

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 28 APRIL 2016  
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2016/0252/FULL

LAND TO REAR OF 205-211 ST ALBANS ROAD WEST, HATFIELD, AL10 0SZ

ERECTION OF 5.NO COTTAGE STYLE DWELLINGS WITH ASSOCIATED CAR  
PARKING FACILITIES AND LANDSCAPING, FOLLOWING DEMOLITION OF A  
SINGLE GARAGE

APPLICANT: Mr M Attridge

(Hatfield Central)

**1 Site Description**

- 1.1 The application site comprises part of the gardens of three bungalows in St Albans Road West (No's 207, 209 & 211) together with a triangular piece of amenity land in Comet Road, Hatfield. The amenity land lies to the south of and abuts the rear boundary of these gardens and also the garden of No 205. The gardens are enclosed with fences and there is one vehicle crossover (over the amenity area) to a garage at No 209. The amenity area is grassed and contains two trees and a small area of concrete hard-standing. This land was previously in Council ownership but has been transferred to the applicant during the determination period for the application. A 3m high beech hedge, which marked the boundary with the rear gardens of 205-211, has been recently removed. The whole of the application site covers an area of 813sqm.
- 1.2 To the north of the application site are the rear gardens of properties at No's 207, 209 and 211 St Albans Road West. The gardens contain sheds and garage buildings. The rear elevations of the bungalows are staggered, having been extended to differing depths but are all 11m or more from the boundary of the application site.
- 1.3 To the south of the application site is the footpath that runs to the end of Comet way and links into Public Footpath No Hatfield 015, which runs between the Lindens and No 203's rear garden to St Albans Road West and links into the St Albans Way along the disused railway embankment. This railway embankment forms the end of Comet Road and is dominated by mature trees.
- 1.4 Immediately to the south of the footpath is a parking recess on the carriageway of Comet Road. This recess is approximately 5m deep and 18 wide (excluding the vehicle crossover to No 209); providing 7 car parking spaces. These spaces are used by residents of Comet Road whose properties do not have on-site parking.
- 1.5 On the opposite side of Comet Way is a two-storey terrace of residential units at No's 1-11. These units have surface level parking in front and integral garages.

## **2 The Proposal**

- 2.1 Full planning permission is sought for the construction of five, two-bedroom dwellings. The houses would be two-storey and oriented to face south over a vehicle access and parking court. Each house would have a private rear garden to the north, measuring between 6 and 9 metres deep. The rear gardens would be accessed by gated paths from the front of the site and would contain sheds for cycle storage. The houses would be in a row comprising two blocks separated by a 1m wide path; one pair of semi-detacheds and one terrace of three. The five houses would be of similar design: 5.5m wide and 8.5m deep and finished in red brick with slate roofs at a low angle of pitch (17 degrees) in the style of railway cottages. The roof ridges would be 6.5m high and the eaves would be 5m high.
- 2.2 The layouts of the houses have been altered as a result of negotiation with the Case Officer. Amended drawings show that the windows would be oriented to face south and north. The north facing first floor windows would be obscure glazed and serve stairs and bathrooms. The first floor flank elevations of Units 2 and 3, which would face each other's blank flank walls.
- 2.3 There would be a parking court of eight car spaces in front of the row. The forecourt area would be landscaped, including a replacement hedge to the perimeter.
- 2.4 The pedestrian footpath in front of the site would be retained. The recessed parking area on Comet Road would also be retained. The vehicle access to the site would be widened to 4.1m to allow cars to enter and leave the parking court at the same time.
- 2.5 Refuse bins would be stored within the rear garden of each house and wheeled along the paths beside the houses for collection day.

## **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because it has been called in by Councillors Cook and Broach for the following reasons:

*"I wish to call in this application on the grounds of overlooking, overcrowding and lack of car parking facilities. Residents of Comet way who live opposite the proposed development have complained that this will add to the parking problems in this area and there is not sufficient space for five dwellings."*

*"I am concerned about the impact the proposed development may have on the existing properties, and would like this to have full consideration at a public meeting."*

## **4 Relevant Planning History**

- 4.1 6/2015/2027/FULL – Erection of 5no two bedroom dwellings with associated facilities and landscaping. Withdrawn 28.1.2016.
- 4.2 S6/2014/2325/FP – Land to the rear of 209 St Albans Road West, Erection of a new dwelling following demolition of existing garage. Granted 24.12.2004.

