

Part I

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Northaw and Cuffley

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 23 APRIL 2020
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

6/2019/2311/FULL

7 HANYARDS LANE, CUFFLEY, POTTERS BAR, HERTFORDSHIRE EN6 4AS

ERECTION OF TWO DWELLINGS FOLLOWING THE DEMOLITION OF THE EXISTING DWELLING

APPLICANT: MR W GAMMELL

1 Site Description

- 1.1 Hanyards Lane is an established residential area characterised by large plots containing detached dwellings in a variety of architectural styles. There has been much redevelopment in the area, where large plots have been sub-divided or smaller dwellings have been extended or replaced by larger dwellings, as a result, architectural styles and materials vary considerably.
- 1.2 The application site is situated on the northern side of Hanyards Lane, close to the junction with The Ridgeway. The site comprises a detached dwelling and garage set within a large and spacious plot. The site slopes down from front to rear by a few metres and is well treed on its rear boundary.

2 The Proposal

- 2.1 Planning permission is sought for the demolition of the existing dwelling and the erection of two dwellings on the site. The forward-most dwelling would be sited in approximately the same location as the existing dwelling on the site, the rear-most dwelling would be sited approximately 48m further back within the plot, at a slight angle to the front dwelling and aligned with the dwellings at 50 – 56 Bradgate Close. The new dwellings would have the same sized footprint, measuring approximately 16.4m wide and up to 13m deep, incorporating a single storey, flat roofed, side and rear projection. The forward-most of the dwellings would be approximately 8.8m high at the ridge with accommodation in the roof slope. The rear-most dwelling would be approximately 7.6m high at the ridge.
- 2.2 The dwellings would be served by the existing vehicular access to the property. The rear-most dwelling would be accessed by a driveway running alongside the boundary with the neighbouring property at 9 Hanyards Lane. Both of the dwellings would be served by a large parking and turning areas to the front and provided with

a large patio to the rear, together with well landscaped gardens.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee as Northaw and Cuffley Parish Council has raised a major objection to the application (please see paragraph 8.1 below).

4 Relevant Planning History

- 4.1 Application Number: 6/2019/0206/PA
Proposal: Pre application follow up advice from S6/2018/2559/PA for erection of two dwellings following demolition of existing house

Summary of advice:

As a consequence of the varied character and design of the dwellings along Hanyards Lane, the form and appearance of the proposed dwellings would reflect the appearance of the neighbouring properties. However, as limited information has been provided in terms of the detailing for each elevation, no assessment can be made with regards to these aspects of the proposal though the details of the fenestration appear acceptable. The impact upon residential amenity would appear to be acceptable. Insufficient detail regarding the number of bedrooms proposed in each dwelling has been provided so it is unknown how many parking spaces for each dwelling would be required. No landscaping details have been provided.

- 4.2 Application Number: 6/2018/02559/PA
Proposal: Pre application advice for erection of 3x dwellings following demolition of existing house

Summary of advice:

The development would appear cramped in relation to the wider context of the locality and out of character with the more spacious character of its immediate surroundings. The two dwellings to the centre and rear of the site would be evident from the road as an untypical incursion of development and would relate poorly to the adjacent dwellings and to the existing pattern of development within the area. The development could be designed such that it would have an acceptable impact upon amenity. Insufficient detail regarding the number of bedrooms proposed in each dwelling has been provided so it is unknown how many parking spaces for each dwelling would be required.

- 4.3 Application Number: E6/1953/0146
Decision: Granted
Decision Date: 10 March 1953
Proposal: Erection of a House

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework 2019 (NPPF)
5.2 National Design Guidance 2019 (NDG)
5.3 Welwyn Hatfield District Plan 2005 (District Plan)

- 5.4 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)
- 5.5 Supplementary Design Guidance 2005 (SDG)
- 5.6 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.7 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

- 6.1 The site lies within the settlement of Cuffley 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 a site notice. In total, 13 representations have been received to the original plans, including from Hanyards Lane Residents Association, objecting to the proposed development. All representations received are published in full on the Council's website and are summarised below:

