULL</p> <p>Drawn: Emma Small</p>
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