## **5 Planning Policy**

- 5.1 National Planning Policy Framework 2012 (paragraph numbers 56 -60 Design, 47-50 Housing)
- 5.2 Welwyn Hatfield District Plan 2005 (Policies GBSP2, D1, D2, D8, M14, R7, R11, R16)
- 5.3 Supplementary Design Guidance, February 2005
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004 and Interim Parking Standards 2014

## **6 Site Designation**

- 6.1 The site lies within the town of Hatfield as designated in Policy GBSP2 of the Welwyn Hatfield District Plan 2005.
- 6.2 The disused railway embankment at the east end of Comet Road (outside the application site) is an area of Urban Open Land (UOL 155) as designated in Policy OS1 of the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

- 7.1 The application was advertised by means of site notices posted on 24<sup>th</sup> February 2016 and neighbour notification letters sent out on 22<sup>nd</sup> February 2016. Ten representations have been received from neighbours; seven objecting and three in support. Their comments may be summarised as follows:

### 7.2 Parking

- Parking provision meets Council Standards but problems remain re access and the road becoming blocked.
- Inadequate level of parking provision –need two spaces per dwelling plus visitor spaces
- The yellow line only operates 9-11am along Comet Road.
- After 11am Galleria visitors and staff use up the parking spaces in the road.
- Parking by shoppers on garage forecourts in Comet Road, which are allocated to flats
- Properties in Comet Road not provided with on-site parking spaces (17-25) have great difficulty finding parking spaces on-street
- Loss of up to 2 car parking space in the parking bay adjacent to the site
- The tandem space would not be used
- Alternative transport modes to car would not be used
- Access for construction vehicles is not addressed.
- Impaired access for emergency and refuse vehicles
- Vehicle access not wide enough and visibility splays not adequate (would be blocked by parked cars)
- No turning space at end of Comet Road
- Where would refuse bins be positioned on collection day?

### 7.3 Appearance

- Railway cottages not typical of this area.
- Scale of development out of keeping with the area, previous planning permission for one bungalow is not comparable.
- Inadequate attention to visual impact on Comet Road flats.

- Comet Road flats are not three storeys high
- Loss of grass and trees on the amenity area to community and appearance of area
- 6.5m high building would dominate outlook at rear of garden of No 211
- The proposed houses would be higher than properties on both sides
- should be no higher than existing bungalows
- Loss of 80 year old hedge - previous bungalow approval was careful to retain the hedge
- The houses will dominate and appear obtrusive in the street scene
- Cramming of a small area/ too high density

#### 7.4 Impact on neighbours

- Block sunlight for 8 months of the year and overshadow gardens of bungalows to north –
- Lower value of property
- Disruption of building work and digging up road to provide a drain
- Object to sale of land without notice to residents
- Comet Road flats would overlook kitchen and bedroom windows and vice-a-versa
- Side windows would cause overlooking of neighbouring sites and loss of privacy between plots 2 and 3
- Noise nuisance between houses and garden spaces

#### 7.5 Other Issues

- Temporary fences blew over in the wind and blocked the footway close to parked cars
- Pedestrian access to the public highway is not shown on the drawings
- Site has no gas, electricity or water services.
- Hours of work during construction period should be limited to control noise
- Question whether Council adopted policies are complied with
- Children play on this area – with cars parked visibility will be worse
- Safety of pedestrians and people with prams/wheelchairs
- Tall mature trees on railway embankment would be damaged and disturbed
- The site was not previously-developed land
- Community's concerns have not been taken into account
- Application form incorrectly filled in - there was a hedge on the site

#### 7.6 The three letters of support can be summarised as:

- The area is underutilised.
- Right scale of development for this location
- Less impact than previous (withdrawn) development proposal
- Decent family housing/much needed housing
- Close to local amenities and shopping facilities
- Landscaping well-designed
- Gate should be added to car parking area to prevent shoppers using it.