- The proposed tandem development is not in keeping with the rest of the Hanyards Lane properties, would introduce an uncharacteristic layout to the street scene and would not be integrated into the landscape setting of the area: the extent of the patios, the forecourts, the parking areas and the driveway would be harmful to the character of the area;
- The proposal does not meet the parking standards and it is likely to cause traffic issues if the two properties have two cars each;
- The proposal would set a precedent;
- The examples of permissions granted in the vicinity of the site provided in the Design and Access Statement with the application are not commensurate with that being proposed;
- There would be a lack of natural surveillance from the dwellings as a result of their internal layout;
- The proposed development will result in a poor quality living environment for the occupants of the new dwellings, who are likely to be families, with consequential increases in general activity;
- The access drive leading from Hanyards Lane has the propensity to cause noise and disturbance not only to the occupants of the surrounding dwellings;
- The access drive comprises a single carriageway with an inadequate turning facility suitable for a refuse or fire service vehicle; a swept path analysis for such vehicles should be provided;
- Refuse bins have not been shown and no vision splay information is provided at the access/egress point to the site;
- The garden of the rear-most dwelling would not receive much sunlight and daylight through the year;
- Overlooking of the rear garden of the rear-most dwelling would arise from a neighbouring dwelling and noise and disturbance for the surrounding properties would result;
- There may be a covenant on the land forbidding such development

proposals;

- Hanyards Lane Residents Association Ltd owns the road and verges of Hanyards Lane and were not consulted about this planning application and should have been;
- The current crossover i.e. verge enabling the existing dwelling access to the Lane is not wide enough for an access road for the second dwelling and could not accommodate emergency services/larger vehicles. The land is privately owned and cannot, therefore, be made wider;
- It is likely that construction traffic will block Hanyards Lane, which is a private lane, causing inconvenience to residents. It would also prevent vehicles passing each other due to the narrowness of the lane. Contractors' vehicles are not allowed to park on the lane. Where would they park?
- The speed limit along the road is not adhered to;
- Some of the comments made by Public Health are not correct – the lane is used as a cut through;
- Construction on a Saturday in a residential area is not reasonable;
- Similar applications for the demolition of one and the erection of two dwellings along Hanyards Lane have been refused before on the basis of the proposal not being in keeping with the character of the lane;
- The proposal would result in security issues for the immediately neighbouring properties as there would be access to them along the open driveway;
- The rear dwelling would result in a loss of outlook and a loss of daylight and sunlight for a neighbouring dwelling and would overshadowing its garden;
- The development would result in noise for the surrounding dwellings and would be a potential security issue; and
- The development would have a potentially harmful impact upon wildlife.

7.2 A consultation on the amended plans was undertaken and 8 representations were received, objecting on the following grounds;

- The amendments make no material difference to the original plan and in many ways make it worse;
- The access road will be disruptive and will ruin the layout and character of the lane;
- The development is wholly inappropriate and not in keeping with the area;
- The re-orientation of house 2 will have an even greater impact upon the neighbouring properties;
- The amended proposal will be more overbearing;
- Loss of privacy;
- There is an existing covenant on the Lane which prevents crossovers of this sort;
- The plans and statement submitted with the application are inaccurate;
- The loss of trees that would arise from the development is inconsistent with the Council's approach to retaining trees;
- The amenity space for house 2 is inadequate, as is the parking and turning space;
- Inadequate access for emergency service vehicles;
- Hanyards Lane is privately owned and permission for the access for contractors vehicles would not be given;
- The layout has paid no regard to security and surveillance;

- The proposal is a poorly conceived form of development;
- The proposal represents overdevelopment of the site;
- Granting planning permission would set a precedent.

8 Consultations Received

8.1 The following have responded advising that they have no objections to the proposal in principal, subject to conditions:

- HCC Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Client Services
- WHBC Trees and Landscapes
- Cadent Gas

8.2 Parking Services –

There should be at least three parking spaces for each property and there is only one space and a garage which does not meet the Parking Standards.

8.3 Herts and Middlesex Wildlife Trust –

Objection: Bat surveys have not been completed. Surveys must be completed and definitive mitigation put forward before decision can be made - in accordance with ODPM circular 06/05 and BS 42020. The bat survey identifies the high likelihood that protected species (bats) are present and recommends that more surveys are required (Middlemarch Jan 2020). ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision. These surveys must be completed before determination. Worst case scenario mitigation may be appropriate but will need to be submitted for approval.

8.4 Herts Ecology -

A daytime inspection was undertaken on 20 December 2019 and no evidence of bats was found; however the house was assessed to have *high* potential to support roosting bats due to the presence of potential roosting features. The garage was assessed to have *low* bat roosting potential, and the shed and trees were assessed to have *negligible* roosting potential. Following practice guidelines, three follow-up dusk emergence / dawn re-entry surveys are recommended for the house to determine presence/absence and to provide appropriate mitigation to safeguard bats if present and affected. One survey is recommended for the garage.

As bats are classified as European Protected Species, sufficient information is required to be submitted to the Local Planning Authority *prior to determination*, so it can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2018 (AKA Habitat Regs).

Dusk emergence / dawn re-entry surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the

weather remains warm. Therefore, until the follow-up surveys are undertaken, the LPA does not have enough information regarding the presence or not of bats in the buildings proposed for demolition. As we within the unfavourable time of year to undertake these bat activity surveys, to address this now, an *Outline Mitigation and Compensation Strategy with appropriate recommendations* should be provided to enable the LPA to consider the impact of the proposals on bats and satisfy the third test of the Habitats Regs. This strategy should assume the presence of a bat roost proportionate to the location and can be modified if necessary once the results of the follow-up surveys are known. In this situation only (i.e. once a submitted outline mitigation & compensation strategy has been approved prior to determination), can I advise the outstanding surveys are secured by condition.

Currently there is insufficient information on bats to determine this application. Once the requested information (an Outline Mitigation and Compensation Strategy) has been provided, I can advise the LPA as necessary.

- 8.5 Herts Ecology made the following comments following the consultation on the submitted Outline Bat Mitigation Strategy;

The submitted *Outline Bat Mitigation Strategy (by Middlemarch Environmental, March 2020)* assumes the presence of bat roosts proportionate to the location and provides appropriate mitigation and compensation measures to safeguard bats. Three emergence/ re-entry bat surveys have been commissioned for the summer of 2020 and can be secured by condition. With these outline measures in place, I consider the LPA now has sufficient information to consider the impact of the proposal on bats, and satisfy and discharge their obligations under the Conservation of Habitats and Species Regulations 2018 prior to determination.

- 8.6 The following have not provided a response:

- Thames Water
- Hertfordshire County Council Rights of Way Officer

9 Parish Council Representation

- 9.1 Northaw and Cuffley Parish Council raise objection on the following grounds:

“Major objection. This is a backland development in a garden for which there is no precedent in Hanyards Lane. There is precedent on Hanyards for two houses side by side where the plot is wide enough, but not for “Tandem Developments”. NCPC are not aware that any similar Tandem Developments have ever been approved in Cuffley. We are concerned that the access road is too narrow for refuse lorries and fire/ambulance vehicles and for shared vehicle/pedestrian access. There is no appropriate turning circle. It is unrealistic for house owner of House Type-02 to walk every week to place bins at the entrance. Refuse lorries must have access. The bulk and mass of the two properties represent an over development of the site (approx 0.6 acres), in the context of a lane which has large single dwelling houses either side. This plot has previously been subdivided. The development is out of character with the local environment. The very small rear garden of House Type-02 will be north facing so represents poor design as the amenity is much reduced. The position of House Type-02 with the existing trees along the eastern boundary (and western boundary of the neighbouring garden) together with the

proposed *Acer campestre*, means this house and garden will receive minimal sunlight in summer and almost no sunlight whatsoever in winter. A single larger dwelling would be far more appropriate in terms of its surroundings and reduced impact on the amenities and privacy of the neighbouring property. House Type-02 substantially reduces neighbour amenity and privacy for No 5 Hanyards. The rear of no 5 is mainly glazed and is set at an angle looking directly at the location of House Type-02. Due to the angle of the house, the bedroom windows of House Type-02 look directly into (children's) bedrooms on the second and third floors, and into the living room and kitchen. Cars and pedestrians using the access road will have similar visibility of through the children's windows, further reducing privacy unless obscured glass is used. Should the development proceed the use of deciduous trees (*Acer campestre*), to reduce the impact on amenity/ privacy will be of insufficient height and will be ineffectual from Autumn until Spring. Irrespective of this, these trees will take decades - if at all - for them to reach any height that may offer privacy. NCPC requests that WHBC reject this proposal."

10 Analysis

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

- 1. Principle of the development**
- 2. Quality of design and impact on the character of the area**
- 3. Residential amenity**
- 4. Access, car parking and highway considerations**
- 5. Other material planning considerations**
 - i) Ecology and protected species**
 - ii) Contaminated land**
 - iii) Waste and recycling**
 - vi) Neighbour representations**
- 6. The planning balance**

1. The principle of the development

10.2 District Plan Policy SD1 states that development 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 District Plan; Policy R1 states that in order to make the best use of land in the district, the Council will require development to take place on land which has been previously used or developed; Policy GBSP2 directs new development into the existing towns and specified settlements within the district, providing that it will be limited to that which is compatible with the maintenance and enhancement of their character and the maintenance of their Green Belt boundaries. 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. By virtue of its depth and height on the boundary with both of the neighbouring dwellings, the proposed extension would appear overbearing and visual intrusive when viewed from those dwellings and would harm the amenities of their occupiers. The proposed development is therefore contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, the

Welwyn Hatfield Supplementary Design Guidance 2005, Policy SADM11 of the Welwyn Hatfield Draft Local Plan 2016 and the National Planning Policy Framework.