#### 7.7 A response was also received from Welwyn Hatfield Access Group enquiring whether the accommodation would be to wheelchair and lifetime standards. Would bins be placed on footpath on collection day and what is maximum distance from bin store to collection point?

## **8 Consultations Received**

- 8.1 **Hertfordshire County Council Transport Programmes and Strategy (HCCTPS)** no objection subject to conditions over widening of site vehicle access to minimum of 4.1m, provision of car parking layout as shown on the plans and informatives over works to the highway, storage of materials and obstruction of public highways.
- 8.2 **Welwyn Hatfield Borough Council Client Services Department** -- No objection – bins would have to be moved by residents to edge of public footway night before collection day.
- 8.3 **Welwyn Hatfield Borough Council Estates Department** – No response received.
- 8.4 **Welwyn Hatfield Borough Council Landscape Department** – Object to loss of soft landscaping and require replacement in new scheme. Recommends conditions requiring a soft landscaping scheme, an arboricultural statement for protection of Alban Way trees and an ownership statement for land outside the private residences.
- 8.5 **Welwyn Hatfield Borough Council Environmental Health Department** – responded with no objections. Requested informatives over noise and dust during construction.
- 8.6 **Hertfordshire Police Architectural Liaison Officer** – responded that the agent wishes to achieve full accreditation for Secured By Design standards and supports this application from a crime prevention perspective.
- 8.7 **Hertfordshire Fire and Rescue Service** – Require a fire hydrant to be provided and sited within 18m of the hard surface where a fire service pumping-appliance would stand. This should be secured by a S106 Agreement.

## **9 Analysis**

9.1 The main planning issues to be considered are:

1. **Principle of the development (GBSP1, GBSP2, R1, H1, H2, NPPF)**
2. **Whether the scheme introduces a high quality design which incorporates the design principles of the plan and Supplementary Design Guidance (GBSP1, GBSP2, D1, D2)**
3. **Impact on the character and context of the area (D2)**
4. **Impact on the residential amenity of the occupiers of adjacent properties (NPPF, Policies D1 and SDG)**
5. **Other Material Considerations**
  - (i) **Highway Safety and Parking (NPPF, Policies M14 and D1 and SPG)**
  - (ii) **Fire and Emergency Vehicle Access**
  - (iii) **Refuse and Recycling**
  - (iv) **Landscaping (D8) and Biodiversity (R11 and R16) S106 Obligations**

### **1. Principle of Development**

- 9.2 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing that which has been previously developed. Local Plan Policy R1 requires development to take place on previously used or developed land and is consistent with the NPPF.
- 9.3 The site is not an allocated housing site and so is considered as a 'windfall site'. 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
  - (v) The physical and environmental constraints on development of land.
- 9.4 The site was previously open amenity land and rear gardens within the town of Hatfield which is designated in Policy GBSP2 as a sustainable location to which development will be directed. It is positioned between residential properties in St Albans Road West and Comet Road. In principle there is no objection to the use of the rear gardens being used for residential purposes. The grassed amenity area was not designated (or proposed to be designated in the District Plan Review) as Urban Open Land and previously accommodated a small temporary retail unit. As such it is not a protected open space and is considered a brown field site. There is no Policy objection to its use as housing land in principle. The issues of its appearance and contribution to the character of the area are covered in Section 3 below.

## **2. High Quality Design**

- 9.5 In terms of future occupants, Local Plan Policies D1 (Quality of Design) aims to ensure high quality of design. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG 2005), which requires the impact of a development to be assessed with regard to its bulk, scale and design and the quality of living environment it creates.
- 9.6 Outside, each unit would have a private rear garden of approximately 45sqm. There would be eight car parking spaces in a forecourt; two in tandem and allocated to Unit No 1 and the other six unallocated. Each unit would have a side footpath through to the rear garden for bin and cycle storage. It is considered that the proposal would provide adequate amenity space for future residents of these small family dwellings.
- 9.7 In terms of the character and context of the area, the scheme is considered to be in accordance with Saved Policies D1, and D2 of the Welwyn Hatfield District Plan 2005 and Section 7 of the NPPF.