- 10.3 Policy H2 of the District Plan 2005 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:

- i) The availability of previously-developed sites and/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;*
- (v) The physical and environmental constraints on development of land.*

- 10.4 These criteria are mainly reflected in Policy SDAM1 of the emerging Local Plan, along with some additional criteria. The application seeks permission for the erection of two dwellings, one of which would be built on land which currently forms part of the residential garden of 7 Hanyards Lane. Gardens in built-up areas are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. Although gardens are not a priority for development, the need to make efficient use of urban land remains a policy objective.

- 10.5 The site is located within Cuffley 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 and cycling distance of the site. There is a bus stop nearby on The Ridgway and although Cuffley centre is not within convenient walking distance for most, being approximately 800m or 20 minutes' walk from the site, it is accessible by well-lit footpaths. This distance is also considered to be reasonable accessible by cycling.

- 10.6 In principle there is no objection to this site being used for two residential dwellings in land use terms, subject to the physical and environmental constraints of the site and its immediate vicinity and other relevant planning policies

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

- 10.7 The Government attaches great importance to the design of the built environment. The NPPF notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 10.8 The National Design Guidance lists ten characteristics which contribute towards the creation of well- designed places. These include context, identity and built form and should include an analysis of the relationship between the natural environment and built development, the typical patterns of built form that contribute positively to local character, the street pattern, their proportions and landscape features, the proportions of buildings framing spaces and streets, and the local vernacular, other architecture and architectural features that contribute to local character.
- 10.9 District Plan Policies D1 and D2 aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's own Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area and also with the Digswell Character Appraisal. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 10.10 The dwellings along Hanyards Lane are predominantly large dwellings with individual character and are generally spaciouly sited within their plots in an informal manner. They exhibit a wide range of styles, designs and materials. The range is quite traditional and is befitting of this location. There are no examples of the form of tandem development proposed at 7 Hanyards Lane along the road or in the immediate vicinity of the site, though permission has been granted for the permission for the demolition of the existing dwelling and the erection of six residential units in a tandem form at 36 The Ridgeway, Cuffley in March 2019 (ref. 6/21018/2863/FULL). This permission has not, at the time of writing, been implemented. The proposal at 7 Hanyards Lane is a different form of development to the surrounding dwellings and it would be evident as a tandem form of development. However, the rearmost of the dwellings would be aligned with the row of dwellings at 50- 56 Bradgate and would be at a level around 600mm above those dwellings. Together with the materials of construction for the rear dwelling to be similar to those of the Bradgate dwellings, the dwelling would not appear to be at variance to the established character of the area. The forwardmost of the proposed dwellings would be largely sited in the same location as the existing dwelling and would be largely aligned with the other dwellings along the lane. The aligned nature of both the front and rear dwellings and their proposed materials of construction and design is such that the development would be compatible with the area and would relate to it well. The size of the plots of each of the dwellings would be compatible with a few along Hanyards Lane and those along Bradgate.

- 10.11 The proposed layout of the development would result in the provision of a quite significant amount of hardstanding in the front gardens of the dwellings. This would be comparable with the levels of hardstanding present at a number of the surrounding properties and would therefore be in keeping with those properties. The proposed access road to the rearmost of the dwellings would also provide a large amount of hardstanding within the site, though this quantum of hardstanding would not be dissimilar to the levels of hard surfacing at some of the nearby dwellings. As a result of this, the proposal would have an acceptable impact on the character of the area. Similarly, the amended vehicular access to the site would not have a harmful impact upon the character of the street scene as there are a number of wider accesses along the road. The development would accord with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.
- 10.12 The proposed landscaping scheme is considered acceptable in principle. However, further details regarding tree protection for the trees to be retained on the site and details regarding the sizes, planting densities and planting methods are required. The standard landscaping conditions are recommended to secure this detail.

3. Residential amenity

- 10.13 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.14 Policies D1 and R19 of the District Plan seek to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution.
- 10.15 With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings.
- 10.16 The proposed development would not impact upon the neighbouring and surrounding properties in an adverse manner. The dwelling at 56 Bradgate is sited around 7m from the boundary with the application site and would be around 13m from the rearmost of the proposed dwellings. The rearmost dwelling would be aligned with that at 56 Bradgate and would be only around 600mm higher than it. The windows in the flank elevation of the proposed dwelling would be obscure glazed (this would be achieved by condition) and would not result in the overlooking of 56 Bradgate. The proposed development would not result in perceived overlooking of 56 either due to the distance involved and the presence of trees and hedging on the boundary between them. The rearmost dwelling would not harm the amenities of the dwellings along Bradgate Close the view from its rear windows would be screened by the trees and vegetation on the rear boundary of the property.
- 10.17 The rearmost dwelling would be 48m from the dwelling at 5 Hanyards Lane and a little further from the dwelling at 3 Hanyards Lane. These distances are sufficient to ensure that the dwelling would not appear overbearing or visually intrusive when viewed from the Hanyards Lane dwellings. Overlooking (and reverse overlooking) would not be an issue due to the distances involved.

- 10.18 The forwardmost of the dwellings of the proposed development would not harm the amenities of the neighbouring occupiers as a result of its aligned siting in relation to those dwellings.
- 10.19 The driveway for the rear dwelling would be sited between the proposed frontage dwelling and boundary of the site with no. 9 Hanyards Lane (though it would be set off this boundary by around 2m for most of its length – there would be two parking spaces parallel with the boundary opposite the rear garden of the front dwelling). The use of the driveway to the rearmost of the dwellings by vehicular traffic would not result in undue noise and disturbance for the neighbouring dwellings or indeed the proposed dwelling at the front of the site, as the vehicles would be travelling at low speed and would not create a lot of noise as a result. The number of trips along the driveway would be low as it would only serve one dwelling. Moreover, as the driveway would be set in from the boundary with no.9 Hanyards Lane and would be screened with vegetation, this would further limit the noise impact for that dwelling arising from its use. Additionally, it would be set in from the proposed dwelling reducing noise levels for the occupants of that property.
- 10.20 It is considered appropriate to impose a condition upon the permission requiring the submission of details regarding the levels of the development in order to ensure that the dwellings are built at suitable levels, do not have an adverse impact upon the street scene and do not have a harmful impact upon the neighbouring properties. The proximity of the proposed dwellings to the existing dwellings along Hanyards Lane, Bradgate and Bradgate Close is such that if sited too high, the proposed dwellings may have an adverse impact upon the neighbouring properties through being overbearing and resulting in a loss of privacy. The proposed condition would ensure that this would not arise.
- 10.21 It is considered appropriate to impose a condition concerning the installation of external lighting at the dwellings in order to limit the impact of such lighting upon the neighbouring properties (and each other). The condition would control the angle and level of illumination and would prevent harm to the amenities of the neighbouring properties.
- 10.22 In terms of the living conditions of the future occupiers of the development, the dwellings and their individual rooms would be sufficiently well lit while the dwelling and room sizes would exceed the minimum size requirements contained in the Technical Housing Standards document. The rearmost dwelling would not be unduly overshadowed by the boundary vegetation. Its rear garden would also not be overshadowed to a harmful degree. Though the site is very open and is clearly visible from a number of the neighbouring and surrounding properties, overlooking and loss of privacy for the future occupiers of the site would not be a material issue. Overlooking between the dwellings would not be an issue due to the distance of 48m between them.
- 10.23 The two ground front rooms of the dwellings would be a study and a boots room. While these may not provide as great a level of natural surveillance as other rooms would, this does not raise a concern with the proposed development as the provision of such rooms at the front of a dwelling is not unusual.
- 10.24 The size of the gardens for the dwellings would provide a suitable level of amenity space for the future occupiers of the site.

4. Access, car parking and highway considerations

- 10.25 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; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 109 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 10.26 Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards which in this case would require that three spaces per dwelling are provided. The NPPF has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the availability of and opportunities for public transport (para.105). The Council’s Interim Policy for Car Parking Standards and Garage Sizes 2012 (Interim Car Parking Policy) recognises that car parking standards will be treated as guidelines rather than maximums and that proposals will be determined on a case-by-case basis to achieve a sensible level of provision.
- 10.27 The County Highways Authority has raised no issues with the proposed development as Hanyards Lane is a privately owned road. The development is unlikely to have a prejudicial impact on highway safety or capacity. The dwellings would each have four bedrooms and would require three car parking spaces to comply with the Council’s Car Parking Standards. There would be sufficient space within the front garden of the dwellings to meet these standards and there would also be sufficient space for cars to be able to turn within the site such that they exit the site in forwards gear.
- 10.28 While the access road to the dwellings is not wide enough to permit a fire appliance to access the dwellings, the Highway Authority has not raised any objections to the proposed development.
- 10.29 Whether consent is required for the widening of the access to the property from Hanyards Lane is required or not is not an issue to be considered under planning in this application.