## **3. Character and Context of the Area**

- 9.8 Local Plan Policy D2 (Character and Context) aims to ensure that new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed with regard to its bulk, scale and design and how it harmonises with the surrounding area. NPPF paragraph 64 emphasises the importance of good design in context that improves the character and quality of an area and the way it functions.
- 9.9 The area is residential in nature and the housing is laid out in various configurations: straight terraces, and staggered lines of detached/ semi-detached houses along road ways and with gardens backing onto each other and to open parking courts. The housing around the site comprises semi-detached bungalows immediately to the north, two-storey terraced maisonettes to the south and, further along Comet Road and St Albans Road West, there is a mix of two and three-storey residential properties. These are finished in a variety of materials (including red, yellow and buff brick, render, pebbledash and hung tiles). The styles vary but the bungalow roofs are pitched and hipped to the sides while the maisonettes have a simple ridge style of roof.
- 9.10 In Comet Road the car parking is accommodated on street, on forecourts and in garages. In St Albans Road West parking is provided on-site.
- 9.11 The proposed housing would be a row of two-storey red brick houses with hipped pitched roofs (6.5m high at the ridge) at a low angle of pitch (17 degrees). They would be positioned along an east/west axis with the frontages facing south over Comet Road. The styling of the windows (with a vertical emphasis) and the eaves lines (with a small overhang) would introduce new design elements to the area but would assist in reducing the bulk of the roof-scape and the height of the buildings. The proposal would use materials within the existing range of building materials used in the near vicinity and a low roof pitch. These are characteristics of the terraced maisonettes on the south side of Comet Road. Consequently, the proposal would not appear significantly out of character with the street-scene in Comet Road.
- 9.12 The existing semi-detached bungalows in St Albans Road West have steeply-pitched roofs with ridges approximately 6m high. The proposed houses would have ridges 6.5m high, which would not be significantly higher than the bungalows and would not be unduly prominent in the street-scene when viewed from St Albans Rd West.
- 9.13 Subject to satisfactory materials and substantial landscaping they would not adversely affect the appearance of the area (see under Landscaping Section). In terms of the character and context of the area, the scheme is considered to be in accordance with Saved Policies D1, and D2 of the Welwyn Hatfield District Plan 2005 and Section 7 of the NPPF.

#### **4. Residential amenity**

- 9.14 Policies D1 and the Supplementary Design Guidance (2005) (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the provision of adequate amenity for future occupants and the protection of neighbouring residential amenity. Guidance in Paragraph 17 of the NPPF seeks high quality design and good standards of amenity for all existing and future occupiers of land and buildings.

- 9.15 With regard to privacy, the windows on the front elevations of the new houses would be over 20m from the facing windows of maisonettes at 1-11 Comet Road. This distance is adequate to prevent significant overlooking between them. The rear windows would be obscure-glazed and serve no-habitable rooms (bathrooms and stairs) and be 7m to 9m from the rear garden boundaries of 207-211 St Albans Road West so that overlooking and loss of privacy would be unlikely to result. The first floor flank windows of Plots 1 and 5 have been removed in revised plans.
- 9.16 Overbearing impact and loss of light - The proposed houses would be approximately 23m from the rear elevations of the bungalows in St Albans Road West. This is generally accepted to be a sufficient distance from existing houses to avoid an overbearing impact or loss of light to windows and amenity areas. The applicants have stated that the proposed roof ridges would be similar to that of the approved chalet style house at the rear of No 209 (S6/2014/2325/FP).
- 9.17 Given the site configuration and the design of the proposed development, subject to conditions over boundary treatment, satisfactory levels of amenity would be retained for the neighbouring residential properties in terms of overbearing impact, loss of light and privacy. Details of boundary treatment can be secured by a condition.
- 9.18 In respect of outdoor lighting, Policy R20 (Light Pollution) states that external lighting scheme proposals must be the minimum necessary for security and operational purposes and glare and light spillage should be minimised so that the amenity of residential areas is not adversely affected. Given the position of the site away from the existing highway lighting scheme it is likely that some external lighting would be required within the site. Details have not been submitted but shall be required by condition to prevent light pollution adversely affecting the neighbouring properties.