5. Other material planning considerations

i) Ecology and protected species

- 10.30 The application was accompanied by a Preliminary Bat Roost Assessment and an Outline Bat Mitigation Strategy by Middlemarch Environmental. The Roost Assessment states that the house at 7 Hanyards Lane has been identified as having high potential to support roosting bats, though the garage has been identified as having low potential to support roosting bats. Therefore, the demolition of the dwelling, and to a lesser extent the garage, risks destroying potential bat roosts. The assessment recommends that at least three dusk emergence and/or dawn re-entry surveys be undertaken during the bat emergence/re-entry survey season to determine the presence/absence of roosting bats within the structure. The Mitigation Strategy advises that to establish the current status of bats on site and to

inform a Natural England License Application (if required), nocturnal emergence and dawn re-entry surveys will be undertaken during 2020 bat activity season (May to September). Once these surveys have been completed, the exact procedure to follow will be confirmed. If a day roost or a maternity roost is found on the site, the procedure would involve educating contractors about the issues surrounding the presence of bats, including the methods for removing those building features that may contain bat roosts, and how bats would be caught and protected during the development.

- 10.31 Hertfordshire Ecology have advised that the details of the *Outline Bat Mitigation Strategy* and the proposed measures contained therein are sufficient to ensure that the proposed development would not have an adverse impact upon bats, should any be found on the site. With the proposed measures in place, there is sufficient information to be able to consider the impact of the proposal on bats in accordance with the Conservation of Habitats and Species Regulations 2018. The mitigation strategy is therefore sufficient to enable the development to proceed.

ii) Contaminated land

- 10.32 Due to the proposed development being in close proximity to an area of a previous quarrying of sand and clay and the operation of sand and gravel pits, it is recommended that the standard contaminated land condition is placed on the application as it is not known what the pit resulting from the quarrying may have been filled with. It is possible that any contamination arising from the infilling may have leached into the surrounding soils, potentially posing a risk to human health.

iii) Waste and recycling

- 10.33 The dwellings would be subject to the normal refuse and recycling collections and no objections are raised in this regard.

vi) Neighbour representations

- 10.34 A number of concerns were raised by the occupiers of the neighbouring and surrounding properties. The grant of permission for this development would not set a precedent as each application is dealt with on its own merits. The presence of a covenant on the land possibly preventing the development is not a planning issue and may not be considered as part of this application. The speed limit along the road and the speed at which cars and vehicles travel along it is similarly not an issue for this planning application as the road is private. Whether the lane is used as a cut through is not known and does not have a material impact upon the consideration of this application.

- 10.35 The noise and disturbance caused during the construction of the development and the control of the hours of construction is covered under Environmental Health legislation. Whether the width of the access road is suitable for emergency service vehicles need not be an issue as the Building Regulations permit the use of sprinkler systems in a dwelling where a fire tender cannot get within 40m of the dwelling.

- 10.36 With regard to the Hanyards Lane Residents Association not having been consulted on the application on the original plans, eight neighbouring and surrounding residential properties were consulted on those plans. 20 residential properties

(including the Residents Association) were consulted on the amended plans. In total, 21 responses were received demonstrating neighbours are aware of the development.

6. The planning balance

- 10.37 Policy SD1 of the District Plan and Policy SP1 of the Draft Local Plan require that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development. Para.8 of the NPPF outlines three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. Of particular relevance to this application is an environmental role which includes protecting and enhancing the environment; economic role, among others, to ensure land is available in the right places to support growth; a social role to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations.
- 10.38 The NPPF does not require development to jointly and simultaneously achieve planning gain in each of the three considerations. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.
- 10.39 Paragraph 11 of the Framework 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).'*
- 10.40 With regards to the Council's five year housing supply position, paragraph 73 of the National Planning Policy Framework 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'*.
- 10.41 The appeal at Entech House, Woolmer Green, outlined that the Council do not have a five year housing supply, a position acknowledged by the Council in the recently published Annual Monitoring Report (AMR) and therefore the Framework 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 significant and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

10.41 Therefore the benefits and disadvantages of the proposal need to be considered.

10.42 In relation to the economy, the proposed development would make a small contribution through the provision of employment and the sale of materials associated with the works to build the development. However, this benefit would be short term and is therefore afforded only limited weight. Whilst future occupiers of the development would support shops and services in the long term, this benefit would be spread over a wide area given the location of the site and would therefore be limited in effect.

10.43 The proposal would provide a social benefit through the provision of one windfall dwelling which would make a contribution towards the identified housing need within the borough.

10.44 The two dwellings in the development would be of benefit to the Council through the additional dwelling provided on the site in a reasonably sustainable location and that it would relieve pressure on Green Belt land. These add weight to the proposed development.

10.45 Further to the above and subject to the suggested conditions, it is considered that the proposed development would amount to a sustainable form of development and that there no other material considerations sufficient to justify a refusal of planning permission. Accordingly, and for the reasons given, the proposal is recommended for approval.

11 Conclusion

11.1 For the reasons outlined above, the proposed development is considered to accord with the relevant policies of the District Plan 2005, the Draft Local Plan Proposed Submission 2016 and the NPPF 2019 and there are no other material considerations sufficient to justify a refusal of planning permission. Where a development is considered to accord with the development plan policies, the NPPF requires that it is approved without delay.

12 Recommendation

12.1 It is recommended that planning permission be **APPROVED** subject to the following conditions and informatives:

PRIOR TO COMMENCEMENT OF DEVELOPMENT

1. Prior to the demolition of any buildings on site, three dusk emergence and/ or dawn re-entry surveys shall be undertaken during May – August inclusive (possibly September if the weather remains warm) to determine with confidence whether bats

are roosting in the buildings on the site. Should this be the case, the outline mitigation strategy (ref. Outline Bat Mitigation Strategy by Middlemarch Environmental, March 2020) should be modified as appropriate based on the results and then be submitted in writing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure the continued ecological functionality of bats and their roosts are maintained in accordance with European and national legislation.

2. No development other than that required to be carried out as part of an approved scheme of remediation shall commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The contents of the scheme and the written report are subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the

land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

(d) Reporting of Unexpected Contamination

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

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

(e) Long Term Monitoring and Maintenance

Where indicated in the approved remediation scheme, a monitoring and maintenance scheme to include, monitoring the long-term effectiveness of the proposed remediation over the agreed period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite in accordance with Policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

PRIOR TO ABOVE GROUND DEVELOPMENT

3. 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 shall not be carried out

other than in accordance with the approved details.

The landscaping details to be submitted shall include:

- (a) means of enclosure and boundary treatments
- (b) car parking layout and markings
- (c) vehicle and pedestrian access and circulation areas
- (d) hard surfacing, other hard landscape features and materials
- (e) 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
- (f) 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 in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.4.

4. No above ground development shall commence on site until the following information has been submitted to and approved in writing by the local planning authority:

- (a) A full site survey showing: the datum used to calibrate the site levels along all site boundaries, levels across the site, floor levels of adjoining buildings, and full details of the proposed finished floor levels of all buildings and hard surfaces.
- (b) The development shall be carried out only in accordance with the approved details.

REASON: To ensure that the development is completed at suitable levels with regard to the surrounding properties in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

5. Details relating to any external lighting scheme (including vertical lux diagrams which show potential light trespass into windows of nearby residential properties) shall be submitted to the Local Planning Authority and agreed in writing before any work above ground is begun. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting.

REASON: To protect the amenity of existing residential properties in the near vicinity to the development

6. Details of the surface material of the parking spaces and the access road to the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the above ground development. The development shall not be carried out other than in accordance with the approved details and retained thereafter.

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 2019.

7. The development hereby approved shall be constructed in the materials specified on the approved plans.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with the National Planning Policy Framework and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

PRIOR TO FIRST OCCUPATION

8. Before the development hereby approved is first occupied, all on site vehicular areas shown on plan PA-06 01 shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

9. Any upper floor window located in a wall or roof slope forming a side elevation of the dwellings hereby approved must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter.

REASON: To protect the residential amenity and living conditions of adjoining occupiers in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

POST DEVELOPMENT COMMENCING

10. All agreed landscaping comprised in the above details of landscaping shall 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.

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

Plan Number	Revision Number	Details	Received Date
Lp01		Location Plan, Block Plan	06/09/2019
Ex01	00	Existing Topography Plan	06/09/2019
Ex02	00	Existing Plans, Section and Elevations	06/09/2019
Pa01	01	Proposed Site Plan	24/01/2020
Pa02	00	Proposed Plans Sections and Elevations	06/09/2019
Pa03	01	Proposed Plans, Sections and Elevations	24/01/2020
Pa04	00	Existing and Proposed Hanyards Lane Street Elevations	06/09/2019
Pa05	01	Proposed Dwellings Site Position	24/01/2020
Pa06	01	Proposed Landscape Plan	24/01/2020
Pa07	00	Proposed Trees to be Removed	06/09/2019
SK09	00	Proposed Sections	24/01/2020

1. POSITIVE AND PROACTIVE STATEMENT

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

INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. 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.

3. 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.
4. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
5. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
6. 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://hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
7. Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well directing light away from potential roost/ nesting sites.