## **5. Other Material Considerations**

### **(i) Highways Access and Parking**

- 9.19 Policy D5 of the Welwyn Hatfield District Plan 2005 requires all new development to make provision for pedestrian, cyclist and passenger transport facilities. Parking and traffic management provision must be included in new development. The vehicle access would serve the five new houses. The Highways Authority has commented that the proposed use of the site would not generate a significant increase in the number of trips at peak times and the potential for conflict is minor given the cul-de-sac nature of Comet Road.
- 9.20 Subject to conditions requiring the widening of the access and provision of on-site car and cycle parking prior to occupation the Highway Authority has no objection to the scheme. However, they require that the off-site highway works should be undertaken to their satisfaction and request an informative to that effect be added to any planning decision. They also request informatives over storage of construction materials and no obstruction to the public highway/public rights of way.
- 9.21 Parking - The Council's Local Plan Policy M14 and the Parking Standard Supplementary Planning Guidance (SPG) use maximum standards which are not consistent with the NPPF and are, therefore, not afforded significant weight. In light of the above the Council has produced an Interim Policy for Car Parking

Standards and Garage Sizes that states that parking provision will be assessed on a case by case basis and the existing maximum standards within the SPG should be taken as guidance only.

- 9.22 The car parking demand in the SPG for a two bedroom house in Zone 3 is 1.5 parking spaces. The proposed development would create 5 new dwellings requiring 7.5 spaces on the site. The proposed scheme would provide 8 parking spaces in a forecourt: 2 tandem spaces for Unit 1 and the remainder unallocated. This parking standard makes allowance for visitor parking. Overall the on-site provision is considered acceptable and unlikely to give rise to significant congestion or obstruction to the public highway in the vicinity of the site.
- 9.23 The Highway Authority has required the vehicle access the site to be widened to 4.1m to allow vehicles to enter the site at the same time as exiting it. Residents have objected to the proposal on the grounds of loss of two on-street parking spaces. The vehicle access to the garage at the rear of No 209/211 St Albans Road West would be used. The existing crossover is marked with a single yellow line that measures 4.5m wide. The Highway Authority has confirmed that this width would be adequate to serve the development and a bell-mouth would not be necessary in this location. Consequently, the width of the parking recess on Comet Road would not be reduced and the number of on-street spaces would not be reduced.
- 9.24 Cycle parking requirements are for one long term space per unit if no garage or shed is provided. Each house would have a self-contained, gated, private garden where a bicycle could be securely stored.
- 9.25 Taking the above into account, the proposal would provide adequate parking for the future residents of the site and not reduce the amount of on-street car parking. The proposal is, therefore, acceptable in terms of parking provision and in accordance with Saved Policy M14 of Welwyn Hatfield District Plan 2005, the Supplementary Planning Guidance Parking Standards (2004), Interim Parking Policy 2014 and Paragraph 39 of the NPPF.

**(ii) Access for emergency services (fire and rescue)**

- 9.26 The Highway Authority has no objection to the scheme with regard to Fire and Rescue grounds.
- 9.27 The Fire and Rescue Service (Water Services Department) have requested a S106 Obligation securing a fire hydrant if necessary.
- 9.28 Having regard to the above it is considered that the proposal would not result in significant harm to highway safety to the extent to warrant refusal of permission. It is reasonable, however, to apply conditions over the matters identified by the Highways Authority.

**(iii) Refuse and recycling**

- 9.29 The current requirement for bin storage is for three bins for each new residential unit, which need to be stored close to the unit. The proposed properties each have an access to the rear garden where bins could be stored and then wheeled out to the parking and turning area for collection by refuse vehicles. The access to the application site would be adequate for refuse vehicles and the houses

could be added to the existing collection service. Client Services has commented that a set of three bins would be provided for each house and that they would have to be moved to a point less than 20 m from the highway for collection day. There is potential room within the site for a bin collection point. Details can be secured by a condition on any planning decision

**(iv) Landscape and Biodiversity/Protected Species:**

- 9.30 Saved Policy D8 requires all developments to include landscaping as an integral part of the overall design. Landscape schemes are required to reflect the use of materials and enhance planting of trees and shrubs. The retention of existing trees and shrubs is also expected.
- 9.31 The site contained two small trees and a 35m long beech hedge. The site was in Local authority ownership until 25<sup>th</sup> February, when it was sold to the applicant. On purchase of the site the new owner cut down the beech hedge. They have stated that the timing was to enable its removal outside birds' nesting season (March till September). The beech hedge made a considerable contribution to the street-scene and provided screening between the flats in Comet Road and the bungalows in St Albans Road West.
- 9.32 The indicative landscaping scheme (Block Plan SK22D) includes 46m of lower beech hedge around the outer edge of the parking forecourt. The rear gardens would include small trees or specimen shrubs. The Landscape Officer commented that the proposed indicative planting would help to reduce the impact of the proposal and required a condition to secure a soft landscaping scheme (to include details of plants and means of successfully establishing them and implementation timetable). A condition to this effect can be imposed on any decision.
- 9.33 There are several mature trees on the St Alban Way embankment. These are tall and would have extensive root systems. The Landscape Officer has requested a condition to secure a tree protection scheme for these trees' roots, trunks and canopies during construction (to reflect BS5837:2012). A condition to this effect can be imposed upon any planning decision.
- 9.34 The existing site is such that there is not a reasonable likelihood of European Protected Species (EPS) being present on site nor would an EPS offence be likely to occur, as defined within the Conservation Regulations. It is therefore not necessary to consider the Conservation Regulations 2010 or (Amendment) Regulations 2012, National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.
- 9.35 Saved Policy R11 of the Welwyn Hatfield District Plan 2005 requires developments to contribute positively to biodiversity. Given the proximity of the mature trees and undergrowth on the adjacent railway embankment support informatics be added to any planning permission granted to advise that external lighting should only have minimal light spill into boundary vegetation. Details of external lighting and landscaping are recommended to be secured by condition.

**(v) S106 Obligations**

- 9.36 Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010,

has introduced regulation 122 which provides limitations on the use of planning obligations. In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

- (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.

Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a legal agreement through section 106 of the Town and Country Planning Act 1990 (S106). In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through an S106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005 and the Planning Obligations Supplementary Planning Document 2012.

9.37 The proposed development gives rise to the necessity for the following obligations:

- 1. Fire hydrant

## **10 Conclusion**

10.1 The proposal would be in accordance with Saved Policies H1, H2, SD1, GBSP2, and R1 of the Welwyn Hatfield District Plan 2005 and there is no compelling objection to the principle of this site being used for residential purposes.

10.2 The impacts of the proposal have also been considered in relation to the impacts on visual impact of the area, amenity of future occupants and amenity of neighbouring dwellings and other relevant material considerations. It is concluded that the proposal is on balance acceptable and, as such, is in accordance with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, adopted supplementary planning and design guidance and with the NPPF.

## **11 Recommendation**

11.1 It is recommended that planning permission be approved subject to the completion of a S106 Agreement by 28th July 2016 to secure the following obligations:

- 1. Fire hydrant

And the following conditions:

- 1. C.30.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details:

PL10A (Location Plan) & SK22D (Site Block Plan) & SK23A (Proposed Street elevation) received and dated 9.2.2016 and SK20D (Proposed Floor Plans) & SK21D (Proposed Elevations) & SK25B (Proposed Side and Rear Elevation) received and dated 5.4.2016.