Dust Control

8. All efforts shall be made to reduce dust generation to a minimum.
9. 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.

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

Noise Control

11. 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

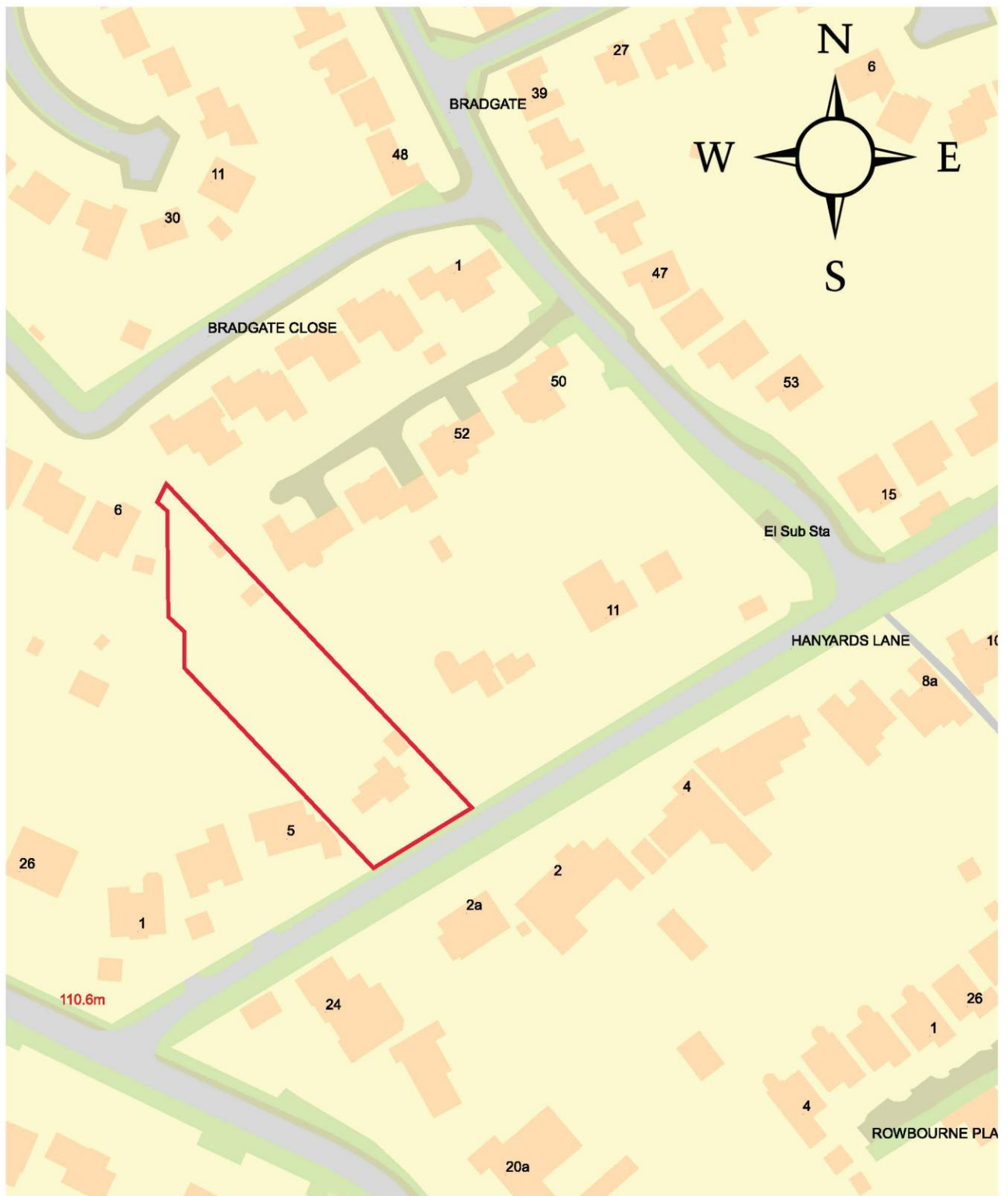
12. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
13. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
14. All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.
15. 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.
16. 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.
17. All pile driving shall be carried out by a recognised noise reducing system.
18. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
19. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
20. '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.
21. Any emergency deviation from these conditions shall be notified to the Council without delay.
22. 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.

23. Permissible noise levels are not specified at this stage.

Tom Gabriel (Development Management)

Date 01/04/2020



 <p>Welwyn Hatfield</p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 7 Hanyards Lane		Scale: DNS
			Date: 2020
	Project: Development Management Committee	Drawing Number: 6/2019/2311/FULL	Drawn: Emma Small
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