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

#### PRE-COMMENCEMENT

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

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

3. The development, including site clearance, must not commence until a detailed landscape plan, planting schedule and landscape specification have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved. If any plant dies, becomes diseased or fails to thrive within a period of five years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.
  - a) The detailed landscape plan and planting schedule must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate.
  - b) All trees planted within hard surfaces or where hard surfaces will comprise a third of the expected semi-mature rooting area shall be planted in an area of structural soils or 3D cellular confinement system. The tree planting pit locations must be indicated on the landscape plan. A specification of tree planting pit dimensions (compliant with manufactures instructions or best arboricultural practice) and system instillation must be given.
  - c) The landscape specification must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, tree planting pit detail, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare.
  - d) The landscape specification must include a clear and precise timetable for its implementation and details of the supervision of the planting and establishment over the five year period.
  - e) The landscape plan shall include details of the proposed location of bin collection point and details of means of enclosure and boundary treatments; and permeable surfacing details, for all hard surfacing.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

4. No development shall take place (including site clearance, tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Tree Protection Statement has been submitted to and approved in writing by the Local Planning Authority and the Tree Protection Plan works are in place. Subsequently, these works shall be carried out as approved.

The Tree Protection Statement shall include:

(a) A plan showing the location of and allocating a reference number to each existing tree on the adjacent Alban Way, that has a stem with a diameter (measured over the bark at a point 1.5m above the ground level) exceeding 75mm, and the crown spread and root protection area of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height and an assessment of the general state of health and stability of each tree which is on land adjacent to the site;

(c) details of any proposed topping or lopping of any tree on land adjacent to the site.

(d) a plan showing the areas of on-site trees, or parts of trees growing from adjacent sites, to be protected and fencing, in accordance with the relevant British Standard (BS5837:2012 Trees in relation to design, demolition and construction - Recommendations) and identifying areas where no chemical or materials or equipment shall be stored, mixed or prepared and no fires or site washings within the RPA of the tree or under the canopy spread whichever is the greater.

e) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree, or any tree on land adjacent to the application site; or within a distance from any retained tree or any tree on land adjacent to the site equivalent to half the height of that tree.

f) Clearly show any demolition, construction or soil level changes to be undertaken within the proximity of the RPA of the retained trees,

g) Specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

No excavation for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall be take place within any area designated as being fenced off or otherwise protected in the approved scheme.

The Tree Protection Plan works shall not be moved or removed temporarily or otherwise until all works, including external works, have been completed and all equipment machinery and surplus materials have been removed from the site.

The Arboricultural Method Statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA. The development shall be carried out only within accordance with the approved documents. Trees on or adjacent to the site must be protected in accordance with the agreed statement throughout the period of the development.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

5. Details of any external lighting proposed in connection with the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area and the residential amenity at neighbouring properties in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005.

#### PRE-OCCUPATION

6. Prior to occupation the vehicular access (indicated for improvement on drawing number SK22D) shall be widened to a minimum width of 4.1 metres at the back edge of the highway.

REASON: To enable vehicles to pass clear of each other when entering/ exiting the site in the interests of highway safety.

7. Prior to the first occupation of the development hereby permitted) the proposed on-site car parking / servicing / turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter for the free parking of vehicles for residents/occupiers of the development permitted and shall not be used for any other purpose.

REASON: To ensure the parking spaces and manoeuvring area are provided prior to the occupation of the units and made permanently available in the interests of highway safety in accordance with the National Planning Policy Framework.

#### **Summary of reasons for grant of permission**

The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

#### **Informatives**

1. The development will involve the numbering of properties and naming new streets. The applicant MUST contact Welwyn Hatfield Borough Council,

Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

2. The applicant is advised to take account of the provisions of The Party Wall Act 1996 insofar as the carrying out of development affecting or in close proximity to a shared boundary.
3. This planning permission should be read in conjunction with the S106 Agreement.
4. 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 as directing light away from potential roost/nesting sites.
5. 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.
6. 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.
7. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

June Pagdin, (Strategy and Development)  
5.4.2016

Application Expired: